



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Development Review Committee  
Emily Schemper, AICP, CFM, Acting Senior Director of Planning & Environmental Resources

From: Liz Lustberg, Planner  
Mike Roberts, Senior Administrator of Environmental Resources

Date: September 17, 2018

Subject: *Request for a Minor Conditional Use Permit in order to develop a proposed twelve (12) attached residential dwelling units designated as employee housing on a property containing an existing light industrial boat repair business. The subject property is described as 30641 Overseas Highway, PT W 1/2 of NE 1/4 in Section 26, Township 66, Range 29, Big Pine Key, Monroe County, Florida, having real estate number 00111078-000300 (File # 2018-126)*

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**Meeting: September 25, 2018**

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1  
2 I REQUEST

3 The applicant is requesting approval of a minor conditional use permit in order to develop  
4 twelve (12) attached residential dwelling units designated as employee housing. The  
5 development consists of one apartment building with four 1-bedroom apartments, four 2-  
6 bedroom apartments, and four 3-bedroom apartments. The residential units would be  
7 developed in addition to the current non-residential 1,750 square feet of established floor area  
8 currently on the property in an existing building. The proposed development would include 40  
9 off-street parking spaces, landscaping, bufferyards, and stormwater improvements.

10  
11 The current use of the property is Light Industrial, with outdoor boat storage and boat repair.  
12 Per the site plans and a letter from Richard Beal dated 8/12/2018, the outdoor boat storage will  
13 cease. The service shop will continue in a limited fashion. There will be a retail store and  
14 service counter for customers. Therefore, the use will be changing from light industrial to  
15 commercial retail.

16  
17 This conditional use application is for the combined use of 1,750 square feet of medium  
18 intensity commercial retail and 12 attached dwelling units designated as affordable employee  
19 housing.  
20



Subject Property with Land Use District Overlaid (Aerial dated 2018)

1  
2  
3  
4 **II BACKGROUND INFORMATION:**

5  
6 **Address:** 30641 Overseas Highway, Big Pine Key, mile marker 30.5 gulf side (Gulf side of  
7 the Overseas Highway)

8 **Legal Description:** 22 66 29 Big Pine Key PT W ½ of NE ¼ Big Pine Key, Monroe County,  
9 Florida

10 **Real Estate Number:** 00111078-000300

11 **Property Owner/Applicant:** Richard C Beal

12 **Agent:** Richard C Beal/ Caya Pines Investments LLC

13 **Size of Site:** 56,352 square feet per property appraiser and per boundary survey

14 **Land Use District:** Suburban Commercial (SC)

15 **Future Land Use Map (FLUM) Designation:** Mixed Use/Commercial (MC)

16 **Tier Designation:** III Infill Area

17 **Existing Use:** Light Industrial – marine repair and outdoor boat storage

18 **Existing Vegetation / Habitat:** Developed Land

19 **Community Character of Immediate Vicinity:** residential, commercial retail, and vacant  
20 land.

1 III RELEVANT PRIOR COUNTY ACTIONS:

2  
3 Letter of Development Rights Determination, dated 1/26/2007, determined that 1,750 square  
4 feet of nonresidential floor area was lawfully established on the property.

5  
6 Letter of Understanding, dated 3/16/2007, file 20070316, addressed the development of a  
7 commercial building and employee housing units at 30641 Overseas Highway 1, real estate  
8 numbers 00111078-000000 and 00111078-000300.

9  
10 Resolution No. 310-2007, dated 9/19/2007, file 27032, stated that no agreement was entered  
11 into and the application fees were refunded.

12  
13 Development Agreement file 27083 was closed with no approved agreement or resolution.

14  
15 Letter titled Proposed Redevelopment for RE # 00111078-000300 Big Pine Key, Florida, dated  
16 8/24/2009, written by Kathy Grasser, evaluated a proposed project and explained Monroe  
17 County's process in allocating 'H' for non-residential projects.

18  
19 IV REVIEW OF APPLICATION:

20  
21 Section 110-67 of the Monroe County Land Development Code (LDC) provides the standards  
22 which are applicable to all conditional uses. When considering applications for a conditional  
23 use permit, the Development Review Committee and Director of Planning & Environmental  
24 Resources shall consider the extent to which:

25  
26 (1) *The conditional use is consistent with the purposes, goals, objectives and policies of the*  
27 *Comprehensive Plan and this Land Development Code:*

28  
29 The proposed use is consistent with the purposes, goals, objectives and policies of the  
30 Comprehensive Plan and this Land Development Code.

31  
32 Policies from the *Monroe County Comprehensive Plan* that directly pertain to the proposed  
33 use include but are not limited to:

34  
35 Policy 101.5.6: The principal purpose of the Mixed Use/Commercial (MC) future land  
36 use category is to provide for the establishment of mixed use commercial land use  
37 (zoning) districts where various types of commercial retail and office may be permitted  
38 at intensities which are consistent with the community character and the natural  
39 environment. Employee housing and commercial apartments are also permitted. In  
40 addition, Mixed Use/Commercial land use districts are to establish and conserve areas  
41 of mixed uses, which may include maritime industry, light industrial uses, commercial  
42 fishing, transient and permanent residential, institutional, public, and commercial retail  
43 uses.

44  
45 This future land use category is also intended to allow for the establishment of mixed  
46 use development patterns, where appropriate. Various types of residential and

nonresidential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. The County shall continue to take a proactive role in encouraging the preservation and enhancement of community character and recreational and commercial working waterfronts.

Policy 101.5.25: Monroe County hereby adopts the following density and intensity standards for the future land use categories.

Future Land Use Densities and Intensities				Minimum Open Space Ratio <sup>(c)</sup>
Future Land Use Category And Corresponding Zoning	Residential <sup>(1)</sup>		Nonresidential	
	Allocated Density <sup>(a)</sup> (per upland acre)	Maximum Net Density <sup>(a) (b)</sup> (per buildable acre)	Maximum Intensity (floor area ratio)	
Mixed Use/Commercial (MC) <sup>(b)(g)</sup> (SC, UC, DR, RV, MU and MI zoning)	1 du (DR, MU, MI) 3 du (SC) 6 du (UC) Commercial Apartments (RV) <sup>(h)</sup>  5-15 rooms/spaces	2 du (MI) 6-18du (SC) <sup>(k)</sup> 12 du (UC) 12-18 du (MU) <sup>(k)</sup> 18 du (DR)  10-25 rooms/spaces	0.10-0.45 (SC, UC, DR, MU)  <2,500 SF (RV)  0.30-0.60 (MI)	0.20

Policy 101.3.1

Monroe County shall maintain a Permit Allocation System for new residential development known as the Residential Rate of Growth Ordinance (ROGO) System. The Permit Allocation System shall limit the number of permits issued for new residential dwelling units. The ROGO allocation system shall apply within the unincorporated area of the county, excluding areas within the county mainland and within the Ocean Reef planned development (Future development in the Ocean Reef planned development is based upon the December 2010 Ocean Reef Club Vested Development Rights Letter recognized and issued by the Department of Community Affairs). New residential dwelling units included in the ROGO allocation system include the following: affordable housing units; market rate dwelling units; mobile homes; and institutional residential units (except hospital rooms).

...

Policy 601.1.4: All affordable housing projects which receive development benefits from Monroe County, including but not limited to ROGO allocation award(s) reserved for affordable housing, maximum net density, or donations of land, shall be required to maintain the project as affordable for a period of 99 years pursuant to deed restrictions or other mechanisms specified in the Land Development Code, and administered by Monroe County or the Monroe County Housing Authority.

Policy 601.1.9: Monroe County shall maintain land development regulations which may include density bonuses, impact fee waiver programs, and other possible regulations to encourage affordable housing.

The Livable CommuniKeys Plan for Big Pine and No Name Key (LCP) was adopted into the Comprehensive Plan in 2004 through Ordinance No. 029-2004. The US 1 Corridor

1 Enhancement Plan was adopted thru its reference within the LCP. The relevant action  
2 items are listed below.

3  
4 Strategy 3.3

5 Retain and expand availability of affordable housing within the planning area to the  
6 greatest extent possible.

7  
8 Action Item 3.3.4

9 Consider provision of incentives for businesses to build affordable housing, including  
10 employee housing, in conjunction with their businesses on U.S.1.

11  
12 Goal 4

13 Provide opportunities for redevelopment and expansion of existing businesses and  
14 limited new nonresidential uses within the U.S. 1 Corridor on scarified lands.

15  
16 Action Item 4.1.6

17 Prohibit the following new uses or change in use:

- 18 a. Commercial retail high intensity uses that generate more than one hundred  
19 and fifty (150) trips per one thousand square feet of floor area.

20  
21 Action Item 4.1.7

22 Limit new commercial uses to medium and low intensity uses with corresponding  
23 limitations on trip generation.

- 24  
25 Per LDC Sec. 101-2, *Commercial retail use* means a use providing primarily for  
26 the sale of consumer goods, products, merchandise or services at retail.  
27 Commercial retail uses are subdivided into the following intensity classifications:  
28 (1) *Commercial retail low-intensity* means commercial retail uses that generate  
29 less than 50 average daily trips per 1,000 square feet of floor area.  
30 (2) *Commercial retail medium-intensity* means retail uses that generate between  
31 50 and 100 average daily trips per 1,000 square feet of floor area.  
32 (3) *Commercial retail high-intensity* means retail uses that generate above 100  
33 average daily trips per 1,000 square feet of floor area.

34  
35 The traffic report for this application only addressed the proposed new residences  
36 and did not include the existing business or proposed changes to it. Based on  
37 estimated trip generation using the ITE Manual's land use code 843, auto parts  
38 store, the business portion of the site would generate 49-80 trips per day. Eighty  
39 (80) trips per day for a 1,750 square foot store equates to 46 trips per 1,000 square  
40 feet, which is a low-intensity commercial retail use. The applicant may request  
41 approval for a medium-intensity commercial retail use in order maintain flexibility  
42 in the future for changes to the business. **Prior to approval of a development  
43 order for the requested minor conditional use permit, the applicant must  
44 provide an updated traffic study that includes both the proposed residential  
45 use and the proposed changes to the existing commercial use on the property.**  
46

1 The Big Pine Key / US1 Corridor Area Enhancement Plan is incorporated into the LCP  
2 by reference in the Action Items. The subject property is within the US1 Corridor Area.  
3

4 Action Item 4.1.2

5 Designate the U.S. 1 Corridor Area as the area defined in the Big Pine/ US1 Corridor  
6 enhancement plan, incorporated herein by reference.  
7

8 Action Item 12.1.1

9 Designate the U.S. 1 Corridor Area as the area defined in the Big Pine/U.S. 1 Corridor  
10 enhancement plan, incorporated herein by reference. It is a focus of community activity  
11 due to the dominant land use pattern of commercial and other non-residential uses. A  
12 program of planning focus on this area shall be continued and accelerated.  
13

14 Action Item 12.2.2

15 Develop design guidelines to be adopted as part of the Land Development Regulations  
16 which shall be applied to all new development or substantial redevelopment within the  
17 U.S. 1 Corridor Area and Community Center Overlay based on recommendations of  
18 the Corridor Enhancement Plan.  
19

20 This property is within the US1 corridor, though not in the Community Center  
21 Overlay. The proposed employee housing would be a substantial redevelopment  
22 of this property.  
23

24 Relevant Sections of the Corridor Enhancement Plan Design Guidelines:  
25

26 This property is within the General Zone.  
27

28 The Intent of the General Zone:

29 ‘The GENERAL Zone represents the category marked by the median intensity  
30 development on the US 1 corridor in Big Pine Key. Other traits of the GENERAL  
31 Zone include residential oriented building types such as sideyard houses and single  
32 standing buildings. Commercial functions including office appear with more  
33 frequency in the GENERAL Zone. The Urban Guidelines under the GENERAL Zone  
34 promote street life with buildings set close to sidewalks, parking provided in the rear  
35 lots and spaces between buildings regulated by frontage requirements.’  
36

37 Proposed Zone Features:

38 ‘The GENERAL Zone is discernible by moderately intensive development – with  
39 residential opportunities accommodated by sideyard and single standing buildings.  
40 Commercial and retail space is evidenced by restaurants, storefronts and offices of a  
41 more regional focus. Building encroachments are limited to balconies, arcades and  
42 other architectural elements associated with activity in the public realm. Parking is  
43 relegated to the rear of lots, but in some cases may occur alongside buildings. Parking  
44 in the front yards of lots is not encouraged.’  
45



1 Building Types:

2 ‘As development or redevelopment trends in the GENERAL Zone continue, the  
3 building types will include smaller but denser buildings with commercial uses on the  
4 lowest floors. The use of single detached buildings or sideyard buildings is  
5 appropriate as they correspond to the vernacular building types found along the  
6 Florida Keys. The Urban Guidelines by the use of building disposition and  
7 requirements describe a model for new developments to follow while excluding the  
8 inappropriate use and placement of suburban models that have proven to disturb the  
9 atmosphere particular to Big Pine Key.

10  
11 Shapes of Roofs in the CENTER and GENERAL Zones.

12 Roofs shall be flat, hipped symmetrical, or take the form of a simple triangular gable  
13 or shed.

14 *In compliance.*

15  
16 The Design of Building Walls in the CENTER and GENERAL Zones.

17 Walls may be finished in stucco, wood, vinyl or hardiplank.

18 *In compliance.*

19  
20 Compliance with additional detailed requirements for roofs, wall openings, wall  
21 designs, and signage will be determined at the building permit stage

22  
23 LCP-HCP Analysis:

24  
25 *Action Item 1.2.1:* Use the parcel specific H unit spreadsheet included with the HCP to  
26 assign H to individual parcels within the planning area.

27 **Parcel Real Estate (RE) # - 00111078-000300**

28 **H = 0.0109 (fenced, so 0.0109 \*0.8 = .00872)**

29  
30 *Action Item 1.2.3:* Devise a trip generation equivalency system to account for the  
31 difference in harvest impact between non-residential and residential uses in accordance  
32 with HCP requirements.

33  
34 The existing land use is light industrial. Proposed land uses are residential and retention  
35 of a portion of the light industrial use.

36  
37 **Table 2.1 H multiplier for land use development (both new and expansion) categories.**

Land Use	Average Daily Trip Generation	H Multiplier
Residential (any type)	9.5	1
Industrial (includes public utilities)	5.0	.5 (per 1,000 sq.ft.)

38  
39 *Action Item 1.2.4:* Use the formulas in Table 2.2 of this Plan, (Table 2.6 of the HCP) to  
40 determine the H impact of development permitted after March 15, 1995.

**Table 2.2 Calculation of H impact for different development activities.**

Type of Parcel	Type of Development	H Calculation	Description
Developed	Redevelopment (different use)	$H_{\text{impact}} = H_{\text{parcel}} * \{ [M * \text{sq.ft.dev/sq.ft.parcel}]_{\text{new}} - [M * (\text{sq.ft.dev/sq.ft.parcel})_{\text{old}}] \}$	The impact is the difference between the effect of the new footprint/land use and the old footprint/land use.

Using the equations above with the data below, the H<sub>IMPACT</sub> is -0.686:

$$\begin{aligned}
 H_{\text{parcel}} &= 0.0087 \\
 \text{Sq.ft.dev/sq.ft}_{\text{parcel (old)}} &= 0.799 \quad (37350/46692) \\
 \text{Sq.ft.dev/sq.ft}_{\text{parcel (new)}} &= 0.588 \quad (27485/46692) \\
 M \text{ (housing)} &= 12 \\
 M \text{ (light industrial)} &= .5 \times 37350/1,000 = 18.675 \\
 H_{\text{IMPACT}} &= .0087 \times \{ [12 * .588] - [18.675 * .799] \} \\
 &= .0087 \times [7.056] - [14.92] \\
 H_{\text{IMPACT}} &= .0087 \times - 7.864 = \mathbf{-0.686}
 \end{aligned}$$

\*The square footage of development in the "old" condition includes the outdoor storage associated with the current use. The application states that no outdoor storage is included in the proposed development.

The LCP and the HCP do not adequately anticipate the redevelopment of existing commercial properties to a multi-family residential use. Given that the trip generation values in Table 2.1 are based on land use rather than specific traffic data the existing condition as it relates to ADT may be overstated. An alternative method of calculating the H impact for the development of 12 new residences would be to divide the H value of the entire parcel by the area of the parcel (.0087/56352) and multiply the result by the area proposed for residential development (46,692 square feet). The H impact for the residential development would then be calculated as:

$$\begin{aligned}
 \text{H value/square foot (parcel)} &= .0087/56352 = .000000154 \\
 \text{H value for Caya II} &= .000000154 \times 46,692 \text{ square feet} = .0072 \\
 H_{\text{IMPACT}} \text{ for Caya II} &= .0072 \times 12 = \mathbf{0.0864}
 \end{aligned}$$

As of December 2017 (the last Annual Monitoring Report) the total H<sub>IMPACT</sub> for development on Big Pine Key and No Name Key since 2003 is 0.5534. Including the H<sub>IMPACT</sub> for Caya Place II would put the total H<sub>IMPACT</sub> at 0.64, well under the allowed impact of 1.1.

The mitigation required for all H<sub>IMPACT</sub> (including Caya Place II) would be 1.92. The Monroe County Land Authority has acquired H<sub>MITIGATION</sub> of 3.248, well in excess of the mitigation required for all permitted impacts plus the impacts associated with Caya Place II.

(2) *The conditional use is consistent with the community character of the immediate vicinity of the parcel proposed for development:*



1 The community character of the immediate vicinity is a mix of uses including: affordable  
2 residential next door, vacant land on two sides, and commercial retail across the street. The  
3 proposed use is consistent with the community character.  
4

- 5 (3) *The design of the proposed development minimizes adverse effects, including visual*  
6 *impacts, of the proposed use on adjacent properties:*  
7

8 The proposed new residential development is behind the existing nonresidential building.  
9 It is next door to a similarly designed affordable residential development. The other  
10 adjacent properties are vacant. The existing light industrial use with marine repair inside  
11 the existing building, surrounded by outdoor boat storage will be removed. The existing  
12 building will continue but the outdoor boat storage will cease. The site plan includes the  
13 required Major Street buffer along U.S. 1 to further reduce visual impacts within the U.S.  
14 1 commercial corridor.  
15

- 16 (4) *The proposed use will have an adverse impact on the value of surrounding properties:*  
17

18 It is not anticipated that the proposed development will have an adverse impact on the value  
19 of the surrounding properties.  
20

- 21 (5) *The adequacy of public facilities and services:*  
22

- 23 a. *Roadways:*

24 ***Compliance to be determined***  
25

26 Localized Impacts & Access Management: The site currently has two vehicular access  
27 drives onto U.S. 1. The applicant is proposing to use the existing western access (in  
28 front of the Skeeter’s Marine building) as access to the commercial retail business. The  
29 applicant is proposing to close to traffic and plant a buffer yard across the other  
30 (eastern) existing access drive. The applicant is proposing that access to the proposed  
31 residential use on the property be provided via the existing driveway of the residentially  
32 developed parcel next door to the east (Parcel ID 00111078-000000), which is owned  
33 by KEYS AFFORDABLE DEVELOPMENT II LLC. Keys Affordable Development  
34 II LLC is not a co-applicant for this minor conditional use permit. **The applicant must**  
35 **provide documentation of an agreement to utilize the access drive on parcel**  
36 **having ID# 00111078-000000 prior to approval of a development order for the**  
37 **requested minor conditional use permit. An executed access easement must be**  
38 **provided prior to issuance of a building permit for the proposed dwelling units.**  
39

40 Changing access drives along US 1 requires coordination with FDOT. The applicant  
41 provided a letter of coordination from FDOT dated August 14, 2018, which indicates  
42 that FDOT permits will likely be required for the proposed development. **Prior to**  
43 **issuance of a development order approving the requested minor conditional use**  
44 **permit, the applicant must also coordinate with the Monroe County Engineering**  
45 **Department and FDOT to replant the buffers around the bike path in front of the**  
46 **access that is proposed to be closed.** The Department maintains the right to request

1 revisions as it carries out its review of any application for an access permit. It is the  
2 responsibility of the applicant to obtain all required permits before starting work. In  
3 addition, access drives must be designed in accordance with the Land Development  
4 Code, which is addressed later in this report. **The applicant shall provide a Notice of  
5 Intent from FDOT, or a letter from FDOT stating that no further permits are  
6 necessary, prior to issuance of a building permit. The application shall provide  
7 issued FDOT permits (or a letter from FDOT stating that no further permits are  
8 necessary) prior to a certificate of occupancy for any of the proposed dwelling  
9 units or associated building permits.**

10  
11 Level of Service (LOS): According to the 2017 U.S. 1 Arterial Travel Time and Delay  
12 Study, Segment 10 of U.S. 1 (mile marker 29.5 to 33) had a level of service of “C” and  
13 has a maximum reserve capacity of 1,295 trips. A level 1 traffic study was provided by  
14 Traffic Impact Group LLC, dated 8/15/18. The traffic study submitted by the applicant  
15 was based on a proposed development of 16 dwelling units and showed an increase of  
16 117 primary vehicle trips per day to and from the site. The development proposed in  
17 this application is for 12 dwelling units (four less than the traffic study previously  
18 provided). The traffic study concludes that ‘all US 1 roadway segments in the study  
19 area have capacity to accommodate trips from the proposed development.’ However,  
20 the traffic study does not include the existing commercial use and/or the proposed  
21 changes to that use. **Prior to the issuance of a development order approving the  
22 requested minor conditional use permit, the applicant shall submit a revised level  
23 one traffic study that addresses both the proposed residential development and  
24 the proposed change in use for the Skeeter’s Marine commercial business.**

- 25  
26 b. *Drainage/Stormwater:* The applicant has submitted drainage plans with the  
27 Conditional Use application that meet the water quantity and water quality standards  
28 of Chapter 114-3. However, no stormwater management plan was included in the  
29 application meeting the requirements of LDC Section 114-3(g). This is discussed in  
30 more detail on page 18 of this report.
- 31  
32 c. *Sanitary Sewer:* The property has access to central wastewater. A preliminary letter of  
33 coordination with Florida Keys Aqueduct Authority dated 6/8/18 was submitted with  
34 the application. The letter states there is a 4 inch force main with a 2 inch stub out at  
35 the property.
- 36  
37 d. *Potable Water:* The applicant coordinated with the Florida Keys Aqueduct Authority.  
38 A preliminary letter of coordination with Florida Keys Aqueduct Authority dated  
39 6/8/18 was submitted with the application. The letter states there is a 12 inch water  
40 main on Overseas Highway adjacent to proposed property which appears to be  
41 adequate to serve this project.
- 42  
43 e. *Solid Waste:* The site plan shows solid waste and recycling areas for the residential and  
44 nonresidential areas of the property. Both meet minimum required area standards. A  
45 letter of coordination with Monroe County Solid Waste dated 6/14/18 was submitted  
46 with the application.

1  
2 f. *Emergency Management*: The applicant has submitted a letter of coordination from  
3 the Office of the Fire Marshal, dated 6/13/18. If any improvements or access  
4 configuration required by the fire marshal results in changes to the proposed site plan,  
5 it may be subject to a deviation or amendment to the minor conditional use permit.  
6

7 (6) *The applicant for conditional use approval has the financial and technical capacity to*  
8 *complete the development as proposed and has made adequate legal provision to*  
9 *guarantee the provision and development of any improvements associated with the*  
10 *proposed development:*

11  
12 Staff has no evidence to support or disprove the applicant's financial and technical  
13 capacity. No legal provisions related to any improvements are required by the County LDC.  
14

15 (7) *The development will adversely affect a known archaeological, historical, or cultural*  
16 *resource:*

17  
18 The proposed redevelopment will not adversely affect a known archaeological, historical,  
19 or cultural resource.  
20

21 (8) *Public access to public beaches and other waterfront areas is preserved as part of the*  
22 *proposed development:*

23  
24 There is no public access to beaches or waterfront that is affected by the proposed  
25 development.  
26

27 (9) *The proposed use complies with all additional standards imposed on it by the particular*  
28 *provision of this Land Development Code authorizing such use and by all other applicable*  
29 *requirements:*

30  
31 1. Residential Rate of Growth Ordinance (ROGO) (LDC Chapter 138, Article II):  
32 ***Compliance to be determined.***  
33

34 Sections 138-20 and 138-21 of the LDC require ROGO allocation awards for all new  
35 dwelling units proposed:

36  
37 **Sec. 138-20. General Provisions.**

38 (a) *Residential ROGO allocation award required.* No building permit shall be issued  
39 for a new dwelling unless the dwelling unit has received a residential dwelling unit  
40 allocation award, or is determined to be exempt as provided below.  
41

42 ...

43  
44 (c) *Applicability.* The ROGO allocation system shall apply within the unincorporated  
45 area of the county outside of the county mainland, and such area, for purposes hereof,  
46 has been divided into subareas as follows:

1 (1) Upper Keys: the unincorporated area of the county north of Tavernier Creek  
2 and corporate limits of the Village of Islamorada (approximately mile marker 90).

3 (2) Lower Keys: the unincorporated area of the county from the corporate limits of  
4 the Village of Islamorada (approximately mile marker 72) south to the corporate limits  
5 of the City of Key West at Cow Key Bridge on U.S. Highway 1 (approximately mile  
6 marker 4), excluding Big Pine Key and No Name Key.

7 (3) Big Pine Key and No Name Key: the islands of Big Pine Key and No Name  
8 Key within unincorporated the county.  
9

10 **Sec. 138-21. Type of Development Affected.**

11 The residential ROGO shall apply to all residential dwelling units, including  
12 institutional residential uses, such as nursing homes and rehabilitation centers, for  
13 which a building permit is required and for which building permits have not been issued  
14 prior to July 13, 1992, except as otherwise provided herein  
15

16  
17 There are no existing residential dwelling units on the property. Twelve (12) new  
18 affordable employee housing dwelling units are proposed. ROGO allocation awards or  
19 exemptions for 12 employee housing dwelling units are required prior to the issuance  
20 of a building permit.  
21

22 As of August 22, 2018, with the approval of Planning Commission Resolution P16-18,  
23 there are zero (0) affordable ROGO allocations available for award in the Big Pine/No  
24 Name Keys Subarea. **Prior to the issuance of a development order approving the**  
25 **requested minor conditional use permit, the applicant must demonstrate how he**  
26 **intends to come into compliance with the requirements of Section 138-20.**  
27

- 28 2. Nonresidential Rate of Growth Ordinance (NROGO) (Sec. 138-47 – Sec. 138-55):  
29 ***Compliance to be determined at time of building permit.***  
30

31 The proposed development plan includes keeping the existing Skeeter’s Marine  
32 nonresidential business, but changing it from a light industrial to predominantly  
33 commercial use. A letter of development rights determination dated 1/26/2007  
34 recognized 1,750 square feet of lawfully established and NROGO exempt floor area.  
35 The site plan indicates +/- 1,785 square foot existing commercial building to remain.  
36 **At the time of building permit, the applicant must show the exact proposed square**  
37 **footage of the commercial building and may need to request an NROGO**  
38 **allocation for any additional floor area above that recognized by the 2007 LDRD.**  
39 Per Sec. 138-5(f) the cumulative addition of up to 1,000 square feet of new  
40 nonresidential floor area shall not require an NROGO application and NROGO  
41 allocation prior to issuance of a building permit. De minimis is not required to be  
42 utilized in whole or limited to a single building permit application; however  
43 cumulatively, an individual property shall not receive any more than 1,000 square feet  
44 of new nonresidential floor via de minimis expansion and/or addition. Nonresidential  
45 floor area permitted via de minimis expansion and/or addition shall be deducted from  
46 the annual NROGO allocation or the NROGO bank.

1  
2 A letter from Richard Beal, dated 8/12/18 clarifies that the existing boat repair business  
3 will remain within this building. The outdoor storage on the property will cease as the  
4 repairs will be done primarily at the boats' locations. Any possible future proposed  
5 expansions or alterations of the business or its square footage are not part of this  
6 conditional use application.  
7

8 3. Purpose of the SC District (Sec. 130-43): *In compliance.*  
9

10 The purpose of the SC district is to establish areas for commercial uses designed and  
11 intended primarily to serve the needs of the immediate planning area in which they are  
12 located. This district should be established at locations convenient and accessible to  
13 residential areas to reduce trips on U.S. 1.  
14

15 4. Permitted and Conditional Uses (Section 130-93): *In compliance upon approval of the*  
16 *required Minor CUP, affordable ROGO allocations, required deed restrictions, and*  
17 *adherence to conditions of approval.*

18 In the SC district, commercial retail, office, restaurant uses, or any combination thereof,  
19 of low and medium intensity, and of less than 2,500 square feet of floor area, is  
20 permitted as of right

21 The commercial building is less than 2,500 square feet; the applicant is requesting  
22 approval as a medium-intensity commercial retail use.

23 In the SC district, attached and detached dwellings involving six to 18 units, designated  
24 as employee housing as provided for in section 139-1 may be permitted with a minor  
25 conditional use.  
26

27 Twelve affordable employee housing units are proposed.  
28

29 Pursuant to LDC Section 101-1, employee housing means an attached or detached  
30 dwelling unit that is intended to serve as affordable, permanent housing for working  
31 households, which derive at least 70 percent of their household income from gainful  
32 employment in the county and meet the requirements for affordable housing as defined  
33 in this section and as per section 139-1.  
34

35 Pursuant to Sec. 139-1 (a) (1) b. Notwithstanding the density limitations in Section  
36 130-157, the owner of a parcel of land shall be entitled to: Develop affordable and  
37 employee housing as defined in Section 101-1, on parcels of land classified as  
38 Suburban Commercial (SC) at an intensity up to a maximum net residential density of  
39 18 dwelling units per acre.  
40

41 The applicant is proposing twelve dwelling units on 1.035 buildable acres, which is  
42 fewer than the total permitted on this property under max net density.  
43

1 Pursuant to Sec. 139-1 (a) (2) The maximum net residential density allowed per district  
2 and by this section shall not require Transferable Development Rights (TDR) for  
3 affordable and employee housing and market rate housing developed in accordance  
4 with subsection (a)(8) of this section. The provisions of this subsection, specifically  
5 Sec 139-1(a)(6) (a-k) will apply to this development.  
6

7 Pursuant to Sec. 139-1 (a) (4) The requirements of this Land Development Code for  
8 the provision of impact fees shall be waived for affordable and employee housing.  
9 Impact fees will be waived for the proposed affordable housing.  
10

11 Pursuant to Sec. 139-1 (a) (6) In order for the owner of a parcel of land to be entitled  
12 to the incentives for affordable or employee housing outlined in this section and  
13 Chapter 138, Articles II and III, the owner must ensure that:

14 a. The use of the affordable housing dwelling unit is restricted to households  
15 that meet the adjusted gross annual income limits for median-income as  
16 defined in Section 101-1;

17 Deed restriction will be required prior to building permit issuance.

18 b. Except as provided for under special provisions for employer -owned rental  
19 housing ..., if the affordable housing dwelling unit is designated for  
20 employee housing, the use of the dwelling is restricted to households that  
21 derive at least 70 percent of their household income from gainful  
22 employment in the county and meet the adjusted gross annual income limits  
23 for median income as defined in Section 101-1.

24 Deed restriction will be required prior to building permit issuance.

25 c. The use of the affordable or employee dwelling unit is restricted for the  
26 period specified in Section 101-1.

27 Deed restriction will be required prior to building permit issuance.

28 d. Tourist housing use or vacation rental use of affordable or employee  
29 housing units is prohibited.

30 Deed restriction will be required prior to building permit issuance.

31 e. The parcel of land proposed for development of affordable or employee  
32 housing shall only be located within a tier III designated area ...

33 This parcel is tier III.

34 f. At the time of sale of an owner-occupied affordable unit, the total income  
35 of households eligible to purchase shall not exceed 120 percent of the  
36 median household income for the county. However, a unit within a class of  
37 affordable housing eligibility may only be sold to a household within that  
38 same class, i.e., a median income household that purchased a home within  
39 this category must sell the home to a qualifying household within the  
40 median income category;

41  
42 g. During occupancy of any affordable housing rental unit, not otherwise  
43 limited by state or federal statute or rule concerning household income, a  
44 household's annual income may increase to an amount not to exceed 140  
45 percent of the median household income for the county. If the income of  
46 the lessee exceeds this amount, the tenant's occupancy shall terminate at the



1 end of the existing lease term. The maximum lease for any term shall be  
2 three years or 36 months;

3 h. N/A

4 i. When establishing a rental and sales amount, the county shall assume  
5 family size as indicated in the table below. This section shall not be used  
6 to establish the maximum number of individuals who actually live in the  
7 unit. This table shall be used in conjunction with the eligibility  
8 requirements created by Section 101-1:  
9

Size of Unit	Assumed Family Size	Minimum Occupancy
Efficiency (no separate bedroom)	1	1
One bedroom	2	1
Two bedroom	3	2
Three bedroom	4	3
Four or more bedroom	5	1 per bedroom

10  
11  
12 j. .... the income of eligible households shall be determined by counting only  
13 the first and highest paid 40 hours of employment per week of each  
14 unrelated adult. For a household containing adults related by marriage or a  
15 domestic partnership registered with the county, only the highest 60 hours  
16 of combined employment hours shall be counted, which shall be considered  
17 to be 75 percent of the adjusted gross income. The income of dependents  
18 regardless of age shall not be counted in calculating a household's income;  
19 and

20 k. N/A

21  
22 The proposed combination of uses is consistent with the requirements of LDC Section  
23 130-93 for attached residential dwelling units designated as employee housing and a  
24 commercial retail use in the SC land use district and requires a minor conditional use  
25 permit. Deed restrictions demonstrating compliance with Sec. 139-1(a) (6) will be  
26 required prior to building permit issuance.  
27

28 5. Required Open Space (LDC Sections; 130-157; 130-162; & 130-164): *In compliance.*  
29

30 In the SC district, there is a general required open space ratio (OSR) of at least 0.20 or  
31 20%. According to the site plan, the property consists of 56,352 square feet of upland  
32 area. Therefore, 11,270.4 square feet of upland is required to remain as open space.  
33 According to the site plan sheet C-1, the proposed open space, including landscaping  
34 area, is 23,369 square feet for the entire site. The proposed residential portion of this  
35 site consists of 1.028 acres (44,779 sf), including 17,295 square feet of open space,  
36 resulting in an open space ratio of 0.39. The non-residential portion of the site consists  
37 of 0.265 acres (11,543 sf), including 6,046 square feet of open space, resulting in an  
38 open space ratio of 0.55. The amount of open space proposed exceeds the minimum  
39 required.  
40

1 6. Maximum Residential Density and Nonresidential Land Use Intensities (LDC Sections  
 2 130-157, 130-162 & 130-164): *In compliance.*  
 3

4 The proposed development plan is for twelve (12) attached residential dwelling units  
 5 designated as employee housing to be added to a property with an existing  
 6 nonresidential use with 1,750 square feet of recognized floor area.  
 7

8 Pursuant to LDC Sec. 130-157 – the owner of a parcel of land shall be entitled to  
 9 develop affordable and employee housing, as defined in LDC Sec. 101-1, on parcels of  
 10 land classified as Suburban Commercial (SC) at an intensity up to a maximum net  
 11 residential density of 18 dwelling units per buildable acre.  
 12

13 According to the site plan (sheet C-1), the property consists of 1.293 gross upland acres.  
 14 Per Section 101-1, *buildable acre* means the upland portion of a parcel that is not  
 15 required open space required by section 130-157. The required open space is 20%.  
 16 Therefore the parcel contains 1.03 buildable acres.  
 17

18 In the SC district, the maximum net density allowed for employee housing is as follows:  
 19

<i>Land Use</i>	<i>Maximum Net Density</i>	<i>Buildable Acres</i>	<i>Maximum DUs</i>	<i>Proposed DUs</i>	<i>Potential Used</i>
Employee Housing	18 DU / Buildable Area	1.03 acres	18	12	67%

20  
 21 The proposed development plan for 12 attached residential dwelling units designated  
 22 as employee housing is consistent with the maximum residential density allowed.  
 23

24 The proposed development includes changing an existing light industrial use with  
 25 1,750 recognized square feet of floor area and +/-1,785 of floor area indicated on site  
 26 plan (sheet C-1) to a medium-intensity commercial retail use.  
 27

28 Pursuant to LDC Sec.130-164 – the maximum Floor Area Ratio (FAR) for medium-  
 29 intensity commercial retail uses in the SC district is 0.25.  
 30

<i>Land Use</i>	<i>Maximum Floor Area Ratio</i>	<i>Gross Upland Area</i>	<i>Maximum Floor Area Allowed</i>	<i>Proposed Floor Area</i>	<i>Potential Used</i>
Medium-Intensity Commercial Retail	0.25	56,352 SF	14,088 SF	1,785 SF	12.7%

31  
 32 The 1,785 square feet of commercial floor area is consistent with the maximum floor  
 33 area ratio allowed.  
 34

Pursuant to LDC Sec. 139-1 (a) (5) Notwithstanding the provisions of this article, when calculating density, any existing lawfully established or proposed affordable or employee housing on a parcel and the floor area thereof shall be excluded from the calculation of the total gross nonresidential floor area development that may be lawfully established on the parcel, provided, however, that the total residential density allowed on the site shall not exceed the maximum net density for affordable and employee housing.

The existing floor area combined with the proposed affordable employee housing are consistent with the maximum density and intensity allowed in the Suburban Commercial (SC) zoning district.

7. Required Setbacks (LDC Section 131-1): *Not in compliance.*

In the SC district, the required non-shoreline setbacks are as follows:

<i>Land Use District/ Land Use</i>	<i>Primary Front Yard (ft.)</i>	<i>Secondary Front Yard (ft.)</i>	<i>Primary Side Yard (ft.)</i>	<i>Secondary Side Yard (ft.)</i>	<i>Rear Yard (ft.)</i>
SC	25	15	10	5	10

The subject property is located along Overseas Highway (U.S. 1) midway between Wilder Road and Cunningham Lane. The proposed affordable units are to the rear of the existing light industrial development, when approached from US 1.

A primary front yard setback of 25 feet is required along the southern property line, adjacent to US 1. The proposed site plan shows a dumpster/recycling area within this required front yard setback. **Prior to approval of a development order for the minor conditional use permit, the site plan must be revised to show the dumpster/recycling area in compliance with required setbacks.**

The required primary side yard setback of 10 feet is indicated along the western side of the property, abutting the vacant land, on the site plan (C1). No development is proposed within this setback. It is in compliance.

The required secondary side yard setback of 5 feet is indicated along the eastern side of the property, abutting the residential development next door on site plan (C-1). The site plan shows the proposed access drive (shared with the adjacent property) within this side yard setback. **Upon demonstration that there is an access agreement with the adjacent property, this setback will be considered in compliance.**

A rear yard setback of 10 feet is required along the northern property line. Per the submitted site plan, the only development indicated within this setback is buffer yard plantings. It is in compliance.

8. Maximum Height (Section 131-2): *In compliance*

1  
2 No structure or building shall be developed that exceeds a maximum height of 35 feet,  
3 except for residences elevated above the flood requirements as enumerated in LDC Sec.  
4 131-2 (b) (1). The crown of road elevation is 7.32' NGVD. The top of the building is  
5 33.82' NGVD. The building height is 26'6". Per LDC Section 101-1 "Grade means  
6 the highest natural elevation of the ground surface, prior to construction, next to the  
7 proposed walls of a structure, or the crown or curb of the nearest road directly adjacent  
8 to the structure, whichever is higher."  
9

10 The proposed height of the residential building does not exceed a maximum height of  
11 35 feet. The height of the existing nonresidential building was not considered.  
12

13 **9. Surface Water Management Criteria (Section 114-3): *Compliance to be determined at***  
14 ***the time of building permit.***  
15

16 Sheet C-2 (Conceptual Drainage Plan) of the plans by Perez Engineering dated August  
17 16, 2018 include a combination of retention areas and trench drain that meet the water  
18 quantity and water quality criteria in LDC Section 114-3. However, no stormwater  
19 management plan was included in the application. In accordance with 114-3(g) it is  
20 the responsibility of the applicant to include in the stormwater management plan for  
21 the development with sufficient information for the Planning Director to evaluate the  
22 environmental and stormwater discharge characteristics of the affected areas, the  
23 potential and predicted impacts of the proposed activity on community waters, and the  
24 effectiveness and acceptability of those measures proposed by the applicant for  
25 reducing adverse impacts. The stormwater management plan shall contain maps,  
26 charts, graphs, tables, photographs, narrative descriptions, calculations, explanations,  
27 and citations to supporting references, and any additional information deemed  
28 necessary by the Planning Director. The stormwater management plan must be sealed  
29 by an engineer registered in the state with experience in stormwater management and  
30 drainage design. **Prior to issuance of a building permit, a stormwater management**  
31 **plan meeting the requirements of the LDC must be submitted.**  
32

33 **10. Wastewater Treatment Criteria (Section 114-4): *In compliance***  
34

35 The property has access to central wastewater. A preliminary letter of coordination with  
36 Florida Keys Aqueduct Authority dated June 8, 2018 was submitted with the  
37 application. The letter states there is a 4 inch force main with a 2 inch stub out at the  
38 property.  
39

40 **11. Fences (Section 114-20): *N/A***  
41

42 No fencing is indicated on the site plan.  
43

44 **12. Floodplain Management (Sections 122-1 – 122-6): *Full compliance to be determined***  
45 ***upon building permit application review.***  
46

1 The site is designated within AE-8 flood zone on the Federal Emergency Management  
2 Agency (FEMA) flood insurance rate maps. All new structures must be built to  
3 floodplain management standards that meet or exceed those for flood protection. Full  
4 compliance to be determined upon building permit application review.  
5

- 6 13. Energy Conservation Standards (Section 114-45): *Full compliance to be determined*  
7 *upon building permit application review.*  
8

9 The development proposal includes the following required energy conservation  
10 measures: the installation of native plants in required landscaping, which will reduce  
11 the requirements for water and maintenance and the installation of shade trees, which  
12 will provide shade for parking areas.  
13

- 14 14. Potable Water Conservation Standards (Section 114-46): *Full compliance to be*  
15 *determined upon building permit application review.*  
16

17 The current site plan incorporates native vegetation to reduce the need for irrigation.  
18 There is no indication on the site plan that additional conservation measures such as  
19 the installation of alternative water source systems such as reverse osmosis, cisterns, water  
20 re-use and on-site stormwater collection for irrigation and other safe uses are proposed.  
21

- 22 15. Environmental Design Criteria and Mitigation Standards (Section 118-6, 118-7 & 118-  
23 8): *In Compliance*  
24

25 The subject parcel is a scarified lot with little vegetation. Since the parcel does not  
26 contain native habitat, an existing conditions report is not required for development  
27 approval (LDC Section 118-2). The removal of any listed threatened or endangered  
28 native plant species; any regionally important native plant species; any native plant  
29 species that reaches reproductive maturity at less than four (4) inches DBH as identified  
30 in LDC Section 118-2(c); and any other native plant species with a diameter at breast  
31 height DBH of four inches or greater shall require payment to the Monroe County  
32 Environmental Land Management and Restoration Fund in an amount sufficient to  
33 replace each removed plant or tree on a 2:1 basis, as determined in accordance with  
34 subsection (b).  
35

- 36 16. Required Off-Street Parking (Section 114-67): *In compliance.*  
37

38 The development would be subject to the following off-street parking requirements:  
39

<i>Specific Use Category</i>	<i>Minimum Required Number of Parking Spaces Per indicated Unit of Measure</i>	<i>Proposed Quantity</i>	<i>Required Spaces</i>	<i>Proposed Spaces</i>
Multifamily residential developments	2.0 spaces per each 1-bedroom dwelling unit; 2.0 spaces per each 2-bedroom dwelling unit; and 3.0	4, 1-bedroom dwelling units	8 spaces	
		4, 2-bedroom dwelling units	8 spaces	

	spaces per each 3 or more bedroom dwelling unit	4, 3-bedroom dwelling units	12 spaces	
<b>TOTAL RESIDENTIAL</b>			<b>28 spaces</b>	<b>36 spaces</b>
Commercial	3.0 spaces per each 1,000 SF of floor area	1,785 SF	<b>5 spaces</b>	<b>4 spaces</b>
<b>TOTAL COMBINED</b>			<b>33 Spaces</b>	<b>40 Spaces</b>

A minimum of 33 off-street parking spaces is required and 40 spaces are proposed, including three ADA accessible spaces. The design and dimensions of the proposed parking spaces and aisles comply with LDC Section 114-67(b). Wheel stops, required, pursuant to LDC Section 114-67(j) are not specifically indicated on the site plan, but the 3 sides of the parking space are indicated.

17. Required Loading and Unloading Spaces (Section 114-69): *In Compliance.*

One 11'x35' loading space is required and one is indicated on the site plan.

18. Required Bicycle Parking (Section 114-71): *In Compliance.*

One bike rack, holding seven bicycles is indicated on the site plan.

19. Required Landscaping (Sections 114-99 –114-105): *Not In Compliance.*

The site plan (Sheet C-1) depicts the required number, size class and square footage of required parking lot landscaping. However, the species proposed for planting include 12 mahogany trees. Mahogany is not an appropriate native canopy tree in the lower Keys or Big Pine Key. Staff recommends replacing the mahogany with pigeon plum, gumbo limbo, willow bastic, paradise tree or wild tamarind. In addition, tree islands are required for every 10 spaces, there are 11 spaces in the southwest parking area (adjacent to the Tot Lot). **Prior to approval of a development order for the minor conditional use permit, the applicant shall revise the site plan to show compliance with the landscaping requirements as indicated above.**

20. Scenic Corridors & Bufferyards (Sections 114-124 –114-130, 130-93): *Not In compliance.*

A Class C major street buffer is required adjacent to U.S. 1. A Class C buffer may be 10 feet, 15 feet, 20 feet or 25 feet in width. The incorporation of clear sight triangles does not negate the need for the major street buffer. Prior to approval of a development order for the minor conditional use permit, the applicant must revise the plans to show the required Class C major street buffer along the entire width of the parcel other than the driveway. Plant numbers shall be based on the total length of required buffer. See attached FDOT standards for landscaping within the clear sight triangle.



1 21. Outdoor Lighting (Sections 114-159 – 114-162): *Full compliance to be determined*  
2 *upon building permit application review.*

3  
4 Outdoor lighting has been proposed. It shall require a photometric plan and will be  
5 reviewed under a building permit application.  
6

7 22. Signs (Sections 142-1 – 142-9): *Compliance to be determined.*  
8

9 No new signage has been proposed. The existing signage and billboard are proposed to  
10 remain. Since the improvements to the entire site are a substantial redevelopment, the  
11 parcel, including signage, is required to comply with the Corridor Enhancement Plan.  
12 The applicant shall demonstrate compliance with corridor enhancement guidelines  
13 regarding signage.  
14

15 Signage in the CENTER Zone.

16 Signage of commercial and retail establishments shall be made of wood, synthetic  
17 wood or metal.

18 Signage of commercial and retail establishments should be no longer than 2 feet in  
19 height by any length (for horizontal signs) and 2 feet in width by any height (for vertical  
20 signs).

21 Signage of commercial and retail establishments may be any length (for vertical signs)  
22 or any height (for vertical signs), not to exceed the width or height of the building to  
23 which they are attached.

24 “Blade” signs (signs which are affixed to a building perpendicular to the façade and  
25 intended for pedestrian viewing) shall extend no further than 3 feet from the building  
26 wall, whether horizontally or vertically oriented.

27 Signs shall be located at a minimum of 8 feet from the top of sidewalk, extending no  
28 further than 3 feet from the face of the building.

29 The maximum number of signs for commercial and retail establishments shall be  
30 limited to two per establishment.

31 On masonry buildings, signs may be painted directly on the wall.

32 Lettering and iconography may be made of wood, synthetic wood or metal.

33 Lettering may be applied or painted directly onto storefront glass.  
34

35 Signage in the GENERAL Zone

36 Signage is only allowed in commercial establishments and shall be made of wood,  
37 synthetic wood, or metal.

38 All other requirements for the CENTER zone apply.  
39

40 Lighting of Signage in the GENERAL Zone

41 Signs may be illuminated in the following ways: externally, with fixtures affixed to  
42 the building or the signage, and shall wash the sign in color-corrected light.  
43  
44  
45

46 23. Access Standards (Sections 114-195 –114-201): *Compliance to be determined.*

1  
2 The site currently has two vehicular access drives onto U.S. 1. The applicant is  
3 proposing to maintain the existing western access for use by the Skeeter's Marine  
4 commercial building. The applicant is proposing to close to traffic and plant a buffer  
5 yard across the other existing access drive. The applicant is proposing that access to  
6 the proposed residential use on the property be provided via the existing driveway of  
7 the residentially developed adjacent parcel to the east (Parcel ID 00111078-000000),  
8 which is owned by KEYS AFFORDABLE DEVELOPMENT II LLC. Keys Affordable  
9 Development II LLC is not a co-applicant for this minor conditional use permit. **The  
10 applicant must provide documentation of an agreement to utilize the access drive  
11 on parcel having ID# 00111078-000000 prior to approval of a development order  
12 for the requested minor conditional use permit. An executed access easement must  
13 be provided prior to issuance of a building permit for the proposed dwelling units.**

14  
15 Changing access drives along US 1 requires coordination with FDOT. The applicant  
16 provided a letter of coordination from FDOT dated August 14, 2018, which indicates  
17 that FDOT permits will likely be required for the proposed development. **Prior to  
18 issuance of a development order approving the requested minor conditional use  
19 permit, the applicant must also coordinate with the Monroe County Engineering  
20 Department and FDOT to replant the buffers around the bike path in front of the  
21 access that is proposed to be closed.** The Department maintains the right to request  
22 revisions as it carries out its review of any application for an access permit. It is the  
23 responsibility of the applicant to obtain all required permits before starting work. **The  
24 applicant shall provide a Notice of Intent from FDOT, or a letter from FDOT  
25 stating that no further permits are necessary, prior to issuance of a building  
26 permit. The application shall provide issued FDOT permits (or a letter from  
27 FDOT stating that no further permits are necessary) prior to a certificate of  
28 occupancy for any of the proposed dwelling units or associated building permits.**

29  
30 The proposed reduction in access drives brings the property closer to compliance with  
31 the code sections listed below.

32  
33 Sec. 114-195. US-1/County Road 905 Access. *Existing nonconformity.*

34  
35 No structure or land shall be developed, used or occupied unless direct access to U.S. 1 or  
36 County Road 905 is by way of a curb cut that is spaced at least four hundred (400) feet  
37 from any other curb cut that meets the access standards of the Florida Department of  
38 Transportation, as contained in Chapter 14-97, F.A.C., or an existing street on the same  
39 side of U.S. 1 or County Road 905. Proposed developments with access on U.S. 1 that are  
40 designated as Class 5 or Class 6 access control classifications, as defined by FDOT, where  
41 the posted speed limit is 45 MPH or less may deviate from 400 foot standard, in accordance  
42 with the standards contained in Chapter 14-97, F.A.C., State Highway System Access  
43 Control Classification System and Access Management Standards. Proposed developments  
44 on a U.S. 1 segment of roadway with a speed limit of 50 mph or higher (segments with  
45 speeds of 50 mph or greater are defined as FDOT as a high speed facility) shall provide an

1 exclusive right and/or left turn lane into the development, unless otherwise determined by  
2 FDOT.

3  
4 The access drives proposed are less than 400 feet from another curb cut, but the proposed  
5 curb cuts are further from each other than current curb cuts.

6  
7 Sec. 114-196. Parallel Access. *In compliance.*

8  
9 Lots that cannot meet the major road access standard in Section 114-195 shall take access  
10 from platted side streets, parallel streets or frontage roads. Such access shall be acquired  
11 by installing a parallel street or frontage road, through combined parking lots or by  
12 combining lots by sharing drives, or the provision of easements of access. However, if any  
13 permanent access is constructed pursuant to an agreement entered into under this section  
14 and such construction would otherwise render the structure located on the subject lot  
15 nonconforming under any other section of this chapter, then such structure shall be  
16 considered conforming under those other sections regardless of the terms thereof.

17  
18 This development is proposing an easement of access with the parcel next door in order to  
19 increase the distance between curb cuts.

20  
21 Sec. 114-199. Nonconforming Access. *Not in compliance.*

22  
23 No use fronting on U.S. 1 or County Road 905 shall receive a permit for a change of use,  
24 expansion or substantial improvement unless it is brought into conformance with this  
25 article by provision of combined drives or parallel access, and with any access standards  
26 or requirements of FDOT.

27  
28 The proposed development involves a change of use and an addition of a new use. The  
29 existing use is not being expanded or substantially improved. The proposed access drives  
30 are nonconforming, but to a lesser degree than the existing access drives.

31  
32 Sec. 114-200. Traffic Study. *Compliance to be determined.*

33 The applicant submitted a level 1 traffic study by Traffic Impact Group LLC, dated  
34 8/15/18. The traffic study was based on a proposed development of 16 dwelling units and  
35 showed an increase of 117 primary vehicle trips per day to and from the site. The  
36 development proposed in this application is for 12 dwelling units (four less than the traffic  
37 study previously provided). The traffic study concludes that ‘all US 1 roadway segments  
38 in the study area have capacity to accommodate trips from the proposed development.’  
39 However, the traffic study does not include the existing commercial use and/or the  
40 proposed changes to that use. **Prior to the issuance of a development order approving  
41 the requested minor conditional use permit, the applicant shall submit a revised level  
42 one traffic study that addresses both the proposed residential development and the  
43 proposed change in use for the Skeeter’s Marine commercial business.**

1           Sec. 114-201. Clear Sight Triangles. *In compliance.*  
2

3           All entrance drives and street intersections shall provide clear sight triangles in both  
4           directions as follows and as more fully set forth in the illustrations that follow this section.  
5           Entrance drives along U.S. 1 and street intersections with U.S. 1 shall adhere to both the  
6           clear sight triangle requirements in this section, FDOT and national American Association  
7           of State Highway and Transportation Officials (AASHTO) standards, whichever is most  
8           restrictive.

9           Site plans (C-1 and C-2) indicate that the sight triangles in front of Skeeter’s Marine and  
10          the access drive into the residential portion of the property provide the required dimensions.  
11          All landscaping within the required clear sight triangles must comply with 114-102(g):  
12          Shrubs and hedges shall be maintained at a height not to exceed three (3) feet if located  
13          within the clear sight triangle as defined in Section 114-201.

14          24. Solid Waste / Recycling (Section 114-21): *In compliance.*  
15

16                 Any multi-family development shall make adequate provision for a recycling collection  
17                 area. For multi-family residential developments of 11 to 15 dwelling units, there shall  
18                 be a minimum collection area of at least 216 square feet. Any floor area up to 5,000  
19                 square feet requires at minimum 82 square feet of trash and recycling. (C1 and C2)  
20                 indicate 216 square feet of trash and recycling at the residential portion of the property  
21                 and 82 square feet in the industrial section of the property.  
22

23                 Pursuant to LDC Section 114-21(7) Location, “The collection area should be designed  
24                 to be easily accessible by all collection vehicles.” The collection by the solid waste  
25                 service vehicle will take place on site via each unit’s individual containers.  
26

27                 The site plan (C-1 and C-2) indicate the minimum trash and recycling size and meets  
28                 the location criteria. However, as noted on page 17 of this staff report, the  
29                 dumpster/recycling area in front of the commercial building must be revised to be  
30                 compliant with the required setbacks.  
31

32          25. Accessibility (Chapter 533, Florida Statutes): *Full compliance to be determined upon*  
33          *submittal to Building Department.*  
34

35                 All standards and requirements of the American with Disabilities Act (ADA) must be  
36                 met.  
37

38          26. Inclusionary Housing Requirements (LDC Section 139-1): *Not applicable.*  
39

40                 The proposed employee housing uses are exempt from the inclusionary housing  
41                 requirements, pursuant to LDC Section 139-1(b)(3)a.  
42

43    V   RECOMMENDED ACTION:  
44

1 Pursuant to LDC Section 110-69(b), An application for a minor conditional use permit shall  
2 be reviewed by the Development Review Committee (DRC). At the meeting, DRC members  
3 may comment on the application and responsible Planning and Environmental Resources  
4 Department staff shall provide their staff report(s). The applicant shall provide any additional  
5 information requested by the DRC within 6 months of the date of the DRC meeting when the  
6 application was considered. If such information is not received within this timeframe, the  
7 application will be deemed withdrawn. DRC members may submit additional reports and  
8 comments to the Planning Director within five (5) working days in advance of the meeting.  
9 Mailed notice of the DRC meeting shall be sent to surrounding property owners in accordance  
10 with Section 110-5.

11  
12 Pursuant to LDC Section 110-69(c), Within 60 days after the DRC meeting, the Planning  
13 Director shall render a development order granting, granting with conditions or denying the  
14 application for a minor conditional use permit, with the exception of any application where a  
15 condition has been imposed that must be satisfied prior to the issuance of a development order  
16 approving the minor conditional use permit, in which case the development order shall be  
17 issued within 30 days after receipt of proof of satisfaction of the condition(s). Such proof of  
18 satisfaction must be submitted to the Planning Director within 6 months of notification to the  
19 applicant by the County. If such proof is not received within this timeframe, the application  
20 will be deemed withdrawn

21  
22 **Staff requests the following comments and/or additional information be provided by the**  
23 **applicant prior to the issuance of a development order approving the Minor CUP:**  
24

- 25 1. Prior to the issuance of a development order approving the requested minor conditional use  
26 permit, the applicant coordinate with the Monroe County Engineering Department and  
27 FDOT regarding re-landscaping of the area in the right of way in front of the proposed  
28 closed access drive (sheet C-1 and C-2).  
29
- 30 2. Prior to the issuance of a development order approving the requested minor conditional use  
31 permit, the applicant shall demonstrate compliance with front yard setbacks, specifically  
32 that there is no trash and recycling collection proposed within the front yard setback.  
33
- 34 3. Prior to the issuance of a development order approving the requested minor conditional use  
35 permit, the applicant shall submit a revised level one traffic study that addresses both the  
36 proposed residential development and the proposed change in use for the Skeeter's Marine  
37 commercial business.  
38
- 39 4. Prior to the issuance of a development order approving the requested minor conditional use  
40 permit, the applicant must demonstrate how he intends to come into compliance with the  
41 requirements of Section 138-20 regarding ROGO allocations.  
42
- 43 5. Prior to the issuance of a development order approving the requested minor conditional use  
44 permit, the applicant must provide documentation of an agreement to utilize the access  
45 drive on the adjacent parcel having ID# 00111078-000000.  
46

- 1 6. Prior to approval of a development order for the minor conditional use permit, the applicant  
2 shall revise the plans to show compliance with the landscaping requirements of the LDC  
3 as discussed in this staff report.  
4
- 5 7. Prior to approval of a development order for the minor conditional use permit, the applicant  
6 must revise the plans to show full compliance with the required Class C major street buffer.  
7  
8

9 **Following submission of the corrections and information listed above, Staff recommends**  
10 **approval of the requested Minor Conditional Use Permit, with the following conditions:**  
11

- 12 1. A ROGO allocation award for each of the 12 employee housing dwelling units is required  
13 prior to the issuance of a building permit, pursuant to LDC Chapter 138, Article II.  
14
- 15 2. The proposed employee housing dwelling units are restricted to households meeting the  
16 income and employment requirements of the Monroe County Land Development Code.  
17 Employee housing units are restricted to households that derive at least 70% of their  
18 household income from gainful employment in the County. Deed restrictions meeting all  
19 affordable employee housing requirements of the LDC must be approved by the County  
20 and executed prior to issuance of a building permit.  
21
- 22 3. A minor conditional use permit is not a final approval for certain development. The  
23 applicant shall obtain a building permit(s) for any improvement requiring such an approval.  
24
- 25 4. Prior to issuance of a building permit, the applicant shall demonstrate compliance with the  
26 Big Pine Key/ US1 Corridor Area Enhancement Guidelines, including those for signage.  
27
- 28 5. Prior to issuance of a building permit for any lighting on the property, the applicant shall  
29 submit a photometric plan and lighting details that demonstrate compliance with lighting  
30 requirements in LDC Sec. 114-159 through 114-164; and  
31
- 32 6. Prior to issuance of a building permit for any site work or changes to the commercial  
33 building, the applicant shall show that the floor area is consistent with that recognized in  
34 the 2007 LDRD (1,750 sf) or obtain an NROGO allocation award (de minimis may be an  
35 option) for any additional floor area.  
36
- 37 7. Prior to issuance of a building permit, a stormwater management plan meeting the  
38 requirements of LDC Section 114-3 must be submitted and found to be in compliance.  
39
- 40 8. Prior to issuance of a building permit, the applicant must provide an executed access  
41 easement for the proposed shared access with the adjacent parcel.  
42
- 43 9. Prior to issuance of any building permit for the proposed work, the applicant shall provide  
44 a Notice of Intent from FDOT, or a letter from FDOT stating that no further permits are  
45 necessary, regarding the change in access for the property.  
46



- 1 10. Prior to a certificate of occupancy or final Planning inspection for any of the proposed  
2 dwelling units or associated building permits, the applicant shall provide issued FDOT  
3 permits (or a letter from FDOT stating that no further permits are necessary).  
4
- 5 11. The scope of work has not been reviewed for compliance with Florida Building Code. Prior  
6 to the issuance of Building Permits, new development and structures shall be found in  
7 compliance by the Monroe County Building Department, Floodplain Administrator, and  
8 the Office of the Fire Marshal. Any changes to the site plan that result from such reviews  
9 may be subject to a deviation or amendment to the minor conditional use permit.  
10

11  
12  
13 VI PLANS REVIEWED:  
14

- 15 1. Letter of Intended Future Use by Richard Beal, August 12, 2018.
- 16 2. Site Plan by Alan Perez, Perez Engineering, August 16, 2018, Sheets C-1 and C-2, stamped  
17 received 9/4/2018.
- 18 3. Level 1 Traffic Study by Traffic Impact Group LLC, dated June 15, 2018.
- 19 4. Boundary and Elevation Survey by Robert E. Reece, Reece & Associates, original field  
20 work October 6, 2015, revision date June 19, 2018.
- 21 5. Floor Plan by John P. Wankus, Wankus Organization, May 29, 2018, Sheets A-1, A-2, A-  
22 3
- 23 6. Building Elevation, by John P. Wankus, Wankus Organization, August 8, 2018, Sheet A-  
24 4, stamped received 9/4/2018.