

**PLANNING BOARD  
RESOLUTION NO. 2022-042**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD APPROVING MAJOR DEVELOPMENT PLAN AND CONDITIONAL USE AT 1405 DUVAL STREET (RE# 00072082--001501) AND 1406 DUVAL STREET (RE# 00036370-000000) AND 508 SOUTH STREET (RE# 00036280-000000) FOR CONSTRUCTION OF A FLOATING SEAWEED BARRIER ANCHORED TO SUBMERGED LAND, ON PROPERTY LOCATED WITHIN THE HISTORIC COMMERCIAL TOURIST AND CONSERVATION-OUTSTANDING WATERS (HCT & C-OW) ZONING DISTRICTS; PURSUANT TO SECTION 108-91A.2, SECTION 122-62 , AND SECTION 122-129 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA, PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Section 108-91A.2.(d) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that within the Historic District, a Major Development Plan is required for any development located within tidal waters extending six hundred (600) feet seaward of the corporate city limits; and

**WHEREAS**, the request for Major Development Plan approval is to construct a floating seaweed barrier anchored to submerged land on property located within the Historic Commercial Tourist and Conservation-Outstanding Waters (HCT & C-OW) zoning districts; 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 in an advisory capacity to the City Commission; and

**WHEREAS**, this matter came before and was approved by the Planning Board at a duly noticed public hearing on August 18<sup>th</sup>, 2022; and

**WHEREAS**, the granting of a Major Development Plan and Conditional Use application

is consistent with the criteria of the Code of Ordinances; and

**WHEREAS**, the Planning Board finds that the granting of a Major Development Plan and Conditional Use 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.

**NOW THEREFORE**, BE IT RESOLVED BY THE PLANNING BOARD OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

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

**Section 2.** The Major Development Plan and Conditional Use to construct a floating seaweed barrier anchored to submerged land on property located at 1405 Duval Street (RE# 00072082-001501) and 1406 Duval Street (RE# 00036370-000000) and 508 South Street (RE# 00036280-000000) within the Historic Commercial Tourist and Conservation-Outstanding Waters (HCT & C-OW) zoning districts, pursuant to Section 108-91(A)(2), Section 122-62, and Section 122-29 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans dated July 11, 2022, is hereby approved with the following conditions:

**General Conditions:**

1. The proposed construction shall be in substantial compliance with the site plans signed, sealed, and dated 7/11/2022 by Glen Boe and Associates, Inc. Construction drawings for permitting shall be dated as approved herein, with any proposed revisions (modifications) clearly noted and dated. Development plan

modifications that do not rise to the status of minor or major plan modifications may be approved by the city planner as per Section 108-91(c)(1). All modifications shall be submitted for review and approval to the Planning Department prior to building permit application. Minor and major development plan modifications are addressed as per Section 108(C.)

2. The outfall pipe location is approximate. Anchors on the side of the pier with the outfall may need to be adjusted to avoid impact to the pipe. The applicant shall advise their contractor to locate the outfall pipe and make adjustment to placement of the anchors to avoid damage to the outfall pipe.
3. All conditions listed on the FDEP and ACOE permits (when issued) shall be followed. ACOE permit is required prior to submittal of a building permit.
4. There are provisions of the USACE Weed Barrier Management Plan that address floating debris and seagrass removal from the barrier. The applicant shall coordinate with appropriate state and federal agencies to identify frequency of removal to ensure no impact to adjacent properties/shorelines from excess accumulations of floating debris/seagrass.
5. The applicant shall provide notice to the City of Key West City Manager's Office and to the Code Compliance Department of any complaints received associated with nuisance accumulation of floating debris/sargassum on adjacent properties attributable to the barrier. The barrier design and placement shall be modified in coordination with the City, and may include removal of the barrier, if impacts to

surrounding properties or public areas are substantiated.

6. All materials associated with construction and placement of the barrier shall be contained in an upland storage area. No materials shall be temporarily stored on the beach area near the shoreline.
7. Best management practices for erosion control and turbidity shall be followed. Any materials that accidentally fall into the water shall be immediately retrieved.
8. Endangered Species protective measures for manatees, sea turtles, and sawfish shall be followed.
9. The barrier, once installed, shall be inspected on a daily basis to insure there are no marine entanglements and all repairs that are required will be performed in a timely manner.
10. Monitoring for sea turtle nests shall be done during the turtle nesting season. Coordination with the local sea turtle club shall be initiated for the monitoring patrols and reports to the FWCC.

**Section 3.** This resolution 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 4.** 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 5.** 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 or development order shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 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 45-day review period, the DEO can appeal the permit or development order 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.

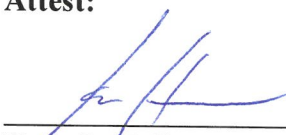
Read and passed on first reading at a regularly scheduled meeting held this 18<sup>th</sup> day of August 2022.

Authenticated by the Chair of the Planning Board and the Planning Director.

  
\_\_\_\_\_  
Sam Holland, Planning Board Chair

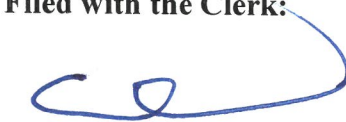
9/2/22  
\_\_\_\_\_  
Date

**Attest:**



  
\_\_\_\_\_  
Katie P. Halloran, Planning Director

Sept 1, 2022  
\_\_\_\_\_  
Date

**Filed with the Clerk:**

  
\_\_\_\_\_  
Cheryl Smith, City Clerk

9-2-2022  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Chairman  
 Planning Director

**PROJECT LOCATION**

PARCEL ID 00036370-000000 (RAMOS)  
PARCEL ID 00072082-001501 (CITY OF KEY WEST)  
PARCEL ID 00036280-000000 (SUNSET CITY LLC)  
BAY BTM SE OF PT LOT 3 SQR 6 TR 16;  
LOT 4 & 6 SQR 5 (SOUTH BEACH LESS THE EATERY  
RESTAURANT LEASE);  
KW FILER BOYLE SUB N-476  
KW FILER BOYLE SUB N-476 PT LOTS-1-2-3-5-7  
SQR-5 TR-16 ALSO FILLED BAY BTM G45-426/27  
OR18-42(II DEED 20749)  
SEC/TWP/RNG 06/68/25  
KEY WEST  
LATITUDE: 24.546760°N LONGITUDE: 81.795885°W

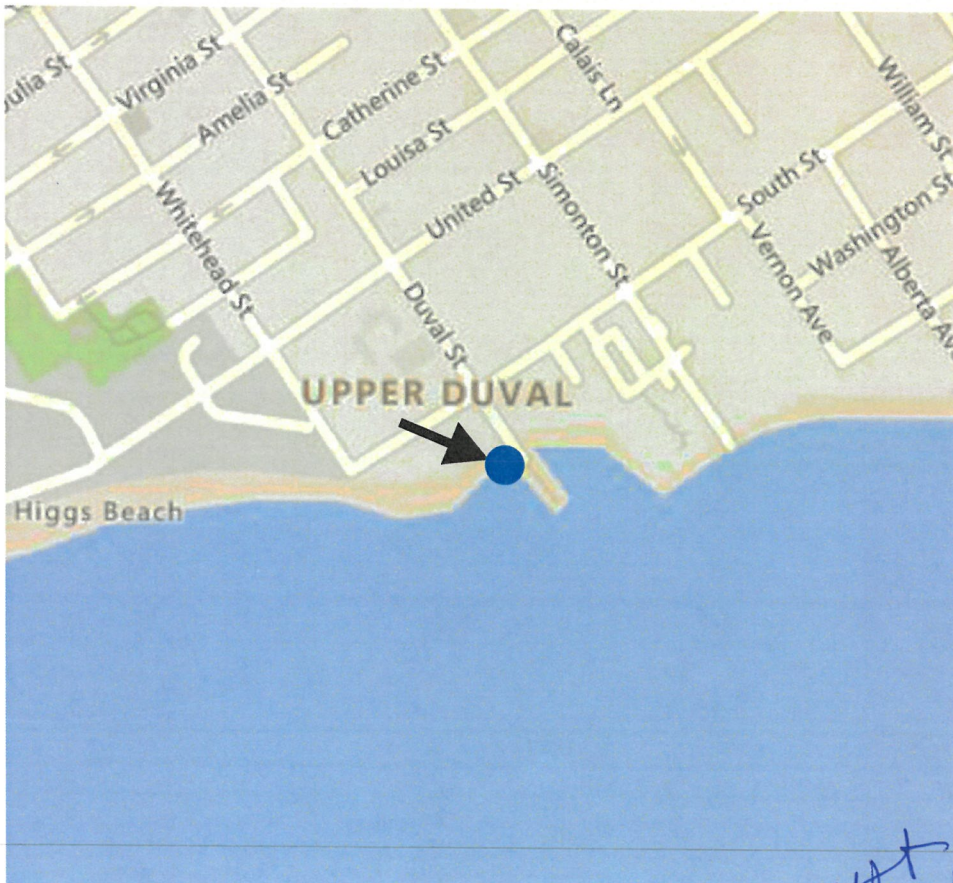
**DIRECTIONS:**

US HIGHWAY NO 1 SOUTH TO KEY WEST. LEFT ONTO  
ROOSEVELT BLVD. RIGHT ONTO BERTHA ST. LEFT ONTO  
ATLANTIC BLVD. RIGHT ONTO WHITE ST. LEFT ONTO  
SOUTH ST. LEFT ONTO DUVAL ST.  
PROPERTY ADDRESS: 1400, 1405, 1406 DUVAL ST,  
508 SOUTH STREET

**ADJOINING OWNERS**

KEY WEST REACH OWNER LLC  
PO BOX 396  
BOCA RATON FL 33429

HUGH J MORGAN  
404 SOUTH ST  
KEY WEST, FL 33040



WJ  
9/2/22  
KPH  
9/1/2022

REVISIONS:		1	09/09/20
LOCATION & VICINITY MAP		SCALE: AS SHOWN	
WEED BARRIER FOR CITY OF KEY WEST, SUNSET CITY LLC & MATILDE GENEROSA RAMOS REV TRUST 5/25/2007 KEY WEST, MONROE COUNTY, FL		GLEN BOE AND ASSOCIATES, INC. # 4061 5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050 Telephone (305) 743-9121 Fax (305) 743-9197 Email: glenboe@bellsouth.net	
DATE: 03/30/20		1	
SHEET 1 OF 3			





**SITE PLAN**  
SCALE: 1" = 100'



*used 9/2/22  
KPIH  
9/1/2022*

REVISIONS:	
1	09/09/20
2	07/11/22

CERTIFIED BY:  
SEAN KIRWAN, P.E. #57506

WEED BARRIER FOR CITY OF KEY WEST, SUNSET CITY LLC  
& MATILDE GENEROSA RAMOS REV TRUST 5/25/2007  
KEY WEST, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061  
5800 OVERSEAS HIGHWAY, SUITE 4, MARATHON, FL 33050  
Telephone (305) 743-9121 Fax (305) 743-9197  
Email: glenboe@bellsouth.net

DATE: 03/30/20



PRE-FABRICATED WEED BARRIER  
FOR HIGH FLOW/ROUGH WATER

1/2" STAINLESS STEEL SHACKLE

A JIM BUOY MODEL 1100 (OR PREAPPROVED EQUIVALENT) SURFACE FLOAT BUOY (9 1/4" LONG X 7" DIAMETER) SHALL BE INSTALLED ON THE DOWN-LINE FOR THE PURPOSE OF KEEPING THE DOWN-LINE FROM TANGLING AROUND THE ANCHOR HEAD OR DRAGGING ON THE SEAFLOOR. THE SUB-SURFACE BUOY WILL BE SECURED ON THE DOWN-LINE WITH A 3/8" STAINLESS STEEL BOLT, TWO (2) FLAT WASHERS (ONE EACH SIDE), AND NYLOCK NUT ABOVE THE SUB-SURFACE BUOY.

PVC COATED BELTING W/  
POLYURETHANE FOAM FILLED  
FLOATATION SHELLS  
(12"± FREEBOARD)

+1.3' MHW

0.0' MLW

SEMI-RIGID PVC-COATED POLYESTERNE  
CURTAIN (NO NETTING)(12"± SUBMERGED)  
W/ CHAIN WEIGHT AT BOTTOM

VARIES -1.3' TO -3'

### TYPICAL SECTION

SCALE: 3/16" = 1'-0"

DISTANCE BETWEEN THE BAYBOTTOM & BOTTOM  
OF WEED BARRIER SHALL BE 6" ON THE  
SHALLOW SHORE SIDES AT MEAN LOW TIDE

PROVIDE A 5/8" GALVANIZED STEEL SHACKLE SHALL SECURE THE DOWN-LINE TO THE GALVANIZED ANCHOR HEAD. THE DOWN-LINE WILL BE LOOPED AT THE ANCHOR END, CONNECTED TO ITSELF WITH A 3/8" STAINLESS STEEL BOLT, TWO (2) FLAT WASHERS (ONE EACH SIDE), AND A NYLOCK NUT. THE LOOPED END OF THE DOWN-LINE WILL BE COVERED WITH 3 1/2" X 12" LONG CANVAS FIRE HOSE, AND HELD IN PLACE WITH AT LEAST TWO HEAVY DUTY CABLE TIES.

1/4" STAINLESS STEEL CHAIN ENCASED IN 1" GOODYEAR (OR PRE-APPROVED EQUIVALENT) BLUE PLOVIC HOSE. THE LENGTH OF THE COMPLETE, RIGGED DOWN-LINE SHALL BE APPROPRIATE FOR THE WATER DEPTH.

PROPOSED ANCHOR @ 20'± INTERVALS (SEE ANCHOR DESCRIPTIONS FOR INSTALLATION) TOP OF ANCHOR SHALL BE 6" MIN. ABOVE SEAFLOOR.

NOTE: IN-WATER ROPE, CABLE OR CHAIN SHALL BE INDUSTRIAL GRADE METAL CHAINS OR HEAVY CABLES THAT DO NOT READILY LOOP AND TANGLE AND SHALL BE INSTALLED SO LINE IS TAUT AND WITHOUT EXCESS LINE IN THE WATER. LINES SHALL BE ENCLOSED IN A PLASTIC OR RUBBER SLEEVE/TUBE TO ADD RIGIDITY.

#### CONSTRUCTION NOTES:

1. CONTRACTOR SHALL OBTAIN ALL APPLICABLE PERMITS PRIOR TO COMMENCING WORK. THE REQUIREMENTS OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE ARMY CORPS OF ENGINEERS & LOCAL REGULATIONS SHALL GOVERN ALL WORK.
2. WORK SHOWN ON DRAWINGS IS DESIGNED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE 2017. FOLLOW ALL APPLICABLE PROVISIONS FOR ALL PHASES OF CONSTRUCTION. THE PROPOSED STRUCTURE(S) IS DESIGNED FOR A MINIMUM LIVE LOAD OF 40 PSF/DEAD LOAD 10 PSF, 180 MPH (3 SECOND GUST), EXPOSURE D, ASCE 7-10.
3. CONTRACTOR SHALL ADHERE TO THE STANDARD MANATEE CONSTRUCTION CONDITIONS (LATEST EDITION). IF NEEDED, THE CONTRACTOR CAN CONTACT THE ARMY CORPS OF ENGINEERS OR THIS OFFICE TO OBTAIN A COPY OF THE STANDARD MANATEE CONSTRUCTION CONDITIONS.
4. BEST MANAGEMENT PRACTICES, INCLUDING THE USE OF TURBIDITY SCREENS, ARE REQUIRED TO ISOLATE THE CONSTRUCTION AREA FROM THE ADJACENT WATERS. CONTRACTOR SHALL INSTALL TURBIDITY SCREENS AROUND THE IMMEDIATE PROJECT AREA PRIOR TO CONSTRUCTION. THE TURBIDITY SCREENS REMAIN IN PLACE UNTIL WATER QUALITY CONDITIONS RETURN TO PRECONSTRUCTION CONDITIONS. WATER QUALITY MONITORING SHALL ADHERE TO STATE REGULATIONS.
5. CONTRACTOR SHALL FIELD VERIFY DIMENSIONS & WATER DEPTHS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ON THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE COMMENCING WORK.
6. THE STRUCTURAL INTEGRITY OF THE COMPLETED STRUCTURE DEPENDS ON INTERACTION OF VARIOUS CONNECTED COMPONENTS. PROVIDE ADEQUATE BRACING, SHORING, AND OTHER TEMPORARY SUPPORTS AS REQUIRED TO SAFELY COMPLETE THE WORK.
7. EXERCISE EXTREME CARE AND CAUTION WHEN EXCAVATING AND FILLING ADJACENT TO EXISTING STRUCTURES. UNDER NO CIRCUMSTANCES SHALL THE STRUCTURAL INTEGRITY OF THE EXISTING STRUCTURES BE IMPAIRED IN ANY WAY BY CONSTRUCTION OPERATIONS AND PROCEDURES. DO NOT EXCAVATE OR DISTURB SOIL ADJACENT TO OR BENEATH EXISTING FOOTINGS.

#### ANCHOR DETAIL BASED ON SUBSTRATE:

FOR SUBSTRATE OF UP TO 5' OF SAND/MUD OVERBURDEN ABOVE A HARD ROCK SUBSTRATE THE ANCHOR SHALL BE A ROCK PENETRATING HELICAL EMBEDMENT ANCHOR. THE ANCHOR SHALL BE A MINIMUM OF 6' LONG, WITH A MINIMUM HELICAL DISK SIZE OF 6", WITH A MINIMUM SHAFT DIAMETER OF 1 1/4". THE ANCHOR SHALL BE GALVANIZED STEEL. THE ANCHOR SHALL BE SECURELY EMBEDDED A MINIMUM OF 5 1/2' INTO THE SEAFLOOR WITH THE HEAD EXPOSED APPROXIMATELY 6" TO ALLOW FOR ATTACHMENT OF THE DOWNLINE. THE ANCHOR SHALL BE INSTALLED IN A MANNER WHICH PROVIDES FOR REMOVAL, VIA HEAVY EQUIPMENT, IF AND WHEN NECESSARY.

FOR SUBSTRATE GREATER THAN 5' OF SAND/MUD THE ANCHOR SHALL BE A SOFT BOTTOM HELICAL EMBEDMENT ANCHOR. THE ANCHOR SHALL BE A MINIMUM OF 6' LONG, WITH A MINIMUM HELICAL DISK SIZE OF 8", WITH A MINIMUM SHAFT DIAMETER OF 1 1/4". THE ANCHOR SHALL BE GALVANIZED STEEL. THE ANCHOR SHALL BE SECURELY EMBEDDED A MINIMUM OF 5 1/2' INTO THE SEAFLOOR WITH THE HEAD EXPOSED APPROXIMATELY 6" TO ALLOW FOR ATTACHMENT OF THE DOWNLINE. THE ANCHOR SHALL BE INSTALLED IN A MANNER WHICH PROVIDES FOR REMOVAL, VIA HEAVY EQUIPMENT, IF AND WHEN NECESSARY.

FOR EXPOSED ROCK SUBSTRATE THE ANCHOR SHALL BE THE HALAS PIN SYSTEM (OR PRE-APPROVED EQUIVALENT) WITH A MINIMUM EMBEDMENT DEPTH OF 18", MINIMUM PIN SIZE OF 5/8" DIAMETER BY 18" LENGTH, 316 STAINLESS STEEL; INSTALLED IN A 2" DIAMETER BY 18" DEEP DRILLED HOLE, AND GROUTED WITH CONCRETE. CAST IN PLACE CONCRETE SHALL BE TYPE II CONCRETE WITH A COMPRESSIVE STRENGTH OF 5,000 PSI AT 28 DAYS. MAXIMUM WATER-CEMENTIOUS MATERIALS RATIO BY WEIGHT RATIO SHALL BE 0.40. SLUMP SHALL NOT EXCEED 5" (1"±).

REVISIONS:	
1	09/09/20
2	07/11/22

CERTIFIED BY:  
SEAN KIRWAN, P.E. #57506

WEED BARRIER FOR CITY OF KEY WEST, SUNSET CITY LLC  
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