

EXECUTIVE SUMMARY



To: Jim Scholl, Interim City Manager

Through: Donald Leland Craig, AICP, Planning Director

From: Carlene Smith, LEED Green Associate, Planner II

Meeting Date: October 21, 2014

RE: **Major Development Plan & Conditional Use - 2407 North Roosevelt Boulevard (RE# 00002280-000100, AK# 8890613)** – A request for Major Development Plan and Conditional Use Application and Landscape and Buffer-Yard Waiver approval to construct dockage with 79 berths in the C-OW zoning district per Section 108-91 B. 2(c) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

ACTION STATEMENT:

Request: To grant a major development plan and conditional use to construct dockage with 79 berths in the C-OW zoning district per Section 108-91 B. 2(c) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Applicant: Trepanier and Associates, Inc.

Property Owner: Dr. Richard Walker

Location: 2407 North Roosevelt Boulevard, (RE# 00002280-000100, AK# 8890613)

Zoning: Outstanding Waters of the State (C-OW) zoning district



BACKGROUND:

The subject property had previously been the location of the “Flipper Sea School” and consisted of multiple pier structures with various commercial uses. Those piers were destroyed by Hurricane Wilma. There remains a one-story building on pilings that house professional offices, owned by another party.

City Actions:

Development Review Committee Meeting:	June 27, 2013
Planning Board Meeting:	November 21, 2013, postponed March 20, 2014, postponed June 19, 2014, postponed July 17, 2014, postponed August 21, 2014 (PB Res 2014-48)
Tree Commission:	Pending Staff Approval

PLANNING STAFF ANALYSIS:

Development Plan Review

Section 108-91 B(2)(b) of the City of Key West LDRs requires that any proposed non-residential development outside the historic district greater than 5,000 square feet submit an application for a major development plan approval. Section 108-196(a) of the LDRs (review by the 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 based on specific development review criteria contained in the land development regulations and the intent of the land development regulations and comprehensive plan." If approved, the Planning Board will then make a recommendation to the City Commission.

City Code 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 LDRs and based on the intent of the LDR’s 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 LDR’s. 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.

Conditional Use Review

Pursuant to City Code Section 122-62(a), 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 LDRs. If the proposed conditional use is a major development pursuant to City Code Sections 108-165 and 108-166, the Planning Board’s decision is advisory only and the City Commission shall render the final determination pursuant to City Code Section 122-63. 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.

Planning staff and the Planning Board have reviewed the request for compliance with the specific criteria for approval pursuant to City Code Section 122-62(c), as detailed in the attached Planning Board staff report. On August 21, 2014, the Planning Board reviewed the request and staff recommendations, pursuant to City Code Section 108-196(a), and passed Resolution No. 2014-48 advising approval with conditions to the City Commission.

Landscape Modification / Waiver Review

Section 108-397(a) and (b) together with Section 108-413(b) establish the requirement for landscaping along the perimeter boundary of a site, and buffer yard. The applicant is requesting the landscape, buffering and waiver as allowed by Section 108-517(a) and (b). Staff analysis of the waiver of the perimeter and buffer is supported by the fact that the southeast and west portions of the basin are either water and mangroves, or solid land which only exists on lands owned by others. The upland western portion of the site is the parking lot and the driveway to it. If the buffer yards of a 4.0 acre site were imposed on the uplands the 40 feet width would eliminate the entirety of the parking on the site.

Therefore, staff supports the waiver as to the buffer yard, because according to Section 108-517(b)(3) a superior alternative exists which may serve as the basis for the waiver. That alternative is the striping of the existing parking area to create definable parking spaces, and the provision of the maximum feasible parking lot landscaping to the standards contained in Section 108-414(b) as described on email to the Planning Department on July 8, 2014. The Urban Forestry Manager will review the landscape plan prior to the City Commission hearing.

Options / Advantages / Disadvantages:

Option 1. Approve the Major Development Plan, Conditional Use and Landscape and Buffer-Yard Waiver request to construct dockage with 79 berths as advised by the Planning Board in Resolution No. 2014-48, with the following conditions:

Conditions to be completed prior to the issuance of a building permit:

1. The Applicant receives all necessary permits from relevant State and Federal Agencies.
2. In addition to the existing on-site parking the Applicant shall make available twenty (20) exclusive parking spaces for use in association with the proposed development. Confirmation that said additional parking spaces are available for the proposed development shall be presented to the Planning Department prior to the issuance of any building permit, land clearing permit, or any permit required for physical furtherance of the proposed development. The City of Key West Attorney shall review any parking easement agreement between applicant and any property owner which is in furtherance of the above stated to insure compliance with City of Key West Code Sec. 108-576(a).
3. If the construction project exceeds \$500,000, the Applicant shall obtain approval of a Public Art Plan from the AIPP Board, pursuant to City Code Section 2-487, and may include payment of an in-lieu fee.
4. The Applicant shall obtain the proper permits for any trimming of mangroves during construction of the project.

Conditions to be completed prior to the issuance of a Certificate of Occupancy:

5. On-site artwork shall be installed and inspected by the City pursuant to Section 2-487.
6. The Applicant coordinates with the U.S. Coast Guard to provide and maintain navigational markers from the docking basin to open water.
7. All lighting complies with “dark sky” or equivalent program on the docks themselves.
8. The Applicant will provide sewage pump-out facilities for all boats, with pump-out facility accessible 24 hours a day to all vessels of any length.
9. The Applicant shall provide the parking lot landscaping required by LDR Section 108-414(b) as evidenced by a landscape plan prepared by a licensed landscape architect and reflective of the conceptual design contained in the email to the Planning Department on July 8, 2014.
10. The onsite parking lot shall be striped and the driveway to said parking stalls, appropriately marked.
11. The clear site triangle for the accessory to North Roosevelt Boulevard shall be maintained clear of obstruction as per City Code.
12. The Applicant shall install the hose cabinets, standpipes and other fire suppression and alarms as required by the City Fire Marshall.
13. The parking lot on site shall be restriped to provide standard size stalls required by City Code, including two handicapped stalls.
14. There shall be no other commercial use of the marina area or parking lot, nor shall the development plan or conditional use authorize the change of the existing legally non-conforming uses to any other commercial use.
15. There shall be no boat storage of any kind on the upland portions of the site inclusive of the parking lot.
16. The Applicant shall provide a fire department Hammerhead turn-around as required by code.
17. The Applicant shall provide a letter from structural engineer determining the hammerhead access road in close proximity of the water line can safely handle the total weight of our fire department trucks.
18. The Applicant shall provide a secondary emergency egress walkway for emergency purposes only, approved location and specifications are addressed in the Fire Access Site Plan (Sheet Number: C-7.0).

Conditions subject to a Conditional Approval Permit, per Ordinance 10-22 subject to an associated annual inspection:

19. The applicant maintains a Florida Department of Environmental Protection Clean Marina Designation.
20. There shall be no use of the marina for charter boats of any kind, including active or passive docking of charter vessels.
21. There shall be no boat ramp, or automobile or hoist assisted boat launching of any type.
22. There shall be no storage of boat trailers on any part of the site, nor in any of the parking spaces on site, or in leased areas.
23. No vessel longer than thirty (30) feet, nor any vessel with a draft of more than three (3) feet shall be docked, or allowed to use the marina.

Consistency with the City’s Strategic Plan, Vision and Mission: Granting the request would be consistent with Economy and Environment goals of the Strategic Plan.

Financial Impact: The City would collect building permit, licensing and impact fees during subsequent phases of development. There would be no cost to the City for granting the request.

Option 2. Deny the request based on findings that the proposed development does not comply with the criteria established by the Comprehensive Plan and the Land Development Regulations.

Consistency with the City’s Strategic Plan, Vision and Mission: Denial of the requested easement would not be inconsistent with the Strategic Plan.

Financial Impact: There would be no cost to the City for denying the request.

RECOMMENDATION: Option 1.

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, Staff and the Planning Board recommends **Option 1** to the City Commission approving the request with conditions listed above.