



THE CITY OF KEY WEST
1300 White Street – Key West, Florida 33040

CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT
MINOR MODIFICATION TO A DEVELOPMENT PLAN
WRITTEN DECISION OF APPROVAL No. 2023-04

October 19, 2023

RE: A request to approve a Minor Modification to a Development Plan to relocate parking spaces and a dumpster area, improve landscaping, reduce and reconfigure marina slips and docks, and reflect a unity of title at 2407 North Roosevelt Boulevard (RE# 00002280-000100 and RE#00002280-000101) in the Conservation zoning district pursuant to Code of Ordinances Section 108-91(C)(2).

City Commission Resolution 2014-316 approved a major development plan to allow for the construction of a 79-berth marina for property located at 2407 N. Roosevelt Blvd in the Conservation zoning district (Attachment A).

The property owner has submitted requests to modify the approved development plan (Attachment B).

The proposed modifications include:

- i. A modified dock layout which relocates docks from the mangrove fringe area to the area previously occupied by a commercial structure.
- ii. A modified landscape plan that relocates landscaping out of the required emergency vehicle turn-around area.

Additionally, staff reviewed a video recording of the original approval hearing of City Commission Resolution No. 14-316 held on October 21, 2014. Staff can affirm that the City Commission approved the development plan for 2407 N. Roosevelt Blvd, without requiring the inclusion of the 57 off-site parking spaces identified in the site plan submitted in the development plan application. On October 21, 2014, the City Commission voted to approve total *off-site parking spaces* consisting of 20 spaces subject to an exclusive easement between the property owner and KW26, LLC (Attachment D).

This approval does not authorize any modifications not specifically described herein. This approval only authorizes modifications to the dock layout and the landscape plan.

The modified dock layout was constructed prior to obtaining approval for development plan modification. The dock has been issued a temporary Certificate of Occupancy by the City of Key West Building Department.



THE CITY OF KEY WEST
1300 White Street – Key West, Florida 33040

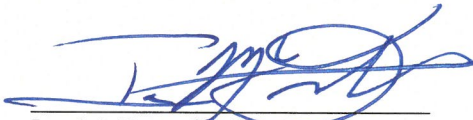
The City of Key West Land Development Regulations provide for modifications to approved development plans in Chapter 108, Article II, Division 3, Section 108-91(C). This modification most closely approximates a level of review as described in Section 108-91(C)(2)(a), as such this request has been reviewed and approved by the city planner, city engineer and planning board chairperson and the approval shall be reported to the planning board at a regularly scheduled meeting.

The Urban Forester reviewed and approved the revised landscape plan in a memorandum submitted to the City of Key West Tree Commission (Attachment E).

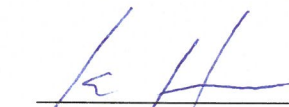
The applicant has also submitted subsequent modification requests to amend the conditions of the Major Development Plan and Conditional Use approval (Attachment F). These modifications exceed the criteria of a minor modification and will be processed separately in accordance with the procedures set forth in the Land Development Regulations.

Attachments:


- A. Resolution 14-317
- B. Minor Modification Application
- C. Revised Plans
- D. Parking Easement
- E. Landscape Memo
- F. Major Modification Application



Ian McDowell, City Engineer



Katie P. Halloran
Planning Director/City Planner



Sam Holland
Chairman, City of Key West Planning
Board

RESOLUTION NO. 14-316

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR DEVELOPMENT PLAN, CONDITIONAL USE AND LANDSCAPE WAIVER APPROVALS PURSUANT TO SECTION 108-91.B.2.(c) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA TO CONSTRUCT DOCKAGE WITH 79 BERTHS ON PROPERTY LOCATED AT 2407 NORTH ROOSEVELT BOULEVARD (RE #00002280-000100, AK #8890613) IN THE OUTSTANDING WATERS OF THE STATE (C-OW) ZONING DISTRICT; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 108-91 of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") requires that outside of the Historic District a Major Development Plan is required for addition of outdoor commercial activity consisting of restaurant seating, outdoor commercial storage, active recreation, outdoor sales area or similar activities equal to or greater than 5,000 square feet; and

WHEREAS, the applicant proposed construction of a dock system with 79 berths; and

WHEREAS, Code Section 108-196(a) requires the Planning Board to review and approve, approve with conditions or deny the proposed Major Development Plan and Conditional Use in an advisory capacity to the City Commission; and

WHEREAS, Code Section 108-517(b)(3) requires the Planning Board to consider the landscape waiver request and render the final action; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on August 21, 2014, resulting in Planning Board Resolution No. 2014-48; and

WHEREAS, the Planning Board determined that the granting of the Major Development Plan, Conditional Use and Landscape Waiver is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

WHEREAS, pursuant to Section 108-198, the City Commission shall review and act upon Major Development Plan proposals; and

WHEREAS, the City Commission determined that the granting of the Major Development Plan and Conditional Use will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

NOW THEREFORE BE IT RESOLVED by the City Commission of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That the City Commission grants approval of the application for Major Development Plan, Conditional Use and Landscape Waiver for the construction of 79 berths on property

located at 2407 North Roosevelt Boulevard (RE # 00002280-000100, AK # 8890613) in the C-OW Zoning District pursuant to Sections 108-91B.2(c) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans dated September 8, 2013, with the following conditions provided in Planning Board Resolution 2014-48, and specified as follows:

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 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 costs exceed \$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 facilities 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 on-site parking lot shall be striped and the driveway to said parking stalls appropriately marked.

11. The clear site triangle for the access route 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 a 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 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.

24. There shall be no slips outside the mangrove fringe (per revised site plans dated October 22, 2014).

Section 3. Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. This Major Development Plan does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 5. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 6. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by

reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Passed and adopted by the City Commission at a meeting held this 21 day of October, 2014.

Authenticated by the presiding officer and Clerk of the Commission on November 17, 2014.

Filed with the Clerk November 17, 2014.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Mark Rossi	<u>Yes</u>
Commissioner Teri Johnston	<u>Yes</u>
Commissioner Clayton Lopez	<u>Absent</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>
Commissioner Tony Yaniz	<u>Yes</u>


CRAIG CATES, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

Landscape

Plan

PREPARED FOR:

KEY WEST MARINA

2407 N. ROOSEVELT BOULEVARD - KEY WEST

PREPARED BY:

CRAIG REYNOLDS  LANDSCAPE ARCHITECTURE

5170 GUY ALLEN RD
SUITE 204
KEY WEST
FLORIDA 33040
305.291.7242
CRAIGREYNOLDS.COM

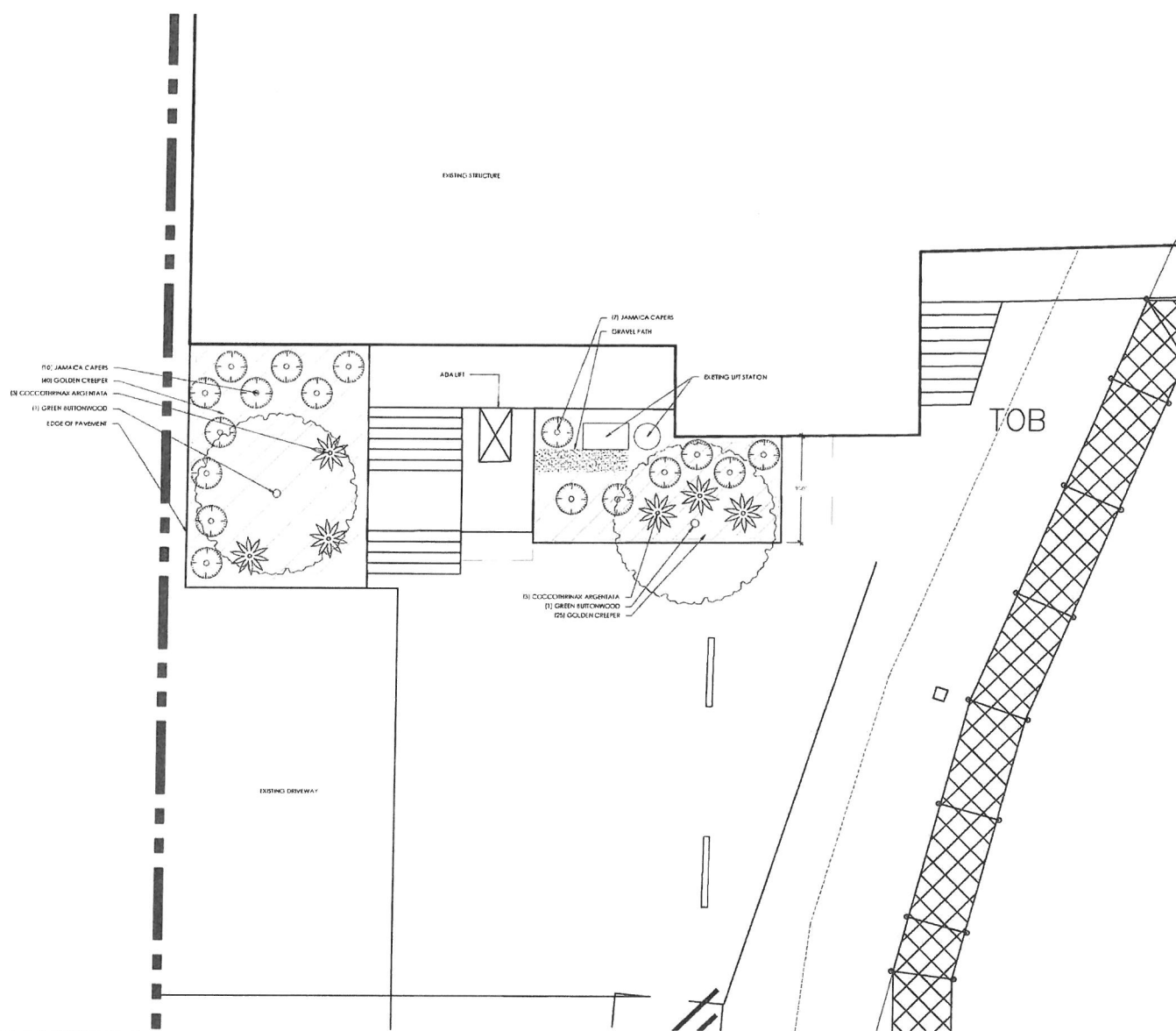
ABBREVIATIONS
A.E.O. ABOVE EXISTING GRADE
APPR. APPROXIMATELY
C.L. CENTER LINE
CONC. CONCRETE
ELEV. ELEVATION
EQ. EQUAL
F.F.E. FINISH FLOOR ELEV.
H.P. HIGH POINT
H.T. HEIGHT
L.A. LANDSCAPE ARCHITECT
L.P. LOW POINT
MAX. MAXIMUM
MIN. MINIMUM
O.C. ON CENTER
P.L. PROPERTY LINE
P.I. PRESSURE TREATED
TYP. TYPICAL
W.W.M. WELDED WIRE MESH

Craig Copeland
Reynolds
Digitally signed by Craig
Copeland Reynolds
Date: 2023.06.28
16:04:42 -0500

LANDSCAPE PLAN

LANDSCAPE CD'S	DATE
LP-1 PLANT LIST AND PLANTING SPECIFICATIONS.....	4-28-23
LP-2 PROPOSED PLANTING PLAN.....	4-28-23

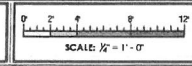
THE DRAWINGS, SPECIFICATIONS, AND OTHER DOCUMENTS PREPARED BY THE LANDSCAPE ARCHITECT ARE INSTRUMENTS OF THE LANDSCAPE ARCHITECT'S SERVICE AND ARE COPYRIGHT © 2023, CRAIG REYNOLDS, INC., DBA, CRAIG REYNOLDS LANDSCAPE ARCHITECTURE



2407 N. ROOSEVELT BOULEVARD
KEY WEST MARINA



PROPOSED PLANTING PLAN



DATE: June 20, 2023
DRAWN BY: E.B./L.S.

SHEET
LP-2

Craig Reynolds
Landscape Architecture
craigreynolds.net 305.292.7243
317 E. 1st Street, Suite 202 Key West, Florida 33401

Craig Reynolds
Landscape Architecture
craigreynolds.net
305.292.7243
317 E. 1st Street, Suite 202
Key West, Florida 33401