



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

Through: Emily Schemper, AICP, CFM, Senior Director of Planning & Environmental Resources

From: Brad Stein, AICP, Planning and Development Review Manager

Date: February 14, 2020

Subject: *Major Conditional Use Permit, Rockland Operations, LLC, Rockland Key, Mile Marker 9.4, Bayside, Parcel ID #s 00122081-000300, 00122081-000400, 00122070-000100, 00121980-000500, 00122070-000103, 00122070-000109, 00122040-000000, 00122040-000100, 00122081-000500, and 00121980-000600 (File# 2019-205)*

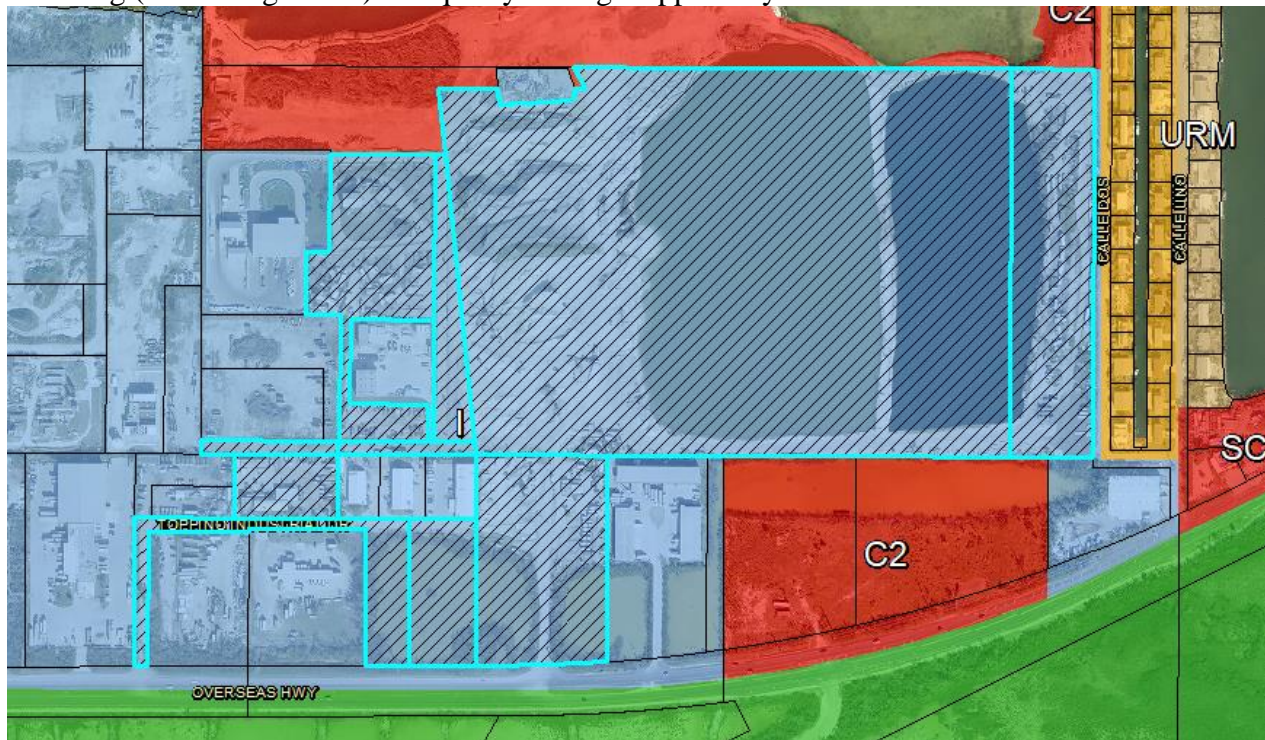
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**Meeting: February 26, 2020**

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1  
2 I REQUEST:  
3

4 The applicant is requesting approval of a Major Conditional Use Permit, in order to develop fifty-  
5 seven (57) multifamily affordable employee housing dwelling units and a 40,148 sf storage unit  
6 building (390 storage units) at a quarry on Big Coppitt Key.



7  
8 Subject Property in blue with diagonal lines with Land Use District Overlaid (Aerial dated 2018)

1 BACKGROUND INFORMATION:

2  
3 **Address:** The property is over several parcels on Rockland Key at Approximate Mile Marker  
4 9.4

5 **Legal Description:** DESCRIBED AS PARCELS OF LAND IN SECTION 21, TOWNSHIP  
6 67, RANGE 26, ROCKLAND KEY, MONROE COUNTY, FLORIDA

7 **Parcel ID Numbers:** 00122081-000300, 00122081-000400, 00122070-000100, 00121980-  
8 000500, 00122070-000103, 00122070-000109, 00122040-000000, 00122040-000100,  
9 00122081-000500, and 00121980-000600

10 **Property Owner/Applicant:** Rockland Operations, LLC

11 **Agent:** Bart Smith

12 **Size of Site:** 67.8 acres, 37.07 acres of upland and 30.74 acres of submerged area.

13 **Land Use District:** Industrial (I)

14 **Future Land Use Map (FLUM) Designation:** Industrial (I)

15 **Tier Designation:** III Infill Area

16 **Existing Use:** Various industrial uses and quarry.

17 **Existing Vegetation / Habitat:** Developed Land, undeveloped land, water and salt marsh

18 **Community Character of Immediate Vicinity:** Industrial park, vacant land and residential  
19 neighborhood to the east.

20 **FEMA Flood Zone:** AE 10

21  
22 **Community Meeting and Public Participation**

23 In accordance with LDC Section 110-3(b), a Community Meeting for the proposed Major  
24 Conditional Use was held on December 4, 2019 at the project site and provided for public  
25 input. There were three (3) members of the public in attendance. Comments from the public  
26 included: speed of vehicles using the new street, construction trash, potential of alternative  
27 access rather than through Calle Uno / Calle Dos, lack of acceleration lane on US1 when  
28 exiting from Calle Uno / Calle Dos to US1.

29  
30 II RELEVANT PRIOR COUNTY ACTIONS:

31  
32 A Letter of Understanding (LOU) dated September 13, 2000 for proposed development on the  
33 parcel with ID number 00121980-000600 with a proposed amendment to the FLUM and LUD.

34  
35 A Letter of Understanding File 2018-164 (LOU) dated September 27, 2018 was provided for  
36 11 contiguous parcels to confirm the density of the proposed development pursuant to 130-165  
37 Aggregation of Development, to locate the density with the parcel ID number 00121980-  
38 000600.

39  
40 There are numerous building permits for all of the parcels included in the proposal.

41  
42 III REVIEW OF APPLICATION:

43 Section 110-67 of the Monroe County Land Development Code (LDC) provides the standards  
44 which are applicable to all conditional uses. When considering applications for a conditional

1 use permit, the Planning Director and the Planning Commission shall consider the extent to  
 2 which:

3 (a) *The conditional use is consistent with the purposes, goals, objectives and policies of the*  
 4 *Comprehensive Plan and this Land Development Code: **In compliance***

5  
 6 Policies from the *Monroe County Year 2030 Comprehensive Plan* that directly pertain to  
 7 the proposed use include but are not limited to:

8  
 9 **Policy 101.5.9**

10 The principal purpose of the Industrial (I) future land use category is to provide for the  
 11 development of industrial, manufacturing, and warehouse and distribution uses. Other  
 12 commercial, public, residential, and commercial fishing-related uses are also allowed.  
 13 Residential uses are limited to employee housing or commercial apartments.

14  
 15 **Policy 101.5.25**

16 Monroe County hereby adopts the following density and intensity standards for the future  
 17 land use categories, which are shown on the FLUM and described in Policies 101.5.1 -  
 18 101.5.20.

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)	
* * *				
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25—0.60	0.20
* * *				

20  
 21 (b) *The conditional use is consistent with the community character of the immediate vicinity*  
 22 *of the parcel proposed for development: **In compliance***

23  
 24 The proposed 57 units of attached affordable dwelling units is consistent with the  
 25 community character. It is a standard practice to have zoning transitions of single family  
 26 homes to industrial uses with the following zoning commercial, mixed use or multifamily  
 27 developments in between.

28  
 29 (c) *The design of the proposed development minimizes adverse effects, including visual*  
 30 *impacts, of the proposed use on adjacent properties: **In compliance***

31  
 32 The elevated multifamily attached affordable dwelling units do not create adverse effects  
 33 or a visual impact to adjacent property owners.

1 (d) *The proposed use will have an adverse impact on the value of surrounding properties: **In***  
2 *compliance*

3  
4 Staff has no evidence to support or disprove that the proposed development will have an  
5 adverse impact on the value of the surrounding properties.  
6

7 (e) *The adequacy of public facilities and services, including, but not limited to:*  
8

- 9 1. *Transportation/Roadways:* A revised Traffic Impact Study dated August, 2019, was  
10 received by the County on December 12, 2019. The revised traffic study has been  
11 reviewed by the County's consulting traffic engineers. According to the adopted 2017  
12 US1 Arterial Travel Time and Delay Study (ATTDS), US1 is operating at a LOS C and  
13 has reserve capacity of 18,547 trips. The proposed development would generate a total  
14 of 480 trips; therefore there is adequate capacity on US1 overall.  
15

16 According to the 2017 ATTDS, Segment 3 of US1 is at a LOS B, with a reserve  
17 capacity of 1,341 trips. Based on other projects which have received final approval  
18 since the time of the 2017 ATTDS, there are now only 449 trips of actual capacity  
19 remaining on US1 within Segment 3. The proposed project will generate 312 trips on  
20 Segment 3 and is currently in compliance. However based on additional projects that  
21 have been reviewed but not yet approved, there is a potential deficit of 215 trips on  
22 Segment 3 if all projects are approved. Segment 1 may have similar capacity issues that  
23 may need to be addressed as well.  
24

25 Based on preliminary traffic concurrency review of all approved projects, the proposed  
26 development is currently in compliance with Monroe County Comprehensive Plan  
27 Policies 301.1.1, 301.1.2, 301.2.2, 301.2.3 and 301.2.4 as well as Land Development  
28 Code Sections 114-2(a)(1)a., b. and c. There is currently adequate roadway capacity  
29 available at the time, but this shall not guarantee the adequacy or availability of public  
30 facilities at subsequent stages of development review. The applicant/owner hereby  
31 acknowledges and agrees that any traffic level of service conditions in this order are  
32 preliminary, and only represent a conditional concurrency determination. A final  
33 concurrency review shall be completed during building permit review to ensure  
34 adequate roadway capacity is confirmed and the adopted level of service is maintained.  
35 In areas of the County that are served by marginal or inadequate facilities,  
36 developments may be approved, provided that the development in combination with all  
37 other permitted development will not decrease travel speed by more than five percent  
38 (5%) below LOS C, and mitigation is provided. Mitigation may be in the form of  
39 specific improvements or proportioned shared contribution towards improvements and  
40 strategies identified by the County, and/or FDOT to address any level of service  
41 degradation beyond LOS C and/or deficiencies. The applicant shall submit evidence of  
42 an agreement between the applicant and the FDOT for inclusion in any contract or  
43 agreement for improvements to US 1. For roadway improvements required, the  
44 applicant/owner may utilize the following, pursuant to Land Development Code  
45 Section 114-2(b)(5)c.:

- a. The necessary facilities and services are in place at the time a development permit is issued; or
- b. The necessary facilities and services are in place at the time a certificate of occupancy, or its functional equivalent is issued. Prior to commencement of construction, the applicant shall enter into a binding and legally enforceable commitment to the County to assure construction or improvement of the facility; or
- c. A binding executed contract in place at the time a permit is issued which provides for the commencement of the actual construction of the required facilities or provision of services; or
- d. An enforceable development agreement guaranteeing that the necessary facilities and services will be in place with the issuance of a permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., or
- e. A proportionate share contribution or construction that is sufficient to accomplish one or more mobility improvement(s) that will benefit a regionally significant transportation facility. A proposed proportionate fair-share mitigation shall be reviewed pursuant to LDC Section 126-2.

If necessary, the applicant will need to coordinate with the County’s consulting traffic engineers and address mitigation prior to issuance of a building permit.

***In compliance at this time – final review to be completed at time of building permit.***

2. ***Solid Waste:*** An email from Waste Management dated May 17, 2019 indicates no issue. ***In compliance***
3. ***Potable Water:*** A letter of coordination with Florida Keys Aqueduct Authority dated June 27, 2019 was submitted with the application. ***In compliance***
4. ***Sanitary Sewer:*** The development is required to connect to wastewater. ***In compliance***
5. ***Drainage/Stormwater: Compliance to be determined***  
See surface water management comments under paragraph 11. below.
6. ***Schools:*** According to the latest County Public Facilities Capacity Report, the capacity for schools is adequate for the Lower Keys. ***In compliance***
7. ***Recreation and Open Space:*** According to the latest County Public Facilities Capacity Report, the other requirements of the County Public Facilities Capacity Report for recreation and open space is adequate for the Lower Keys. ***In compliance***

(f) ***The applicant for conditional use approval has the financial and technical capacity to complete the development as proposed and has made adequate legal provision to***

1           *guarantee the provision and development of any improvements associated with the*  
2           *proposed development: **In compliance***

3  
4           Staff has no evidence to support or disprove the applicant’s financial and technical  
5           capacity.

6  
7           (g) *The development will adversely affect a known archaeological, historical, or cultural*  
8           *resource: **In compliance***

9  
10           The proposed redevelopment will not adversely affect a known archaeological, historical,  
11           or cultural resource.

12  
13           (h) *Public access to public beaches and other waterfront areas is preserved as part of the*  
14           *proposed development: **In compliance***

15  
16           Public access to public beaches and other waterfront areas will not be affected by this  
17           project.

18  
19           (i) *The proposed use complies with all additional standards imposed on it by the particular*  
20           *provision of this Land Development Code authorizing such use and by all other applicable*  
21           *requirements:*

22  
23           1. Residential Rate of Growth Ordinance (ROGO) (LDC Chapter 138, Article II): ***In***  
24           ***compliance, subject to approval of the requested Major CUP, building permit, and***  
25           ***allocation of 57 affordable ROGOs for employee housing. The project currently has***  
26           ***a reservation from the BOCC for 57 affordable ROGO allocations.***

27  
28           2. NonResidential Rate of Growth Ordinance (NROGO) (LDC Chapter 138, Article III):  
29           ***In compliance***

30  
31           The application proposes a 40,148 square feet of nonresidential floor area for a 390 unit  
32           storage building. NROGO will be required for this building.

33  
34           Pursuant to Comprehensive Plan Policy 101.4.5  
35           The NROGO allocation system shall not apply to the following nonresidential  
36           developments:

37           ...  
38           5. Industrial uses in the Maritime Industries (MI) and the Industrial (I) land use (zoning)  
39           districts.

40  
41           The existing NROGO on the property has not necessarily been determined to be  
42           lawfully established. Approval of the conditional use permit required for the proposed  
43           multifamily housing does not deem any existing nonresidential floor area to be lawful.  
44           Further review by Planning staff may be required if changes to nonresidential  
45           development on the site are proposed in the future.

1 3. District Purpose (LDC Section 130-35): *In compliance, subject to approval of the*  
2 *requested Major CUP.*  
3

4 The purpose of the I district is to establish areas that are suitable for the development  
5 of industrial, manufacturing, warehousing, and distribution uses.  
6

7 The proposed storage facility falls well within the purpose of Section 130-35; the  
8 attached dwelling units falls within the Policy 101.5.9 of the Comprehensive Plan to  
9 incorporate residential uses that are limited to employee housing or commercial  
10 apartments.  
11

12 4. Permitted and Conditional Uses (LDC Section 130-82): *In compliance*  
13

14 Pursuant to Section 130-82(c)(2) Resource extraction, provided that:

- 15 a. The parcel proposed for excavation is a part of a lawfully operated, active quarry  
16 on the effective date of the ordinance from which this chapter is derived;  
17 b. Excavation equipment is screened from view by any established residential use;  
18 and  
19 c. A reclamation plan is prepared and implemented in accordance with the  
20 requirements of the plan; and  
21

22 Pursuant to Section 130-82(c)(3) Heavy industrial uses, provided that:

- 23 a. All outside storage areas are screened from adjacent uses by a solid fence, wall  
24 or hedge at least six feet in height; and  
25 b. The parcel proposed for development is separated from any established  
26 residential use by a class F bufferyard.  
27

28 The property being redeveloped has existing resource extraction and heavy industrial  
29 uses on it. The requirements of Section 130-82(c)(2)&(3) have not been shown to have  
30 been met with this submittal. **Given no changes to the existing resource extraction  
31 and heavy industrial uses are proposed, staff has requested that the applicant  
32 screen the residential buildings from the existing industrial land along the  
33 shoreline. The applicant has included a 5 foot wide, Class B buffer along the  
34 western side of the residential buildings to screen the property from the existing  
35 industrial uses.**  
36

37 5. Land Use Intensities (LDC Chapter 130, Article V): *In compliance*  
38

39 Residential Density Analysis  
40

41 No structure or land in the County shall be developed, used or occupied at an intensity  
42 or density greater than the standards set out in LDC Chapter 130, Article V. The County  
43 LDC allows affordable and employee housing dwelling units in the I District to utilize  
44 the maximum net density of up to 2 dwelling units per buildable acre pursuant to LDC  
45 Sections 130-157 and 139-1.  
46

1 **Sec. 19-2. - Voluntary dedication for county roads.**

2 Where a dedication is made of private property for a county road and accepted by the  
3 county, the property so dedicated shall be taken into account by the proper county  
4 authorities and credited to the dedicating property owner for the purpose of computing  
5 density and/or area when and if the property owner applies for an improvement permit  
6 for the property.  
7

8 **Sec. 139-1. Affordable and Employee Housing; Administration.**

9 (a) Generally.

10 ...  
11 (5) Notwithstanding the provisions of this article, when calculating density, any  
12 existing lawfully established or proposed affordable or employee housing on a parcel  
13 and the floor area thereof shall be excluded from the calculation of the total gross  
14 nonresidential floor area and hotel/motel density development that may be lawfully  
15 established on the parcel, provided, however, that the total residential density allowed  
16 on the site shall not exceed the maximum net density for affordable and employee  
17 housing.  
18 ...

19  
20 LDC Section 101-1 defines the following relevant terms:

21  
22 *Density, maximum net* means the maximum number of dwelling units or  
23 rooms/spaces which may be permitted to be developed per buildable acre, with the  
24 use of Transferable Development Rights (TDRs) or for affordable housing.  
25

26 *Net buildable area* means that portion of a parcel of land that is developable and is  
27 not required open space.  
28

29 Given the land area and open space required (*as outlined above*), the net buildable area  
30 of the property would be 1,291,815.4 square feet or 29.6 acres. The maximum  
31 residential density of the subject property, pursuant to LDC Sections 130-157 and 139-  
32 1, shall be in accordance with the following table:

<i>Land Use District</i>	<i>Maximum Net Density Standard</i>	<i>Net Buildable Area</i>	<i>Maximum DUs</i>	<i>Proposed DUs</i>	<i>Development Potential Used</i>
<b>Industrial (I):</b>					
Affordable & Employee Housing per LDC Section 139-1	2 DU / Buildable Area	29.6 acres	59 DU	57 DU	96.6%

33  
34 Nonresidential Density Analysis

35  
36 In the I district, the maximum nonresidential land use intensities for the existing uses  
37 is as follows:



Type of Use	Maximum FAR	Total Upland (S.F.)	Maximum allowed (S.F.)	Existing S.F.	Proposed S.F.	Used (%)
Heavy Industrial	0.25	1,614,562.4	403,640.6	1,050	0	0.0026%
Light Industrial	0.4	1,614,562.4	645,825	5982.8	40,148 sf	7.1%
Total					0	7.2%

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**Given the aggregation of multiple parcels for the purpose of development review, staff is proposing that a condition of approval be a restrictive covenant on the existing industrial parcels indicating that the proposed affordable dwelling units are utilizing the land area for the purposes of residential density.**

6. Required Open Space (LDC Sections 118-4; 118-12; 130-157; 130-162; & 130-164): ***In compliance***

In the I district, the required open space ratio (OSR) is a minimum of 0.20 or 20%. According to the site plan submitted with this application, the property consists of 2,953,480.3 square feet of area. Therefore, 590,696 square feet is required to remain as open space. According to the site plan submitted with this application, 2,611,514.4 square feet or 88.4% percent of open space is provided.

LDC Section 101-1 defines the following relevant term:

*Open space* means (in relation to open space ratio calculations) that portion of any parcel or area of land or water that is required to be maintained such that the area within its boundaries is open and unobstructed from the ground to the sky (This definition is not intended to exclude vegetation from required open space).

7. Required Setbacks (LDC Sections 118-12, 131-1 & 131-3): ***In compliance***

In the I District, the required non-shoreline setbacks are as follows:

Land Use District/ Land Use	Primary Front Yard (ft.)	Secondary Front Yard (ft.)	Primary Side Yard (ft.)	Secondary Side Yard (ft.)	Rear Yard (ft.)
Industrial (I)	25	15	10	5	25

26  
27  
28  
29  
30  
31  
32  
33  
34  
35

According to the existing parcel boundaries on the site, the proposed development complies with all setbacks.

8. Wetland Setback (LDC Section 118-10): ***Not Applicable***

There are no wetlands (other than the existing ponds – see shoreline setback section below) within the proposed development footprint depicted on Sheet EX-100.

9. Shoreline Setback (LDC Section 118-12): ***In compliance***

1  
2 The portion of the proposed development that is adjacent to a manmade shoreline is in  
3 compliance with the setback requirements of Section 118-12 (b)(1) Along lawfully  
4 altered shorelines adjacent to manmade canals, channels, and basins, principal  
5 structures shall be set back at least 20 feet as measured from the mean high water  
6 (MHW) line. No development is proposed within the open water shoreline setback on  
7 the north end of the property.  
8

9 10. Maximum Height (LDC Section 130-187): *In compliance*

11 No structure or building shall be developed that exceeds a maximum height of 35 feet.  
12 The applicant is voluntarily raising the structure above the required base flood elevation  
13 with a proposed maximum height of 35 feet 10 inches. Pursuant to LDC Section 131-  
14 2(b)(1) For NEW single family (detached dwelling unit) and multi-family (attached  
15 dwelling unit) buildings which are voluntarily elevated to exceed the building's  
16 minimum required BFE, an exception of a maximum of three (3) feet above the 35-foot  
17 height limit may be permitted. The amount of the height exception shall be no greater  
18 than the amount of voluntary elevation above BFE. In no event shall a new building  
19 exceed 38 feet in height or two (2) habitable floors. The space below the lowest  
20 habitable floor of an elevated structure shall be limited to a maximum of 299 square  
21 feet of enclosed floor area and shall be used exclusively for parking of vehicles,  
22 elevators, limited storage and/or building access purposes. This exception shall apply  
23 to the substantial improvement of buildings, whether voluntary or not. The  
24 nonresidential storage building roofline does not exceed 35 feet from existing grade.  
25

26 11. Surface Water Management Criteria (LDC Section 114-3): *In compliance*

27  
28 The calculations on the revised Overall Conceptual Site Plan (Sheet EX-100 dated 02-  
29 14-2020) indicate compliance with the treatment requirements of Section 114-3.

30  
31 When available, **please provide the South Florida Water Management District**  
32 **permit (SFWMD application # 191023-2112).**  
33

34 12. Wastewater Treatment Criteria (LDC Section 114-4): *In compliance*

35  
36 The development is required to connect to central sewer.  
37

38 13. Fences (LDC Section 114-13): *In compliance*

39  
40 No fencing is proposed.  
41

42 14. Floodplain Management (LDC Chapter 122): *Compliance to be determined*

43  
44 The site is designated within AE-10 flood zone on the Federal Emergency Management  
45 Agency (FEMA) flood insurance rate maps.  
46

47 15. Energy Conservation Standards (LDC Section 114-45): *In compliance*

1  
2 16. Potable Water Conservation Standards (LDC Section 114-46): ***In compliance***

3  
4 17. Environmental Design Criteria and Mitigation Standards (LDC Sections 118-6, 118-7  
5 & 118-8): ***In compliance***

6  
7 The proposed development does not impact native plant communities and meets the  
8 design criteria of Section 118-6.

9  
10 18. Required Off-Street Parking (LDC Section 114-67): ***In compliance***

11  
12 The proposed development is subject to the following off-street parking requirements:

13

<i>Specific Use</i>	<i>Minimum Required Number of Parking Spaces</i>	<i>Existing/Proposed Use</i>	<i>Required 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 spaces per each 3 or more bedroom dwelling unit	16/1 bed = 32 25/2 bed = 50 16/3 bed = 48 Total = 130	130
Mini-warehouses/self-storage center	3.0 spaces for the office use plus a parking aisle of 10 feet in width adjacent the storage unit access doors if outside access to the storage units is provided	Proposed office for storage = 3	3
Total spaces required:			133

14 The plans submitted with this application indicate 189 total parking spaces. The total  
15 parking required for the known proposed and existing uses other than outdoor industrial  
16 use is 149 spaces.

17  
18 All regular parking spaces, with the exception of parallel, shall be a minimum of 8.5'  
19 in width by 18' in length. All pervious and impervious surface parking spaces shall  
20 have a wheel stop, bumper blocks or similar barriers where the front of the parking  
21 space is adjacent a building, required yard or required landscaping, to designate each  
22 parking space. The site plan provided is not being evaluated for existing nonresidential  
23 uses and associated parking.

24  
25 19. Required Loading and Unloading Spaces (LDC Section 114-69): ***In compliance***

26  
27 Per Section 114-69, for nonresidential uses between 20,000-49,000 sf, one space of  
28 11'x55' is required. One loading space 11'x55' shown.

29  
30 20. Bicycle Parking (LDC Section 114-71): ***In compliance***

1  
2 Portions of the property are contiguous to US-1 and there is a bike path along US-1  
3 within 200 feet of the property. Bicycle racks are located in both residential buildings.  
4

5 Sec. 114-71. - Bicycle Parking.  
6

7 ...  
8 (b) All nonresidential development within 200 feet of an existing or programmed  
9 state or county bikeway shall provide a bicycle parking rack.

10 (c) Bicycle parking rack criteria:

11 (1) Bicycle parking racks must be designed to accommodate a minimum of four

12 (4) bicycles;

13 (2) All bicycle parking racks shall be separated from vehicular traffic by at least  
14 five feet or a physical barrier;

15 (3) Bicycle racks shall be located within 100 feet of the building entrance at a  
16 location that does not interfere with pedestrian traffic; and

17 (4) The minimum dimensions for a bicycle parking rack shall be two-foot-wide  
18 by six-foot-long stalls with a minimum aisle width of five feet. Location criteria  
19 can be modified by the Planning Director if he or she determines that a superior  
20 alternative exists.

21 21. Required Landscaping (LDC Sections 114-99–114-105): ***Compliance to be***  
22 ***determined***  
23

24 The site plan has been revised, the County Biologist will review the revised landscape  
25 plan to determined compliance prior to the signing of the Resolution.  
26

27 22. Scenic Corridors & Bufferyards (LDC Sections 114-124 –114-130, 130-93): ***In***  
28 ***compliance***  
29

30 A Class ‘D’ Land Use District Boundary buffer is required on the east property line  
31 along Calle Dos, however, pursuant to Section 114-126(d), Where a street separates a  
32 parcel boundary from the district boundary, a Class D buffer may be reduced to a Class  
33 B buffer. The plans provided depict a Class B buffer and meet the Code minimums for  
34 a Class B buffer.  
35

36 23. Outdoor Lighting (LDC Chapter 114, Article VI): ***Compliance to be determined at***  
37 ***building permit***  
38

39 No lighting plan submitted to determine compliance.  
40

41 Sec. 114-161. Maximum Illumination.

42 Outdoor lighting shall be designed and located such that the maximum illumination  
43 measured in footcandles at the property line shall not exceed 0.3 footcandles for  
44 noncutoff lights and 1.5 footcandles for cutoff lights. If illumination is desired or  
45 required for nonresidential or multifamily (3 or more units) residential development,  
46 site plans shall include photometric lighting plans.

1  
2 24. Signs (LDC Chapter 142): ***No signage proposed, separate building permit required***

3  
4 Signage is not being proposed as part of this application.

5  
6 25. Access Standards (LDC Chapter 114, Article VII): ***In compliance***

7  
8 26. Recycling and Solid Waste Collection Areas (LDC Section 114-14): ***In compliance***

9  
10 Sec. 114-14. - Recycling and Solid Waste Collection Areas.

11 Any nonresidential, mixed use or multi-family residential development shall make  
12 adequate provision for a recycling collection area in accordance with the following  
13 standards:

14  
15 27. Accessibility (Chapter 533, Florida Statutes): ***Compliance to be determined at***  
16 ***building permit review***

17  
18 All standards and requirements of the American with Disabilities Act (ADA) must be  
19 met.

20  
21 28. Inclusionary Housing Requirements (LDC Section 139-1): ***Not applicable***

22  
23 29. Community Participation Meeting (LDC Section 110-3): ***In compliance***

24  
25 Meeting was held December 4, 2019 at the Quarry Apartments Community Center, 10  
26 Betty Rose Drive, Big Coppitt Key, FL 33040.

27  
28 **IV RECOMMENDED ACTION:**

29  
30 Pursuant to LDC Section 110-70(c), ...The Planning Commission shall hold a public hearing  
31 on the application for a major conditional use permit and shall issue a development order  
32 granting, granting with conditions or denying the application for a major conditional use permit  
33 within 60 days of the public hearing by the Planning Commission, with the exception of any  
34 application where a condition has been imposed that must be satisfied prior to the issuance of  
35 a development order approving the major conditional use permit, in which case the  
36 development order shall be issued within 30 days after receipt of proof of satisfaction of the  
37 condition. The applicant shall provide any additional information to satisfy a condition  
38 required by the Planning Commission within one (1) year of the date of the Planning  
39 Commission meeting when the application was considered. If such information is not received  
40 within this timeframe, the application will be deemed withdrawn.

41  
42 Staff recommends APPROVAL, subject to the following conditions:

- 43  
44 1. Based on preliminary traffic concurrency review of all approved projects, the proposed  
45 development is currently in compliance with Monroe County Comprehensive Plan  
46 Policies 301.1.1, 301.1.2, 301.2.2, 301.2.3 and 301.2.4 as well as Land Development

1 Code Sections 114-2(a)(1)a., b. and c. There is currently adequate roadway capacity  
2 available at the time, but this shall not guarantee the adequacy or availability of public  
3 facilities at subsequent stages of development review. The applicant/owner hereby  
4 acknowledges and agrees that any traffic level of service conditions in this order are  
5 preliminary, and only represent a conditional concurrency determination. A final  
6 concurrency review shall be completed during building permit review to ensure  
7 adequate roadway capacity is confirmed and the adopted level of service is maintained.  
8 In areas of the County that are served by marginal or inadequate facilities,  
9 developments may be approved, provided that the development in combination with all  
10 other permitted development will not decrease travel speed by more than five percent  
11 (5%) below LOS C, and mitigation is provided. Mitigation may be in the form of  
12 specific improvements or proportioned shared contribution towards improvements and  
13 strategies identified by the County, and/or FDOT to address any level of service  
14 degradation beyond LOS C and/or deficiencies. The applicant shall submit evidence of  
15 an agreement between the applicant and the FDOT for inclusion in any contract or  
16 agreement for improvements to US 1. For roadway improvements required, the  
17 applicant/owner may utilize the following, pursuant to Land Development Code  
18 Section 114-2(b)(5)c.:

- 19 a. The necessary facilities and services are in place at the time a development permit  
20 is issued; or
- 21 b. The necessary facilities and services are in place at the time a certificate of  
22 occupancy, or its functional equivalent is issued. Prior to commencement of  
23 construction, the applicant shall enter into a binding and legally enforceable  
24 commitment to the County to assure construction or improvement of the facility; or
- 25 c. A binding executed contract in place at the time a permit is issued which provides  
26 for the commencement of the actual construction of the required facilities or  
27 provision of services; or
- 28 d. An enforceable development agreement guaranteeing that the necessary facilities  
29 and services will be in place with the issuance of a permit. An enforceable  
30 development agreement may include, but is not limited to, development agreements  
31 pursuant to section 163.3220, F.S., or an agreement or development order issued  
32 pursuant to Chapter 380, F.S., or
- 33 e. A proportionate share contribution or construction that is sufficient to accomplish  
34 one or more mobility improvement(s) that will benefit a regionally significant  
35 transportation facility. A proposed proportionate fair-share mitigation shall be  
36 reviewed pursuant to LDC Section 126-2.

- 37
- 38
- 39 2. All access drives must be constructed to Monroe County standards and will require a  
40 right-of-way permit from Monroe County Engineering Department.
- 41
- 42 3. The construction of the access drives proposes to fill portions of the swale. This issue  
43 must be addressed at the time of right-of-way permit application; there is no additional  
44 space within the roadway/right-of-way to be dedicated to the county to fit additional

1 swale volume. The applicant will be required to provide equal replacement volume for  
2 stormwater retention, or retrofit the roadway drainage system so that the efficacy of the  
3 roadway storm water management is not reduced due to the reduction of the swale  
4 volume.  
5

- 6 4. Site Plan (Sheet 4.01), shows that a portion of the stormwater swale for the roadway  
7 that will be dedicated to Monroe County is outside of the 50 ft wide easement. This  
8 area will need to be dedicated to the County as part of the roadway improvements that  
9 the County will be maintaining. The paved parking area that is adjacent to the swale in  
10 that area must not impact the swale or drain to it.  
11
- 12 5. Prior to approval of the major conditional use permit, the applicant will need to  
13 coordinate with the County's Biologist and provide a revised landscape plan in  
14 compliance with the LDC.  
15
- 16 6. Prior to issuance of a building permit, the applicant must provide the SFWMD  
17 surface water management permit.  
18
- 19 7. Prior to issuance of a building permit, a declaration of restrictive covenants shall be  
20 placed on all properties aggregated for development, removing residential density from  
21 the nonresidential parcels of the property.  
22
- 23 8. Prior to issuance of a building permit for any of the 57 proposed affordable employee  
24 housing dwelling units on the site, the applicant must submit an approved affordable  
25 employee housing deed restriction, as required by LDC 139-1.  
26
- 27 9. Prior to issuance of a building permit for any lighting on the site, lighting details and a  
28 photometric plan shall be provided demonstrating compliance with Chapter 114,  
29 Article VI.  
30
- 31 10. The Florida Department of Transportation (FDOT) shall review any proposed work  
32 within the State rights-of-way. It is the responsibility of the applicant to obtain all  
33 required permits before starting work.  
34
- 35 11. Prior to issuance of a Certificate of Occupancy for any of the proposed new  
36 multifamily dwelling units, the applicant must provide a permit issued by FDOT for  
37 access or a letter stating no improvements are necessary.  
38
- 39 12. Prior to issuance of a Certificate of Occupancy for any of the proposed new multifamily  
40 dwelling units, all site work must be complete and pass a final inspection, unless a  
41 phasing plan is submitted and approved by Planning and the County Biologist at the  
42 time of building permit.  
43
- 44 13. The scope of work has not been reviewed for compliance with Florida Building Code.  
45 Prior to the issuance of Building Permits, new development and structures shall be

1 found in compliance by the Monroe County Building Department, Floodplain  
2 Administrator, and the Office of the Fire Marshal.  
3  
4

5 V PLANS REVIEWED:  
6

- 7 1. Site Plan: prepared by Weiler Engineering Corporation, signed and sealed by Michael J.  
8 Giardullo P.E. dated February 14, 2020
- 9 2. Building Elevations: prepared by POH Group, signed and sealed by Aldo Minozzi R.A. on  
10 January 14, 2020
- 11 3. Building Floor Plans: prepared by POH Group, signed and sealed by Aldo Minozzi R.A.  
12 on October 18, 2019
- 13 4. Drainage Plan: Sheet Ex-100 dated February 2020
- 14 5. Landscape Plan: signed and sealed by Michael Flaugh., Landscape Architect, dated  
15 January 14, 2020
- 16 6. Boundary Survey by Florida Keys Land Surveying, signed and sealed Eric A, Isaacs,  
17 P.S.M., dated July 29, 2019
- 18 7. Traffic Study by KBP Consulting, Inc., signed and sealed by Karl B. Peterson P. E. dated  
19 August 2019