

## EXECUTIVE SUMMARY



**To:** Jim Scholl, City Manager

**Through:** Amy Kimball-Murley, AICP, Planning Director

**From:** Ashley Monnier, Planner II

**Meeting Date:** September 21, 2010

**RE:** Major Development Plan and Conditional Use – 5555 College Road (RE# 00072080-001400) – A request for Major Development Plan and Conditional Use consideration within the commercial general (CG) zoning designation for the installation of stacked boat racks at Sunset Marina per Section 108-31 and Section 122-61 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

### **ACTION STATEMENT:**

Request: Major development plan and conditional use request for additional dry storage boat racks to be stored on-site.

Location: 5555 College Road (Sunset Marina)  
RE # 00072080-001400

Zoning: Commercial General (CG) Zoning District

### **BACKGROUND:**

Sunset Marina is the subject of an amended settlement agreement between the City of Key West, the Florida Department of Community Affairs (DCA) and Sunset Ventures, as approved by City Commission Resolution Number 1998-209. Because the settlement agreement limits total development on the site, modifications to the development program can only be accomplished through modifications to the agreement. Separate from this request, a modified settlement agreement will be presented to the City Commission for consideration.

The major development plan and conditional use proposal is being requested for the addition of dry storage boat racks at the existing marina. The applicant is proposing to build 184 open, uncovered dry storage boat racks. By doing so, approximately 66,240 square feet of outdoor commercial storage space will be added on the site, thus prompting major development plan consideration, pursuant to Section 108-91 (B.)(2)(c) of the Land Development Regulations. Marinas are allowed conditionally in the CG zoning district, and the proposed addition of the storage racks requires the application be reviewed based on the conditional use criteria established in Section 122-62 (b) and (c) of the Land Development Regulations [Section 122-63 (e) of the Code].

**Previous City Actions:**

Planning Board approval:	April 15, 2010
Development Review Committee Meeting:	February 25, 2010
	September 14, 2009
	May 28, 2009
Tree Commission Meeting:	February 8, 2010

**Planning Staff Analysis:**

Based on the Planning Department’s review of the proposed project, the site plan and application is consistent overall with the development plan and conditional use criteria established in the Land Development Regulations, with one exception. At the time of Planning Board consideration, a discrepancy was identified pertaining to slip number permitting. Specifically, the Department realized that slip numbers exceeded the maximum amount allowed under the amended settlement agreement by 38 slips. To rectify the problem, the applicant has applied for a permit modification with the Florida Department of Environmental Protection. As of the date of this report, the request for permit modification is still pending. The table below provides a breakdown of the number of slips allowed under the existing amended settlement agreement, the number of City-licensed slips, the number of slips currently operating, and the proposed number of slips associated with the major development plan and conditional use request.

<b>Maximum Allowed Under Amended Settlement Agreement</b>	<b>City-Licensed Number of Slips</b>	<b>Number of Slips Operating at Marina</b>	<b>Proposed Number of Slips for City Commission Consideration</b>
182 slips	232 slips	220 slips	349
Wet: Any combination	Wet: 118 slips	Wet: 165 slips	Wet: 165 slips
Dry: Any combination	Dry: 114 slips	Dry: 55 slips	Dry: 184 dry slips

As demonstrated by the table, the marina is operating at a higher number of slips than is allowed under the amended settlement agreement. However, the City did grant the licenses for the additional slips to be utilized. Despite this inconsistency, the marina is operating more wet slips than is allowed by current licensing records. Overall, the applicant is requesting to expand the marina by allowing 167 more slips than is allowed under the existing settlement agreement.

The site location and character of the proposed use appear consistent with the intent of the Future Land Use Map and overall intent with the CG zoning designation. The Planning Board approved the project conditionally, provided that the amended settlement agreement for the property be modified to incorporate the proposed changes to the development program, as well as past changes not fully incorporated into the program, and be approved by the City Commission and Department of Community Affairs (DCA). All of the building rights under the approved settlement agreement have been executed. If the proposed second amended settlement agreement is approved, the only remaining

unbuilt entitlements on the site would be the dry storage racks. The proposed dry storage racks are part of a phased development, per Section 108-203 of the Land Development Regulations. The major development plan and conditional use approval timeframe toll with the proposed second amended settlement agreement. The applicant is proposing a five year timeframe for development completion.

Adjacent land uses include the residences at Sunset Marina, the Monroe County Sheriff's Department and Stock Island Detention Center, the Key West Golf Club, and the Key West Homeless Shelter. At the Planning Board meeting, no public comment was provided on the project.

**Options/Advantages/Disadvantages:**

**Option 1:** Approve the major development plan and conditional use application, with the following conditions:

1. The amended settlement agreement for the property must be modified to incorporate the proposed changes to the development program, as well as past changes not fully incorporated into the program, and be approved by the City Commission and Department of Community Affairs.
2. Prior to any building permit issuance, required environmental permitting must be in place demonstrating consistency with the site plans, including stormwater and slip construction, approved as part of Planning Board Resolution 2010-016.

**1. Consistency with the City's Strategic Plan, Vision, and Mission:**

The City's Strategic Plan, Vision, and Mission do not address issues pertinent to this request.

**2. Financial Impact:**

The Planning Department does not anticipate any direct financial impacts to be incurred by the City as a result of this request.

**Option 2:** Deny the major development plan and conditional use application to bring the project into compliance with the amended settlement agreement.

**1. Consistency with the City's Strategic Plan, Vision, and Mission:**

The City's Strategic Plan, Vision, and Mission do not address issues pertinent to this request.

**2. Financial Impact:**

The Planning Department does not anticipate any direct financial impacts to be incurred by the City as a result of this request.

## **Recommendation**

The Planning Department recommends **approval of Option 1**, with the following conditions:

1. The amended settlement agreement for the property must be modified to incorporate the proposed changes to the development program, as well as past changes not fully incorporated into the program, and be approved by the City Commission and Department of Community Affairs.
2. Prior to any building permit issuance, required environmental permitting must be in place demonstrating consistency with the site plans, including stormwater and slip construction, approved as part of Planning Board Resolution 2010-016.

### Attachments:

- Attachment 1: Proposed Second Amended Settlement Agreement
- Attachment 2: Amended Settlement Agreement
- Attachment 3: Planning Board Resolution 2010-016
- Attachment 4: Site Plans
- Attachment 5: Planning Board Staff Report
- Attachment 6: Licensing Information
- Attachment 7: Application
- Attachment 8: Verification
- Attachment 9: Authorization
- Attachment 10: Power of Attorney
- Attachment 11: Warranty Deed
- Attachment 12: Easement Agreement
- Attachment 13: Property Record Card
- Attachment 14: DRC Minutes
- Attachment 15: Public Notices, Mailings, and Radius Map