

Agenda

PLANNING COMMISSION
MONROE COUNTY
November 3, 2010
10:00 A.M.

MARATHON GOV'T CENTER
2798 OVERSEAS HIGHWAY
MARATHON, FL
MONROE COUNTY, FL

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSION:

Randy Wall, Chairman
Denise Werling
Jeb Hale
Jim Cameron
Elizabeth Lustberg

STAFF:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Susan Grimsley, Ass't County Attorney
John Wolfe, Planning Commission Counsel
Mitch Harvey, Comp Plan Manager
Joe Haberman, Principal Planner
Steven Biel, Senior Planner
Barbara Bauman, Planner
Gail Creech, Planning Commission Coordinator

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

SWEARING OF COUNTY STAFF

CHANGES TO THE AGENDA

APPROVAL OF MINUTES

MEETING

New Items:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO AMEND THE FUTURE LAND USE MAP (FLUM) DESIGNATION FROM UNDESIGNATED TO RESIDENTIAL CONSERVATION (RC) FOR PROPERTY DESCRIBED AS WISTERIA ISLAND & ADJACENT BAY BOTTOM, HAVING REAL ESTATE NUMBER 00123950-000000; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR THE TRANSMITTAL TO THE SECRETARY OF STATE AND THE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.

[2010-108 SR PC 11.03.10.PDF](#)

2. PRESENTATION by Mike Roberts regarding the November 16, 2010 Planning Commission Tier Review Public Meeting & Public Hearing.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at such hearing or meeting, that person will need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based. Pursuant to the Board of County Commissioners' Resolution #131-1992, if a person decides to appeal any decision of the Planning Commission he or she shall provide a transcript of the hearing before the Planning Commission, prepared by a court reporter at the appellant's expense, which transcript shall be filed as a part of the appeal within the time provided in Section 102-215 of the Monroe County Code, amended.

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 ten (10 calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".*

BOARD DISCUSSION

-
GROWTH MANAGEMENT COMMENTS

-
RESOLUTIONS FOR SIGNATURE

ADJOURNMENT





MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Planning Commission

From: Mitchell N. Harvey, AICP *MNH*
Comprehensive Planning Manager

Date: October 26, 2010

Subject: Request for an Amendment to the Monroe County 2010 Comprehensive Plan, Future Land Use Map (FLUM) designation for Wisteria Island from Undesignated to Residential Conservation (RC).

Meeting: November 3, 2010

I REQUEST

This is a request by Monroe County to amend the Monroe County 2010 Comprehensive Plan, Future Land Use Map (FLUM) designation from undesignated to Residential Conservation (RC) for the property known as Wisteria Island (aka, Christmas Tree Island).



Wisteria Island is an approximately 20-acre unincorporated spoil island located approximately 500 feet north of Sunset Key within Key West harbor and west of the City of Key West. The property owners also own submerged lands surrounding the island.

1 Address: N/A
2
3 Real Estate Numbers: All of RE 00123950-000000
4
5 Legal Description: A parcel of Bay Bottom Land and Spoil Island of Key West, Florida,
6 and more particularly described as follows:
7 Commencing at the Northwesterly end of Simonton Street at the
8 intersection of the Southwesterly end right-of-way line of Simonton
9 Street and the waters of the Bay of Florida, run north 60 degrees
10 west for a distance of 2,150 feet, more or less, to the point of
11 beginning of the property, hereinafter described. From said point of
12 beginning, continue north 30 degrees East for a distance of 1,700
13 feet; thence run South 60 degrees East for a distance of 1,000 feet;
14 thence run South 30 degrees West fir a distance of 1,700 feet back to
15 the point of beginning.
16
17

18 **II PROCESS**

19 Comprehensive Plan Amendments may be proposed by the Board of County Commissioners
20 (BOCC), the Planning Commission, the Director of Planning, or the owner or other person
21 having a contractual interest in property to be affected by a proposed amendment. The
22 Director of Planning shall review and process applications as they are received and pass them
23 onto the Development Review Committee (DRC) and the Planning Commission.
24

25 The Planning Commission shall hold at least one public hearing. The Planning Commission
26 shall review the application, the reports and recommendations of the Department of Planning
27 & Environmental Resources and the Development Review Committee and the testimony given
28 at the public hearing. The Planning Commission shall submit its recommendations and
29 findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing
30 to consider the transmittal of the proposed comprehensive plan amendment, and considers the
31 staff report, staff recommendation, and the testimony given at the public hearing. The BOCC
32 may or may not recommend transmittal to the Florida Department of Community Affairs
33 (DCA). The amendment is transmitted to DCA, which then reviews the proposal and sets its
34 adoption hearing within sixty days of the ORC report and decides whether to adopt, adopt with
35 changes, or not adopt the amendment.
36
37

38 **A. BACKGROUND INFORMATION**

39 Wisteria Island has no Future Land Use Map (FLUM) designation. In 2009, the property
40 owner requested a FLUM amendment for Wisteria Island from undesignated to Mixed Use
41 Commercial (MC). Because the island is adjacent to Sunset Key and the City of Key West,
42 whose future land use categories and existing development are similar to the requested future
43 land use designation, Monroe County staff, in coordination with the Department of Community
44 Affairs, worked with the applicant to develop a corresponding sub-area policy, similar to an
45 overlay district for the island. The purpose of the proposed Sub Area Policy was to restrict the
46 maximum development potential of Wisteria Island, which would be allowed by the
47 applicant's original request for a Mixed Use Commercial (MC) FLUM designation, by creating
48 policy language in the form of a Comprehensive Plan Future Land Use Element text

1 amendment. This Sub Area Policy was to guide the development of this spoil island by the
2 enactment of area-specific regulations that allow development to occur subject to limitations
3 and conditions designed to protect existing natural resources.
4

5 County staff sent the FLUM amendment and text amendment applications to the City of Key
6 West staff on April 27, 2010. The Key West Development Review Committee met on May 27,
7 2010 and reviewed the requested change.
8

9 On June 29, 2010, the Monroe County Board of County Commissioners approved a resolution
10 requesting that the City of Key West provide the BOCC with input regarding the proposed Sub
11 Area Policy and FLUM Amendment. On July 20, 2010, the City of Key West approved a
12 resolution recommending that the BOCC deny the proposed Sub Area Policy and FLUM
13 amendment for Wisteria Island. Given the fact that Key West would have been a service
14 provider to the Island, under the original proposal, and they were opposed to the aspects of the
15 owner requested FLUM Map amendment, the applicant then withdrew its application prior to
16 the BOCC meeting of July 21, 2010. On July 21, 2010, the BOCC directed staff to initiate a
17 FLUM amendment for Wisteria Island, since the island had not been designated when the
18 Future Land Use Map was initially adopted. To be consistent with the existing Land
19 Development Code Land Use District category of Offshore Island (OS), staff is recommending
20 Residential Conservation.
21
22

23 **III CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE**
24 **PLAN, THE FLORIDA ADMINISTRATIVE CODE, AND PRINCIPLES FOR GUIDING**
25 **DEVELOPMENT**
26

27 A. The proposed amendment is consistent with the Monroe County Year 2010 Comprehensive
28 Plan. Specifically, the amendment furthers:
29

- 30 1. Goal 101 of the Monroe County Year 2010 Comprehensive Plan considers the health
31 and safety of people and protection of natural resources.
32
- 33 2. Goal 102 of the Monroe County Year 2010 Comprehensive Plan directs growth to
34 lands that are intrinsically most suitable for development and encourages conservation
35 and protection of environmentally sensitive lands. While this offshore island does not
36 strictly meet the criteria found in Policy 102.7.2 for regulating development activity on
37 offshore islands, because the island does not include an established bird rookery, public
38 facilities would be needed to support development and at this time, Monroe County can
39 not provide infrastructure, including water, waste water, police and fire.
40
- 41 3. Goal 105 of the Monroe County Year 2010 Comprehensive Plan recognizes the finite
42 capacity for land development while balancing development with the natural
43 environment and provides a framework for future development and land acquisition for
44 the next 20 years.
45
- 46 4. Goal 202 of the Monroe County Year 2010 Comprehensive Plan requires that the
47 environmental quality of Monroe County's estuaries, nearshore waters (canals, harbors,

1 bays, lakes and tidal streams,) and associated marine resources shall be maintained and,
2 where possible, enhanced.
3

- 4 5. Goal 203 of the Monroe County Year 2010 Comprehensive Plan promotes the
5 protection and enhancement of the health and integrity of living marine resources and
6 marine habitat, including mangroves, seagrasses, coral reefs and fisheries.
7
- 8 6. Goal 204 of the Monroe County Year 2010 Comprehensive Plan protects and enhances
9 the health and integrity of Monroe County's marine and freshwater wetlands.
10
- 11 7. Goal 205 of the Monroe County Year 2010 Comprehensive Plan promotes the
12 protection and enhancement of the health and integrity of Monroe County's native
13 upland vegetation.
14
- 15 8. Goal 207 of the Monroe County 2010 Comprehensive Plan protects and conserves
16 existing wildlife and wildlife habitats.
17
- 18 9. Goal 209 of the Monroe County 2010 Comprehensive Plan discourages private land
19 uses on offshore islands.
20
- 21 10. Goal 212 requires Monroe County to prioritize shoreline land uses and establish criteria
22 for shoreline development in order to preserve and enhance coastal resources and to
23 ensure the continued economic viability of the County.
24

25 B. The proposed amendment is consistent with the Florida Administration Code (F.A.C.),
26 Chapter 9J-5. Specifically, the amendment furthers:

- 27 1. 9J-5.006(3)(b)4 F.A.C. ensures the protection of natural resources and historic
28 resources.
29
- 30 2. 9J-5.0012(3)(b)1 F.A.C. protects, conserve, or enhance remaining coastal wetlands,
31 living marine resources, coastal barriers, and wildlife habitat.
32
- 33 3. 9J-5.0013(2)(c)3 F.A.C. protects native vegetative communities from destruction by
34 development activities.
35
- 36 4. 9J-5.0013(2)(c)5 F.A.C. restricts activities known to adversely affect the survival of
37 endangered and threatened wildlife.
38
- 39 5. 9J-5.0013(2)(c)6 F.A.C. protects conservation of the natural functions of existing soils,
40 fisheries, wildlife habitats, rivers, bays, lakes, floodplains, harbors, wetlands including
41 estuarine marshes, freshwater beaches and shores, and marine habitats.
42
- 43 6. 9J-5.0013(3)(b) F.A.C. directs development away from wetlands by using land use
44 factors such as type, intensity or density, extent, distribution and location of allowable
45 land uses and the types, values, functions, sizes, conditions and locations of wetlands.
46
47

1 C. The amendment is Consistent with the Principles for Guiding Development in the Florida
2 Keys Area of Critical State Concern pursuant to F.S. Chapter 380.0552(7)
3

4 For the purposes of reviewing consistency of the adopted plan or any amendments
5 to that plan with the principles for guiding development and any amendments to the
6 principles, the principles shall be construed as a whole and no specific provision
7 shall be construed or applied in isolation from the other provisions.

8 (a). To strengthen local government capabilities for managing land use and
9 development so that local government is able to achieve these objectives
10 without the continuation of the area of critical state concern designation.

11 (b). To protect shoreline and marine resources, including mangroves, coral reef
12 formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

13 (c). To protect upland resources, tropical biological communities, freshwater
14 wetlands, native tropical vegetation (for example, hardwood hammocks and
15 pinelands), dune ridges and beaches, wildlife, and their habitat.

16 (d). To ensure the maximum well-being of the Florida Keys and its citizens
17 through sound economic development.

18 (e). To limit the adverse impacts of development on the quality of water
19 throughout the Florida Keys.

20 (f). To enhance natural scenic resources, promote the aesthetic benefits of the
21 natural environment, and ensure that development is compatible with the
22 unique historic character of the Florida Keys.

23 (g). To protect the historical heritage of the Florida Keys.

24 (h). To protect the value, efficiency, cost-effectiveness, and amortized life of
25 existing and proposed major public investments, including:

- 26 1. The Florida Keys Aqueduct and water supply facilities;
- 27 2. Sewage collection and disposal facilities;
- 28 3. Solid waste collection and disposal facilities;
- 29 4. Key West Naval Air Station and other military facilities;
- 30 5. Transportation facilities;
- 31 6. Federal parks, wildlife refuges, and marine sanctuaries;
- 32 7. State parks, recreation facilities, aquatic preserves, and other
33 publicly owned properties;
- 34 8. City electric service and the Florida Keys Electric Co-op; and
- 35 9. Other utilities, as appropriate.

36 (i). To limit the adverse impacts of public investments on the environmental
37 resources of the Florida Keys.

38 (j). To make available adequate affordable housing for all sectors of the
39 population of the Florida Keys.

40 (k). To provide adequate alternatives for the protection of public safety and
41 welfare in the event of a natural or manmade disaster and for a post disaster
42 reconstruction plan.

43 (l). To protect the public health, safety, and welfare of the citizens of the Florida
44 Keys and maintain the Florida Keys as a unique Florida resource.

1
2 Pursuant to Chapter 380.0552(7) Florida Statutes, the proposed amendment is consistent with
3 the Principles for Guiding Development as a whole and is not inconsistent with any Principle.
4
5

6 **IV ANALYSIS OF PROPOSED DENSITIES AND INTENSITIES COMPATABILITY** 7 **WITH ADJACENT DEVELOPMENT**

8
9 Wisteria Island currently has no future land use designation within Monroe County, nor was it
10 included on the initial Tier Maps adopted by Monroe County. Wisteria Island has a Land Use
11 District (zoning) designation of Offshore Island. Offshore Island permits 1 unit per 10 gross
12 acres. The acreage of the Island is 21.35 acres. Therefore, the current maximum number of
13 units permitted is 2, under the Offshore Island (OS) Land Use District designation.
14

15 According to Policy 101.4.21 of the Monroe County Year 2010 Comprehensive Plan, a Future
16 Land Use Map (FLUM) designation of Residential Conservation (RC) is consistent with the
17 corresponding zoning district of Offshore Island (OS). The proposed FLUM amendment would
18 therefore bring the Wisteria Island's FLUM designation into compliance with the existing land
19 use (zoning) district.
20

21 Further, Policy 101.4.1 of the Monroe County Year 2010 Comprehensive Plan states: *The*
22 *principal purpose of the Residential Conservation land use category is to encourage*
23 *preservation of open space and natural resources while providing for very low-density*
24 *residential development in areas characterized by a predominance of undisturbed native*
25 *vegetation, which indicates that the RC land use category is suitable for this island, even*
26 *though it is a spoil island, because it does have pockets of native vegetation.*
27

28 **COMPATIBILITY ANALYSIS:**

29 Exhibit A is an aerial that illustrates the existing land uses within the surrounding area of
30 Wisteria Island, which includes Sunset Key and the Key West mainland.
31
32

33 **V ENVIRONMENTAL ANALYSIS**

34 The amendment for Wisteria Island was reviewed for consistency with relevant Monroe
35 County Comprehensive Plan environmental goals, objectives and policies as well as
36 conformity with related Land Development Codes. The following analysis is based on the
37 information provided by the applicant and due to the absence of specific development plans
38 is general in nature.
39

40 A Sec 101-2.(13) e. of the Land Development Code states “ *All keys or islands without a*
41 *specific land use designation shall be considered zoned as off-shore islands whether they*
42 *are labeled as (OS) OFF-SHORE ISLANDS, unlabeled, not shown on these maps, or lie*
43 *beyond the areas covered by these maps*”. Therefore the following analysis is based on an
44 OS land use (zoning) designation for the subject parcel. This is a land development code
45 policy and is not a comprehensive plan policy. The Future Land Use Map does not include
46 a Future Land Use designation for this island.
47

1 Comprehensive Plan Policy 101.4.22 states in part that “*All development shall be subject to*
2 *clearing limits defined by habitat and the location of the property in the Land Use District*
3 *(zoning) Overlay Tier Maps and the wetland requirements in Policy 102.1.1*”.

4
5 Undeveloped offshore islands are Tier I in accordance with Policy 102.7.3 states: *Monroe*
6 *County shall discourage developments proposed on offshore islands by methods including,*
7 *but not limited to, designated offshore islands as Tier 1 lands.* Monroe County is currently
8 working toward processing a tier designation for this undesignated offshore island, as well
9 as other tierless privately owned offshore islands. The wetland protection requirements of
10 Policy 102.1.1 state, in part, that the open space requirement for mangroves undisturbed
11 salt marsh and buttonwood wetlands is 100%. Objective 102.1 of the Comprehensive Plan,
12 requires new development to comply with environmental standards and environmental
13 design criteria which will protect disturbed wetlands, native upland vegetation and
14 beach/berm areas. This objective is supported by the previously discussed Policy 102.1.1.
15 In addition, Policy 102.2.1 requires no net loss of disturbed wetlands, requiring on-site
16 mitigation or off-site mitigation through contribution to the environmental restoration fund.
17

18 **The proposed Residential Conservation (RC) designation is consistent with Policy 102.7.2**
19 **which states:**

- 20 1. Development shall be prohibited on offshore islands (including spoil islands) which have
21 been documented as an established bird rookery or nesting area (See Conservation and
22 Coastal Management Policy 207.1.3.) (RC would allow up to 5 units on Wisteria Island.
23 No bird rookery exists on this island);
- 24 2. Campgrounds and marinas shall not be permitted on offshore islands;
- 25 3. New mining pits shall be prohibited on offshore islands;
- 26 4. Permitted uses by-right on islands (which are not bird rookeries) shall include detached
27 residential dwellings, camping (for the personal use of the owner of the property on a
28 temporary basis), beekeeping, accessory uses, and home occupations (subject to a special
29 use permit requiring a public hearing);
- 30 5. Temporary primitive camping by the owner, in which no land clearing or other alteration of
31 the island occurs, shall be the only use of an offshore island which may occur without
32 necessity of a permit;
- 33 6. The use of any motorized vehicles including, but not limited to, trucks, carts, buses,
34 motorcycles, all-terrain vehicles and golf carts shall be prohibited on existing undeveloped
35 offshore islands;
- 36 7. Planting with native vegetation shall be encouraged whenever possible on spoil islands;
37 and
- 38 8. Public facilities and services shall not be extended to offshore islands (While Policy
39 101.4.1 permits public uses and utilities in RC; RC is the Future Land Use category that is
40 most consistent with the Offshore Island (OS) Land Use District.).

41
42 In accordance with the above discussed Comprehensive Plan policies, the Land Development
43 Code contains the following regulations specific to offshore (OS) islands.
44

45 **Sec. 130-40. Purpose of the offshore island district (OS).**

46 The purpose of the OS district is to establish areas that are not connected to U.S. 1 as protected
47 areas, while permitting low-intensity residential uses and campground spaces in upland areas
48 that can be served by cisterns, generators and other self-contained facilities.

1
2 **Sec. 130-90. Offshore island district (OS).**

3 (a) The following uses are permitted as of right in the offshore island district:

- 4 (1) Detached residential dwellings;
5 (2) Camping, for the personal use of the owner of the property on a temporary basis;
6 (3) Beekeeping;
7 (4) Accessory uses;
8 (5) Home occupations--Special use permit required;
9 (6) Tourist housing uses that were established (and held valid state public lodging
10 establishment licenses) prior to January 1, 1996. Vacation rental use, of a dwelling
11 unit in existence as of January 1, 2000, if a special vacation rental permit is
12 obtained under the regulations established in section 134-1;
13 (7) Collocations on existing antenna-supporting structures, pursuant to section 146-
14 5(3); and
15 (8) Satellite earth stations less than two meters in diameter, as accessory uses, pursuant
16 to section 146-5(6).

17
18 (b) The following is permitted as a minor conditional use in the offshore island district (OS),
19 subject to the standards and procedures set forth in chapter 110, article III: satellite earth
20 stations greater than or equal to two meters in diameter, as accessory uses, pursuant to
21 section 146-5(6).
22

23 **STAFF ENVIRONMENTAL ANALYSIS**

24 Staff conducted a site review on April 28, 2010. The existing habitat on Wisteria Island is
25 dominated by disturbed upland communities (20.04 acres). Disturbed wetland communities
26 constitute 1.31 acres of the site. There are patches of native vegetation on the island.
27

28 **VI IMPACT ON PUBLIC FACILITIES AND SERVICES (CONCURRENCY)**

29 Policy 1401.4.1 requires Monroe County to adopt Level of Service standards for the
30 following public facility types: road, sanitary sewer, solid waste, drainage, potable water,
31 and parks and recreation. The LOS standards are established in the following sections of
32 the Comprehensive Plan: Traffic Circulation, Policy 301.1.1; Potable Water, 701.1.1; Solid
33 Waste, Policy 801.1.1; Sanitary Sewer, Policy 901.1.1; Drainage, Policy 1001.1.1; and
34 Recreation and Open Space, Policy 1201.1.1.
35

36 **1. Traffic Circulation – Policy 301.1.1**

37 *“For all County roads, Monroe County hereby adopts a minimum peak hour level of*
38 *service (LOS) standard of D, based on the Florida Department of Transportation*
39 *(FDOT) methodology for determination of LOS, as measured by peak hour traffic*
40 *volume. The County shall maintain the level of service on County roads within five*
41 *percent (5%) of LOS D. [9J-5.007(3)(c)]”*
42

43 Staff has determined that there will be no substantial impact to the local or regional
44 roads as result of this FLUM amendment.
45
46
47

1 **2. Potable Water – Policy 701.1.1**

2 “Sufficient potable water from an approved and permitted source shall be available to
3 satisfy the projected water needs of the proposed development or use. Approved and
4 permitted sources shall include cisterns, wells, FKAA distribution systems, individual
5 water condensation systems, and any other system that complies with state standards
6 for potable water¹.”
7

8 **Potable Water:** Policy 701.1.1 of the County Comp Plan sets the level of service for
9 residential potable water at 66.5 gal/capita/day and nonresidential at 0.35 gal/sq.ft./day.
10

11 When calculating the potential potable water needs, the maximum occupancy was used.
12 If Wisteria is at capacity for even one day sometime in the future, the potable water
13 infrastructure should have the capacity to meet the maximum need.
14

15 **Total Potential Capacity Required:**

16 5 units x 2.4 people/unit = 12 people

17 The total capacity required for the residential use with 12 people is:

18 66.5gal/capita/day x 12 people = 798 gal/day
19

20 **Policy 701.3.1** states: *Alternative water sources such as reverse osmosis, cisterns and*
21 *water re-use shall be evaluated and the most feasible solution implemented in the event*
22 *that the necessary withdrawals from the Biscayne Aquifer are limited.*
23

24 Water supply could there be potentially provided with onside water systems, such as
25 cisterns. Connection to the Florida Keys Aqueduct Authority (FKAA) potable water
26 system is not required. However, the FKAA system has available capacity to
27 accommodate the predicted level of service that could result from the map designation.
28 Any transmission capacity upgrades necessary to serve potential development should
29 be addressed during the development approval process as required by the County’s
30 Comprehensive Plan and Land Development Regulations.
31

32 **3. Solid Waste – Policy 801.1**

33 “*Monroe County shall ensure that solid waste collection service and disposal capacity*
34 *is available to serve development at the adopted level of service standards, concurrent*
35 *with the impacts of such development. [9J-5.011(2)(b)2]”*
36

37 Policy 801.1.1 sets the level of service for residential solid waste disposal at 5.44
38 lb/capita/day.
39

40 The total capacity required for the residential use of 12 people is:

41 5.44 lbs/capita/day x 12 people = 65.28 lbs/day
42

43 According to the Monroe County Public Facilities Capacity Report for 2009, Waste
44 Management (WM) has more than enough capacity to handle this increase. Solid waste

¹ Monroe County Code of Ordinances, Sec. 114-2(a)(3)

1 will be collected manually on Wisteria, and will be removed via existing licensed waste
2 haulers.

3
4
5 **4. Sanitary Sewer – Policy 901.1.1**

6
7 *Monroe County shall ensure that at the time a development permit is issued, adequate*
8 *sanitary wastewater treatment and disposal facilities are available to support the*
9 *development at the adopted level of service standards, concurrent with the impacts of*
10 *such development. [9J-5.011(2)(c)2]*

11
12 Permanent Level of Service Standards:

13
14 *The permanent level of service standards for wastewater treatment in Monroe County*
15 *are as provided in House Bill 1993 adopted by the 1999 Legislature.*

16
17 Notwithstanding the existing County Code and State Statutes regarding sanitary sewer
18 LOS, Monroe County has been working to develop a wastewater LOS. Monroe County
19 is designing and constructing sanitary sewer facilities in order to comply with Chapter
20 99-395 of the Laws of Florida which require construction of Advanced Wastewater
21 Treatment systems by July 1, 2010. The proposed service areas for central sewer are
22 based on the results of the Sanitary Wastewater Master Plan that was completed in June
23 2000.

24
25 Given that the County is working with the Florida Department of Community Affairs to
26 develop an acceptable sanitary sewer LOS, Monroe County applies a LOS of 145
27 gallons per capita per day to determine potential capacity requirements of the zoning
28 map designation.

29
30 The total capacity required for the residential use with 12 people is:

31 $145 \text{ gal} \times 12 \text{ people/day} = 1,740 \text{ gal/day}$

32
33 The anticipated need for sanitary sewer service can be adequately accomplished
34 through the use of advanced treatment onsite systems that meet the State of Florida
35 mandated treatment requirements.

36
37 **5. Drainage – 1001.1**

38
39 *Monroe County shall ensure that at the time a development permit is issued, adequate*
40 *storm water management facilities are available to support the development at the*
41 *adopted level of service standards concurrent with the impacts of such development.*
42 *[9J-5.011(2)(b)1]*

43
44 Water Quality Level of Service Standards - Minimum Water Quality:

45
46 All projects shall be designed so that the discharges will meet Florida State Water
47 Quality Standards as set forth in Chapters 17-25 and 17-302, F.A.C, incorporated
48 herein by reference. In addition, all projects shall include an additional 50% of the

1 water quality treatment specified below, which shall be calculated by multiplying the
 2 volumes obtained in Section (a) by a factor of 1.5, Retention/Detention Criteria
 3 (SFWMD Water Quality Criteria 3.2.2.2):
 4

- 5 a) Retention and/or detention in the overall system, including swales, lakes,
 6 canals, greenways, etc., shall be provided for one of the three following
 7 criteria or equivalent combinations thereof:
 8 (1) Wet detention volume shall be provided for the first inch of runoff
 9 from the developed project, or the total runoff of 2.5 inches times the
 10 percentage of imperviousness, whichever is greater.
 11 (2) Dry detention volume shall be provided equal to 75 percent of the
 12 above amount computed for wet detention.
 13 (3) Retention volume shall be provided equal to 50 percent of the above
 14 amounts computed for wet detention.
 15 b) Infill residential development within improved residential areas or
 16 subdivisions existing prior to the adoption of this comprehensive plan must
 17 ensure that its post-development stormwater run-off will not contribute
 18 pollutants which will cause the runoff from the entire improved area or
 19 subdivision to degrade receiving water bodies and their water quality as
 20 stated above.
 21 c) New Development and Redevelopment projects which are exempt from the
 22 South Florida Water Management District permitting process shall also
 23 meet the requirements of Chapter 40-4 and 40E-40, F.A.C.
 24
 25
 26

27 **6. Recreation & Open Space - Policy 1201.1.1**

28 *Monroe County hereby adopts the following level of service standards to achieve*
 29 *Objective 1201.1, and shall use these standards as the basis for determining recreation*
 30 *land and facility capacity:*
 31

32 *Level of Service Standards for Neighborhood and Community Parks:*

- 33 1) *0.82 acres per 1000 functional population of passive, resource-based*
 34 *neighborhood and community parks; and*
 35 2) *0.82 acres per 1000 functional population of activity-based neighborhood*
 36 *and community parks within each of the Upper Keys, Middle Keys, and*
 37 *Lower Keys subareas. [9J-5.014(3)(c)4]*
 38

39 **Recreational Level of Service Standards:**

Activity	Requirement	Monroe County Pop. (July 2008)	Acres Required	Existing	Complies
Passive Park	0.82 ac/ 1000 people	72, 243	59.24 ac	97.96 ac	Yes
Active Park	0.82 ac/ 1000 people	72,243	59.24 ac	97.96 ac	Yes

1
2 As demonstrated by the chart above, the County has more than enough additional
3 recreational capacity beyond the adopted level of service for recreational activities
4 potentially required as a result of the proposed zoning map designation.
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7 **VII STAFF RECOMMENDATION**

8 Staff recommends approval of the proposed FLUM amendment from Undesignated to Residential
9 Conservation (RC).
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12 **VIII EXHIBITS**

- 13 A. FLUM Map
14 B. Map that identifies the FEB Corp property line, Depth in Feet, US Navy Restricted Areas
15 and Danger Zones, and the City of Key West Jurisdiction
16 C. Letter from Roger Bernstein, President of FEB Corp, dated September 22, 2010
17 D. Memo Summary of 10/18/10 DRC Meeting Issues and Staff Response
18 E. Letter from Owen Trepanier, dated October 22, 2010