



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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

From: Liz Lustberg, AICP, CFM, Senior Planner  
Mike Roberts, CEP, PWS, CFM, Assistant Director/Environmental Resources

Date: August 8, 2022

Subject: *Request for a Minor Conditional Use Permit in order to add a warehouse and 4 dwelling units to a property currently developed with an office building. The subject property is described as part of Lot 20 of SUMMERLAND ESTATES, according to the Plat thereof, as recorded in Plat Book 2, at Page 167, of the Public Records of Monroe County, Florida, and being more particularly described by metes and bounds, having Parcel ID number 00200640-000100 (File # 2021-103)*

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**Meeting: August 23, 2022**

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1  
2 I REQUEST  
3

4 The applicant is requesting approval of a minor conditional use permit in order to add four (4)  
5 dwelling units and a warehouse to a property currently developed with an office building. The  
6 development would consist of one building with 4,313 square feet of offices on the first floor  
7 and four (4) apartments (3 employee and 1 commercial apartment) on the second floor and a  
8 2-story 4,344 square foot warehouse building. The only existing entry way is proposed to  
9 remain on West Shore Dr. The proposed development would include 25 off-street parking  
10 spaces, landscaping, bufferyards, and other improvements.  
11



12 Subject Property with Land Use District Overlaid (Aerial dated 2018)  
13

1 **II BACKGROUND INFORMATION:**  
2

3 **Address:** 25000 Overseas Highway, Summerland Key, mile marker 25 ocean side

4 **Legal Description:** A Part of Lot 20 of Summerland Estates according to the Plat thereof, as  
5 recorded in Plat Book 2 at Page 167 of the records of Monroe County, Florida (Metes and  
6 Bounds on Warranty Deed in File)

7 **Parcel ID Number:** 00200640-000100

8 **Property Owner/Applicant:** Check Overseas Property, LLC

9 **Agent:** Serge Mashtakov, P.E.

10 **Size of Site:** 39,919 square feet (0.9164 acres) per application and site plan; 40,000 square feet  
11 (0.91827 acres) per property appraiser and per survey (200' x 200' = 40,000sf)

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

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

14 **Tier Designation:** III Infill Area

15 **Existing Use:** Office

16 **Existing Vegetation / Habitat:** Developed

17 **Community Character of Immediate Vicinity:** wetlands to the east and south, residences  
18 and commercial fishing across US 1 to the north, a gas station and residences across West  
19 Shore Dr. to the west  
20

21 **III RELEVANT PRIOR COUNTY ACTIONS:**  
22

23 A bank and office building on this property received a CO on May 28, 1980. The CO  
24 references permit numbers 4922A, 4912A, and 5804A. However, permit application number  
25 4913A provides the details for this building, specifying that the permit is for a 8,734 square  
26 foot, first federal office building, comprised of 4,535 square feet on the first floor, and 4,199  
27 square feet on the second floor for a total of 8,734 square feet. Permit A18722, dated  
28 9/23/1987, to remodel existing 2<sup>nd</sup> floor of building includes a site plan showing the office  
29 building and property in its current configuration.  
30

31 More recently, permits 2110524 (remodel/repair interior/exterior), 19101090 (spalling repair),  
32 and 21102431 (roof repair) have been approved to repair the existing office building within its  
33 existing footprint.  
34

35 **IV REVIEW OF APPLICATION:**  
36

37 Section 110-67 of the Monroe County Land Development Code (LDC) provides the standards  
38 which are applicable to all conditional uses. When considering applications for a conditional  
39 use permit, the Development Review Committee and Director of Planning & Environmental  
40 Resources shall consider the extent to which:  
41

42 (1) *The conditional use is consistent with the purposes, goals, objectives and policies of the*  
43 *Comprehensive Plan and this Land Development Code: **In compliance***  
44

1 The proposed use is consistent with the purposes, goals, objectives and policies of the 2030  
 2 Comprehensive Plan and the Land Development Code.

3  
 4 Policies from the *Monroe County Year 2030 Comprehensive Plan* that directly pertain to  
 5 the proposed use include but are not limited to:

6  
 7 Policy 101.5.6: The principal purpose of the Mixed Use/Commercial (MC) future land  
 8 use category is to provide for the establishment of mixed use commercial land use  
 9 (zoning) districts where various types of commercial retail and office may be permitted  
 10 at intensities which are consistent with the community character and the natural  
 11 environment. Employee housing and commercial apartments are also permitted. In  
 12 addition, Mixed Use/Commercial land use districts are to establish and conserve areas  
 13 of mixed uses, which may include maritime industry, light industrial uses, commercial  
 14 fishing, transient and permanent residential, institutional, public, and commercial retail  
 15 uses.

16  
 17 This future land use category is also intended to allow for the establishment of mixed  
 18 use development patterns, where appropriate. Various types of residential and  
 19 nonresidential uses may be permitted; however, heavy industrial uses and similarly  
 20 incompatible uses shall be prohibited. The County shall continue to take a proactive  
 21 role in encouraging the preservation and enhancement of community character and  
 22 recreational and commercial working waterfronts.

23  
 24 In order to protect environmentally sensitive lands, the following development controls  
 25 shall apply to all hammocks, pinelands, and disturbed wetlands within this land use  
 26 category:

- 27  
 28 1. only low intensity commercial uses shall be allowed;  
 29 2. a maximum floor area ratio of 0.10 shall apply to nonresidential development; and  
 30 3. maximum net residential density shall be zero.

31  
 32 Policy 101.5.25: Monroe County hereby adopts the following density and intensity  
 33 standards for the future land use categories, which are shown on the FLUM and  
 34 described in Policies 101.5.1 - 101.5.20 [Section 163.3177(6)(a)1.,F.S.].  
 35

Future Land Use Densities and Intensities				Minimum Open Space Ratio <sup>(c)</sup>
Future Land Use Category And Corresponding Zoning	Residential <sup>(l)</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) (f)(g) (SC, UC, DR, RV, MU and MI zoning)	1 du (DR, MU, MI) 3 du (SC) 6 du (UC)	2 du (MI) 6-18 du (SC) (k) 12 du (UC) 12—18 du (MU) (k)	0.10—0.45 (SC, UC, DR, MU)	0.20

	Commercial Apartments (RV) (h) 5—15 rooms/spaces	18 du (DR) 10—25 rooms/spaces	<2,500 SF (RV) 0.30—0.60 (MI)	
*****				

1  
2 (2) *The conditional use is consistent with the community character of the immediate vicinity*  
3 *of the parcel proposed for development: **In compliance***

4  
5 The community character of the immediate vicinity is a mix of uses including: residential,  
6 commercial retail, and vacant land. The proposed use is consistent with the community  
7 character.

8  
9 (3) *The design of the proposed development minimizes adverse effects, including visual*  
10 *impacts, of the proposed use on adjacent properties: **In compliance***

11  
12 The proposed development includes landscaped buffer yards around almost all of the  
13 perimeter. This is consistent with the requirements of the Land Development Code and  
14 minimizes visual impact of the proposed development

15  
16 (4) *The proposed use will have an adverse impact on the value of surrounding properties: **In***  
17 ***compliance***

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

21  
22 (5) *The adequacy of public facilities and services, including, but not limited to: **In compliance***

23  
24 1. *Roadways:*

25  
26 Localized Impacts & Access Management: The site currently does not have vehicular  
27 access onto U.S. 1, and the applicant is not proposing any new access along Overseas  
28 Highway/U.S. 1.

29  
30 The Public Works Department shall review any proposed work within County public  
31 rights-of-way. The Department maintains the right to request revisions as it carries out  
32 its review of any application for an access permit. It is the responsibility of the applicant  
33 to obtain all required permits before starting work. In addition, new access drives must  
34 be designed in accordance with the Land Development Code, which is addressed later  
35 in this report.

36  
37 Level of Service (LOS): According to the 2021 U.S. 1 Arterial Travel Time and Delay  
38 Study, Segment 7 of U.S. 1 (Summerland Key) had a level of service of “B”. The  
39 reserve capacity was 1,765 trips on 6/22/22. A Traffic Statement by KBP Consulting  
40 Inc., dated June 17, 2022, specifies that the existing office building generates an  
41 average estimated 124 daily trips. The current proposal with smaller office would

1 generate 62 trips, the proposed warehouse would generate 43 trips, and the dwelling  
2 units would generate 24 trips for an average daily trips total of 129. A traffic study is  
3 not required pursuant to Sec.114-200. Traffic mitigation is not required. An increase  
4 of 5 daily vehicle trips to and from the site is under the number reserve trips available;  
5 therefore, the level of service is adequate.  
6

- 7 2. *Drainage/Stormwater:* The applicant has submitted drainage plans with the  
8 Conditional Use application. The plans submitted are in compliance with the criteria  
9 of Section 114-3.  
10  
11 3. *Sanitary Sewer:* The property has access to central wastewater. Permit 20102382 to  
12 connect to the sewer was issued 10/2/20. A letter of coordination with Florida Keys  
13 Aqueduct Authority dated September 23, 2021, was submitted with the application.  
14 The letter states “There is an 8” sewer main on West Shore Drive with an existing  
15 cleanout adjacent to the property. A complete set of Civil and Architectural/Plumbing  
16 plans will be required for review to determine water meter requirements and system  
17 development charges.”  
18  
19 4. *Potable Water:* The applicant coordinated with the Florida Keys Aqueduct Authority.  
20 A letter of coordination with Florida Keys Aqueduct Authority dated August 23, 2021  
21 was submitted with the application. The letter states there is an 8 inch water main on  
22 West Shore Dr. and a 5/8” water meter currently feeding the property. ‘A complete set  
23 of Civil and Architectural/Plumbing plans will be required for review to determine  
24 water meter requirements and system development charges.’  
25  
26 5. *Solid Waste:* The site plan shows the location of a 269 square foot recycling and solid  
27 waste collection area. A letter of coordination with Monroe County Solid Waste dated  
28 August 25, 2021, was submitted with the application.  
29  
30 6. *Emergency Management:* The applicant has submitted a letter of coordination from  
31 the Office of the Fire Marshal, dated August 27, 2021. The Fire Marshal’s Office did  
32 not object to the proposed renovations, but did specify a list of items to be addressed  
33 by the applicant when submitting a building permit application for review and approval.  
34  
35 7. *Electricity:* A letter dated August 25, 2021, from Keys Energy Services acknowledges  
36 that coordination has begun, but a full set of plans and a Project Review Form is  
37 required prior to KEYS approval.  
38

39 (6) *The applicant for conditional use approval has the financial and technical capacity to*  
40 *complete the development as proposed and has made adequate legal provision to*  
41 *guarantee the provision and development of any open space and other improvements*  
42 *associated with the proposed development: **In compliance***  
43

44 Staff has no evidence to support or disprove the applicant’s financial and technical  
45 capacity.  
46

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

3  
4 The proposed redevelopment will not adversely affect a known archaeological, historical,  
5 or cultural resource.

6  
7 (8) *Public access to public beaches and other waterfront areas is preserved as part of the*  
8 *proposed development: **In compliance***

9  
10 There is no public access to a beach or waterfront through this property.

11  
12 (9) *The proposed use complies with all additional standards imposed on it by the particular*  
13 *provision of this Land Development Code authorizing such use and by all other applicable*  
14 *requirements:*

15  
16 1. Residential Rate of Growth Ordinance (ROGO) (Section 138-19 – Section 138-29): ***In***  
17 ***Compliance upon permit approval and issuance of four (4) ROGO allocations.***

18  
19 Non-Residential Rate of Growth Ordinance (NROGO) (Section 138-47 – Section 138-  
20 56): ***Not applicable***

21  
22 The existing office has 8,734 square feet of NROGO exempt floor area. After  
23 converting the second floor of the office to apartments, the total nonresidential floor  
24 area proposed is 8,657 square feet (4,344 sf warehouse and 4,313 sf office). This leaves  
25 77 square feet of NROGO exempt floor area unused.

26  
27 2. Purpose of the SC District (Section 130-46): ***In compliance***

28  
29 The purpose of the SC district is to establish areas for commercial uses designed and  
30 intended primarily to serve the needs of the immediate planning area in which they are  
31 located. This district should be established at locations convenient and accessible to  
32 residential areas without the use of U.S. 1.

33  
34 3. Permitted and Conditional Uses (Section 130-93): ***In compliance upon approval of the***  
35 ***required Minor CUP and adherence to conditions of approval.***

36  
37 In the SC district, office uses of greater than 2,500 but less than 10,000 square feet of  
38 floor area is allowed with minor conditional use approval, provided that access to U.S.  
39 1 is by way of:

- 40 a. An existing curb cut;  
41 b. A signalized intersection; or  
42 c. A curb cut that is separated from any other curb cut on the same side of U.S. 1  
43 by at least 400 feet;

44  
45 Access to US 1 is via West Shore Drive. 4,313 square feet of office is proposed.  
46

1 In the SC district, light industrial uses are allowed with minor conditional use approval  
2 provided that:

- 3 a. The parcel proposed for development does not have an area of greater than two  
4 acres;
- 5 b. The parcel proposed for development is separated from any established  
6 residential use by at least a class C bufferyard; and
- 7 c. All outside storage areas are screened from adjacent use by a solid fence, wall or  
8 hedge at least six feet in height;

9  
10 A warehouse, light industrial use, is proposed. The property is less than two acres. The  
11 Landscape Site Plan by Artibus Design (Sheet L-101, dated 6/11/22) depicts the  
12 required Class C district boundary buffer along Shore Drive. No outside storage is  
13 proposed.

14  
15 In the SC district, commercial apartments involving less than six dwelling units and  
16 dwellings involving less than six units designated as employee housing are allowed as  
17 of right.

18  
19 One (1) commercial apartment and three (3) employee housing units are proposed.

20  
21 4. Required Open Space (LDC Sections 118-9; 118-12; 130-157; 130-162; & 130-164):  
22 ***In compliance***

23  
24 In the SC district, there is a general required open space ratio (OSR) of at least 0.20 or  
25 20%. According to the site plan, the property consists of 39,919 square feet of upland  
26 area. Therefore, 7,983.8 square feet of upland is required to remain as open space.  
27 According to the site plan, sheet C-100, the proposed open space is 17,519 square feet,  
28 resulting in an open space ratio of 0.4389 as proposed. The amount of open space  
29 proposed exceeds the minimum required.

30  
31 5. Maximum Residential Density and Nonresidential Land Use Intensities (LDC Sections  
32 130-157, 130-162 & 130-164): ***In compliance***

33  
34 The proposed development plan is for 4,313 square feet of office space (an office use),  
35 4,344 square feet of warehouse (a light industrial use), and four (4) dwelling units – 3  
36 affordable and 1 market rate.

37  
38 Pursuant to LDC Section 130-157, maximum permanent residential density:

<b>Maximum Permanent Residential Density and Minimum Open Space</b>			
<b>Land Use District</b>	<b>Allocated Density<sup>(a)(b)</sup> DU/Gross Acre of Upland</b>	<b>Maximum Net Density<sup>(a)(b)(c)</sup> DU/Buildable Acre</b>	<b>Minimum Open Space Ratio<sup>(d)</sup></b>
Suburban Commercial (SC)	3.0	TDRs: 6.0 <sup>(e)</sup> Affordable: 18.0 <sup>(e)</sup>	0.20
0.9164 acres	2.7492	N/A	0.20

0.73312 buildable acres	N/A	4.398 TDR 13.196 affordable	0.20
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1

Land Use SC	Density	Maximum Dwelling Units	Proposed Dwelling Units	Percent Proposed
Allocated	3	2.7492	1	<b>36.37%</b>
Affordable	18	13.196	3	<b>22.73%</b>
Total				<b>59.10%</b>

2

3

Pursuant to LDC Section 130-164, maximum nonresidential land use intensity:

Land Use District and Use	Maximum Floor Area Ratio	Minimum Open Space Ratio <sup>(a)</sup>
<b>Suburban Commercial (SC)(b)</b>		
Office	0.40	0.20
Light Industrial	0.30	0.20

4

Land Use	Maximum Floor Area Ratio	Maximum Floor Area	Proposed Floor Area	Percent Floor Area Proposed
Office	0.40	15,967.6 sf	4,313 sf	<b>27.01%</b>
Light Industrial	0.30	11,975.7 sf	4,344 sf	<b>36.27%</b>
Total				<b>63.28%</b>

5

6

7

8

9

10

11

Pursuant to LDC Section 139-1, when calculating density, any ... 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 ... 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 total residential density proposed is less than 100% of allowable density. The total floor area proposed is less than 100% of allowable floor area. **The floor area at 63.28% and market rate housing without TDR at 36.37% is 99.65%, of the properties allowable density/intensity and complies with the allowable density/intensity.**

6. Required Setbacks (LDC Sections 118-12 & 130-131): ***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
Proposed	30(US 1)	15(W Shore)	NA	More than 5'	More than 10'

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

Survey received 6/23/21 shows Crown of Road (COR) at 6.5'NGVD 29. The survey received via email 6/13/22 shows COR at 6.29'. The plans specify the US 1 COR at 6.4'. Sheet A-106 shows the top of the higher parapet wall for the office building at 41.23'.  $41.23' - 6.4' = 34.83'$  (plans say 34'10") If subtracting the 6.29' COR the height would be 34.94' and still in compliance.

Sheet A-202 depicts the warehouse building and shows the elevation of the top of the roof at 41'NGVD.  $41' - 6.4' = 34.6'$  height. If subtracting the 6.29' COR the height would be 34.71' and still in compliance.

For both buildings the proposed height does not exceed a maximum height of 35 feet.

10. Surface Water Management Criteria (Section 114-3): ***In compliance***

The revised Drainage Report and revised plans (Sheet C-101) demonstrate compliance with the water quality and water quantity criteria of Chapter 114-3.

11. Wastewater Treatment Criteria (Section 114-4): ***In compliance***

The property has access to central wastewater. Permit 20102382 to connect to the sewer was issued 10/2/20. A letter of coordination with Florida Keys Aqueduct Authority dated September 23, 2021, was submitted with the application. The letter states "There is an 8" sewer main on West Shore Drive with an existing cleanout adjacent to the property. A complete set of Civil and Architectural/Plumbing plans will

1 be required for review to determine water meter requirements and system development  
2 charges.”.

3  
4 12. Fences (Section 114-13): ***Full compliance to be determined upon building permit  
5 application review.***

6  
7 No fencing or fence details are specified in this application.  
8

9 13. Floodplain Management (Sections 122-1 – 122-9): ***Full compliance to be determined  
10 upon building permit application review.***

11  
12 The site is designated within AE-8 flood zone on the Federal Emergency Management  
13 Agency (FEMA) flood insurance rate maps. All new structures must be built to  
14 floodplain management standards that meet or exceed those for flood protection. Full  
15 compliance to be determined upon building permit application review  
16

17 14. Energy Conservation Standards (Section 114-45): ***Full compliance to be determined  
18 upon building permit application review.***

19  
20 The development proposal includes the following required energy conservation  
21 measures: the installation of native plants in required landscaping, which will reduce  
22 the requirements for water and maintenance; the installation of shade trees, which will  
23 provide shade for parking areas; inclusion of porch/patio areas in residential units.  
24

25 Not enough information was provided to determine if the development proposal  
26 includes the following required energy conservation measures: prohibition of deed  
27 restrictions or covenants that would prevent or unnecessarily hamper energy  
28 conservation efforts; installation of energy-efficient lighting for streets, parking areas,  
29 recreation areas, and other interior and exterior public areas; use of energy-efficient  
30 features in window design; use of operable windows and ceiling fans; and installation  
31 of energy-efficient appliances and equipment.  
32

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

35  
36 16. Environmental Design Criteria and Mitigation Standards (Section 118-6, 118-7 & 118-  
37 8): ***In Compliance***

38  
39 The subject parcel is a scarified lot with little vegetation. Since the parcel does not  
40 contain native habitat, an existing conditions report is not required for development  
41 approval (LDC Section 118-2).  
42

43 17. Required Off-Street Parking (Section 114-67): ***In compliance***

44  
45 The development would be subject to the following off-street parking requirements:  
46

<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>
Offices	3.0 spaces per 1,000 sq. ft. of nonresidential floor area within the building	4,313 sf	13	<b>13</b>
Warehousing	1.0 space per 1,000 sq. ft. nonresidential floor area within the building	4,344 sf	4	<b>4</b>
Multifamily residential development	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	4 dwelling units with 1 and 2 bedrooms	8	<b>8</b>
<b>TOTAL</b>			<b>25</b>	<b>25 spaces</b>

A minimum of 25 off-street parking spaces is required and 25 spaces are proposed, including two ADA accessible space. The design and dimensions of the proposed parking spaces and aisles comply with LDC Section 114-67(b). Wheel stops are provided where required, pursuant to LDC Section 114-67(j).

While the plans depict 25 spaces, the site plan also includes a chart calculating shared parking, indicating that 23 spaces are required when using shared parking.

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

One loading zone 11' x 55' is required. One loading zone 11' x 55' is shown on the plans.

19. Bicycle Parking (Section 114-71): ***In compliance***

Bicycle parking is required and is shown on the plans.

20. Required Landscaping (Sections 114-99 –14-105): ***In compliance***

As shown on revised Sheet L-101, gross vehicular use area for the site is 12,238 square feet. Section 114-100(a)(3) requires landscaping be provided in a square footage area equal to a minimum of twenty percent (20%) of the gross parking lot area. The subject site requires 2,447 square feet of parking lot landscaping, 2,677 square feet is proposed.

21. Scenic Corridors & Bufferyards (Sections 114-124 –114-130, 130-93): ***In compliance***

1  
2 A Class C major street buffer is required adjacent to W. Shore Drive. A Class C buffer  
3 may be 10 feet, 15 feet, 20 feet or 25 feet in width. The plans include the required  
4 buffer (10 feet) with the appropriate plant densities.  
5

6 A twenty-five foot (25') Class D buffer is required along the adjacent wetlands. The  
7 revised plans (Sheet L-101) depict the required buffer and are in compliance with the  
8 requirements of Section 118-10(e)(70).  
9

10 22. Outdoor Lighting (Sections 114-159 – 114-164): ***Full compliance to be determined***  
11 ***upon building permit application review.***  
12

13 Outdoor lighting details were not provided in this application. A photometric plan  
14 demonstrating compliance with outdoor lighting regulations will be required at the time  
15 of building permit review.  
16

17 23. Signs (Sections 142-1 – 142-7): ***Full compliance to be determined upon building***  
18 ***permit application review.***  
19

20 The site plan states, existing sign to remain. No details were provided. Any proposed  
21 signage shall be reviewed independently for compliance as an accessory use under a  
22 building permit application.  
23

24 24. Access Standards (Sections 114-195 –114-201): ***In compliance***  
25

26 No access is proposed to U.S. 1. The applicant proposes maintaining the existing access  
27 onto West Shore Drive. The Public Works Department shall review any proposed work  
28 within County public rights-of-way. The Department maintains the right to request  
29 revisions as it carries out its review of any application for an access permit. It is the  
30 responsibility of the applicant to obtain all required permits before starting work. In  
31 addition, new access drives must be designed in accordance with the Land  
32 Development Code.  
33

34 No traffic study was required pursuant to LDC Section 114-200 due to the proposed  
35 development generating less than 250 trips per day and the adequate level of service on  
36 this segment of US 1, but the applicant submitted the traffic statement.  
37

38 Level of Service (LOS): According to the 2021 U.S. 1 Arterial Travel Time and Delay  
39 Study, Segment 7 of U.S. 1 (Summerland Key) had a level of service of “B”. The real  
40 time reserve capacity was 1,765 trips on 6/22/22. A traffic statement by KBP  
41 Consulting Inc., dated June 17, 2022, specifies that the existing office building  
42 generates an average estimated 124 daily trips. The proposed smaller office would  
43 generate 62 trips, the proposed warehouse would generate 43 trips, and the dwelling  
44 units would generate 24 trips for a daily total of 129 trips. A traffic study is not  
45 required. Traffic mitigation is not required. An increase of 5 daily vehicle trips to and

1 from the site is under the number reserve trips available; therefore, the level of service  
2 is adequate.

3  
4 Clear sight triangles for the existing driveway are indicated on the site plan, 25 x 253.3  
5 feet, more than the 200 feet required.

6  
7 25. Solid Waste / Recycling (Section 114-14): ***In compliance***

8  
9 Any nonresidential development shall make adequate provision for a recycling  
10 collection area. Floor area of 5,001 to 15,000 square feet requires a minimum  
11 collection area of 125 square feet. Multifamily residential developments of 3 to 10  
12 dwelling units requires 144 square feet of trash/recycling area.  $125 + 144 = 269$  square  
13 feet required. 269 square feet is proposed.

14  
15 26. Accessibility (Chapter 533, Florida Statutes): ***Full compliance to be determined upon***  
16 ***submittal to Building Department.***

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

20  
21 27. Inclusionary Housing Requirements (LDC Section 139-1(f)): ***In compliance***

22  
23 The nonresidential inclusionary housing requirements require workforce housing be  
24 provided for all new development, expansions, and redevelopment in an amount  
25 proportionate to the need for affordable workforce housing that the nonresidential and  
26 transient uses create. ... *Redevelopment with an Expansion*. Each redevelopment  
27 project not exempted by subsection (4), shall mitigate 50% of the workforce housing  
28 demand created by the proposed redevelopment by one or a combination of the methods  
29 identified in subsection (5). The workforce housing required for nonresidential  
30 development when an existing use is expanded shall be calculated based on the  
31 incremental increase in size of the existing use (net additional square footage).

32  
33 Section 139-1(f)(5)a. Total Need Created by Nonresidential Development (for  
34 construction and post-construction employees)

35

Land Use Category	Total Housing Need per 1,000 sf (units/1000 sf)	Total Housing Need per sf (units/sf)	Total In-Lieu Fee per 1,000 sf (monetary fee/1000 sf)	Total In-Lieu Fee per sf (monetary fee/sf)
Industrial (Light manufacturing, lumber yards,	0.226	0.000226	\$24,397	\$24.39

Land Use Category	Total Housing Need per 1,000 sf (units/1000 sf)	Total Housing Need per sf (units/sf)	Total In-Lieu Fee per 1,000 sf (monetary fee/1000 sf)	Total In-Lieu Fee per sf (monetary fee/sf)
warehousing, storage facilities, etc.)				
Housing demand from this development (4,344 sf)		.98 du		\$105,950.16
<b>50% mitigation requirement</b>		<b>.49 du</b>		<b>\$52,975.08</b>
Office (Professional and non-professional office buildings, etc.)	0.704	0.000704	\$78,492	\$78.49
Reduction of 4,421 sf proposed		3.11 du		\$347,004.29
<b>50% mitigation</b>		<b>1.56 du</b>		<b>\$173,502.15</b>

Since the housing demand created by the addition of the warehouse is less than the housing demand removed by shrinking the office, no inclusionary housing is required.

**V RECOMMENDED ACTION:**

Pursuant to LDC Section 110-69(b), an application for a minor conditional use permit shall be reviewed by the Development Review Committee (DRC). At the meeting, DRC members shall make comment on the application and responsible Planning and Environmental Resources Department staff shall provide their staff report(s) to the Planning Director. Individual members of the development review committee may submit additional comments to the planning director within ten working days of the meeting.

1 Pursuant to LDC Section 110-69(c), within 60 days after the DRC meeting, the Planning  
2 Director shall render a development order granting, granting with conditions or denying the  
3 application for a minor conditional use permit, with the exception of any application where a  
4 condition has been imposed that must be satisfied prior to the issuance of a development order  
5 approving the minor conditional use permit, in which case the development order shall be  
6 issued within 30 days after receipt of proof of satisfaction of the condition(s).

7  
8 Staff recommends APPROVAL with the following conditions for the requested Minor CUP:  
9

- 10 1. ROGO allocation awards for 3 employee housing dwelling units and 1 commercial  
11 apartment are required prior to the issuance of a building permit for those dwelling units,  
12 pursuant to LDC Chapter 138, Article II.
- 13  
14 2. Employee housing dwelling units are restricted to households meeting the income and  
15 employment requirements of LDC Section 130-161(a)(6)b. Employee housing units are  
16 restricted to households that derive at least 70% of their household income from gainful  
17 employment in the County and meet the adjusted gross annual income limits for median  
18 income as defined in LDC Section 101-1.
- 19  
20 3. Commercial apartments are restricted to owners or employees of the nonresidential use on  
21 the same parcel of land. Tourist housing and vacation rentals are not permitted with the  
22 commercial apartment.
- 23  
24 4. A minor conditional use permit is not a final approval for certain development. The  
25 applicant shall obtain a building permit(s) for any improvement requiring such an approval.  
26
- 27 5. The scope of work has not been reviewed for compliance with Florida Building Code or  
28 ADA. Prior to the issuance of Building Permits, new development and structures shall be  
29 found in compliance by the Monroe County Building Department, Floodplain  
30 Administrator, and the Office of the Fire Marshal.
- 31  
32 6. The Public Works Division shall review any proposed work within County public rights-  
33 of-way and the Division maintains the right to request revisions as it carries out its review  
34 of any application for an access permit. It is the responsibility of the applicant to obtain all  
35 required permits before starting work.

36  
37 **VI PLANS REVIEWED:**

- 38  
39 1. Site Plan, Landscape Plan, Floor Plans, and Elevation Plans signed and sealed by Serge  
40 Mashtakov, Artibus Design, 6/23/2022.
- 41 2. Boundary Survey by Reece & Associates, Robert E. Reece, field work date 3/25/2020.
- 42 3. Traffic Study by KBP Consulting Inc., dated June 17, 2022.