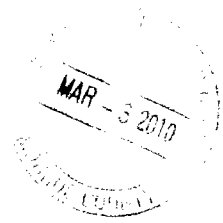


**Attachment 7**  
**Application**



**Proposal**

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Build a total of ~~223~~ 184 open, uncovered stacked boat storage racks at two locations, adjacent to the marina basin and parking lot in an area previously identified for dry boat storage<sup>1</sup> (~~138~~ 130 racks) and behind the employee parking in the back of the property (8± 54 racks). The maximum size of the boats will be 34 feet.

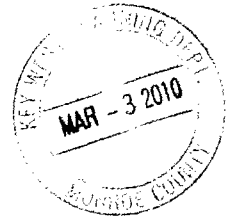
Location: 5555 College Road  
RE #: 00072080-001400  
Zoning: General Commercial (CG)  
Property Size: Upland: ~~±51,523~~ 147,775 sq. ft. (3.478 3.39 acres)<sup>2</sup>

It is the experience of the marina operator, that the rack storage generates very little day to day activity compared to the wet slips. There are several reasons for this minimal activity.

- Boats in dry storage are only accessible for a limited period of time while the fork lift is operating during day light hours.
- Boats in dry storage are not readily accessible. Rather than just driving up and getting on your boat, a person has to wait for their boat to be brought to the water. For instance, an owner cannot just drive out to their boat after work, hop on and go for a ride at sunset.
- Seasonal residents with canal front homes often wish to place their boats in storage rather than leave them in the water or on their property where security is limited.
- Most customers are simply looking for storage, in hopes of occasionally using the boats.

In conclusion, the dry boat storage generates little traffic and parking demand is very minimal.

<sup>1</sup> Settlement Agreement approved by the DCA and City (Resolution 98-209)  
<sup>2</sup> This amount changed by deducting the dockmaster's office which is over water.



**Key Persons of the Project Team**

1  
2  
3 Owner: Sunset Ventures of Key West Inc.  
4  
5 Owner's Agent: Joanne Alexander, Marina Manager  
6 555 College Road  
7 Key West, FL 33040  
8 305-296-7101  
9  
10 Engineer: Jerry C. Neal George Hermanson, P.E.  
11 Hole Montes, Inc.  
12 950 Encore Way  
13 Naples, FL 34110  
14 239-254-2000  
15  
16 Surveyor: John R. Morgan, II, PLS  
17 Morgan and Eklund, Inc.  
18 Professional Land Surveyors  
19 8745 US Highway #1  
20 Wabasso, FL 32970  
21 407-388-5364  
22  
23 1500 S.E. 3<sup>rd</sup> Court Suite 203  
24 Deerfield Beach, FL 33441  
25 305-421-6882  
26  
27 Landscape architect: Theresa Artuso, RLA/ ASLA, LEED AP  
28 Hole Montes, Inc.  
29 6200 Whiskey Creek Drive  
30 Fort Myers, FL 33919  
31 239-985-1200  
32  
33 Planner: Ty Symroski, MRP  
34 Ty Symroski Land Use Planning LLC  
35 2328 Staples Avenue  
36 Key West, FL 33040  
37 305-294-1815



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### Property History

Originally Sunset Marina was a part of all the land around the basin including the land that now houses the jail. When the County bought the land and built the jail, the county accepted the responsibility to place a culvert under the entrance drive, near College Road. The culvert was not installed and the Army Corps of Engineers has recently determined that the culvert will not be necessary<sup>3</sup>.

In 1998, Sunset Marina with a 150 seat restaurant and the 60 condominiums across the basin were approved as part of an amended settlement between the City of Key West, the Department of Community Affairs, and Sunset Ventures of Key West (Res. 98-209). That agreement had a five (5) year duration and has since expired.

The property was built -out according to the agreement with the exception of the restaurant which was never built. Subsequently, In 2002 and 2003, four affordable apartments were added as an approved conditional use (Res. 2002-003).

The property was divided into the 3 major components after the original certificates of occupancy. These components were the residential condominium, the wet-slip condominium and the marina land along the southwest side of the basin.

The city never required a plat or formal approval of the subdivision when it occurred or when the affordable housing was approved. Instead, the city did not to exercise its discretionary authority to require a plat under section 118-7 <sup>4</sup> of the land development regulations. The major reasons to not require a plat were that the subdivision was part of an overall plan, the parcels complied with minimum requirements, and did not create development expectations. Furthermore, the parcels were not being sold by reference to a plat, public utility easements were not being created and proper land records were maintained under the auspices of the condominium documents.

The current proposal for stacked boat storage only involves the Sunset Marina parcel on the southwest side of the boat basin.

---

<sup>3</sup> July 29, 2008 letter from Eric P. Summa, Chief Enforcement Section, Army Corps of Engineers to Pedro Mercado, Assistant County Attorney and to Ms. Joanne Alexander, Sunset Ventures of Key West, Inc.  
<sup>4</sup> Section 118-7. Creation of subdivision by joint owners of land states; "*Where it may subsequently become evident that a subdivision is being created by the recording of deed by metes and bounds description of tracts of land, the city may, at its discretion, require all the owners involved to jointly file a plat of the subdivision being so created or require all owners of record to jointly conform to the applicable sections of this chapter as are requisite for the issuance of building permits or the furnishing of any city service.*"



**Intergovernmental Coordination**

The following Table 1, summarizes all the agencies and the status of coordination. See attached copies of coordination letters and responses. As indicated, the general comments were related to environmental issues.

As a result, the applicant is applying to the Florida Department of Environmental Protection for an improved storm water management system.

The South Florida Regional Planning Council provided comments to protect and enhance natural resources. This is being accomplished by avoiding wetlands, adding to an existing marina rather than building a new marina, improving storm water management and adding extensive native vegetation. Another Comment by the Planning Council advises to include features to mitigate hazard impacts in the Coastal High Hazard Area. This will occur by building to the most current building codes which address wind loads of 150 mph.

Table 1.  
Agencies Contacted and Responses

Agency	Mailed	Response Received	Summary of Comments
KEYS Energy	1/14/09	No	
Florida Key Aqueduct Authority	1/14/09	No	
Key West Resort Utilities		2/2/09	Sewer Capacity available
Army Corps of Engineers	Discussion 12/9/08	12/9/08	Not in their jurisdiction
Florida Dept. of Environmental Protection	12/04/09	12/23/08 <u>6/09/09</u>	Reviewing permit modification for racks: <u>Permit issued.</u>
South Florida Water Management District	NA	NA	DEP is taking regulatory responsibility
Florida DOT	1/14/09	1/21/09	No permit required
Florida DCA	1/14/09	No	
S. Fl. Regional Planning Council	1/14/09	2/6/09	Must comply with local rules and protect environment
US Fish & Wildlife	12/15/08	1/15/09	No permit required
Monroe County engineer	1/14/09	No	
County Jail (neighbor)	11/20/08	11/20/08	Discussed with Major Taylor. Ok with relocating drive or desires better sight triangle



1    **Solutions Statement**

2  
3    As the racks are built, the existing storm water management will be greatly  
4    improved by the addition of detention basins. An application for this has been  
5    submitted to the Florida Department of Environmental Protection.

6  
7    Additional native plants and will be installed to the bare, scarified bank of the  
8    pond behind the Sales and Maintenance building. Native groundcover will be  
9    planted under the boat racks and in the new detention basins. Overall the  
10   amount of the site with native plant landscaping will increase from approximately  
11   ~~19.4~~ 22.5 % to ~~27.48~~ 32.97%.

12  
13   Impervious surface coverage will also be brought into conformance by being  
14   reduced from ~~61~~ 59.54% to ~~59.9~~ 55.83 %. A maximum of 60% is allowed.



**Project Analysis**

**Permitted Use:**

Marinas are allowed in the CG District as a conditional use as is being applied for.

**Density:** The project complies with density and intensity. The open, uncovered boat storage racks do not count as density or as floor area ratio.<sup>5</sup> Furthermore the project is well within the permitted density and intensity. As indicated in Table 2, if the entire site as originally developed is reviewed, the property is at approximately 59% of potential development. For just the marina side, the property is even more compliant and the site is only at ~~10~~ 15% of the potential build-out.

Table 2. Density & Intensity Analysis

Use	Allowed Density	Total Allowed	Existing	Existing As % of Allowed
ORIGINAL ENTIRE PROJECT 7.28 Acres				
Residential Condos	16/acre	116.48	60	0.52
Affordable Units (< 600 sq. ft.)	29 <sup>6</sup>	211.12	4	0.02
Non residential (dock master, sales & maintenance)	FAR = 0.8	253,693 sq. ft.	<del>12,554</del> 12,654 <sup>7</sup>	0.05
TOTAL ORIGINAL PROJECT				0.59
RESIDENTIAL CONDO SITE 3.8 acres	16/ acre	60.8	60	0.99
MARINA PROJECT SITE <del>3.478</del> <u>3.39</u> acres (147,795 sq. ft.)				
Affordable Units (< 600 sq. ft.)	29	<del>100.9</del> <u>98.31</u>	4	0.04
Non residential (dock master, sales & maintenance)	FAR = 0.8	<del>151,523</del> 118,236 sq. ft.	<del>12,554</del> 12,654	<del>0.08</del> <u>0.11</u>
TOTAL MARINA				<del>0.10</del> <u>0.15</u>

<sup>5</sup> Section 86-9 of Key West Code. *Density* means the maximum number of units divided by the gross land area. It is typically expressed units per acre.

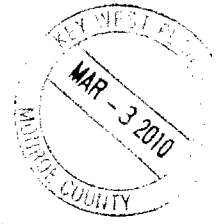
*Intensity* means the floor area ratio as defined in this section.

*Floor Area Ratio* means the total floor area of the buildings on any lot, parcel or site divided by the area of the lot, parcel or site.

*Total Floor Area* and *gross floor area* mean the areas of all floors of a building, including finished basements and all covered areas, including porches, sheds, carports, and garages. If the first finished floor level of an elevated building or structure is elevated to a height greater than seven feet above the finished grade, the area below such first floor shall be included in calculating gross floor areas of the building or structure.

<sup>6</sup> Section 122-1470 specifies that units of 600 sq. ft. or less are treated as an 0.55 equivalent unit.

<sup>7</sup> This includes both the main buildings on the marina side. The dock master has 1,645 sq. ft per floor for a total of ~~3,209~~ 3,290. The "maintenance building" has 4,682 per floor. The first floor is 20% storage primarily for boaters, 60% Fish & Race & 20% maintenance. The second floor is 50% bulk storage, 10% baths & showers for boaters, 10% storage and 30% office. The top floor is entirely used by the affordable rentals. For a conservative estimate, the entire first and second floors are considered non-residential primary use (~~8,364~~ 9,364 sq. ft.).



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Automobile Parking: The project ~~complies with~~ exceeds the parking standards. Table 3 below summarizes the city parking requirements. Of particular note is that the code does not specify a standard for the dry storage slips being proposed. Instead the code states, "The planning board may require additional parking spaces for dry storage slips".

Table 3.  
Parking Standards per Section 108-572 & Section 122-1470<sup>8</sup>

USE	STANDARD MOTORIZED VEHICLES	BICYCLES AS % OF MOTOR VEHICLES
Multiple family outside the historic district	2 spaces per unit	10%
Marinas and offshore activities	1 space per liveaboard boat, plus 1 space per 4 pleasure boats stored on site, plus 1 space per 3 passengers based on the total capacity of commercially licensed vessels. The planning board may require additional parking spaces for dry storage slips. For offshore structures: 2 spaces, plus 1 space per 3 passengers based on the cumulative total capacity of motorized watercraft and other seating associated with the permitted activities. No additional off-street parking shall be required for offshore activities operating as an accessory use to an approved principal upland shoreline use	25%
Retail and Service Establishments	1 space per 300 square feet of gross floor area	25%
Accessory Infill Units	May provide two bicycle or scooter parking spaces per unit as an alternative to applying to the board of adjustment for parking variances.	

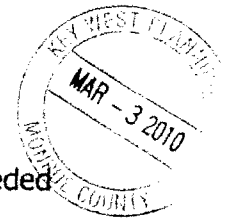
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In Table 4, below, the standards are applied to all the existing uses on the overall site including the residential condominiums, wet slips and marina. This overall approach was applied to assure full compliance. As indicated, a total of 217 parking spaces are required and a total of 273 spaces are provided currently.

Some of the parking spaces required by the residential condominiums and boat slips on the east side of the property (25.25 spaces) are located on the marina side of the basin. Thus, the marina side is required to provide at total of 110.75 (111) spaces. On this side of the basin there are currently 167 spaces. The primary reason there are so many extra spaces is because rather than build a restaurant as originally approved, the applicant added extra spaces. A total of 24 22 spaces will be removed by the installation of the boat racks. Thus, after

<sup>8</sup> Section 102-1470 specifies that Accessory units do not require automobile parking but do require at least 2 spaces for scooters or bicycles.





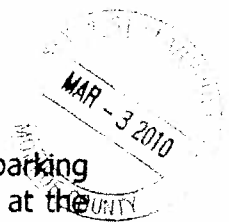
1 the project, there will still be ~~144~~ 145 spaces, or ~~33~~ 34 more spaces than needed  
 2 by the existing facilities.

3  
 4

Table 4.  
 Total Parking Required For Existing Uses

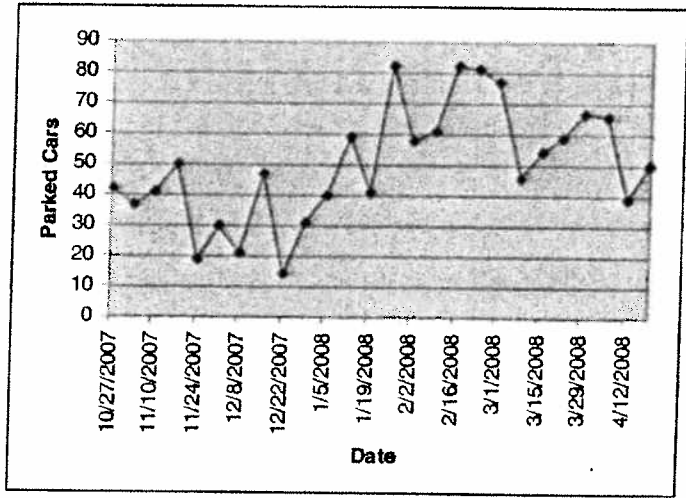
Use	Standard	Total Req.	Existing/ Provided
<b>EAST SIDE (Residential Condominiums)</b>			
60 Residential Condos	2 per unit	120	
Condo docks (45 which includes the ends of the dock other than just slips.)	1 per 4 boats	11.25	
Condo community building	0 this is accessory		
<b>TOTAL EAST SIDE</b>		<b>131.25</b>	<b>106 existing</b>
<b>WEST SIDE (Sunset Marina)</b>			
Affordable Apt.	0	0	
Marina wet slips (114 which includes the ends of the dock other than just slips but does not include the fuel dock)	1 per 4 boats	28.5	
Dry slips	0 unless special study required	0	
Marina Charter Boats: <ul style="list-style-type: none"> <li>▪ Fish finder 36 berths <sup>9</sup></li> <li>▪ 16 "6 pack"</li> </ul>	1 per 3 passengers	44	
Marina Dock master	0 this is accessory to marina and is part of the slip requirement.		
Marina restrooms & storage	0 this is accessory to marina and is part of the slip requirement.		
Sales & Service. Approx. 3,000 sq. ft.	1/ 300sq. ft. 3,746 sq. ft in fish & race and maintenance.	13	
<b>Total required for marina</b>		<b>85.5 = 86</b>	<b>167 existing</b>
<b>GRAND TOTAL (east and west sides)</b>		<b>216.75 = 217</b>	<b>273 existing</b>
The total required to be on the marina side includes the standard plus the 25.25 space deficit from the condominium	$85.5 + 25.25 = 110.75 = 111$	111	
<del>23</del> <u>22</u> spaces will be removed when the boat racks are installed. <u>2 of the spaces on the marina site will be designated for scooters only.</u>			<del>250</del> <u>251</u> spaces will exist overall & <del>144</del> <u>145</u> for the marina.

<sup>9</sup> The Fish Finder takes overnight fishing trips to the Dry Tortugas and has 36 berths for the customers. Accordingly, they have signed an agreement with the City to limit the total passengers to 36. This number is therefore the number used to establish parking even though the boat has a coast guard rating for 150 passengers.

  
 MAR - 3 2010  
 MIAMI-DADE COUNTY

1 Actual Automobile Parking Counts: In order to determine if additional parking  
 2 spaces would be needed, the applicant studied the availability of parking at the  
 3 peak time (2:00 pm) on peak days (Saturday) during the peak season (Oct. 27,  
 4 2007 to April 19, 2008). The applicant particularly wanted to be certain that  
 5 there would be sufficient parking for all their customers because the success of  
 6 their business is dependant on the availability of parking.  
 7

8 Fig. 1. Cars Parked at the Marina on  
 9 Saturdays at 2:00 PM During Peak Season Months



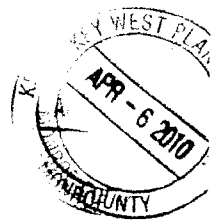
10 The results of the parking  
 11 count study are displayed in  
 12 Table 5 and Figure 1. As  
 13 indicated, the highest count  
 14 ever was 82 spaces (and the  
 15 highest average per month  
 16 was 70.5 in February 2008).  
 17 Thus, at the peak time of  
 18 the peak day during the  
 19 peak season there were 82  
 20 cars which is 29<sup>10</sup> cars less  
 21 than the spaces required to  
 22 be on the marina side and  
 23 61 less than the number of  
 24 parking spaces that will be  
 25 provided on the marina side when the project is completed.  
 26

27 Because dry storage slips are much less active than wet slips, it is reasonable to  
 28 conclude that no additional parking spaces for the dry slips will be needed and  
 29 the project will comply with the code.  
 30

31 Table 5. Cars Parked at the Marina on Saturdays at 2:00 PM  
 32 During Peak Season Months of 2007 and 2008

	Oct.	Nov.	Dec.	Jan.	Feb.	March	April
	42	37	30	40	58	77	66
		41	21	59	61	46	39
		50	47	41	82	54	50
		19	14	82	81	59	
			31			67	
Average	42	36.75	28.6	55.5	70.5	60.6	51.67
Highest	42	50	47	82	82	77	66
Daily Average	49.8 = 50						

<sup>10</sup> (Code requirement for the marina + the deficit from the condominium) - 82 =  
 (85.5 + 25.25) - 82 = (110.75) - 82 = 28.75 = 29 spaces



1 Building Coverage: A maximum building coverage of 40 percent is allowed.  
2 Table 6 lists all the buildings contained on the marina site. As indicated, even  
3 with this conservative approach, the building coverage will be 6.56 percent,  
4 significantly less than the 40% allowed.  
5

6 Table 6.  
7 Building Coverage for Marina

Use	Size (sq. ft.)	% of Site (147,795 sq. ft.)
Dock Masters Office ( <u>over water</u> )	1645	
2 story building (including covered walks)	7,668	
Trash area (within walls)	0	
Utility building	256	
Transformer	122	
Other	0	
<b>TOTAL OF BUILDINGS</b>	<b>9,691</b>	<b>6.56</b>

8  
9 Impervious Surface Coverage & Open Space. A maximum impervious surface  
10 coverage of 60 percent is allowed. The project proposes to reduce the existing  
11 coverage from 59.54 % to 55.83 %. Landscape area is proposed to increase  
12 from 22.5 % to 32.97 % (this includes 6.06 % that is ground cover under the  
13 racks).

14  
15 The table on Page 2 of the Plans indicates the current and proposed ground  
16 surface treatments. As Indicated, the impervious surface will be reduced from  
17 87,994 sq. ft. (59.54 %) to 82,516 sq. ft. 55.83 %). This reduction will occur  
18 primarily by removing asphalt parking. Impervious areas will be increased by  
19 expanding open landscape areas, establishing native landscaping in detention  
20 areas and adding riprap in detention areas.

21  
22 In addition to decreasing the impervious surface, the applicant has obtained an  
23 amended storm water permit from the Florida Department of Environmental  
24 Protection. As a result, the storm water will be improved over the existing  
25 condition by improving upon the original design which has not operated as well  
26 as desired.  
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Table 7.  
Impervious and Pervious Surface Coverage and Landscape area

The following table is completely replaced by the table on Page 2 of the Plans

Gross Project Area = 194,141 sf = 4.467 ac  
Total Upland Area Owned = 151,523 sf = 3.478 ac (above MHW line)

	Existing		Proposed	
	Sq. Ft.	% of Upland Area	Sq. Ft.	% of Upland Area
<b>Buildings &amp; Above ground structure (not including boat racks)</b>				
- Two story dock master's building	1645		N/C	
- Two story C.B.S. commercial building, incl. overhang	7668		N/C	
- Electric transformer	122		N/C	
- Utility building	256		N/C	
- Other (Not under cover)	443		N/C	

**Ground Surface Materials (project area above MHL)**

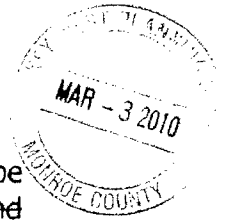
<b>Impervious</b>				
- Buildings (from above)	9313	6.15	N/C	6.15
- Asphalt	59294	39.13	56079	37.01
- Concrete	11699	7.72	N/C	7.72
- Impervious, Surface for fork lift access to racks *	11514	7.60	13128	8.66
- Impervious, Lagoon (below MHW line, not included)	(42620)	Not incl.	-	-
- Impervious, Other	557	0.37	N/C	0.37
<b>Impervious - Sub-Total</b>	<b>92377</b>	<b>60.97</b>	<b>90776</b>	<b>59.91</b>
<b>Pervious Riprap</b>				
- Pervious, Riprap in detention areas	-	-	8281	5.46
- Pervious, Other gravel/shell surface (not subject to compaction)	29741	19.63	10831	7.15
<b>Pervious - Sub-Total</b>	<b>29741</b>	<b>19.63</b>	<b>19112</b>	<b>12.61</b>
<b>Pervious Landscape</b>				
- Pervious, Open native landscaped areas	15881	10.48	17556	11.59
- Pervious, Landscaped lagoon embankment	13524	8.92	16155	10.66
- Pervious, Native landscaped detention areas	-	-	7924	5.23
<b>Landscape - Sub-Total</b>	<b>29405</b>	<b>19.40</b>	<b>41635</b>	<b>27.48</b>
<b>Upland Area Total</b>	<b>151523</b>	<b>100</b>	<b>151523</b>	<b>100</b>

\* Denotes Semi-Pervious surface

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Setbacks:

Front yard: Due to the very unique nature of this site, there is no front yard.



1 Side Yard (adjacent to homeless shelter on the Jail property): The racks will be  
2 setback ~~20~~ approximately 40 feet feet from the property line. ~~Boats may extend~~  
3 ~~to the property line.~~

4  
5 Rear Yard: Based on the survey, the rear property line (or mean high water line  
6 is on the north (opposite) side of the lagoon (pond), about 280 feet north of the  
7 proposed northern most racks. The southern water's edge of the lagoon (pond)  
8 is considered the wetland/shoreline boundary.

9  
10 Shoreline / Wetland Buffer: There is a pond in the back of the property. When  
11 the marina was improved, the environmental agencies required that this pond be  
12 opened up to tidal circulation. If this is treated as a wetland, then pursuant to  
13 section 110-186, a 50 foot vegetated buffer is required<sup>11</sup> although an applicant  
14 may suggest an alternative. If this is treated as a shoreline, a 30 foot setback is  
15 required pursuant to section 122-1148.

16  
17 Currently this area is barren with only a few weeds. This project proposes to  
18 landscape this area with a ~~wide variety of native plants~~ white mangroves and to  
19 maintain a 30 approximately 70 foot setback between the pond's water edge  
20 (mean high water) and the vertical columns of the boat racks. In addition,  
21 ~~native groundcover~~ sodded dry retention area will then be installed under the  
22 boat racks. ~~Thus, while the boats themselves will extend closer to be~~  
23 approximately 50 feet from mhw. ~~Thus the shoreline,~~ there will be an improved  
24 ecological treatment. Additionally, the access to the pond, now uncontrolled, will  
25 be prevented by the boat racks.

26  
27 In conclusion, the racks will conform with the shoreline setback, shoreline access  
28 will be prevented and a greatly improved buffer of ~~native plants~~ white  
29 mangroves will be installed.

30  
31 Height: The maximum height allowed in the CG district is 40 ft. The maximum  
32 height of the racks proposed is 25 feet above the parking lot. The maximum  
33 height with a boat and a canopy is 34 feet, in conformance with the height limits.

34  
35 Marinas and Dock Facilities: Section 110-186 lists specific standards applicable  
36 to marinas. The proposed boat racks comply.

- 37 1. Location per protected resources: The site is located near protected  
38 resources. However, this is an existing marina and the proposed racks  
39 will be located in highly disturbed areas.  
40 2. Sufficient upland area: Exists. No dredging or filling is proposed.  
41 3. Cumulative impacts: This is the only marina on the north side of Stock  
42 Island and will not have an adverse cumulative impact.

<sup>11</sup> However, only a 25 foot buffer is required for parcels less than 5 acres created prior to 1993.

MAR - 3 2010

- 1 4. Water quality: The applicant is improving storm water management and  
2 approval is being sought from the Florida DEP.
- 3 5. Grass beds: No grass beds will be impacted. The basin and channel  
4 exists.
- 5 6. Restore previous adverse environmental impacts: Storm water  
6 management will be improved and substantial native planting will occur  
7 throughout the site.
- 8 7. Channel markers: Access is by way of an existing channel. The existing  
9 marina has all environmental signs required by the DEP.
- 10 8. Storm water runoff. Storm water management is being improved and  
11 approval is being sought from the DEP.
- 12 9. Boat maintenance: Very limited boat maintenance is provided now and  
13 little change will result from the proposed racks.
- 14 10. Open wet slips: No new wet slips are being proposed.
- 15 11. Wetland buffers: Existing mangrove buffers are being protected. An  
16 expanded buffer will be provided along the pond and retention areas will  
17 have native groundcovers.
- 18 12. Manatee protection: The existing marina complies with DEP  
19 requirements. The project has been coordinated with the U.S. Fish and  
20 Wildlife and no additional measures have been requested.
- 21
- 22 Other Standards: A Compliance Review Table listing all other applicable  
23 regulations is attached in the back of this report. As indicated, the proposal  
24 complies with all other applicable regulations.



1  
2  
3 **Concurrency Analysis**

4 **Concurrent Requirements:** Section 94-2 of the Key West Code of Ordinances  
5 requires that: "development applications shall demonstrate that specified  
6 concurrency facilities shall be available at the prescribed levels of service  
7 concurrent with the impact of the development of those facilities". Subsequently  
8 section 95-5 specifies that a final development order shall not be granted for a  
9 proposed development unless the concurrency facilities will have adequate  
10 capacity to serve the development.

11 Section 94-2 specifies the concurrency facilities to be evaluated are:

- 12 1. Potable water
- 13 2. Recreation
- 14 3. Sanitary sewer
- 15 4. Solid waste
- 16 5. Drainage
- 17 6. Roads
- 18 7.

19 **Project Description:** 223 184 unclosed, uncovered dry boat racks are proposed.  
20 81 will be located behind the existing parking in the back of the property and  
21 142 will be located between the existing parking lot and the basin where there  
22 single level racks currently exist.  
23

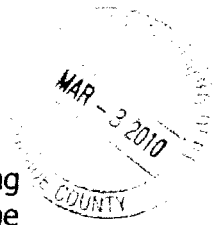
24 **Summary of the Demand for Infrastructure:** There will much less impact  
25 compared to the project as approved in the Settlement Agreement (Res. 98-209)  
26 and there will be minimal impact over the existing condition.  
27

28 A 150 seat restaurant was included in the Settlement Agreement. The  
29 restaurant was not built and some of the racks will be located at that location.  
30 All the racks proposed will have less impact than a restaurant.  
31

32 There will be no increase in density and intensity. Dwelling units are not  
33 proposed and the racks (open on all sides and uncovered) are not floor area.<sup>12</sup>  
34

---

<sup>12</sup> Section 86-9 of Key West Code. *Density* means the maximum number of units divided by the gross land area. It is typically expressed units per acre.  
*Intensity* means the floor area ratio as defined in this section.  
*Floor Area Ration* means the total floor area of the buildings on any lot, parcel or site divided by the area of the lot, parcel or site.  
*Total Floor Area* and *gross floor area* mean the areas of all floors of a building, including finished basements and all covered areas, including porches, sheds, carports, and garages. If the first finished floor level of an elevated building or structure is elevated to a height greater than seven feet above the finished grade, the area below such first floor shall be included in calculating gross floor areas of the building or structure.



1 Based on the existing usage of the boats in dry storage at this facility during  
2 peak days in peak season, a maximum of 20% of the boats in dry storage will be  
3 used. The proposed plan to install the 3-tier racks will slightly increase the  
4 demand on this facility. The existing public infrastructure can accommodate this  
5 slight increase in use.

6  
7 Potable Water: Provided by the Florida Keys Aqueduct Authority (FKAA).

8  
9 Project Water demand. Section 94-102 specifies that the demand shall be 650  
10 gallons per acre in use. The area of land occupied by the racks (assuming a 30'  
11 boat length on average) will be 26,760 sq. ft. Based on this size and  
12 consumption specified by the code, the project will require 400 more gallons of  
13 water.

14  
15 An alternative approach is to anticipate how water will be used by 44 37 boat  
16 trips (~~223~~ 184 dry storage slips x 20% = 44 37). Water consumption will occur  
17 as a result of increased use of the bathrooms and spraying the boats with fresh  
18 water after use. Estimated water use is 150 gallons (44 37 boats x 2.27 people  
19 per boat x 1.5 gallons per flush) and an additional ~~880~~ 740 gallons per day (44  
20 boats x 20 gallons per boat). In total approximately 1,030 gallons of water may  
21 be used on peak days in the peak season.

22  
23 Currently the FKAA withdraws approximately 20,000,000 gallons per day from  
24 the Florida City well field and ~~is constructing~~ has opened a reverse osmosis plant  
25 in Florida City. In conclusion, there is adequate capacity for the project and the  
26 racks will demand much less water than the restaurant as initially approved.

27  
28 Recreation: Provided by the City of Key West. No demand for recreation  
29 facilities will be created by the boat storage racks.

30  
31 Sanitary Sewer: Provided by Key West Resort Utilities. This utility has stated in  
32 the letter of February 2, 2009, that there is sufficient capacity to serve the  
33 project. It is important to note that the applicant has paid for and reserved  
34 capacity for the restaurant.

35  
36 As noted above, it is estimated only about 150 gallons per day will be added to  
37 the sewage flow by the additional users of the boat racks.

38  
39 Solid Waste: Provided by Waste Management. There will be minimal demand  
40 for additional solid waste disposal. Any added solid waste will be much less than  
41 the restaurant originally approved.

42  
43 Drainage: Provided by the City of Key West and onsite storm water  
44 management.





1  
2 The storm water system for the property is entirely contained on the property  
3 and does not require any city owned storm water facilities or swales. The  
4 property relies solely on the on site system. The applicant is applying for a  
5 permit modification from the Florida Department of Environmental Protection for  
6 the storm water system and the boat racks.  
7

8 Therefore, there will be adequate drainage capacity to serve the project.  
9

10 Roads: The project is located on College Road which connects to US-1 at two  
11 locations. Based on the proposed ~~160~~ 121 additional dry storage slips (~~223~~ 184  
12 dry slips- 63 existing) at peak use of 20% results in ~~32~~ 24 arrivals and ~~32~~ 24  
13 departures for a total of ~~64~~ 48 trips.  
14

15 College Road is a local road and thus does not have a specified level of service.  
16 The Annual Average Daily Traffic (AADT) count reported by the Florida  
17 Department of Transportation was 3,800 trips <sup>13</sup>. Thus the projected 64 trips  
18 represents only 1.7% (64/3,800) of the existing count on College road. There is  
19 adequate capacity to accommodate the addition of the boat storage racks.  
20

21 US-1 on Stock Island is a State Urban Principal arterial and is required to  
22 maintain a "C" level of service (Section 94-72). The most current and best  
23 available analysis of traffic flow on US 1 is contained in the "2008 U.S. 1 Arterial  
24 Travel Time and Delay Study Monroe County Florida". As indicated in this study,  
25 this segment of US 1 is operating a "B" level of service. Furthermore this study  
26 has operated at a "B" level of service in 2005, 2006, 2007 and 2008 <sup>14</sup>.  
27

28 In conclusion, there is adequate road capacity to serve the proposed boat  
29 storage racks.  
30

<sup>13</sup> Florida Department of Transportation 2007 Annual Average Daily Traffic Report.

<sup>14</sup> 2008 U.S. 1 Arterial Travel Time and Delay Study Monroe County December 2008 by URS Corporation and 2006 U.S. 1 Arterial Travel Time and Delay Study Monroe County December 2008 by URS Corporation.



1 **Conditional Use Criteria**

2  
3 **Land Use Compatibility:** The neighborhood includes:

- 4 • City of Key West's homeless shelter
- 5 • The County Jail
- 6 • Wet boat slip condominium (served by this marina)
- 7 • Residential condominium across the basin which was developed
- 8 concurrently with this marina. The proposed racks, including boats, will
- 9 be 13 feet lower in height than these condominiums.
- 10 • The city's closed land fill
- 11 • The city's solid waste transfer station which is proposed to be the city's
- 12 transit center.
- 13 • The Key West golf course.

14  
15 The proposed boat racks will be compatible with these uses. The racks are

16 consistent in scale with the adjacent and nearby uses which include the

17 multistory jail, condominiums, landfill and transfer station.

18  
19 **Sufficient Site Size and Infrastructure:**

20  
21 See above discussion of concurrency. In summary, the project will be below

22 allowed density and intensity and there is adequate capacity in all infrastructure

23 serving this property.

24  
25 **Mitigative Techniques:** The proposed boat racks will not adversely impact the

26 adjacent uses or wetlands and thus no mitigation is necessary. The South

27 Florida Ecological Services Office of the U.S. Fish and Wildlife Service, has not

28 identified any issues to consider or requested mitigation. However, in order to

29 improve the ecological integrity of the site, a large and diverse amount of native

30 plants will be added to the site. This will be an improvement on the existing

31 conditions. Additionally, permits are being requested from the Florida

32 Department of Environmental Protection for improvements to the on site storm

33 water management system.

34  
35 **Hazardous Waste:** The property is an existing marina and has, in place, the

36 proper means to dispose of any wastes resulting from boats onsite or visiting.

37  
38 The racks will only store boats and will generate minimal additional boating

39 activity. The existing facilities on site for the wet slips will be able to

40 accommodate the minor additional waste.

41  
42 **Compliance with Applicable Laws:** The applicant has ~~applied for~~ received permits

43 from the Florida Department of Environmental Regulation. This is the only other

44 agency with jurisdiction.

1  
2 As indicated elsewhere in this application, the project does comply with  
3 applicable city regulations.

4  
5 Additional Criteria:

- 6  
7 a. Land Uses within a conservation area. The proposed boat racks are  
8 not located in a conservation area. The adjacent wetland to the north  
9 will be further protected by the proposed buffer containing a diversity  
10 of native plants as indicated on the landscape plan.

11  
12 The project also includes substantial improvements to the storm water  
13 management system which will benefit the adjacent near shore  
14 waters.

- 15  
16 b. Residential Development. This does not apply, no residential  
17 development is proposed.  
18 c. Commercial or Mixed Use Development. Only boat racks are  
19 proposed. As indicated earlier, the project complies with density,  
20 dimension requirements and permitted uses.  
21 d. Development in or Adjacent to the Historic District. This does not  
22 apply. The project is not in or adjacent to the Historic District.  
23 e. Public Facilities. This does not apply. This is not a public facility.  
24 f. Commercial Structures Within Tidal Waters. This does not apply. The  
25 proposed boat racks are not located in tidal waters.  
26 g. Adult Entertainment. This does not apply.