

November 15, 2023

Key West Planning Board
1300 White Street Key West, Florida 33040

Dear Planning Board Members,

The following Comments/Objections by the Gulfview Pointe Homeowners Association are in response to the Planning Board Staff Report prepared for the Planning Board meeting of 11/16/23 and follow the outline provided in said Report. In addition, we believe the area should be designated as a No-Wake zone as outlined by the Florida Keys National Marine Sanctuary regulations. They state, "Speed Limits: Except in officially marked channels, operating a vessel at more than 4 knots/no wake within 100 yards of residential shorelines, stationary vessels, or navigational aids marking reefs is prohibited." All of the 25 properties in the Association are located directly on the shoreline.

1. *Condition 14* - Agree with staff recommendation. Commercial rental of storage space to customers exceeds the scope of the existing nonconforming office uses. Thus, applicant's request should be denied.
2. *Condition 20* - Agree with staff recommendation. The subject facility is not a commercial marina and is prohibited in the subject Conservation Zoning District. Therefore, charter vessels are prohibited. Approval of charter boats will unreasonably increase demands on parking and traffic congestion. Applicant's request should be denied.
3. *Condition 23* - Disagree with staff recommendation to increase vessel maximum length from 30' to 35'. Water turbulation increases in direct relation to vessel length, particularly, with twin engine vessels common among boats in excess of 30". (See point #6, below, for related concerns.) It was with great forethought and vision our civic leaders created the Conservation District, and it should be modified only with great consideration and with overwhelming benefit to the common good, keeping the interests of nearby residents and wildlife foremost in mind.

Concerning residents' interests, shoreline erosion is a constant threat from notorious storms we often encounter. Boat traffic only exacerbates this erosion from wave action, causing great expense to minimize effects and in restoration, and leads to reduced property utilization and value. In regard to wildlife, our treasured manatees have become increasingly endangered from encounters with boaters and their propellers. Minimizing boat traffic, size and type should be a priority for their safety, as well. Applicant's request for the maximum vessel length should be denied.

4. *Utilities Comments* - Agree with Staff recommendation. A suitable site plan should be presented addressing solid waste storage and disposal.

5. *Parking Analysis* - The hotel across the street and its permitted occupancy was approved, in large part, on its parking plan. Sharing a portion of the existing off-site parking lot with the applicant seems inconsistent with prior decisions allowing for the hotel's operation. Accordingly, the applicant's request to utilize 20 parking spaces intended for the hotel should be denied. Short of creating entirely new parking elsewhere, the proposed marina plan should be reduced in scope to conform, otherwise, to available parking for its operations. Further, parking lot spaces should exclude boat trailers so as to not reduce spaces for standard vehicle parking.
6. *Code Criteria, Section 108-233 (3) Water quality* - As staff points out, charter vessels likely will increase activity within the marina basin. Undoubtedly, the increased frequency of charter vessel usage as compared to customary personal recreational usage leads to increased turbidity, which would have an adverse impact on water quality and environmentally sensitive lands. (See point # 9, below.)

As staff opine in point # 8, below, charter vessels would likely result in increased intensity, trip generation, and [negative] impacts on water quality because they generally operate on a daily basis, often with multiple trips per day. In contrast, staff state recreational vessels are generally used less frequently and result in lower intensity impacts. This negative affect on turbidity and water quality also increases in proportion to vessel length. As previously stated, applicant's request for longer boats and charter vessels should be denied.

7. *Section 108-234: Appearance, design and compatibility* - Absent from the application seems to be an environmental impact study. For reasons stated above, such a study should be absolutely required and carefully considered. Without this, one cannot reliably anticipate the effects of proposed modifications on environmental, costal, soil and water resources. As staff states in the 11/16/23 Report, the applicant is currently advertising slip leases for vessels up to 45' in length. This demonstrates arrogance, misplaced presumption and poor character, casting a cloud on whether the applicant should be provided any special consideration for the proposal at all!
8. *Section 108-235: Site location and character of use* - See point # 6, above.
9. *Section 108-242: Environmentally sensitive areas* - The project is located in an environmentally sensitive area, and includes wetlands and open water. As described in staff comments pertinent to Section 108-247 (a), the marina basin includes seagrass beds and marine life which are sensitive to increased turbidity, and other forms of pollution and water runoff. As stated in the staff Report, item 6 (a), Section 110-183, seagrass beds and live bottom communities [are] sensitive to increased turbidity and runoff. Seagrass beds are critical for carbon storage, erosion control, biodiversity, and flood protection.

The site is in the Conservation Zoning District where marinas and regular mooring of charter vessels are prohibited. In mirroring conformance to the Zoning District, approval of a marina operation should be limited and restrictive with no charter vessels permitted. (Reference point #6, above.) Once, again, staff reports the applicant has not provided an analysis of the environmental impact of the proposed [major] modifications, a significant omission!

10. *Section 108-246: Economic resources* - Staff report the proposed project does not anticipate a yield to ad valorem taxes. Thus, it is expected there will be no direct economic benefit to our Key West community, removing a potential incentive for approval.
11. *108-247 (a): Special Considerations* - See point # 9, above.
12. *Exterior lighting (Section 108-284)*: Agree with staff recommendation to conform with a “dark sky” program. This is especially important given the adjacent residential district. Residents in the immediate area should not have to accept a loss in the viewing of our celestial bodies during the dark hours of the day. Efforts to appropriately minimize lighting in the project area would be much appreciated.
13. *122-62(C) (2): Criteria for Conditional Use Review and Approval* - We disagree with the applicant’s assertion that the marine industry has made technological advancements since the time of the development plan approval allowing for larger boats to decrease their three-foot potential draft, suggesting the basin can accommodate larger boats. We challenge the applicant to provide evidence of this that would warrant an increase in maximum boat length for the marina project. A thirty-foot maximum length was found satisfactory ten years ago, and it is a perfectly adequate maximum now.

We further recommend and urge the Planning Board to specify that, whatever maximum vessel length is ultimately approved, it be defined as “length overall (LOA),” which we believe has been the intent of the Board all along. Often boaters will attempt to minimize their boat length, for various reasons, to exclude either or both the pulpit or the swim platform. Also, add-ons to boat lengths, such as dingy mounting devices, should be included in the LOA.
14. *1 22-62 (C) (4): Hazardous Waste* - Agree with staff that the applicant develop a policy addressing the fueling and/or maintenance of vessels at the dockage to mitigate water pollution and potentially dangerous situations.
15. *122-62 (C) (6) (c)* - The applicant is requesting an expansion of commercial uses, which conflicts with the Conservation District. We should be principled custodians of our beautiful land and waterways, and seek to honor the Conservation District to protect our natural resources, and to minimize negative impacts to our close-by neighbors.

Other Considerations

1. Boat wakes cause shoreline erosion. Kindly require No Wake zones throughout the channel connecting the basin to the open water, extending far enough to protect residential personal property from its detrimental effects.
2. The applicant should be required to file an appropriate bond with the City to ensure financial resources are sufficient to see the project through to completion.
3. The applicant should be required to address parking arrangements planned for boat trailers, should trailers be needed, depending on vessel length.

Respectfully,

Kathleen M. Zuiderveen, Secretary
Gulfview Pointe Board of Directors
On behalf of the residents of Gulfview Drive