

DEVELOPMENT REVIEW COMMITTEE

Tuesday, May 29, 2012

AGENDA

The Monroe County Development Review Committee will conduct a meeting on Tuesday, May 29, 2012, beginning at 1:00 PM at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL

DRC MEMBERS:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Mike Roberts, Sr. Administrator, Environmental Resources
Joe Haberman, Planning & Development Review Manager
DOT Representative
Steve Zavalney, Captain, Fire Prevention
Public Works Department Representative

STAFF MEMBERS

Christine Hurley, Growth Management Division Director
Jerry Smith, Assistant Building Official
Mitch Harvey, Comprehensive Plan Manager
Mayte Santamaria, Assistant Planning Director
Rey Ortiz, Planner
Gail Creech, Planning Commission Coordinator

CHANGES TO THE AGENDA

MINUTES FOR APPROVAL

MEETING

NEW ITEM:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING MONROE COUNTY CODE SECTION 130-102, HORSES, TO ESTABLISH REGULATIONS RELATED TO THE KEEPING OF HORSES IN MONROE COUNTY, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

(File 2012-036)

[2012-036 Continuance Request to 6.26.12.pdf](#)

2. Sandal Factory Outlet, 102411 Overseas Highway, Key Largo, Mile Marker 102.4: A request for an amendment to a minor conditional use permit in order to construct a building addition of approximately 2,119 SF for office use. The existing 5,566 SF

building shall continue to be used for low-intensity commercial retail. The subject property is legally described as Block 2, Lots 1, 2, 37 and 38, Bahia Mar Estates (PB4-79), Key Largo, Monroe County, Florida, having real estate number 00543710.000000.

(File 2012-059)

[2012-059 SR DRC 5.29.12.PDF](#)

3. Refreshment Service, Inc. Property, MacDonald Avenue, Stock Island, Mile Marker 5: A request for an amendment to a minor conditional use permit in order to construct a new building of approximately 7,400 SF for light industrial use. The existing 10,560 SF building shall continue to be used for light industry. The subject property is legally described as Square (Block) 36, Lots 1 through 5 and Lots 16 through 20, Maloney Sub subdivision (PB1-55), Stock Island, Monroe County, Florida, having real estate number 00124940.000000.

(File 2012-063)

[2012-063 DR DRC 5.29.12.PDF](#)

ADJOURNMENT

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Townsley Schwab, Senior Director of Planning and Environmental Resources
Through: Gail Creech, Planning Coordinator
From: Steven Biel, Senior Planner
Date: May 23, 2012
Subject: *Request to Continue an Agenda Item from the May 29, 2012 Development Review Committee of an ordinance creating Monroe County Code Section 130-102 establishing regulations related to the keeping of horses (File #2012-036)*

The Planning Department has initiated an ordinance by the Board of County Commissioners creating Monroe County Code Section 130-102 establishing regulations related to the keeping of horses. This item was scheduled to be heard at the May 29, 2010 Development Review Committee (DRC).

Due to time constraints, planning staff is requesting this item be continued to the June 26, 2012 DRC meeting.



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: The Development Review Committee and Townsley Schwab, Senior Director of Planning & Environmental Resources

From: Steven Biel, Senior Planner
Michael Roberts, CEP, PWS, Senior Administrator of Environmental Resources

Date: May 23, 2012

Subject: *Request for an amendment to a minor conditional use permit to construct a 2,119 SF building addition (for office use) to an existing 5,566 SF building (for low-intensity commercial retail use), Sandal Factory Outlet, 102411 Overseas Highway, Key Largo, Real Estate #00543710.000000*

Meeting: May 29, 2012

1 I REQUEST:

2
3 The applicant is requesting approval of an amendment to a minor conditional use permit in
4 order to construct a building addition of approximately 2,119 SF for office use. The existing
5 5,566 SF building shall continue to be used for low-intensity commercial retail (Sandal
6 Factory Outlet).



1 Location:

2 Address: 102411 Overseas Highway, Key Largo, mile marker 102.4 (Atlantic Ocean side
3 of US 1)
4

5 Legal Description: Block 2, Lots 1, 2, 37, and 38, Bahia Mar Estates (PB4-79), Key
6 Largo, Monroe County, Florida
7

8 Real Estate (RE) Number: 00543710.000000
9

10 Applicant:

11 Owner: MM 102 LLC
12

13 Agent: David Osborne, Keys Engineering Services
14
15
16

17 **II RELEVANT PRIOR COUNTY ACTIONS:**

18
19 In 1980, Building Permit #C-7289 was issued for the construction of the existing building.
20 According to the certificate of occupancy, the building was approved for commercial use for
21 (truck sales).
22

23 In 1983, Building Permit C-12370 was issued for an addition with a screen room.
24

25 Currently, a low/medium intensity commercial retail building between 2,500 SF and 10,000
26 SF of floor area requires a minor conditional use permit. As the construction of the building
27 occurred prior to September 15, 1986 (the date in which this requirement became effective),
28 the site is deemed to have a minor conditional use permit in accordance with MCC §101-
29 4(c).
30

31 In 1998, Building Permit #973-2333 was issued to enclose the existing building.
32

33 In addition, several other building permits have been issued for miscellaneous improvements
34 to the site and building.
35

36 **III BACKGROUND INFORMATION:**

37
38 A. Size of Site: 21,731 SF (0.49 acres)

39 B. Land Use District: Suburban Commercial (SC)

40 C. Future Land Use Map (FLUM) Designation: Mixed Use / Commercial (MC)

41 D. Tier Designation: Tier 3

42 E. Flood Zone: X

43 F. Existing Use: Commercial Retail

44 G. Existing Vegetation / Habitat: Predominately scarified with an area of trees in the
45 southern corner

46 H. Community Character of Immediate Vicinity: Mixed Use: Commercial along the US 1
47 corridor and single-family residential to the east of the subject property
48
49
50
51

1 IV REVIEW OF APPLICATION:
2

3 MCC §110-67 provides the standards which are applicable to all conditional uses. When
4 considering applications for a conditional use permit, the Development Review Committee
5 and Director of Planning & Environmental Resources shall consider the extent to which:
6

7 *A. The conditional use is consistent with the purposes, goals, objectives and standards of the*
8 *comprehensive plan and the land development regulations:*

9 The existing development is consistent with the purposes, goals, objectives and standards
10 of the MC future land use category and the SC district.
11

12 Policies from the Monroe County Year 2010 Comprehensive Plan that directly pertain to
13 the proposed redevelopment include:
14

15 Policy 101.4.5: The principal purpose of the MC land use category is to provide
16 for the establishment of commercial zoning districts where various types of
17 commercial retail and office may be permitted at intensities which are consistent
18 with the community character and the natural environment.
19

20 Policy 101.5.3: In order to encourage a compact form of non-residential growth,
21 the Permit Allocation System shall limit and direct new non-residential
22 development primarily to areas designated as Tier III under Goal 105 not located
23 within a designated Special Protection Area and provide incentives for
24 redevelopment of existing developed and vacant infill sites.
25

26 Any development on Key Largo shall be consistent with all goals, strategies and action
27 items of the Key Largo Community Master Plan (aka the Livable CommuniKeys Plan).
28

29 Staff has found that the proposed project would not be inconsistent with the Key Largo
30 Community Master Plan as a whole and is specifically supported by Action Item 6.1.2,
31 which encourages review of existing land development regulations pertaining to density,
32 intensity, and site design layout and nonconforming uses/structures and coordinate to
33 encourage the retention of businesses that support the tourist-based economy.
34

35 *B. The conditional use is consistent with the community character of the immediate vicinity:*
36

37 A commercial building has existed on the property since 1980. The surrounding uses are
38 mainly commercial along the US 1 corridor with single-family residential to the east of
39 the US 1 corridor. The existing use of commercial retail and the proposed use office are
40 consistent with the community character of the immediate vicinity.
41

42 *C. The design of the proposed development minimizes adverse effects, including visual*
43 *impacts, on adjacent properties:*
44

45 The site is currently developed with a 5,566 SF commercial retail building. The proposed
46 addition to the rear of the existing building would increase its overall size and mass.

1 However, at its proposed location, the addition would not be easily visible from the US 1
2 corridor due to the existing building and would not be easily visible from Ponce de Leon
3 Boulevard due to a required bufferyard. In addition, as part of the redevelopment, it shall
4 be required that additional trees and landscaping elements be introduced to the site.
5 Therefore, the proposed redevelopment minimizes adverse effects, including visual
6 impacts, on adjacent properties.
7

8 *D. The proposed use will have an adverse impact on the value of surrounding properties:*
9

10 It is not anticipated that the proposed redevelopment will have an adverse impact on the
11 value of the surrounding properties.
12

13 *E. The adequacy of public facilities and services:*
14

15 1. Roads:
16

17 *Localized Impacts & Access Management:* Access to and from the development shall
18 not be modified (See section I-22).
19

20 *Level of Service (LOS):* A traffic evaluation study shall be approved by the county's
21 traffic consultant (See section I-22).
22

23 2. Stormwater: If necessary, the applicant shall coordinate with the Public Works
24 Division and/or South Florida Water Management District (SFWMD) to determine
25 compliance with all applicable regulations (See section I-9, Surface Water
26 Management Criteria).
27

28 3. Sewer: The applicant shall coordinate with the Key Largo Wastewater Treatment
29 District to determine compliance with all applicable regulations (See section I-10,
30 Wastewater Treatment Criteria).
31

32 4. Emergency Management: The applicant shall coordinate with the Office of the Fire
33 Marshal to determine compliance with the Florida Fire Prevention Code. A letter of
34 coordination has not been provided as of the date of this report.
35

36 *F. The applicant has the financial and technical capacity to complete the development as*
37 *proposed:*
38

39 There is no evidence to support or disprove the applicant's financial and technical
40 capacity.
41

42 *G. The development will adversely affect a known archaeological, historical or cultural*
43 *resource:*
44

45 The proposed development will not adversely affect a known archaeological, historical or
46 cultural resource.

1 H. *Public access to public beaches and other waterfront areas is preserved as part of the*
2 *proposed development:*
3

4 The property is land-locked. Therefore, the proposed development will not have an
5 adverse impact on public access to a waterfront area.
6

7 I. *The project complies with all additional standards imposed on it by the Land*
8 *Development Regulations:*
9

- 10 1. Residential Rate of Growth Ordinance (ROGO) (§138-19 – §138-28): *Not applicable.*
11
12 2. Non-Residential Rate of Growth Ordinance (NROGO) (§138-47 – §138-56): *In*
13 *compliance following receipt of required NROGO allocation.*
14

15 Staff has determined that the existing building consists of 5,566 SF of non-residential
16 floor area. All of this floor area was lawfully-established and therefore is exempt
17 from the NROGO permit allocation system. The applicant is not proposing any
18 modifications to the existing building's existing floor area.
19

20 The 2,119 SF building addition would require an allocation of 2,119 SF of non-
21 residential floor area through the NROGO permit allocation system.
22

- 23 3. Purpose of the SC District (§130-43): *In compliance.*
24

25 The purpose is to establish areas for commercial uses designed and intended primarily
26 to serve the needs of the immediate planning area in which they are located.
27

- 28 4. Permitted Uses (§130-93): *In compliance.*
29

30 As provided for in MCC §130-93, commercial retail, low- and medium-intensity and
31 office uses or any combination thereof of greater than 2,500 SF but less than 10,000
32 SF of floor area may be permitted with approval of a minor conditional permit.
33

- 34 5. Residential Density and Maximum Floor Area Ratio (§130-157, §130-162 & §130-
35 164): *In compliance.*
36

Land Use	Max Net Density	Size of Site (upland)	Max Allowed	Proposed	Potential Used
Office	0.40 FAR	21,731 SF	8,692 SF	2,119 SF	24.4%
Commercial Retail)	0.35 FAR	21,731 SF	7,606 SF	5,566 SF	73.2%
Cumulative Total					97.6

- 37
38 6. Required Open Space (§118-9, §118-12, §130-157, §130-162 & §130-164): *In*
39 *compliance.*
40

41 There is a required open space ratio of 0.20 or 20 percent. In total, the property
42 consists of 21,731 SF of upland area. Therefore, at least 4,346 SF of the total land

1 area must remain open space. The site plan indicates there would be 5,829 SF of total
2 open space.
3

4 7. Minimum Yards (§118-12 & §130-186): *In compliance to the greatest extent*
5 *practical.*
6

7 The required non-shoreline setbacks are as follows: Front yard – 25’; Rear yard – 10’;
8 and Side yard – 10’/15’ (where 10’ is required for one side and 15’ is the minimum
9 combined total of both sides).
10

11 There are required 25’ front yard setbacks along the property lines adjacent to the
12 three surrounding roadways and a required 5’ side yard setback along the
13 southwestern property line. The site plan shows portions of the existing commercial
14 building and existing parking areas within the required front yard setbacks along US
15 1 and Alhambra Drive. The proposed building addition, new parking spaces, and new
16 loading space have been designed in compliance with the required setbacks. The
17 proposed bike rack is located in the required 25’ front yard setback along Alhambra
18 Drive. It will have to be relocated.
19

20 As the development within the required setbacks is lawfully nonconforming, staff has
21 determined that the site plan would bring the site into compliance to the greatest
22 extent practical.
23

24 8. Maximum Height (§130-187): *In compliance.*
25

26 No structure or building shall be development that exceeds a maximum height of 35’.
27 As shown on submitted elevations, the proposed building addition would be 22’, 4”
28 from grade.
29

30 9. Surface Water Management Criteria (§114-3): *Not in compliance*
31

32 The information submitted with the application indicates that approximately 21,300
33 SF of the site is disturbed area. The site requires a minimum of 2,474 CF of swale
34 volume, not the 1,125 CF referenced in the application. In addition, the plans
35 submitted indicated that the swales are to be located in areas to be landscaped to meet
36 the landscaping requirements of MCC §114-128. The surface water management
37 plan must be revised clearly demonstrate that the required swale volumes will be met.
38

39 The 24 hour storm calculations should be revised to include the entire disturbed area
40 of the site.
41

42 10. Wastewater Treatment Criteria (§114-5): *Compliance to be determined by Key Largo*
43 *Wastewater Treatment District prior to the issuance of a building permit.*
44

45 The applicant has requested a letter of coordination from the Key Largo Wastewater
46 Treatment District.

1 11. Fencing (§114-20): *Compliance to be determined upon submittal to Building*
2 *Department.*

3
4 There is existing fencing on the site; however the proposed site plan does not show
5 fencing. If the applicant intends to construct new fencing, it shall be reviewed
6 independently for compliance under a building permit application.
7

8 12. Floodplain Management (§122-1 – §122-6): *Compliance to be determined upon*
9 *submittal to Building Department.*

10
11 The site is designated within a Zone X flood zone on the Federal Emergency
12 Management Agency (FEMA)'s flood insurance rate maps. All new structures must
13 be built to floodplain management standards that meet those for flood protection.
14

15 13. Energy Conservation Standards (§114-45): *Full compliance to be determined upon*
16 *submittal to Building Department.*

17
18 The development proposal includes the following required energy conservation
19 measures: Provision of a bicycle/pedestrian system to be placed along the major
20 roads; Provision of bicycle racks or storage facilities in recreational, commercial and
21 multifamily residential areas; Reduced coverage by asphalt, concrete, rock and
22 similar substances in streets, parking lots and other areas to reduce local air
23 temperatures and reflected light and heat; Selection, installation and maintenance of
24 native plants, trees, and other vegetation and landscape design features that reduce
25 requirements for water, maintenance and other needs; Planting of native shade trees
26 to provide reasonable shade for all recreation areas, streets and parking areas; and
27 Provision for structural shading (e.g., trellises, awnings and roof overhangs) wherever
28 practical when natural shading cannot be used effectively.
29

30 Not enough information was provided to determine if the development proposal
31 includes the following required energy conservation measures: Use of energy-
32 efficient features in window design (e.g., tinting and exterior shading); Use of
33 operable windows and ceiling fans; Installation of energy-efficient appliances and
34 equipment; Prohibition of deed restrictions or covenants that would prevent or
35 unnecessarily hamper energy conservation efforts (e.g., building orientation, clothes
36 lines, and solar water heating systems); Installation of energy-efficient lighting for
37 streets, parking areas, recreation areas, and other interior and exterior public areas;
38 and Orientation of structures, as possible, to reduce solar heat gain by walls and to
39 use the natural cooling effects of the wind.
40

41 14. Potable Water Conservation Standards (§114-46): *Compliance to be determined*
42 *upon submittal to Building Department.*

43
44 At this time of this report, Florida Key Aqueduct Authority (FKAA) has not provided
45 a letter of coordination.
46

1 15. Environmental Design Criteria and Mitigation Standards (§118-6, §118-7 & §118-8):
2 *Compliance to be determined.*

3
4 The application did not include information related to on-site native vegetation. If
5 native vegetation is to be removed, please provide details at building permit
6 application submittal.
7

8 16. Required Parking (§114-67): *In compliance to the greatest extent practical.*
9

Specific Use	Multiplier	Proposed	Required Spaces
Commercial Retail	3 spaces / 1,000 SF	5,566 SF	16.7
Office	3 spaces / 1,000 SF	2,119 SF	6.4
Total Required			23.1

10 A total of 24 spaces are shown on the site plan.
11

12
13 There are parking areas along US 1 and Alhambra Drive that require vehicles to back
14 up partially into the each of the roadways. These parking spaces are nonconforming
15 to the current requirement of at least 24' of on-site aisle space to back up; however
16 the parking spaces were lawfully established under prior approvals.
17

18 17. Required Loading and Unloading Spaces (§114-69): *Compliance to be determined.*
19

20 One 11' by 55' loading/unloading space is required. A loading space of 11' x 35' is
21 shown on the site plan. Due to the nature of the existing business and proposed use of
22 the addition, staff shall accept a lesser loading space size of 11 x 35' if a condition is
23 placed on the approval restricting larger delivery trucks.
24

25 18. Required Landscaping (§114-99 – §114-105): *In compliance.*
26

27 Since the parking area is to contain six or more spaces and is within a SC district, a
28 class "A" landscaping standard is required.

29
30 19. Required Bufferyards (§114-124 – §114-130): *Not in compliance.*
31

32 In the SC district, the required major street bufferyard is a class "C" bufferyard. As
33 this area has been lawfully developed with parking, this bufferyard is considered
34 lawfully nonconforming.
35

36 There is a land use district bufferyard requirement along the SC/IS district boundary
37 line to the southeast of the property. There is a required class "D" bufferyard. The
38 site plan and landscape plan show a class "A"
39

40 Note: The landscape plan shows that the required landscaping will be planted in the
41 surface water swales, however the plan does not provide any information regarding
42 the species to be utilized in the buffer. A table detailing the species to be planted in
43 the buffer is required to verify that the species to be used are adapted to survive

1 periods of inundation. Also, at least 70% of the landscape vegetation shall consist of
2 species native to the Florida Keys.

3
4 20. Outdoor Lighting (§114-159 – §114-163): *Compliance to be determined upon*
5 *submittal to Building Department.*

6
7 Outdoor lighting is not being reviewed as part of this application. It shall be reviewed
8 independently for compliance as an accessory use under a building permit
9 application.

10
11 21. Signs (§142-1 – §142-7): *Compliance to be determined upon submittal to Building*
12 *Department.*

13
14 Signage is not being reviewed as part of this application. It shall be reviewed
15 independently for compliance as an accessory use under a building permit
16 application.

17
18 22. Access Standards (§114-195 – §114-201): *Compliance to be determined pending*
19 *review by the county traffic consultant.*

20
21 Access to and from the development is from US 1 and Alhambra Drive. The access
22 along US 1 is nonconforming; however it was lawfully established and may remain.

23
24 There is also an existing entrance off Alhambra Drive that serves the rear of the
25 property. The site plan shows the width of this entrance as 19' and would provide
26 access to the parking area for the proposed office use.

27
28 A level 1 analysis by Keys Traffic Studies, LLC, dated April 26, 2012 was submitted
29 with the conditional use permit application. At the time of this report, staff has not
30 received comments back from the county's traffic consultant.

31
32 23. Chapter 533, Florida Statutes: *Compliance to be determined upon submittal to*
33 *Building Department.*

34
35 All standards and requirements of the Americans with Disabilities Act (ADA) must be
36 met. Three compliant parking spaces, with a shared access aisle, are shown on the site
37 plan. Building requirements will be reviewed upon submittal of building permit
38 applications for the structures.

39
40 **V RECOMMENDED ACTION:**

41
42 Staff recommends approval with the following conditions:

- 43
44 A. Prior to the issuance of a development order, the submitted traffic analysis, dated
45 April 26, 2012, shall be reviewed and approved for trip generation by the County's
46 traffic consultant.

- 1
2 B. Prior to the issuance of a building permit, the applicant shall submit a revised
3 landscape plan that shows a) a compliant class "D" bufferyard along the southeastern
4 property line; b) planters along the property line adjacent to US 1; and c) species data.
5
6 C. Prior to the issuance of a building permit, the applicant shall submit a revised surface
7 water management plan that shows correct calculations and the applicant shall submit
8 documentation that the vegetation plated within the swales can tolerate increased
9 hydrology.
10
11 D. Prior to the issuance of a building permit, the proposed development and structures
12 shall be found in compliance by the Monroe County Building Department, the
13 Monroe County Floodplain Administrator and the Monroe County Office of the Fire
14 Marshal.
15
16 E. Prior to issuance of a building permit for the construction of the 2,119 SF building
17 addition, all necessary allocations for its area shall be acquired through the NROGO
18 permit allocation system.
19
20 F. Prior to issuance of a building permit for the construction of the 2,119 SF building
21 addition, the applicant shall submit a revised site plan showing the required bike rack
22 in compliance with the required setbacks.
23
24 G. In order to meet the floor area ratio requirements of the Monroe County Code, the
25 original 5,566 SF portion of the building shall only be utilized by low intensity
26 commercial retail and/or office uses.
27
28 H. In order to meet the floor area ratio requirements of the Monroe County Code, the
29 2,119 SF building addition shall only be utilized by office uses.
30
31 I. In order to have a reduced loading space dimension of 11 x 35', delivery vehicles of
32 larger than 36' in length are prohibited on the site. This condition shall become null
33 and void if the property owner installs a larger loading space of 11' x 55' in the
34 future.
35

36 **VI PLANS REVIEWED:**

- 37
38 A. Site Plan (C-1) by Keys Engineering Services, dated October 5, 2010 and last revised
39 April 27, 2012
40 B. Storm Water Management Plan (C-2) by Keys Engineering Services, dated October 5,
41 2010 and last revised April 27, 2012
42 C. Landscape Plan (C-3) by Keys Engineering Services, dated October 5, 2010 and last
43 revised April 27, 2012
44 D. Floor Plans (A-1) by Keys Engineering Services, dated October 5, 2010 and last revised
45 April 20, 2012;

- 1 E. Elevations (A-2) by Keys Engineering Services, dated October 5, 2010 and last revised
- 2 April 20, 2012
- 3 F. Boundary Survey by Barrow Surveying & Mapping, dated June 18, 2007



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: The Development Review Committee &
Townasley Schwab, Senior Director of Planning & Environmental Resources

From: Emily Schemper, Planner 
Michael Roberts, Senior Administrator of Environmental Resources

Date: May 29, 2012

Subject: *A request for approval of an amendment to a minor conditional use permit to allow a new warehouse building on the property on MacDonald Avenue, Stock Island, Real Estate #00124940.000000 (File #2012-063)*

Meeting: May 29, 2012

1
2 I REQUEST
3

4 The applicant is requesting approval of an amendment to an existing minor conditional use
5 permit for light industrial use (Pepsi Plant) on Stock Island in order to build an 80' x 92'-6"
6 storage building for the storage of Pepsi products. The proposed development will add an
7 additional 7,400 SF to a previously permitted 10,560 SF. At completion the project will have
8 17,960 SF of light industrial floor area.



Subject Property (outlined) (2009)

1 Location:

2 Address: 5510 Maloney Avenue, Stock Island, mile marker 5, Atlantic Ocean side of US
3 1 (Note: Although the official address of the property is on Maloney Avenue, the
4 property is physically located on MacDonald Avenue. Maloney Avenue terminates into
5 MacDonald Avenue a block east of the property).

6 Legal Description: Square (Block) 36, Lots 1 through 5 and Lots 16 through 20, Maloney
7 Sub subdivision (PB1-55), Stock Island, Monroe County, Florida

8 Real Estate (RE) Number: 00124940.000000
9

10 Applicant:

11 Owner: Refreshment Service, Inc.

12 Agent: Seatech, Inc.
13

14 **II RELEVANT PRIOR COUNTY ACTIONS:**
15

16 A Letter of Understanding (LOU) was prepared on May 4, 2012, outlining a pre-application
17 conference regarding a proposed non-residential building on the property. The meeting was
18 held on March 29, 2012. Specifically, the applicant proposed to redevelop the site by
19 constructing a second 7,400 SF nonresidential building, to be used as a warehouse, and by
20 carrying out the site improvements that would be required in order to receive approval for the
21 new building.
22

23 There is not a building permit on file in the Building Department's records for the initial
24 construction of the existing building. The Monroe County Property Appraiser's records
25 indicate that the building was constructed in 1959. If this date is accurate, the building was
26 built prior to the establishment of planning and building regulations in 1960.
27

28 On June 14, 1982, the Building Department issued Building Permit #A-9507 for the
29 construction of a 4,800 SF building addition (60' x 80') to the existing building, to be used
30 for enclosed parking. According to the site plan in the file, the existing building was 5,760
31 SF (60' x 96); therefore the total floor area was increased to 10,560 SF.
32

33 On June 25, 2011, the Building Department issued Building Permit #011-2180 for interior
34 renovations to the existing building.
35

36 In addition to the aforementioned building permits, several additional building permits have
37 been issued for improvements to the building and the site (which did not establish floor area
38 or modify use).
39

40 **III BACKGROUND INFORMATION:**
41

42 A. Size of Site: 62,500 SF (1.43 acres)

43 B. Land Use District: Mixed Use (MU)

44 C. Future Land Use Map (FLUM) Designation: Mixed Use/Commercial (MC)

45 D. Tier Designation: Tier 3

46 E. Flood Zone: AE – EL 9

- 1 F. Existing Use: Light Industrial
- 2 G. Existing Vegetation / Habitat: Impervious surface and developed land
- 3 H. Community Character of Immediate Vicinity: Mixed Use Commercial, Residential, and
- 4 Vacant Parcels

5
6 **IV REVIEW OF APPLICATION:**

7
8 As the existing light industrial use was lawfully established prior to 1986, the site is thereby
9 deemed to have a minor conditional use permit, per MCC §101-4(c).

10
11 The proposed additional floor area (7,400 SF) constitutes an approximately 64% increase to
12 the existing light industrial floor area. In accordance with MCC §110-73&74, this degree of
13 increase requires an amendment to the minor conditional use permit and may be made only
14 pursuant to the standards and procedures established for its original approval.

15
16 MCC §110-67 provides the standards which are applicable to all conditional uses. When
17 considering applications for a conditional use permit, the Development Review Committee
18 and Director of Planning & Environmental Resources shall consider the extent to which:

19
20 *A. The conditional use is consistent with the purposes, goals, objectives and standards of the*
21 *comprehensive plan and the land development regulations:*

22
23 The proposed light industrial use would be consistent with the purposes, goals, objectives
24 and standards of the MC future land use category and MU district.

25
26 The light industrial use would be consistent with the purpose of the MC future land use
27 category as set forth in Monroe County Year 2010 Comprehensive Plan Policy 101.4.5,
28 which is to provide for the establishment of commercial zoning districts where various
29 types of commercial retail and office may be permitted at intensities which are consistent
30 with the community character and the natural environment.

31
32 Furthermore, the proposed light industrial use would be consistent with the purpose of the
33 MU district, which, according to MCC §130-38, is to establish or conserve areas of
34 mixed uses, including commercial fishing, resorts, residential, institutional and
35 commercial uses, and preserve these as areas representative of the character, economy
36 and cultural history of the Florida Keys.

37
38 *B. The conditional use is consistent with the community character of the immediate vicinity:*

39
40 The site is deemed to have an existing approval for 10,560 SF of light industrial
41 warehouse space, which has been in existence for at least 30 years. The proposed use
42 would be an extension of this existing use. There are several existing commercial uses
43 adjacent to the site, as well as institutional and residential uses and vacant mixed use
44 land. Therefore, the proposed development would be consistent with the community
45 character of the immediate vicinity.

1 C. *The design of the proposed development minimizes adverse effects, including visual*
2 *impacts, on adjacent properties:*
3

4 The proposed light industrial warehouse building would be similar in scale and
5 appearance to the existing warehouse building on the site. However, the elevations of the
6 structure are large, uniform expanses of corrugated aluminum and staff requests that the
7 massing be broken up by a method that will have long term effects such as scoring or
8 additional materials and/or colors.
9

10 The submitted landscape plan proposes a 10' class B bufferyard on the west side of the
11 property consisting of native trees and plants. In accordance with the land development
12 regulations (see I-2 below) a class C bufferyard is required to the east of the proposed
13 building to screen the light industrial use from the existing residential development on the
14 adjacent parcel to the east.
15

16 With these adjustments, the design of the proposed development would minimize adverse
17 effects, including visual impacts, on adjacent properties.
18

19 D. *The proposed use will have an adverse impact on the value of surrounding properties:*
20

21 There is already an approved light industrial use on the subject property. In addition,
22 there are several commercial uses located on surrounding properties. Therefore, it is not
23 anticipated that the proposed development will have an adverse impact on the value of
24 the surrounding properties.
25

26 E. *The adequacy of public facilities and services:*
27

28 1. Roadways:

29
30 Localized Impacts & Access Management: Access to and from the development shall
31 be approved by the Public Works Division and in compliance with all applicable
32 regulations.
33

34 Level of Service (LOS): A traffic evaluation study shall be approved by the county's
35 traffic consultant.
36

37 2. Stormwater: The applicant shall coordinate with the Public Works Division, and, if
38 necessary, the South Florida Water Management District (SFWMD) to determine
39 compliance with all applicable regulations.
40

41 3. Sewer: The applicant shall coordinate with Key West Resort Utilities to determine
42 compliance with all applicable regulations.
43

44 4. Water: The applicant shall coordinate with the Florida Keys Aqueduct Authority
45 with all applicable regulations.
46

1 5. Refuse Disposal: The applicant shall coordinate with Monroe County Solid Waste
2 Management to determine compliance with all applicable regulations.

3
4 6. Emergency Management: The applicant shall coordinate with the Office of the Fire
5 Marshall to determine compliance with the Florida Fire Prevention Code and the
6 Florida Building Code.

7
8 *F. The applicant has the financial and technical capacity to complete the development as*
9 *proposed:*

10
11 Staff has no evidence to support or disprove the applicant's financial and technical
12 capacity.

13
14 *G. The development will adversely affect a known archaeological, historical, or cultural*
15 *resource:*

16
17 The proposed redevelopment will not adversely affect a known archaeological, historical,
18 or cultural resource.

19
20 *H. Public access to public beaches and other waterfront areas is preserved as part of the*
21 *proposed development:*

22
23 The property is land-locked. Therefore, the proposed redevelopment will not have an
24 adverse impact on public access to a waterfront area.

25
26 *I. The project complies with all additional standards imposed on it by the Land*
27 *Development Regulations:*

28
29 1. Residential Rate of Growth Ordinance (ROGO) (§138-19 – §138-28): *Not applicable.*

30
31 2. Non-Residential Rate of Growth Ordinance (NROGO) (§138-47 – §138-56): *In*
32 *compliance following receipt of required NROGO allocation.*

33
34 The 7,400 SF new building would require an allocation of 7,400 SF of non-residential
35 floor area through the NROGO permit allocation system.

36
37 3. Purpose of the MU District (§130-38): *In compliance.*

38
39 4. Permitted Uses (§130-88): *In compliance.*

40
41 The proposed light industrial use is specifically allowed in the SC district with an
42 approved minor conditional use permit provided that:

43
44 *a) The parcel proposed for development does not have area greater than two acres.*
45 *The parcel is 1.43 acres and therefore in compliance.*
46

1 **b) The parcel proposed for development is separated from any established residential**
2 **use by at least a class C buffer yard.**

3
4 Note: The submitted landscape plan does not include any proposed landscaping
5 between the proposed warehouse and the residential use on the adjacent property to
6 the east. Staff requests that a class C bufferyard be placed along the southern portion
7 of the east property line.

8
9 **c) All outside storage areas are screened from adjacent use by a solid fence, wall, or**
10 **hedge at least six feet in height.**

11
12 The proposed site plan does not indicate any storage areas.

- 13
14 5. Residential Density and Maximum Floor Area Ratio (§130-157, §130-162 & §130-
15 164): *In compliance.*

16

<i>Land Use</i>	<i>Floor Area Ratio (FAR)</i>	<i>Size of Site</i>	<i>Maximum Allowed</i>	<i>Proposed Amount of Building Floor Area</i>	<i>Potential Used</i>
Light industry	0.30 FAR	62,500 SF	18,750 SF	17,960 SF	95.8%

- 17
18 6. Required Open Space (§118-9, §118-12, §130-157, §130-162 & §130-164): *In*
19 *compliance.*

20
21 In the MU district, for light industry development, there is a required open space ratio
22 of at least 0.20 or 20 percent. Therefore, at least 12,500 SF of the total land area must
23 be open space.

24
25 The proposed site plan indicated that 36,116 SF of impervious coverage would be
26 established; therefore the remaining area, 26,384 SF, would presumably be pervious
27 area/open space.

- 28
29 7. Minimum Yards (§130-186): *In compliance.*

30
31 The required non-shoreline setbacks in the MU District for nonresidential
32 development are as follows: Front yard – 15’; Rear yard – 10’; and Side yard –
33 10’/15’ (where 10’ is required for one side and 15’ is the minimum combined total of
34 both sides).\

35
36 As shown on the site plan, the proposed development would be in compliance with
37 the setback requirements.

- 38
39 8. Maximum Height (§130-187): *In compliance.*

40
41 From the existing grade (surveyed as 4.2 MSL adjacent to the building), the proposed
42 warehouse building would be 34.57’ in height; from the crown of the road (stated to
43 be 3.77 MSL, but not shown on survey) it would be 35.0’. Elevation information for
44 the site prior to any development is not available.

- 1
2 9. Surface Water Management Criteria (§114-3): *Full compliance to be determined by*
3 *the Public Works Division and/or SFWMD prior to issuance of a building permit.*
4

5 A memo from Kevin Wilson, Monroe County Engineering, dated 5/17/2012, provides
6 comments on the proposed storm water management plan. Per the memo, staff is
7 requesting a revised stormwater plan that indicates how runoff from the parking areas
8 will be directed to the swales.
9

- 10 10. Wastewater Treatment Criteria (§114-5): *Compliance to be determined by Key West*
11 *Resort Utilities prior to the issuance of a building permit.*
12

- 13 11. Fencing (§114-20): *Full compliance to be determined upon submittal to Building*
14 *Department.*
15

- 16 12. Floodplain Management (§122-1 – §122-6): *Full compliance to be determined upon*
17 *submittal to Building Department.*
18

19 The site is designated within an AE – EL 9 flood zone on the Federal Emergency
20 Management Agency (FEMA)'s flood insurance rate maps. All new structures must
21 be built to floodplain management standards that meet or exceed those for flood
22 protection.
23

- 24 13. Energy Conservation Standards (§114-45): *Full compliance to be determined upon*
25 *submittal to Building Department.*
26

27 The development proposal includes the following required energy conservation
28 measures: Provision of a bicycle/pedestrian system to be placed along the major
29 roads; Provision of bicycle racks or storage facilities in recreational, commercial and
30 multifamily residential areas; Reduced coverage by asphalt, concrete, rock and
31 similar substances in streets, parking lots and other areas to reduce local air
32 temperatures and reflected light and heat; Selection, installation and maintenance of
33 native plants, trees, and other vegetation and landscape design features that reduce
34 requirements for water, maintenance and other needs; Planting of native shade trees
35 to provide reasonable shade for all recreation areas, streets and parking areas; and
36 Provision for structural shading (e.g., trellises, awnings and roof overhangs) wherever
37 practical when natural shading cannot be used effectively.
38

39 Not enough information was provided to determine if the development proposal
40 includes the following required energy conservation measures: Use of energy-
41 efficient features in window design (e.g., tinting and exterior shading); Use of
42 operable windows and ceiling fans; Installation of energy-efficient appliances and
43 equipment; Prohibition of deed restrictions or covenants that would prevent or
44 unnecessarily hamper energy conservation efforts (e.g., building orientation, clothes
45 lines, and solar water heating systems); Installation of energy-efficient lighting for
46 streets, parking areas, recreation areas, and other interior and exterior public areas;

1 and Orientation of structures, as possible, to reduce solar heat gain by walls and to
2 use the natural cooling effects of the wind.
3

- 4 14. Potable Water Conservation Standards (§114-46): *Compliance to be determined*
5 *upon submittal to Building Department.*
6
7 15. Environmental Design Criteria and Mitigation Standards (§118-6, §118-7 & §118-8):
8 *In compliance.*
9
10 16. Required Parking (§9.5-114-67): *In compliance.*

11
12 The development would be subject to the following off-street parking requirements:
13

<i>Specific Use</i>	<i>Multiplier</i>	<i>Total Proposed</i>	<i>Required Spaces</i>
Warehousing	1 space / 1,000 SF	17,960 SF	18 spaces

14
15 One of the off-street parking spaces provided shall be handicap-accessible. If there
16 are 1 to 25 total parking spaces in a lot, at least one accessible parking space is
17 required. Such spaces shall be designed and marked for exclusive use of those
18 individuals who have a severe physical disability and have permanent or temporary
19 mobility problems who have been issued either a disabled parking permit or a license
20 plate. In addition, parking access aisles must be part of an accessible route to the
21 building entrance. The access aisle shall be striped diagonally to designate it as a no-
22 parking zone. Curb ramps must be located outside of the disabled parking spaces and
23 access aisles.
24

25 The proposal includes both 90 and 45 degree parking spaces. All regular parking
26 spaces at these angles must be at least 8'6" in width by 18' in length. Handicap-
27 accessible parking spaces must be at least 12' in width with an access aisle of 5' in
28 width. Further, each required parking space shall have direct and unrestricted access
29 to an aisle of the following minimum width:
30

<i>Parking Pattern</i>	<i>One Way Aisle Width</i>	<i>Two Way Aisle Width</i>
30/45 degrees	15'	24'
90 degrees	24'	24'

31
32 According to the proposed site plan, 25 off-street parking spaces would be provided,
33 including one accessible space. All proposed regular parking spaces are 9' by 18'.
34 The proposed accessible space is 12' by 18' with a 5' access aisle. Two of the
35 parking spaces are not in compliance with the minimum two way aisle width;
36 however, the minimum required parking spaces (17) are all compliant.
37

- 38 17. Required Loading and Unloading Spaces (§114-69): *In compliance.*
39

40 One (1) loading/unloading space of 11' by 55' is required for the site. The site plan
41 shows a covered loading area of approximately 15' by 185' which meets the
42 minimum requirements.

1
2 18. Required Landscaping (§114-99 – §114-105): *In compliance.*
3

4 Since the parking area is to contain six or more spaces and is within a MU district, a
5 class “C” landscaping standard is required.
6

7 19. Required Bufferyards (§114-124 – §114-130): *In compliance.*
8

9 A land use district bufferyard is required along the southern half of the western
10 property line as there is a Native Area (NA) district on the other side of 4th Street.
11 Along a MU/NA boundary line, a class “B” district boundary bufferyard is required,
12 as described/illustrated in MCC §114-128. The landscape plan provided indicates a
13 10-15’ bufferyard in this location including the minimum required number and type
14 of vegetation for a class B bufferyard. The landscape plan also indicates five existing
15 trees, four of which are identified as Australian Pines. Per MCC §118-7(5), all
16 existing invasive exotic plant species must be removed.
17

18 20. Outdoor Lighting (§114-159 – §114-163): *Full compliance to be determined upon*
19 *submittal to Building Department.*
20

21 21. Signs (§142-1 – §142-7): *Full compliance to be determined upon submittal to*
22 *Building Department.*
23

24 22. Access Standards (§114-195 – §114-201): *Compliance to be determined.*
25

26 A traffic study by Keys Traffic Studies, LLC (KTS) indicates that the project would
27 generate 35 daily trips. The study also states that the site currently has direct access
28 to and from both MacDonald Avenue and Fourth Street. The county’s traffic has not
29 reviewed the study as of the date of this staff report.
30

31 The proposed site plans does not indicate any change to existing site access. Clear
32 zone sight triangles at the driveway’s connections shall be depicted on the final site
33 plan and full compliance determined upon submittal to the Building Department.
34

35 23. Chapter 533, Florida Statues: *Full compliance to be determined upon submittal to*
36 *Building Department.*
37

38 All standards and requirements of the Americans with Disabilities Act (ADA) must
39 be met. The proposed handicap parking space is of correct dimensions, located in
40 proximity to the building entrance and would have an access aisle. Compliance of
41 signage requirements shall be determined upon submittal to the Building Department.
42

43 24. Impact Fees (§126-1 – §126-13): *Full compliance to be determined upon submittal to*
44 *Building Department.*
45

1 The impact fee for an additional 7,400 SF warehouse building is \$25,271.00. A
2 breakdown of these fees is detailed in the impact fee worksheet.
3

4 **V RECOMMENDED ACTION:**

5
6 Staff recommends approval with the following conditions:
7

- 8 A. Prior to the issuance of a development order, the submitted traffic analysis shall be
9 reviewed and approved for trip generation by the County's traffic consultant.
10
11 B. Prior to the issuance of any building permit, the applicant shall submit a revised
12 landscape plan that shows a compliant class "C" bufferyard along the eastern property
13 line.
14
15 C. Prior to issuance of a building permit for the construction of the 7,400 SF building, all
16 necessary allocations for its area shall be acquired through the NROGO permit
17 allocation system.
18
19 D. Prior to the issuance of a certificate of occupancy for site work, all invasive exotic
20 vegetation shall be removed from the property.
21
22 E. Prior to the issuance of a building permit, the applicant shall submit a revised surface
23 water management plan that shows correct calculations and the applicant shall submit
24 documentation that the vegetation plated within the swales can tolerate increased
25 hydrology. The stormwater plan shall show how water from the parking areas will be
26 directed to required swales.
27
28 F. Prior to the issuance of a building permit, the site plan and structures shall be found in
29 compliance by the Monroe County Building Department, the Monroe County
30 Floodplain Administrator, the Monroe County Public Works Division, Monroe
31 County traffic consultant and the Monroe County Office of the Fire Marshal.
32
33 G. During the review of the building permit application for the new 7,400 SF building,
34 the Planning and Environmental Resources Department shall review the
35 application(s) to ensure that adequate architectural details and/or methods are used
36 that provide visual interest and break up the structural mass of the warehouse
37 building, particularly on sections visible to the street. The final design shall be
38 approved by the Senior Director of Planning and Environmental Resources.
39

40 **VI PLANS REVIEWED:**

- 41
42 a. Boundary Survey Map of Lots 1-5 & 16-20, Block 36 George L. MacDonald's Plat by J.
43 Lynn O'Flynn, Inc., date of field work 8/30/2011.
44 b. Site Data (Sheet T-1) by Paul R. Semmes, P.E. signed and sealed 5/14/2012.
45 c. Existing Site Plan (Sheet C-1) by Paul R. Semmes, P.E. signed and sealed 5/14/2012.
46 d. Proposed Site Plan (Sheet C-2) by Paul R. Semmes, P.E. signed and sealed 5/14/2012.

- 1 e. Landscape Plan (Sheet C-3) by Paul R. Semmes, P.E. signed and sealed 5/14/2012.
- 2 f. Site Drainage Plan (Sheet C-4) by Allen E. Perez, P.E. signed and sealed 5/15/2012.
- 3 g. Existing Floor Plan (Sheet EX-1) by Paul R. Semmes, P.E. signed and sealed 5/14/2012.
- 4 h. Proposed Floor Plan (Sheet A-1) by Paul R. Semmes, P.E. signed and sealed 5/14/2012.
- 5 i. Elevations (Sheet A-2) by Paul R. Semmes, P.E. signed and sealed 5/14/2012.
- 6 j. Landscape Plan (Sheet L-1) by Ladd Roberts, RLA, dated 5/21/2012 signed and sealed
- 7 5/17/2012.