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	Yes
Vice Mayor Mark Rossi	Yes
Commissioner Teri Johnston	Yes
Commissioner Clayton Lopez	Absent
Commissioner Billy Wardlow	Yes
Commissioner Jimmy Weekley	Yes
Commissioner Tony Yaniz	Yes

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK