




MEMORANDUM

Date: January 11, 2024

To: Honorable Mayor and Commissioners

Via: Albert P. Childress 
City Manager

From: Katie P. Halloran
Planning Director

Subject: **Major Modification to a Major Development Plan and Conditional Use – 2407 N. Roosevelt Boulevard (RE# 00002280-000100)** – A resolution of the City Commission of Key West, Florida [granting/denying] a Major Modification request for a Major Development Plan and Conditional Use, to authorize 948-square feet of upland office space, and the modification of conditions of approval to allow for the mooring of vessels up to forty feet in length, and the establishment up to six charter vessels at a dockage on property located at 2407 North Roosevelt Boulevard in the Conservation zoning district, pursuant to Section 108-91(C) of the Code of Ordinances of the City of Key West.

Introduction

This item is a request for a major modification to a Major Development Plan and Conditional Use authorized by City Commission Resolution 14-316, allowing for the construction of a 79-berth dockage in a basin located at 2407 North Roosevelt Boulevard in the Conservation zoning district.

Background

The property owner has submitted a request to modify three conditions of approval pursuant to Res. 14-316:

Office Space: Condition #14 of City Commission Resolution 14-316 restricts the change of existing legally nonconforming uses on the property to any other commercial use. At the time of approval, the legally nonconforming uses consisted of medical and business/professional offices. The applicant is seeking an established approval for 948-square feet of office space specifically associated with the dockage.

- Staff supports this request, and notes that any physical redevelopment of the upland must be accomplished in conformance with the LDRs.

Charter Vessels: Condition #20 of Res. 14-316 prohibits charter vessels from docking at the property. The applicant requests authorization for the establishment of up to six charter vessel operations at the property.

- The request to allow charter vessels is in violation of the LDRs and Comprehensive Plan. Charter vessels are only authorized to be established in duly-permitted marinas, and marinas are prohibited in the Conservation zoning district. Therefore, staff recommends denial of this request.

Vessel Length: Condition #23 of Res. 14-316 restricts the maximum vessel length to 30 feet and the maximum draft to three feet. The applicant is requesting approval to increase the maximum vessel length to 40 feet.

- The Comprehensive Plan and LDRs require that development applications in the Conservation zoning district include an environmental and coastal impact assessment that demonstrate that adverse impacts shall be avoided or mitigated. The applicant omitted an environmental and coastal impact assessment (Comprehensive Plan Policy 5-1.2.1; LDR Section 122-126).
- This modification would eliminate a mitigative strategy that was required as a condition of the existing approval; larger vessels with more powerful engine systems are more likely to increase turbidity, damage to marine habitat, and increase wave action that contributes to neighboring shoreline erosion.¹
- Neighboring property owners have objected to the proposal on the basis that more powerful, frequent boat wakes may contribute to erosion of their shorelines and result in adverse environmental impacts.
- Staff is concerned about approving a request that may result in property damage, particularly given that multiple neighboring property owners have objected on this specific basis, and the application omitted impact assessments that are required per Code to demonstrate adverse impacts would be avoided.

Procurement

There is the potential for more tax revenue if the property value increases.

¹ Glamore, W. C. (2008, February). A decision support tool for assessing the impact of boat wake waves on inland waterways. In International Conference on Coastal and Port Engineering in Developing Countries (No. 1, p. 20).

Recommendation

Planning Board:

The Planning Board recommends approval of the following modifications to conditions associated with City Commission Resolution 14-316:

Condition 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, unless an application for a change of nonconforming use is submitted and approved in accordance with the Land Development Regulations. This resolution affirms that the applicant is permitted to maintain 948 square feet of legally nonconforming medical and business/professional office uses for use as an office for the dock facility.

Condition 20: Up to six (6) charter vessels may utilize the dock, limited to up to six (6) passengers per vessel.

Condition 23: No vessel longer than forty (40) feet, nor any vessel with a draft of more than three (3) feet shall be permitted to dock at the property.

Planning Department:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the City Commission:

- **Condition 14:** Approval of the modifications proposed to Condition 14.
- **Condition 20:** That the proposed modification to Condition 20 to allow charter vessels be **denied** on the basis that it violates the Comprehensive Plan and Land Development Regulations.
- **Condition 23:** That the proposed modification to Condition 23 to allow vessels up to 40 feet in length be **denied**, on the basis that the applicant has not met the Code-required burden of proof in demonstrating that adverse impacts be avoided or mitigated, and on the basis that it may result in property damage to surrounding properties.

If the City Commission chooses to approve these requests, staff recommends the following conditions:

1. The applicant demonstrates through an annual shoreline impact analysis that the use does not result in shoreline erosion or property damage at properties along Hilton Haven Road and Gulfview Drive. This assessment shall be performed in accordance with the standards outlined in Section 122-126.
2. The applicant install “no wake/idle speed” signage in the area outside of the basin with uniform regulatory markers in accordance with applicable state and federal laws and regulations.