

**Attachment 5**  
**Planning Board Staff Report**

**THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report**



**To:** Chairman and Planning Board Members

**From:** Ashley Monnier, Planner

**Through:** Amy Kimball-Murley, AICP, Planning Director

**Meeting Date:** April 15, 2010

**Agenda Item:** **Major Development Plan and Conditional Use – 5555 College Road (RE# 00072080-001400)** – A Major Development Plan and Conditional Use Application within the commercial general (CG) zoning designation for the installation of stacked boat racks at Sunset Marina per Section 108-31 and Section 122-61 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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**Request:** To allow the installation of 184 dry storage racks at Sunset Marina.

**Applicant:** Joanne Alexander

**Property Owner:** Sunset Ventures of Key West Inc.

**Location:** 5555 College Rd  
RE# 00072080-001400

**Zoning:** Commercial General (CG) Zoning District



**Background:**

Sunset Marina was the subject of an Amended Settlement agreement between the City of Key West, the Florida Department of Community Affairs (DCA) and Sunset Ventures, as approved by City Commission Resolution Number 1998-209. The Settlement Agreement addresses permitted development (which includes a 60 unit multifamily development, 182 slip marina, and associated marine-related retail, office and storage space). The Settlement Agreement also includes a series of obligations and responsibilities, some of which are operational in nature. Since the approval of the Amended Settlement Agreement, the majority of approved development has been completed, with the exception of a 150 seat restaurant and approximately 1,700 sf of office space. Although the term of the settlement agreement has expired, the limitations and obligations in the agreement remain intact.

In 2002, four affordable apartments were developed on the site in lieu of approved office space on the upper floor of a maintenance building (Planning Board Resolution Number 2002-003). Although units were required to meet affordable and workforce housing standards, they were not deed restricted as such until earlier this year.

Because the settlement agreement limits total development on the site, modifications to the development program can only be accomplished through modifications to the agreement. In anticipation of this request for additional boat storage racks, city staff has conducted a compliance assessment of the settlement agreement which is included (without attachments) as an appendix to this report. The assessment found that the developer was in compliance with the agreement with three exceptions: the development program (as it pertained to the affordable housing units), and two landscaping-related provisions. The applicant has prepared modified landscaping plans which will bring the site into compliance with the landscaping provisions in the settlement agreement, and is also proposing to modify the settlement agreement to reflect a revised program of development. A modified settlement agreement will be presented to the City Commission at the same time as this Major Development Plan and Conditional Use Approval and is necessary for the proposed project to receive full entitlements from the City.

**Request:**

The property owner is requesting to build 184 open, uncovered boat storage racks on the site. By doing so, the applicant will be adding approximately 66,240 square feet of outdoor commercial storage space on the site, triggering major development plan consideration pursuant to Section 108-91 (B.)(2)(c) of the Land Development Regulations. Marinas are allowed conditionally in the CG zoning district, and the proposed addition of the storage racks on the site requires the application to be reviewed based on the criteria of Section 122-62 (b) and (c) of the Land Development Regulations [Section 122-63 (e) of the Code].

According to the Comprehensive Plan Future Land Use Map, the intent of the General Commercial (CG) zoning district is to accommodate general commercial uses which include commercial retail, highway-oriented sales and services, and other general commercial activities specified in Section 122-1111 pertaining to land use by districts, customary accessory uses, and requisite community facilities. It is the intent that the CG district services the general commercial needs of residents and tourists which are not fulfilled in the historic area mixed use districts. Though this is a more intense zoning district in the City, marinas are only allowed conditionally

in the CG zoning district. Section 86-9 (3)(i) of the Code defines marinas as being commercial establishments providing for the docking, storage, and servicing of watercraft, including dispensing of motor fuel. While the site is currently operating as a marina, the additional storage of watercraft requires the development application be subject to major development plan and conditional use approval.

**Surrounding Zoning and Uses:**

**North:** Sunset Marina Residences

**South:** Monroe County Sheriff's Office and Stock Island Detention Center

**East:** Key West Golf Club

**West:** Key West Homeless Shelter

**Uses Permitted in the CG Zoning District (Section 122-417):**

- (1) Group homes with less than or equal to six residents as provided in section 122-1246.
- (2) Cultural and civic activities.
- (3) Hospitals and extensive care.
- (4) Places of worship.
- (5) Business and professional offices.
- (6) Commercial retail low and medium intensity less than or equal to 10,000 square feet.
- (7) Commercial retail high intensity less than or equal to 5,000 square feet.
- (8) Hotels, motels, and transient lodging.
- (9) Medical services.
- (10) Parking lots and facilities.
- (11) Restaurants, with or without drive-through.
- (12) Veterinary medical services with or without outside kennels.

(Ord. No. 97-10, § 1(2-5.3.2(B)), 7-3-1997)

**Uses Conditionally Granted in the CG Zoning District (Section 122-418):**

- (1) Single-family/two-family residential dwellings.
- (2) Multiple-family residential dwellings.
- (3) Group homes with seven to 14 residents as provided in section 122-1246.
- (4) Community centers, clubs and lodges.
- (5) Educational institutions and day care.
- (6) Nursing homes, rest homes and convalescent homes.
- (7) Parks and recreation, active and passive.
- (8) Protective services.
- (9) Public and private utilities.
- (10) Bars and lounges.
- (11) Boat sales and service.
- (12) Commercial retail low and medium intensity greater than 10,000 square feet.
- (13) Commercial retail high intensity greater than 5,000 square feet.
- (14) Commercial amusement.
- (15) Funeral homes.
- (16) Gasoline stations.
- (17) Light industrial.
- (18) Marinas.

- (19) Small recreational power-driven equipment rentals (allowed only as an accessory use to a hotel/motel).
- (20) Vehicular sales and related services.
- (21) Tattoo establishments (see division 13 of Article V).

(Ord. No. 97-10, § 1(2-5.3.2 (c)), 7-3-1997; Ord. No. 07-14, § 1, 9-18-2007)

**Process:**

<b>Development Review Committee Meeting:</b>	February 25, 2010 September 14, 2009
<b>Tree Commission Meeting:</b>	February 25, 2010
Planning Board Meeting:	April 15, 2010
City Commission Meeting:	To Be Determined

**Evaluation for Compliance with the Land Development Regulations:  
Major Development Plan**

Section 108-91 B(2)(b) of the City of Key West Land Development Regulations requires that the addition of 5,000 square feet of gross nonresidential floor area requires a major development plan approval. Section 108-196(a) of the Land Development Regulations (review and action by Planning Board) states “after reviewing a major development plan or a minor development plan for a property and staff recommendations, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the Land Development Regulations and the intent of the Land Development Regulations and Comprehensive Plan.”

Section 108-198 states that the City Commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the Land Development Regulations and based on the intent of the Land Development Regulations and Comprehensive Plan. The City Commission may attach to its approval of a development plan any reasonable conditions, limitations or requirements that are found necessary, in its judgment, to effectuate the purpose of this article and carry out the spirit and purpose of the Comprehensive Plan and the Land Development Regulations. Any condition shall be made a written record and affixed to the development plan as approved. If the City Commission disapproves a development plan, the reasons shall be stated in writing”.

Planning staff, as required by Chapter 108 of the City of Key West Land Development Regulations, has reviewed the following for compliance:

<b>CG District Dimensional Requirements: Section 122-420</b>			
	<b>Existing Conditions</b>	<b>Zoning Regulations</b>	<b>Proposed Changes</b>
<b>Zoning</b>	CG	CG	CG

<b>Maximum Density</b>	60 dwelling units	16/acre	None
<b>Maximum Floor Area Ratio<sup>1</sup></b>	0.11	0.8	0.11
<b>Maximum Height</b>	None	40'	35'
<b>Maximum Building Coverage</b>	6.56%	40%	6.56%
<b>Maximum Impervious Surface Ratio</b>	59.54%	60%	55.83%
<b>Minimum Lot Size</b>	4.47 acres (3.39 upland)	15,000 square feet	4.47 acres (3.39 upland)
<b>Minimum Lot Width</b>	740'	150 feet	740'
<b>Minimum Lot Depth</b>	146'	100 feet	146'
<b>Setbacks<sup>2</sup></b>	Please refer to footnotes	Please refer to footnotes	Please refer to footnotes
<b>Parking</b>	167	111	145
<b>Flood Zone</b>	VE 11 and VE 13	N/A	N/A

### **Concurrency Facilities and Other Utilities or Services (Section 108-233)**

The City's Comprehensive Plan Objective 9-1.5 directs the City to ensure that facilities and services needed to support development are available concurrent with the impacts of new development. The analysis considers potable water, sanitary sewer, solid waste, drainage, vehicle trip generation and recreation. Section 94-36 requires a concurrency determination be made concerning proposed development. The applicant provided a concurrency analysis as part of this application. Staff has reviewed the provided concurrency analysis report and following criteria in Section 94-36, and has determined that the proposed project meets the City's requirements for concurrency management. This portion of the report shall serve as the required written determination of compliance.

#### **1. The anticipated public facility impacts of the proposed development:**

The applicant addressed Concurrency Management in the major development plan and conditional use application. The proposed development is not anticipated to generate any public facility impacts.

#### **2. The ability of existing facilities to accommodate the proposed development at the adopted level of service standards:**

The Concurrency Management analysis concluded that the existing facilities are expected to accommodate the proposed redevelopment project at the adopted level of service standards.

#### **3. Any existing facility deficiencies that will need to be corrected prior to the completion of the proposed development:**

<sup>1</sup> Floor area ratio is not being increased as the proposed storage racks are not buildings.

<sup>2</sup> Section 86-9 of the Code defines water-dependent uses to include marinas. Pursuant to Section 122-1148 (b) of the Code, coastal construction control line restrictions are not applicable to water-dependent uses. Please refer to Section 3 (b) of the Conditional Use Report for further setback analysis.

The Concurrency Management analysis found that there are no existing facility deficiencies which will need to be corrected prior to the completion of the proposed development.

**4. The facility improvements or additions necessary to accommodate the impact of the proposed development at the adopted level of service standards and the entities responsible for the design and installation of all required facility improvements or additions; and**

There are no facility improvements or additions that are necessary to accommodate the impact of the proposed redevelopment other than stormwater improvements contained in the site plan package.

**5. The date such facility improvements or additions will need to be completed to be concurrent with the impacts on such facilities created by the proposed development:**

This criterion is not applicable, as there are no known facility improvements or additions that will need to be completed for the redevelopment project other than stormwater improvements that have been incorporated into the plans.

**Fire Protection:**

Section 108-233 (8) of the City Code requires that existing and proposed fire hydrant locations be identified in relationship to the buildings. One fire hydrant exists on the site, and according to the Fire Marshall's office, other hydrants on nearby sites could be utilized if needed. No life safety concerns were raised by the Fire Marshall's office at the February 25, 2010 Development Review Committee meeting.

**Other Public Facilities:**

Section 108-233 (10) of the City Code requires that a proposed development minimize adverse effects upon public facilities, such as educational, police, fire protection, recreational, electric power, health care, and disaster preparedness. Based on comments received at the DRC meeting, and based on the information in the concurrency analysis, the proposed major development plan is not anticipated to increase adverse effects upon public facilities.

**Appearance, Design, and Compatibility (Section 108-234):**

**1. Compliance with Chapter 102; Articles III, IV, and V:**

The property is not located within the City's Historic District. Therefore, compliance with Chapter 102 is not necessary.

**2. Compliance with Section 108-956:**

Section 108-956 of the City Code requires that all development plans include commitments demonstrating that there is access to potable water, and that there is access to wastewater disposal systems. Based on the informational comments received at the DRC meeting, and the information provided in the concurrency analysis, there are no issues relating to these Code requirements.

**3. Compliance with Chapter 110; Article II:**

If any archeologically significant resources are discovered during the development of the site, the applicant will be required to comply with this article of the Land Development Regulations.

**Site Location and Character of Use (Section 108-235):**

The project is located in the CG zoning district. Marinas are allowed conditionally in this zoning district, as they represent a more intense use. Based on the surrounding zoning and land uses, the proposed major development plan may be compatible with neighboring properties. However, the Department will consider any impact concerns, should they arise, when making this analysis.

- 1. Appearance of Site and Structures (Section 108-236, and Section 108-278):**  
The development plan exhibits harmonious overall design characteristics, and is in compliance with the performance standards stipulated in Sections 108-278 of the City Code.
- 2. Location and Screening of Mechanical Equipment, Utility Hardware, and Waste Storage Areas (Section 108-279):**  
This section of the City Code is not applicable, as the proposed plans are for dry storage boat racks. The proposed waste and recycling area does demonstrate screening through the use of a 6' tall fence. The site plans (pg. 10) indicate
- 3. Utility Lines (Section 108-282):**  
Not Applicable, no additional utility lines are proposed.
- 4. Commercial and Manufacturing Activities Conducted in Enclosed Buildings (Section 108-283):**  
This section of the City Code is not applicable to the proposed Major Development Plan.
- 5. Exterior Lighting (Section 108-284):**  
Existing lighting will be utilized; no additional lighting is being proposed.
- 6. Signs (Section 108-285):**  
This section of the Code is not applicable, as no signage has been proposed as part of the Major Development Plan.
- 7. Pedestrian Sidewalks (Section 108-286):**  
This section of the Code is not applicable, as no additional sidewalks are required or proposed.
- 8. Loading Docks (Section 108-287):**  
This section of the Code is not applicable, as no additional loading docks are required or proposed.
- 9. Storage Areas (Section 108-288): Storage Areas (Section 108-288):**



This application proposes to add 184 dry storage racks to the existing marina. No additional storage is being proposed on the site as part of this application.

**On-Site and Off-Site Parking and Vehicular, Bicycle, and Pedestrian Circulation (Section 108-244):**

Currently existing on the site are 167 parking spaces. Parking will be reduced to accommodate 145 spaces on the site. The reduction in parking is allowed under the Code, as the minimum number of parking spaces required would be 111 spaces. The existing excess parking results from a previous approval for a restaurant on the site. The restaurant was never constructed, and the parking was never required for other uses on the site.

**Housing (Section 108-245):**

Though affordable housing is required on the site, the proposed major development plan does not affect the existing housing, or the requirement to provide housing. The Compliance Report, (separate from this report) further addresses the status of the provision of affordable housing on the site.

**Economic Resources (Section 108-246):**

This section of the City Code is not applicable.

**Special Conditions (Section 108-247):**

The applicant has obtained permitting from the Florida Department of Environmental Protection (DEP). The permit was granted on June 9, 2009 and will expire June 9, 2011.

**Construction Management Plan and Inspection Schedule (Section 108-248):**

Construction of the dry storage boat racks will consist of one phase.

**Open Space, Screening, Buffers, and Landscaping (Article V of Chapter 108):**

According to Section 108-346 of the Land Development Regulations, non-residential uses are subject to providing a minimum of 20 percent open space. The proposed plans indicate that 26.91 percent of the site provides open space. The proposed development plan appears to comply with screening, buffer, and landscape requirements. The applicant's landscape plan was approved by the Tree Commission on February 22, 2010.

**Off-Street Parking and Loading (Article VII of Chapter 108):**

As previously stated, 167 parking spaces currently exist on the site. However, as a result of the proposed major development plan, the applicant is requesting to reduce 22 spaces on the site. The former development plan approval included a restaurant, and associated parking. The restaurant was never constructed, though the parking for the restaurant was, and currently exists on the site. Section 108-571 of the Land Development Regulations provides that required off-street parking spaces be maintained in perpetuity and shall not be used for other purposes unless there is a city-approved change in land use on the premises which warrants a change in the design, layout, or number of required parking spaces. Effectively, approval of the major development plan and conditional use application would allow the applicant to reduce the number of parking spaces to 145 spaces. Based on the proposed application, the minimum

number of parking spaces required on the site would be 111 spaces. The applicant is exceeding this minimum by 34 spaces.

**Stormwater and Surface Water Management (Article VIII):**

The proposal includes an upgraded stormwater management plan, revised as of March 8, 2010. The plan was modified in response to the February 25, 2010 DRC meeting, to address the Director of General Services and Engineering's concern that stormwater run from the retention area through the parking lot into tidal waters (allowing pollutants underneath the racks to be discharged into near-shore waters). The applicant's plans were revised, and meet the Director of General Services and Engineering's satisfaction.

**Flood Hazard Areas (Division 4- Sections 108-821 through 108-927):**

Section 108-821 is not applicable as the dry storage racks do not need to be flood proofed. Additionally, the proposed major development plan will not alter any watercourse.

**Utilities (Article IX of Chapter 108):**

Based on comments received at the DRC, it does not appear that the proposed major development plan will generate an increased need for utilities to service the site.

**Evaluation for Compliance with the Land Development Regulations:  
Conditional Use Approval**

**Conditional Use Review**

Code Sec. 122-62 (a) provides, in part, that "a conditional use shall be permitted upon a finding by the Planning Board that the proposed use, application, and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the Planning Board and or the City Commission during review of the respective application in order to ensure compliance with the Comprehensive Plan and Land Development Regulations." The same section also specifies that "a conditional use shall be denied if the City determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest".

**Conditional Use Criteria**

- (a) **Findings:** The Planning Board may find that it meets the Code purpose of ensuring that "a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity".

The property is currently a full-service marina with dry storage and four (4) affordable housing units. Much of the open area of the property is utilized for dry boat storage. This application proposes to add dry storage racks to accommodate 184 vessels. The marina is located on Stock Island, adjacent to the Monroe County Detention Center and the former City of Key West landfill and waste to energy plant.

(b) **Characteristics of Use Described:** The applicant owns the marina and the areas in which the boat racks are proposed to be located. Characteristics of use are as follows:

1) **Scale and intensity**

a. **Floor Area Ratio (FAR):**

The existing and proposed FAR on the site is 0.11 percent of the property. The maximum FAR allowed in the CG zoning district is 0.8 percent.

b. **Traffic Generation:**

The expansion of the marina may cause an increase in traffic generation. However, based on the concurrency analysis, it appears that there is adequate roadway capacity for the proposed addition of boat racks on the site.

c. **Square feet of enclosed space:**

A two story commercial building, electric transformer, utility building, and dock master's building exist on the 3.39 acres. Excluding the dock master's building (as it is over water), exists 8,046 collective square feet of existing enclosed space. The proposed boat racks will be not enclosed, and will not be increasing enclosed building space on the site.

d. **Proposed employment:**

The applicant estimates that no additional employees will be required as a result of this project.

e. **Proposed number of service vehicles:**

No additional service vehicles are expected as a result of this application.

f. **Off-street parking:**

The proposed development plan and conditional use does not require any additional parking spaces. The proposed plans include 145 parking spaces, which provides an excess of 34 parking spaces.

2) **On or Off-Site Improvements Required and Not Listed in Subsection (b)(1)**

a. **Utilities:**

The proposed major development plan is not anticipated to affect utilities servicing the site.

b. **Public Facilities:**

The proposed addition of dry storage racks does not necessitate additional public facilities.

c. **Roadway or Signal Improvements:**

It does not appear that any additional roadway or signal improvements will be necessary as a result of the proposed major development plan.

- d. **Accessory Structures or Facilities:**  
No other accessory structures or facilities are being proposed as part of this application.
- e. **Other Unique Facilities/Structures Proposed as Part of On-Site Improvements:**  
Not applicable

**3) On-Site Amenities Proposed to Enhance the Site:**

- a. **Open Space**  
Based on the proposed plans, 26.91 percent of the site provides open space. Section 108-346 of the Land Development Regulations requires that nonresidential uses provided a minimum of 20 percent of open space. Therefore, the applicant exceeds this requirement.

- b. **Setbacks From Adjacent Properties:**  
The boat storage racks are proposed to be located at a minimum 70 feet from the mean high water line (MHW) along the lagoon area (rear of the property). This will allow for the accommodation of a 20 foot overhang for boats stored on the racks, and still maintain the 50 foot setback along the wetland, required by Section 110-91 of the Code.

As mentioned in the major development plan section of the report, under the CG District Dimensional Requirements, coastal construction control line restrictions are not applicable to water-dependent uses (i.e. a marina).

- c. **Screening and buffers:**  
As mentioned in the development plan section of the report, the proposed landscape plan was approved by the Tree Commission, and appears to comply with screening, buffer, and landscape requirements.

- d. **Landscaped Berms Proposed to Mitigate Against Adverse Impacts to Adjacent Sites:**

Though significant changes are being made to improve the landscaping on the site, no berms are being proposed to mitigate against adverse impacts on the site.

- e. **Mitigative Techniques for Abating Smoke, Odor, Noise, and Other Noxious Impacts:**

Improvements are being made to the landscape plan, as well as to the stormwater management system on the site. Noxious impacts are not anticipated as a result of the proposed conditional use request.

- (c) **Criteria for Conditional Use Review and Approval: Applications for a Conditional Use Review Shall Clearly Demonstrate the Following:**

- 1) **Land use compatibility:** The proposed use appears to be compatible with the surrounding properties. The racks are consistent in scale with the adjacent land uses, which include a multi-story detention center, condominiums, and the City of Key West's former landfill site.
- 2) **Sufficient Site Size, Adequate Site Specifications and Infrastructure to Accommodate the Proposed Use:**

The size and shape of the lot are sufficient to support the proposed conditional use request. In addition, ingress, egress, and internal circulation are expected to accommodate the proposed use on-site. The urban design enhancements (screening, buffering, landscaping, provision of open-space, and parking) being proposed are adequate to accommodate the proposed scale and intensity of the conditional use requested.
- 3) **Proper use of Mitigative Techniques:**

It is anticipated that the proposed boat racks will not adversely impact adjacent land uses or the environment. Additionally, a permit has been secured from the Florida Department of Environmental Protection for improvements to the on site storm water management system.
- 4) **Hazardous waste:**

The property is an existing marina. The proposed expansion of boat racks is not anticipated to generate any hazardous waste on the site.
- 5) **Compliance with applicable laws and ordinances:**

The applicant will comply with all applicable laws and regulations.
- 6) **Additional criteria applicable to specific land uses:**

Applicants shall demonstrate the proposed conditional use satisfies the following criteria:

  - a. **Land uses within a conservation area:**

The proposed boat racks are not proposed to be located in a conservation area.
  - b. **Residential development:**

No additional new residential development is proposed for the marina.
  - c. **Commercial or mixed use development:**

Commercial development proposed as a conditional use shall be reviewed for land use compatibility based on compliance pertaining to zoning district regulations and land use compatibility. The applicant is not proposing changes will have an adverse effect upon the dimensional requirements of the CG zoning district.
  - d. **Development within or adjacent to historic districts:**

Not applicable; the subject site is located outside of the historic district.

**e. Public facilities or institutional development:**

Not applicable; the proposed project is not subject to this review criteria.

**f. Commercial structures, uses and related activities within tidal waters:**

Not applicable; the proposed dry storage racks are not being proposed within tidal waters.

**g. Adult entertainment establishments:**

Not applicable; the proposed project is not subject to this review criteria.

**RECOMMENDATION:**

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for Major Development Plan and Conditional Use be **approved** with the following condition:

- The Amended Settlement Agreement for the property must be modified to incorporate the proposed changes to the development program, as well as past changes not fully incorporated into the program, and be approved the City Commission and Department of Community Affairs.