



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

Through: Mayté Santamaria, Senior Director of Planning & Environmental Resources

From: Kevin Bond, AICP, Planning and Development Review Manager
Michael Roberts, Senior Administrator of Environmental Resources

Date: November 28, 2016

Subject: *Request for a Major Conditional Use Permit, McDonald's / Dollar Tree, 101000 Overseas Highway, Key Largo, Real Estate # 00087350-000000 (File #2015-163)*

Meeting: December 15, 2016

1 I REQUEST:

2 Chris Collins of CPH, Inc.—on behalf of the property owner, Key Largo Tree, LLC,—
3 requests approval of a Major Conditional Use Permit. The requested Major CUP is required
4 for the proposed demolition of a 9,965-square-foot portion of an existing 20,284-square-foot
5 commercial retail building and the proposed development of a new 3,116-square-foot
6 commercial retail McDonald's restaurant with a drive-through and a new 5,016-square-foot
7 commercial retail building (a net decrease of 1,833 square feet).
8



9
10 *Subject Property (center) with Land Use (Zoning) Districts, 2015 Aerial*

1 II BACKGROUND INFORMATION:

2
3 **Location:** Key Largo near U.S. 1 Mile Marker 101 bay side

4 **Address:** 101000 Overseas Highway

5 **Legal Description:** That portion of Lot 8 in Section 28, Township 61 South, Range 39 East,
6 on Key Largo, according to Model Land Company's Plat by P. F. Jenkins, Civil Engineer,
7 recorded in Plat Book 1 at Page 68, of the public records of Monroe County, Florida, lying
8 Northwesterly of State Road No.5 (U.S. No. 1), Key Largo, Monroe County, Florida

9 **Real Estate (RE) Number:** 00087350-000000

10 **Property Owner/Applicant:** Key Largo Tree, LLC

11 **Agent:** Chris Collins, CPH, Inc.

12 **Size of Site:** 144,155 square feet / 3.31 acres (per submitted plans)

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

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

15 **Tier Designation:** III (Infill Area)

16 **Flood Zone:** X

17 **Existing Uses:** Commercial retail, outdoor retail sales, storage areas

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

19 **Community Character of Immediate Vicinity:** Conservation land and undeveloped
20 hammock parcels to the north, west and east; residential uses (including Caloosa
21 Campground to the northwest, Newport Village to the southeast, single- and multi-family
22 residential uses to the south) and light manufacturing (Paradise Pit) to the southeast.

23
24 III RELEVANT PRIOR COUNTY ACTIONS:

25
26 In 1973, the County issued Building Permit # 31364 for a 100'x200' prefab steel building for
27 a lumber yard business, originally known as Dixie Lumber Company & Supply, Inc. A
28 Certificate of Occupancy for a "steel building" was issued in 1974. *This building is currently*
29 *a Dollar Tree retail store, the rear half of which is proposed to be demolished as part of the*
30 *requested Major CUP.*

31
32 In 1983, the County issued Building Permit # C12534 for a 32'x100' steel storage shed. This
33 open-sided structure still exists on the property and is located along the western property
34 side. *This structure would be demolished as part of the requested Major CUP.*

35
36 In 1992, the County issued Building Permit # 92308276 for a 5,000 square foot lean-to for
37 coverage of existing outside storage with a condition that the lean-to not be enclosed. *This*
38 *structure would be demolished as part of the requested Major CUP.*

39
40 In 2013, the County issued various building permit for the renovation of the existing building
41 into a Dollar Tree commercial retail use. *The remaining half of the building would continue*
42 *for this business as part of the requested Major CUP.*

1 On December 16, 2013, the Planning Director issued a Letter of Understanding (File # 2013-
2 089) for the proposed development to demolish part of the existing commercial retail
3 building and construct new nonresidential buildings for commercial retail, restaurant and
4 light industrial storage uses.

5
6 On August 26, 2015, the subject Major Conditional Use Permit application was received by
7 the Planning & Environmental Resources Department.

8
9 On July 25, 2016, the Development Review Committee reviewed and commented on the
10 subject Major CUP application. One of the DRC's comments was that, prior to the Major
11 CUP being heard by the Planning Commission, the applicant would need to obtain approval
12 of a variance for the proposed drive aisle located within the 25-foot primary front yard
13 setback, pursuant to LDC Sections 102-187 and 110-73(c)(7).

14
15 On September 28, 2016, the Planning Commission adopted Resolution No. P31-16 approving
16 a variance of 15 feet to the required 25-foot primary front yard setback, which is adjacent to
17 Overseas Highway (U.S. 1) right-of-way, resulting in a primary front yard setback of 10 feet
18 for a 24-foot-wide drive aisle.

19
20 IV REVIEW OF APPLICATION:

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

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

29
30 Policies from the *Monroe County Year 2030 Comprehensive Plan* that directly pertain to
31 the proposed use include:

32
33 Policy 101.5.6: "The principal purpose of the Mixed Use/Commercial (MC) future
34 land use category is to provide for the establishment of mixed use commercial land
35 use (zoning) districts where various types of commercial retail and office may be
36 permitted at intensities which are consistent with the community character and the
37 natural environment. Employee housing and commercial apartments are also
38 permitted. In addition, Mixed Use/Commercial land use districts are to establish and
39 conserve areas of mixed uses, which may include maritime industry, light industrial
40 uses, commercial fishing, transient and permanent residential, institutional, public,
41 and commercial retail uses.

42
43 This future land use category is also intended to allow for the establishment of mixed
44 use development patterns, where appropriate. Various types of residential and
45 nonresidential uses may be permitted; however, heavy industrial uses and similarly
46 incompatible uses shall be prohibited. The County shall continue to take a proactive

1 role in encouraging the preservation and enhancement of community character and
2 recreational and commercial working waterfronts.”

3
4 Policy 101.19.2: “The Community Master Plans shall be incorporated into the 2030
5 Comprehensive Plan as a part of the plan and be implemented as part of the
6 Comprehensive Plan. The following Community Master Plans have been completed
7 in accordance with the principles outlined in this section and adopted by the Board of
8 County Commissioners:

9 ***

10 5. The Key Largo Livable CommuniKeys Master Plan is incorporated by
11 reference into the 2010 Comprehensive Plan. Only the Strategies denoted with a
12 green checkmark in this Master Plan have been adopted and approved as
13 equivalent to the term Objectives in the Comprehensive Plan. Only the Action
14 Items denoted with a green checkmark in this Master Plan have been adopted
15 equivalent to the term Policy in the Comprehensive Plan. Strategies and Action
16 Items without a green checkmark next to them are not considered to be consistent
17 with the definitions of “Objective” and “Policy” and therefore do not serve as
18 equivalents. Adopted by Ordinance 012-2007.”

19 ***

20
21 Action Items of the *Key Largo Community Master Plan* (aka the Livable CommuniKeys
22 Plan) that directly pertain to the subject property and proposed redevelopment include:

23
24 Action Item 1.3.1: Continue to use the FLUM and Land Use District Maps to regulate
25 development of individual parcels with respect to density, intensity, bulk regulations,
26 and all other land development regulation. This will protect the existing conformance
27 status of most uses and promote orderly development consistent with the
28 Comprehensive Plan.

29
30 The subject property is not located within one of the overlay districts of the LCP.

31
32 (2) *The conditional use is consistent with the community character of the immediate vicinity*
33 *of the parcel proposed for development:*

34
35 The area within 300 of the subject property consists of conservation land and
36 undeveloped hammock parcels to the north, west and east; residential uses (including
37 Caloosa Campground to the northwest, Newport Village to the southeast, single- and
38 multi-family residential uses to the south) and light manufacturing (Paradise Pit) to the
39 southeast.

40
41 The subject property has been developed and used for commercial retail and outdoor
42 retail sales since the early 1970s. For most of its developed history from the early 1970s
43 to the mid-2000s, the subject property was a hardware store with a lumber yard and a
44 garden center. Since the mid-2000s, the subject property has been used for a variety of
45 indoor and outdoor commercial retail, such as boat sales, a flea market and currently a
46 Dollar Tree store.

1 The proposed development would be consistent with the community character of the
2 immediate vicinity of the parcel proposed for development.

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

6
7 The architectural style of the proposed buildings is consistent with Florida Keys
8 architecture in design, materials, and color, and includes features that provide visual
9 interest. The exterior façade of the existing Dollar Tree building would be renovated
10 according to the submitted elevation plans. The proposed McDonald's restaurant is of
11 typical design as other contemporary McDonald's restaurants. The attached commercial
12 retail spaces, designed for two tenants, are of a typical visual style for such development.
13 As part of the proposed development, the subject property would be brought into full
14 compliance with the Land Development Code, including (but not limited to) off-street
15 parking, loading/unloading spaces, bicycle parking, parking lot landscaping and
16 bufferyards, stormwater management, solid waste/recycling collection areas, outdoor
17 lighting and signs.

18
19 Therefore, the proposed redevelopment would minimize any adverse effects, including
20 visual impacts, on adjacent properties.

- 21
22 (4) *The proposed use will have an adverse impact on the value of surrounding properties:*

23
24 There is no evidence indicating that the proposed redevelopment would have an adverse
25 impact on the value of the surrounding properties.

- 26
27 (5) *The adequacy of public facilities and services, including, but not limited to:*

28
29 a) *Roads:*

30
31 *Localized Impacts & Access Management:* The subject property is contiguous to the
32 U.S. 1 / Overseas Highway right-of-way and has two existing lawful nonconforming
33 access driveways to the southbound lanes.

34
35 Pursuant to 2030 Comprehensive Plan Policy 301.1.2, "For U.S. 1, Monroe County
36 hereby adopts a level of service (LOS) standard of C, as measured by the
37 methodology established by the U.S. 1 LOS Task Force and adopted by the Board of
38 County Commissioners in August 1991. The level of service on U.S. 1 shall be
39 maintained within five percent (5%) of LOS C."

40
41 Pursuant to 2030 Comprehensive Plan Policy 301.2.3, "Monroe County shall not
42 permit new development which would significantly degrade the LOS below the
43 adopted LOS standards on U.S. 1 (overall) unless the proportionate share of the
44 impact is mitigated." "A five percent projected decrease in travel speeds, below LOS
45 C, is a significant degradation in the level of service on U.S. 1. Traffic volume which

1 exceeds the LOS D standard by more than five percent is a significant degradation in
2 the level of service on any other County road.”

3
4 A level 3 traffic impact study, revised April 2016 and prepared by Sandra L. Gorman,
5 P.E., for the proposed development was submitted by the applicant as part of the
6 Major CUP application.

7
8 *Level of Service (LOS):* The proposed use is located within Segment #23 of U.S. 1,
9 which is operating at a LOS of A, according to the 2013 U.S.1 Arterial Travel Time
10 and Delay Study. Although the current proposal includes a decrease from 20,284 to
11 18,415 total square feet of nonresidential floor area, the land use would adjust from
12 shopping center (commercial retail use) only to shopping center with a fast food
13 restaurant (commercial retail use).

14
15 According to the traffic study submitted by the applicant, “The project is expected to
16 generate 2,184 gross trips per day (1,093 entering/1,091 exiting), and also additional
17 59 new PM Peak Hour driveway trips (33 entering/26 exiting). Based upon the
18 analysis, all driveways and the surrounding roadway network are anticipated to
19 continue operating at acceptable levels of service with addition of the project.”

20
21 The study concludes that “Access to the project is proposed through two existing
22 driveways located on Overseas Highway. Based upon the driveway analysis, both
23 driveways are anticipated to continue to operate at acceptable levels of service with
24 addition of the proposed redevelopment. The adjacent roadway is also anticipated to
25 continue to operate at acceptable levels of service with addition of the proposed
26 redevelopment. Due to negligible number of new trips through impacted segments
27 and intersections, the proposed redevelopment is unlikely to significantly affect the
28 traffic pattern through U.S. 1.”

29
30 The study was reviewed by the County’s traffic consultant (URS). At the time of the
31 DRC review, URS concurred “with the findings that the proposed Key Largo Tree
32 site redevelopment would not degrade the LOS of surrounding roadways. However, it
33 is County policy to reduce the number of driveways along Overseas Highway when
34 feasible to improve traffic safety and operations. As previously stated, further
35 consideration should be given to the current two (2) driveway access configuration.
36 Also, the applicant’s consultant should certify that the site driveways provide clear
37 sight visibility and the site is designed to accommodate the design vehicle.”

38
39 The applicant has since addressed URS’s comment letter dated June 23, 2016. The
40 two existing access driveways are proposed to be modified by relocating the northern
41 driveway further to the north to bring the driveway separation further into compliance
42 with the County LDC and FDOT standards, but would create a new nonconformity by
43 being less than 400 feet from Kay Drive to the north. URS reviewed the revised plans
44 and, in an email to staff dated 11/14/2016, accepted the applicant’s changes. The
45 access standards are reviewed in greater detail below.

- 1 b) *Stormwater*: Stormwater/surface water management plans (revised sheet C-3, dated
2 8/15/2016 with a revision date of 7/28/2016) and a drainage report (dated 2/19/2016,
3 signed and sealed 4/8/2016 by CPH) were submitted for review as part of the
4 requested Major CUP. The stormwater/surface water management plan and drainage
5 report meet the water quality and water quantity standards provided in Section 114-3
6 of the Land Development Code. The project will require a permit from the South
7 Florida Water Management District prior to commencement of construction.
8
- 9 c) *Sewer*: The applicant is coordinating with the Key Largo Wastewater Treatment
10 District to determine compliance with the applicable regulations. The applicant
11 submitted a letter of coordination with KLWTD dated May 6, 2015.
12
- 13 d) *Water*: The applicant is coordinating with the Florida Keys Aqueduct Authority. The
14 applicant submitted a letter of coordination with FKAA dated May 6, 2015.
15
- 16 e) *Refuse Disposal*: The applicant is coordinating with Monroe County Solid Waste
17 Management. The applicant submitted a letter of coordination with Keys Sanitary
18 Service dated May 7, 2015.
19
- 20 f) *Emergency Management*: The applicant is coordinating with the Office of the Fire
21 Marshal. The applicant has submitted a letter of coordination from the County Fire
22 Marshal's Office, via email dated May 11, 2015.
23

24 (6) *The applicant for conditional use approval has the financial and technical capacity to*
25 *complete the development as proposed and has made adequate legal provision to*
26 *guarantee the provision and development of any open space and other improvements*
27 *associated with the proposed development:*
28

29 Staff has no evidence to support or disprove the applicant's financial and technical
30 capacity. No legal provisions related to open space or other improvements are required by
31 the County LDC.
32

33 (7) *The development will adversely affect a known archaeological, historical or cultural*
34 *resource:*
35

36 The proposed development would not adversely affect a known archaeological, historical,
37 or cultural resource.
38

39 (8) *Public access to public beaches and other waterfront areas is preserved as part of the*
40 *proposed development:*
41

42 The property is not located adjacent to any public beaches or other waterfront areas.
43 Therefore, the proposed development would have no impact on the preservation of public
44 access to public beaches and other waterfront areas.
45

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

4
5 a) Residential Rate of Growth Ordinance (ROGO) (LDC Chapter 138, Article II): *Not*
6 *applicable.*

7
8 The existing and proposed development does not involve any residential units.
9

10 b) Nonresidential Rate of Growth Ordinance (NROGO) (LDC Chapter 138, Article III):
11 *In compliance.*

12
13 Pursuant to LDC Section 138-47(a), *nonresidential floor area* means the sum of the
14 total floor area for a nonresidential building or structure, as defined in LDC Section
15 101-1. Additionally, covered and unenclosed boat racks with three or fewer sides not
16 associated with retail sales of boats are not considered nonresidential floor area.
17 Further, the term “nonresidential floor area” does not include space occupied by
18 residential uses, including spaces occupied by a transient residential unit and an
19 institutional-residential use as defined in LDC Section 101-1.
20

21 Pursuant to LDC Section 101-1, *floor area* means the sum of the gross horizontal
22 areas of each story of the principal building, measured from the exterior walls or from
23 the centerline of party walls, including the floor area of accessory uses and of
24 accessory buildings and structures.
25

26 The existing 20,284 square feet of nonresidential floor area on the property was
27 developed prior to the effective date of the County’s NROGO allocation system. The
28 proposed 18,416 square feet of commercial retail use would not be subject to
29 NROGO pursuant to LDC Chapter 138, Article III. Pursuant to LDC Section 138-
30 50(1), the NROGO shall not apply to development with no net increase in
31 nonresidential floor area. If approved, the requested Major CUP would result in a net
32 decrease of 1,869 square feet of nonresidential floor area. Therefore, a NROGO
33 allocation award would not be required for the proposed development.
34

35 *Note: No prior Letter of Development Rights Determination was found for the subject*
36 *property. The owner or applicant may wish to request a LDRD prior to demolition of*
37 *the existing structure, particularly if the owner wishes to redevelop or transfer off-site*
38 *the existing nonresidential floor area in the future.*
39

40 c) Purpose of the SC District (LDC Section 130-43): *In compliance.*

41
42 The purpose of the SC District is to establish areas for commercial uses designed and
43 intended primarily to serve the needs of the immediate planning area in which they
44 are located. This district should be established at locations convenient and accessible
45 to residential areas without use of U.S. 1.
46

1 d) Permitted and Conditional Uses (LDC Section 130-93): *In compliance following*
2 *receipt of required major conditional use permit and adherence to proposed*
3 *conditions of approval.*

4
5 According to the proposed site plan (sheet C-2 revised 7/28/2016 by CPH), the
6 proposed development on the property would include the following uses:

- 7
- 8 ■ “Existing Dollar Tree” – 10,302 square feet (commercial retail)
- 9 ■ “Proposed Retail A” – 5,000 square feet (commercial retail)
- 10 ■ “Proposed Restaurant w/ Drive Thru” – 3,116 square feet (commercial retail)

11
12 “Existing Dollar Tree” is the existing 20,284-square-foot building following the
13 proposed partial demolition of 9,965 square feet. “Proposed Retail A” and “Proposed
14 Restaurant w/ Drive Thru” are proposed as an attached building. The “Existing Dollar
15 Tree,” “Proposed Retail A” and “Proposed Restaurant w/ Drive Thru” would be
16 classified as commercial retail uses.

17
18 Pursuant to LDC Section 130-93(c)(2), commercial retail uses of high intensity
19 greater than 2,500 square feet in floor area are permitted as major conditional uses in
20 the SC District subject to the standards and procedures set forth in LDC Chapter 110,
21 Article III, provided that access to U.S. 1 is by way of:

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

26
27 Pursuant to LDC Section 101-1, *commercial retail use* means a use that sells goods or
28 services at retail. Commercial retail uses are divided into the following three
29 classifications:

- 30 (1) *Commercial retail low-intensity* means commercial retail uses that generate less
31 than 50 average daily trips per 1,000 square feet of floor area.
- 32 (2) *Commercial retail medium-intensity* means retail uses that generate between 50
33 and 100 average daily trips per 1,000 square feet of floor area.
- 34 (3) *Commercial retail high-intensity* means retail uses that generate above 100
35 average daily trips per 1,000 square feet of floor area.

36
37 According to the traffic impact report, the proposed development would generate
38 2,184 total gross trips. With 18,116 square feet of proposed floor area, this results in
39 121 trips per 1,000 square feet of total floor area. Based on the above “commercial
40 retail use” definition and the proposed floor area, the proposed commercial retail use
41 would be classified as high-intensity, and would therefore require the requested Major
42 CUP. (Note that the trip and intensity calculations do not reflect the latest revised
43 floor area calculations, which only changed the floor area amounts slightly in order to
44 correct some inconsistencies. The result is still a high-intensity retail use.)
45

1 The property is already provided access to U.S. 1 by way of two existing lawful
 2 nonconforming curb cuts that are currently separated less than 400 feet from each
 3 other. As requested by the County’s traffic engineer and to better ensure compliance
 4 with the LDC and minimize any adverse impacts of the proposed development, the
 5 applicant has consulted with FDOT and proposes to relocate the northern driveway
 6 further north to increase the driveway separation. However, the northern driveway
 7 would still be nonconforming to the 400-foot separation requirement from the
 8 southern driveway and would create a new nonconformity with Kay Drive to the
 9 north. Compliance with the access standards is addressed in greater detail elsewhere
 10 in this report.

11
 12 Prior to issuance of any building permits, the County shall require a Notice of Intent
 13 from FDOT to approve an access permit for the proposed modifications within the
 14 U.S. 1 right-of-way.

- 15
 16 e) Maximum Nonresidential Land Use Intensities (LDC Sections 130-157, 130-162 &
 17 130-164): *In compliance.*

18

<i>Land Use District / Land Use</i>	<i>Maximum Floor Area Ratio (FAR)</i>	<i>Size of Site</i>	<i>Maximum Allowed</i>	<i>Amount of Floor Area</i>	<i>Potential Used</i>
Suburban Commercial (SC) / Commercial retail, high intensity	0.15	144,155 SF	21,623 SF	18,416 SF	85.2%

- 19
 20 f) Required Open Space (LDC Sections 118-9, 130-157, 130-162 & 130-164): *In*
 21 *compliance.*

22
 23 In the SC District for the proposed high-intensity commercial retail use, the minimum
 24 open space ratio (OSR) is 0.20 or 20%. Based on a total land area of 144,155 square
 25 feet, the minimum OSR is 28,831 square feet. According to Site Plan Sheet C-2
 26 revised 7/28/2016 and Preliminary Landscape Plan Sheet L-1, the proposed OSR
 27 (labeled “pervious area” on Sheet C-2) is 36%.
 28

1 g) Required Setbacks (LDC Section 130-186): *In compliance.*

2
3 The required non-shoreline setbacks in the SC District are as follows:

4

<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

5
6 The triangular-shaped property has a primary front yard requirement of 25 feet along
7 the southeastern property line adjacent to the U.S. 1 right-of-way, a rear yard
8 requirement of 10 feet along the western property line, and a primary side yard
9 requirement of 10 feet along the northern property line. The secondary front yard and
10 the secondary side yard do not apply to the subject property.

11
12 As shown on the proposed site plan, the proposed buildings are in compliance with
13 the required setback. However, the proposed 24-foot-wide access drive in the front of
14 the buildings is located within a portion of the required 25-foot front yard setback.
15 The proposed site plan indicates that the front yard setback/buffer is 10 feet, not 25
16 feet.

17
18 The existing access drive was lawfully established and is therefore lawfully
19 nonconforming. The Applicant is proposing to modify the existing access drives and
20 parking areas to accommodate the new buildings. The Applicant is proposing to bring
21 the access drive into greater compliance on the proposed site plan by reducing the
22 width of the drive and installing the required bufferyard. In order to have new
23 development, which includes drive aisles, within the required 25-foot primary front
24 yard setback, a variance of 15 feet was granted by Planning Commission Resolution
25 No. P31-16 on September 28, 2016 in accordance with LDC Section 102-187. The
26 resulting primary front yard setback is 10 feet for the proposed 24-foot-wide drive
27 aisle.

28
29 h) Maximum Height (LDC Section 130-187): *In Compliance.*

30
31 No structure or building shall be developed that exceeds a maximum height of 35
32 feet, pursuant to LDC Section 130-187. LDC Section 101-1 defines "height" as the
33 vertical distance between grade and the highest part of any structure, including
34 mechanical equipment and defines "grade" as the highest natural elevation of the
35 ground surface, prior to construction, next to the proposed walls of a structure, or the
36 crown or curb of the nearest road directly adjacent to the structure, whichever is
37 higher.

38
39 According to the submitted survey, the U.S. 1 crown of road grade is higher than the
40 subject property's grade. According to sheet A-A2.0 of the submitted plans, the
41 Proposed Retail A and Proposed Restaurant w/ Drive Thru building would be 21'-4"
42 in height, as measured from crown of road of +11.96' NGVD. According to sheet B-

1 A2.0 of the submitted plans, the Existing Dollar Tree building would be 17'-2" in
2 height, as measured from crown of road of +11.96' NGVD.

3
4 i) Surface Water Management Criteria (LDC Section 114-3): *In Compliance.*

5
6 Stormwater/surface water management plans (revised sheet C-3, dated 08/15/2016 by
7 CPH) and a drainage report (dated 2/19/2016, signed and sealed 4/8/2016 by CPH)
8 were reviewed for compliance with LDC Section 114-3. The stormwater/surface
9 water management plan and drainage report meet the water quality and water quantity
10 standards provided in Section 114-3. The project will require a permit from the South
11 Florida Water Management District prior to commencement of construction.

12
13 j) Wastewater Treatment Criteria (LDC Section 114-5): *Compliance to be determined*
14 *by the Key Largo Wastewater Treatment District prior to the issuance of a building*
15 *permit.*

16 k) Fencing (LDC Section 114-20): *Not applicable.*

17
18 Fencing is not being reviewed as part of this application. Any new fencing shall be
19 reviewed independently for compliance as an accessory structure/use under a building
20 permit application.

21
22 l) Floodplain Management (LDC Chapter 122): *Compliance to be determined upon*
23 *submittal to Building Department.*

24
25 The site is located within a 'X' flood zone on the Federal Emergency Management
26 Agency (FEMA) flood insurance rate maps. All new structures must be built to
27 floodplain management standards that meet those for flood protection.

28
29 m) Energy Conservation Standards (LDC Section 114-45): *Full compliance to be*
30 *determined upon building permit application review.*

31
32 n) Potable Water Conservation Standards (LDC Section 114-46): *Full compliance to be*
33 *determined upon building permit application review.*

34
35 o) Environmental Design Criteria and Mitigation Standards (LDC Sections 118-6, 118-7
36 & 118-8): *In compliance.*

37
38 The subject property is located within an area designated Tier III (Infill Area) and is
39 primarily developed/scarified habitat. Based on the existing site conditions, the
40 requirement for an Existing Conditions Report was waived by the Planning Director.
41 The clearing limits provided in LDC Chapter 118 do not apply to the subject parcel;
42 however, mitigation will be required for the removal of native upland vegetation in
43 accordance with LDC Section 118-8. The removal of native vegetation will be
44 reviewed for compliance at the time of building permit application.

1 p) Required Off-Street Parking (LDC Section 114-67): *In compliance.*

2
3 The proposed development is subject to the following off-street parking requirements:
4

<i>Specific Use</i>	<i>Multiplier</i>	<i>Proposed Development</i>	<i>Required Spaces</i>
Commercial retail	3 spaces per 1,000 SF of nonresidential floor area	15,335 SF	46
Eating and drinking establishments	For areas devoted to food/beverage service, 1 space per 3 seats or 3 spaces per 1,000 SF of floor area, whichever total amount is higher.	3,081 SF / 37 seats*	12
Total:			58

5 * Seating was not indicated or listed on the plans, but 37 seats equates to 12 required parking
6 spaces, which is indicated in the site calculations on the site plan.
7

8 The proposed site plan (sheet C-2) indicates 69 off-street parking spaces, including
9 five ADA accessible spaces (11 more spaces than required). This was reduced from
10 the earlier plans presented for DRC review, which proposed 88 total spaces. The
11 spaces were reduced to improve some of the site design issues mentioned in the DRC
12 staff report related to truck and emergency vehicle maneuvering and pedestrian
13 circulation.
14

15 Pursuant to LDC Section 114-67(k), *a bicycle rack for parking bicycles shall be*
16 *provided by all nonresidential development within 200 feet of an existing or*
17 *programmed state or county bikeway.* Two bicycle racks are indicated on the site
18 plan: one rack between the existing Dollar Tree building and the proposed retail
19 building, and the second rack to the northeast of the existing Dollar Tree building.
20

21 q) Required Loading and Unloading Spaces (LDC Section 114-69): *In compliance.*

22
23 All nonresidential uses with a gross floor area of 2,500 to 19,999 square feet are
24 required to have one 11' x 55' loading/unloading space, pursuant to LDC Section
25 114-69(a). The proposed site plan (sheet C-2) indicates one 18' x 100' loading space
26 to the rear of the Dollar Tree building. At the County traffic engineer's request, plan
27 sheet C-8 was submitted demonstrating that the anticipated delivery vehicle can
28 sufficiently turn and maneuver to and from the loading space on the property.
29

30 r) Required Landscaping (LDC Chapter 114, Article IV): *In compliance.*

31
32 The Landscape Plans submitted with the Conditional Use Permit application (Sheets
33 L-1 and L-2 of the revised plans dated 10/12/2015) are in compliance with the
34 requirements of LDC Chapter 114-100. Applicant is encouraged to reduce or replace
35 the non-native shrubs *Bougainvillea* "Helen Johnson" and *Juniperus conferta* "Blue
36 Pacific" with native shrubs.
37
38

1 s) Scenic Corridor & Bufferyards (LDC Chapter 114, Article V): *In compliance.*

2
3 A major street bufferyard is required. To the southeast is U.S. 1. Along the U.S. 1
4 right-of-way, a class "C" district boundary bufferyard is required. A class "C"
5 bufferyard has a minimum width of 10 feet and its planting requirements are
6 described/illustrated in LDC Section 114-128.

7
8 A land use district bufferyard is required. To the north and west is a Suburban
9 Residential (SR) District. Along the SC/SR district boundary line, a class "D" district
10 boundary bufferyard is required. A class "D" bufferyard has a minimum width of 20
11 feet and its planting requirements are described/illustrated in LDC Section 114-128.

12
13 The plans provided (Sheet L-1) depict the required buffers and planting requirements.

14
15 t) Outdoor Lighting (LDC Chapter 114, Article VI): *Full compliance to be determined*
16 *upon building permit application review.*

17
18 Outdoor lighting is not being reviewed as part of this application. Any new outdoor
19 lighting shall be reviewed independently for compliance as an accessory use/structure
20 under a building permit application.

21
22 No structure or land shall be developed, used or occupied unless all outdoor lighting
23 conforms to the requirements of LDC Chapter 114, Article VI. All outdoor lighting
24 shall be designed, located and mounted at maximum heights of 18 feet for noncutoff
25 lights and 35 feet for cutoff lights, pursuant to LDC Section 114-160. All outdoor
26 lighting shall be designed and located such that the maximum illumination measured
27 in footcandles at the property line shall not exceed 0.3 footcandle for noncutoff lights
28 and 1.5 footcandles for cutoff lights, pursuant to LDC Section 114-161. All lighting
29 from nonresidential uses shall be located, screened or shielded so that adjacent
30 residential lots are not directly illuminated, pursuant to LDC Section 114-162. The
31 new (but not yet effective) LDC includes new provisions, diagrams and design
32 criteria for outdoor lighting.

33
34 u) Signs (LDC Chapter 142): *Full compliance to be determined upon building permit*
35 *application review.*

36
37 Signage is indicated on the submitted plans, but is not being reviewed as part of this
38 application. Any new signage shall be reviewed independently for compliance as an
39 accessory use/structure under a building permit application.

40
41 v) Access Standards (LDC Chapter 114, Article VII): *In compliance following receipt of*
42 *required major conditional use permit and adherence to proposed conditions of*
43 *approval.*

44
45 Pursuant to LDC Section 114-195, *no structure or land shall be developed, used or*
46 *occupied unless direct access to U.S. 1 or County Road 905 is by way of a curb cut*

1 *that is spaced at least 400 feet from any other curb cut that meets the access*
2 *standards of the Florida Department of Transportation or an existing street on the*
3 *same side of U.S. 1 or County Road 905.*
4

5 The two existing curb cuts are spaced approximately 120 feet from each other and
6 would be considered nonconforming access. Pursuant to LDC Section 114-119, *no*
7 *use fronting on U.S. 1 or County Road 905 shall receive a permit for a change of use,*
8 *expansion or reconstruction unless it is brought into conformance with LDC Chapter*
9 *114, Article VII by provision of combined drives or parallel access.*
10

11 The site plan proposes to decrease the total commercial retail square footage on the
12 property (no change of use or expansion of nonresidential floor area) and to maintain
13 the two existing access driveways to Overseas Highway / U.S. 1. The applicant is
14 proposing to relocate the northern driveway further to the north in order to increase
15 the spacing between the two driveways to 248 feet. However, this is still
16 nonconforming to the 400-foot requirement and would create a new nonconformity
17 by being located only 350 feet from Kay Drive to the north.
18

19 There are at least three ways to bring the nonconforming access into compliance:
20

- 21 1. Submit a final development plan, pursuant to LDC Section 110-71, that combines
22 the two nonconforming driveways into a single driveway that complies with the
23 400-foot separation requirement, pursuant to LDC Sections 114-195 and 114-199.
24
- 25 2. Apply for a variance to the access standards in LDC Chapter 114, Article VII, as
26 the Planning Commission is authorized to do pursuant to LDC Section 102-
27 187(b)(5).
28
- 29 3. Agree to a condition of approval, pursuant to LDC Sections 110-68, 110-70(c)
30 and 110-71(b), that the Planning Commission resolution shall not be signed by the
31 Chair until the new Land Development Code adopted by the BOCC on April 13,
32 2016 becomes effective. The new, but not yet effective, LDC amends Section
33 114-195 to allow a deviation to the 400-foot driveway spacing standard where the
34 posted speed limit is 45 MPH or less. Pursuant to the new LDC Section 114-195,
35 “Proposed developments with access on U.S. 1 that are designated as Class 5 or
36 Class 6 access control classifications, as defined by FDOT, where the posted
37 speed limit is 45 MPH or less may deviate from 400 foot standard, in accordance
38 with the standards contained in Chapter 14-97, F.A.C., State Highway System
39 Access Control Classification System and Access Management Standards.” The
40 new provision cannot be taken advantage of until the new LDC become effective.
41 Staff is current waiting for an appeal of the new LDC to be resolved, so an exact
42 effective date is not known at this time.
43

44 Staff and the County traffic engineer recommend conditions of approval to ensure the
45 access is brought into conformance as part of the building permit phase of
46 development.

1
2 Pursuant to LDC Section 114-200, a Level 3 traffic impact study for the proposed
3 development was submitted by the applicant as part of the Major CUP application.
4 This study has been reviewed by the County's traffic consultant (URS), who concurs
5 "with the findings that the proposed Key Largo Tree site redevelopment would not
6 degrade the LOS of surrounding roadways." Based on the latest revised plans, URS
7 reviewed and accepted the applicant's changes that were made for URS's prior DRC
8 review comments.
9

10 Pursuant to LDC Section 114-201, *all entrance drives and street intersections shall*
11 *provide clear sight triangles in both directions as follows and as more fully set forth*
12 *in the illustration that follows this section.* Clear sight triangles were indicated on the
13 plans, but are incorrect. The clear sight triangles must be indicated pursuant to LDC
14 Section 114-201(1) for drives along U.S. 1 with a bufferyard. URS found that the
15 clear sight triangles shown on Sheet C-2 are incorrect, but can be addressed as part of
16 FDOT permits. Staff requests that plan sheets C-2 and L-1 be revised to correctly
17 indicate the required clear sight triangles.
18

19 w) Solid Waste / Recycling (LDC Section 114-21): *In compliance.*
20

21 Pursuant to LDC Section 114-21(1), *nonresidential buildings requiring a certificate*
22 *of occupancy or certificate of compliance shall make adequate provision for a solid*
23 *waste and recycling collection area. For nonresidential buildings with 15,001 to*
24 *50,000 square feet of floor area, the minimum collection area is 175 square feet.* The
25 total proposed floor area is 18,416 square feet. The site plan (sheet C-2) indicates four
26 proposed dumpster enclosures toward the rear of the property totaling approximately
27 910 square feet.
28

29 The enclosure materials and height are not specified, but LDC Section 114-21(5)
30 states *screening shall consist of a solid or semi-opaque enclosure that shall not*
31 *exceed six feet in height. The enclosure shall provide a minimum of one foot six inch*
32 *clearance on each side of the container.* As part of a building permit application,
33 plans shall be submitted demonstrating that the above enclosure materials and height
34 meet the above standards.
35

36 Pursuant to LDC Section 114-21(7), *the collection area should be designed to be*
37 *easily accessible by all collection vehicles.* At Staff's and the County traffic
38 consultant's request, the applicant submitted plan sheet C-8 indicating the truck route
39 to and from the required solid waste/recycling collection areas. URS reviewed the
40 plan and found the information sufficient to assess that waste/recycling vehicles
41 would be able to circulate the site.
42

43 x) Accessibility (Chapter 533, Florida Statutes): *Full compliance to be determined upon*
44 *building permit application review.*
45

1 All accessibility standards as required by Florida Statutes and the Americans with
2 Disabilities Act (ADA) must be met. Building requirements will be reviewed upon
3 submittal of building permit applications for the structures.
4

5 y) Other Issues.

6
7 Fire Marshall comments:

8 The applicant reviewed and acknowledged the Fire Marshall's comment letter dated
9 May 11, 2015.
10

11 County Engineer comments:

12 The applicant was provided the County Engineer's comments dated September 23,
13 2015.
14

15 Bicycle/Pedestrian Circulation:

16 Part of the purpose and intent of the County's parking and loading standards, pursuant
17 to LDC Section 114-66, is to minimize unnecessary conflicts among vehicle,
18 pedestrians and bicyclists. Policy 301.3.2 of the 2030 Comprehensive Plan states that
19 development shall be connected to the [built bicycle or pedestrian] facility in a safe
20 and convenient manner to ensure that it is part of the development's overall
21 transportation system. For state owned bicycle or pedestrian facilities a connection
22 permit shall be required. Policy 401.1.1 requires retail shopping facilities, offices and
23 similar uses generating over two thousand (2,000) trips per day be built to
24 accommodate mass transit by being designed to include such features as adequate
25 turning radii for large vehicles, direct access to sheltered areas with seating that can
26 serve as a bus stop and pedestrian access to adjacent properties. Policy 401.1.2
27 encourages developers of major trip generators to provide transit facilities,
28 pedestrian/bicycle paths, bicycle racks and parking, and carpool facilities.
29

30 The property is located along the Overseas Heritage Trail, a shared-use bicycle and
31 pedestrian path within the U.S. 1 right-of-way. The property is also served by Miami-
32 Dade Transit's Route 301 Dade Monroe Express bus service along U.S.1 between
33 Florida City and Marathon. Based on the above County policies, staff recommends
34 the following:
35

- 36 ■ Pedestrian sidewalks or walkways, separate from the vehicular driveways, should
37 be installed from the Overseas Heritage Trail along U.S. 1 across the proposed
38 front drive aisle to the main entrances of the buildings. Pedestrian crosswalks
39 across the front drive aisle should be indicated with appropriate striping and
40 signage. A connection permit may be required from FDOT. *In the latest revised*
41 *plans, the applicant has added two striped pedestrian walkways connecting the*
42 *Overseas Heritage Trail to the walkway in front of the two retail buildings.*
- 43 ■ The location of the Overseas Heritage Trail path along U.S. 1 should be indicated
44 on the site plan (sheet C-2) and the landscape plan (sheet L-1). All driveway
45 connections to U.S. 1 should be designed in accordance with applicable standards
46

1 for intersections with shared-use paths, including striping and signage. The
2 required clear sight triangles should be located to ensure visibility with the shared
3 use path. A permit may be required from FDOT. *In the latest revised plans,*
4 *striping is indicated at the intersections of the two driveways and the Overseas*
5 *Heritage Trail. Clear sight triangles are indicated, but as reviewed by URS, will*
6 *need to be corrected to meet County and FDOT standards as part of the*
7 *subsequent permit review.*

- 8
- 9 ■ In coordination with Miami-Dade Transit, FDOT and the County (Anderson
10 Outdoor Advertising), staff recommends ADA-compliant sheltered areas with
11 seating that can serve as a bus stop with trash receptacles should be installed on
12 northbound and southbound sides of U.S. 1 to serve the anticipated increase in
13 bus passengers generated by the proposed high-intensity retail and restaurant uses.
14 A permit may be required from FDOT. *The latest revised plans do not indicate*
15 *any bus stops or shelters. Staff recommends, but is not requiring, the applicant*
16 *provide bus shelters.*

17

18 Community Involvement:

19 Although it is not currently required by the County, the applicant held a community
20 meeting regarding the proposed development on September 19, 2016 at the Murray
21 Nelson Government Center.

22

23 V RECOMMENDED ACTION:

24

25 Staff recommends **approval** to the Planning Commission with the following conditions:

- 26
- 27 1. The nonconforming access driveways shall be brought into compliance with the LDC in
28 one of the following ways:
 - 29 a. Prior to the issuance of a building permit associated with the requested Major
30 Conditional Use Permit: Submit a final development plan, pursuant to LDC Section
31 110-71, that combines the two nonconforming driveways into a single driveway that
32 complies with the 400-foot separation requirement, pursuant to LDC Sections 114-
33 195 and 114-199; or
 - 34 b. Prior to the Planning Commission resolution being signed by the Chair: Apply for a
35 variance to the access standards in LDC Chapter 114, Article VII, as the Planning
36 Commission is authorized to do pursuant to LDC Section 102-187(b)(5); or
 - 37 c. Prior to the Planning Commission resolution being signed by the Chair: Agree to a
38 condition of approval, pursuant to LDC Sections 110-68, 110-70(c) and 110-71(b),
39 that the Planning Commission resolution shall not be signed by the Chair until the
40 new Land Development Code adopted by the BOCC on April 13, 2016 becomes
41 effective. The new, but not yet effective, LDC amends Section 114-195 to allow a
42 deviation to the 400-foot driveway spacing standard where the posted speed limit is
43 45 MPH or less. Pursuant to the new LDC Section 114-195, "Proposed developments
44
45
46

1 with access on U.S. 1 that are designated as Class 5 or Class 6 access control
2 classifications, as defined by FDOT, where the posted speed limit is 45 MPH or less
3 may deviate from 400 foot standard, in accordance with the standards contained in
4 Chapter 14-97, F.A.C., State Highway System Access Control Classification System
5 and Access Management Standards.” The new provision cannot be taken advantage
6 of until the new LDC become effective. Staff is current waiting for an appeal of the
7 new LDC to be resolved, so an exact effective date is not known at this time.
8

9 Prior to the issuance of a building permit associated with the requested Major Conditional
10 Use Permit:

- 11
- 12 2. The drainage, utility, stormwater, landscaping and irrigation plans shall be formally
13 approved by a building permit.
14
 - 15 3. The existing curb cuts to Overseas Highway/U.S. 1 shall be brought into compliance with
16 current FDOT standards. A Notice of Intent letter from FDOT for an access permit or an
17 FDOT letter stating no additional improvements are necessary shall be submitted with the
18 County building permit application. Further, the clear sight triangles on Sheet C-2 shall
19 be indicated correctly to County and FDOT standards.
20
 - 21 4. The developer shall coordinate with the County Engineer and any other necessary County
22 Departments regarding the proposed alterations to the bike path along Overseas Highway.
23 A permit from FDOT may be required.
24

25 Recommended general conditions for the requested Major Conditional Use Permit:

- 26
- 27 5. Prior to the issuance of the Certificate of Occupancy for the building, all required
28 landscaping shall be formally approved by a Building Permit, planted and pass a final
29 inspection by the County Biologist or his or her designee.
30
 - 31 6. The scope of work has not been reviewed for compliance with Florida Building Code.
32 Prior to the issuance of Building Permits, new development and structures shall be found
33 in compliance by the Monroe County Building Department, Floodplain Administrator,
34 and the Office of the Fire Marshal.
35

36 **VI PLANS REVIEWED:**

- 37
- 38 ■ Boundary & Topographic Survey, prepared by Thomas J. Galloway, dated 7/7/2016.
 - 39 ■ Civil Plans for IMC Property Management & Maintenance, Inc., prepared by Christopher
40 Collins, P.E., CPH including the following sheets:
 - 41 ○ C-1 Cover Sheet, dated 8/15/2016
 - 42 ○ C-2 Conceptual Site Plan, dated 9/28/2016
 - 43 ○ C-3 Stormwater/Surface Water Management Plan, dated 8/15/2016
 - 44 ○ C-4 Construction Management Plan, dated 8/15/2016
 - 45 ○ C-5 Composite Utility Plan, dated 4/13/2016
 - 46 ○ C-6A General Details, dated 4/13/2016

- 1 ○ C-6B General Details, dated 7/21/2016
- 2 ○ C-7 Site Demolition Plan, dated 8/15/2016
- 3 ○ C-8 Fire & Rescue Plan and Service Truck Access Route, dated 9/28/2016
- 4 ▪ Landscape Plans for IMC – Key Largo Commercial Center, prepared by Maxwell D.
- 5 Spann, Registered Landscape Architect, CPH including the following sheets:
- 6 ○ L-1, Preliminary Landscape Plan, dated 10/12/2015
- 7 ○ L-2, Landscape Notes and Details, dated 5/12/2015
- 8 ▪ Architectural Plans for IMC – Key Largo Commercial Center, prepared by Jeffrey Foster,
- 9 Registered Architect, CPH including the following sheets:
- 10 ○ A-A1.0, Floor Plan McDonald’s USA, LLC, dated 7/20/2016
- 11 ○ A-A1.1, Floor Plan Tenant Retail A, dated 7/20/2016
- 12 ○ A-A2.0, South & West Exterior Elevations McDonald’s, dated 7/20/2016
- 13 ○ A-A2.1, North & East Exterior Elevations McDonald’s, dated 7/20/2016
- 14 ▪ Architectural Plans for IMC – Key Largo Commercial Center, prepared by Ismail Ilker
- 15 Uzun, Registered Architect, CPH including the following sheets:
- 16 ○ B-A1.0, Proposed Floor Plan Dollar Tree, dated 8/20/2015
- 17 ○ B-A2.0, Proposed Elevations Dollar Tree, dated 8/20/2015
- 18 ○ D1.0, Existing and Demolition Plan Dollar Tree, dated 8/20/2015
- 19 ○ D2.0, Existing Elevations Dollar Tree, dated 8/20/2015
- 20 ▪ Drainage Report, prepared by Heide Belle Henderson, P.E., signed and sealed 4/8/2016
- 21 ▪ Traffic Impact Statement, IMC Key Largo Commercial Center #I3604, prepared by
- 22 Sandra L. Gorman, P.E., CPH, revised April 2016.

23
24 VII ATTACHMENTS:

- 25
- 26 ▪ November 14, 2016 URS Review of revised plans
- 27 ▪ June 23, 2016 URS Review of Level III Traffic Impact Study dated April 2016
- 28 ▪ September 23, 2015 County Engineer’s review comments
- 29 ▪ May 11, 2015 County Fire Marshall’s comments

Bond-Kevin

From: Arrieta, John <john.arrieta@aecom.com>
Sent: Monday, November 14, 2016 6:47 PM
To: Bond-Kevin
Subject: RE: Confirmation: Your file has been sent

Hello Kevin,

We have reviewed the revised files below, and provide the following comments:

Comment 4:

The County traffic consultant recommends submitting a plan demonstrating that the anticipated delivery vehicle can sufficiently turn and maneuver to and from the loading space on the property.

Response:

Auto turn analysis for delivery vehicles is included with this resubmittal. Please see sheet C-8 of the revised plans.

Disposition:

Reviewed and accepted.

Comment 5:

Staff and the County traffic consultant recommended that the applicant submit a plan indicating the truck route to and from the required solid waste/recycling collection areas.

Response:

Auto turn analysis for waste/recycle vehicles is included with this resubmittal. Please see sheet C-8.

Disposition:

Reviewed and accepted.

Note that sheet C-8 does not include the analysis for waste/recycling vehicles. The provided information includes Fire & Rescue and Service trucks. However, the information is sufficient to assess that waste/recycling vehicles would be able to circulate the site.

Comment 7:

The applicant shall address URS's comment letter dated June 23, 2016 regarding Level 3 traffic Study (attached).

Response:

Applicant has reconfigured the proposed driveway layout as suggested in comment letter dated June 23, 2016.

Disposition:

Reviewed and accepted.

Note that:

- The distance between the driveways has been increased per FDOT standards.
- The clear sight distance triangles shown in Sheet C-2 are incorrect; however, they could be addressed as part of FDOT permits.
- Drive through queuing capacity is shown and adequate.

Thank you,

John Arrieta, PE, PTOE
Project Manager
D 1-561-862-1113
john.arrieta@aecom.com

AECOM

7800 Congress Avenue, Suite 200, Boca Raton, Florida 33487-1350
T 1-561-994-6500 F 1-561-994-6524



January 11, 2016

Mr. Kevin Bond, AICP – Planning and Development Review Manager
Monroe County Planning & Environmental Resources Department
2798 Overseas Highway, Suite 410
Marathon, FL 33050-4277

via eMail

**Re: File #2015-163, Key Largo Tree, LLC Major CU – Key Largo (Overseas Highway – MM 101.0)
Level III Traffic Impact Study dated April 2016 - Review**

Dear Mr. Bond:

We have reviewed the traffic impact study dated April 2016 submitted by *CPH, Inc.* for the applicant *IMC-Key Largo Commercial Center*, and received via email on June 3, 2016.

- A Traffic Methodology Memorandum was included with the report in Appendix A. Appendix B includes previous review comments. Comment 11 still has not been properly addressed in the Methodology.
- *Background data:* The site is located near MM 101.0 along US 1 at 101000 Overseas Highway, Key Largo, Florida. The site is currently developed with 21,050 square feet of retail space; and it is proposed to be redeveloped into a 3,116 square foot fast food restaurant with drive through service and an adjoining 15,000 square foot retail building.
- *Site Plan:* A reduced size site plan is included with the traffic report. Access to the site is proposed to be provided via two (2) existing driveways along Overseas Highway. The “visibility triangle” shown on the site plan does not show correctly the sight triangles at the driveways to attest for clear sight visibility, nor are the vehicle maneuverability details presented on the site plan. A review of the current and previously provided site plans yielded the following comments (see attachment):
 1. Connection Spacing distance between the two site driveways is approximately 125 feet, which is 120 feet less than the recommended minimum of 245 feet for an FDOT Access Class 5 roadway with a posted speed limit of 45 mph. As previously stated in comment 11 (see Appendix A of report), compliance with Item 6 of Section XIII, Safety and Visibility for properties accessing Overseas Highway is generally interpreted for Safety: to meet FDOT Access Management policies and standards (Major References: Median Handbook, Driveway Information Guide); for visibility to meet FDOT sight distance standards (Major Reference: Standard Index 546).

The Site Access Analysis section of the report on page 12 indicates that *preliminary discussions with FDOT have resulted in no objections to the configuration of the existing driveways with the proposed redevelopment*. The last written documentation received by the County from the Department contradicts this statement. See attached FDOT comment 2, which states that *Proposed Access shall [emphasis added] comply with Florida Administrative Chapter (FAC) 14-96 and 14-97 and comments 3 and 4*.

Preliminary crash data (see attachment) indicates an increase of crash incidents within the site driveways.

2. Need to show drive through queue capacity and direction. The last paragraph in page 12 states that *Queues studies performed for similar land uses indicate an 85th percentile queue of 12 vehicles and the proposed site plan is anticipated to accommodate 12 vehicles*. However, the report does not provide adequate reference or copies of the reports for review. In addition, the site plan does not show how the 12 vehicles would be accommodated as previously requested.

- *Trip Generation:* The trip generation for this traffic study is based on *ITE Trip Generation Manual - 9th Edition* using ITE land uses 820 and 934. The report indicates that the proposed development is anticipated to generate 1,188 additional site driveway daily trips, of which 59 are PM peak hour trips (33 inbound and 26 outbound); and an additional 604 daily new link trips along Overseas Highway, respectively.

Table 1, ITE Trip Generation shows Peak Hour and Weekday Trips-per 1,000 square feet for each land use. However, a total site trip per total square footage should have been calculated for Site Trip Intensity per Section 101-1 of the County Land Development Code (previous comment 5; see Appendix A of report). The correct Site Trip Intensity is 121 trips per 1000 square feet (2184/18.116). Other calculated intensities should be deleted.

The trip generation calculation indicates an increase of approximately 28% for the driveway trips during the PM peak hour period (59/211), which is greater than the 20% typical threshold FDOT has used to consider a significant change in volume for requesting a new driveway permit application. Therefore, further review of the access configuration is expected as part of the access permit application.

- *U.S. 1 Traffic Impact and Reserve Capacity:* The analysis uses the 2013 TTDS Level of Service and Reserve Capacity Table per Traffic Methodology agreement. Based on this table, reserve capacities for Overseas Highway Segments # 22 through 24 are identified to have adequate reserve capacity to accommodate the project trips based on a linear trip dissipation with a maximum trip length of 10 miles each direction and a 52% north/east and 48% south/west distribution.
- *Intersection Analysis:* The study presents inbound/outbound volumes and analysis for the site driveways, and the nearby signalized intersections of Overseas Highway at Atlantic Avenue and Overseas Highway at Tarpon Basin Drive.

Table 5 – Driveway Level of Service shows a LOS E for the EBL movement at Driveway 2 and Overseas Highway intersection. The proposed site does add trips to this movement, the access connection distance standard is not met, and site trips increase does require an access permit; therefore, an alternate configuration should be considered and reviewed.

At this time, we concur with the findings that the proposed Key Largo Tree site redevelopment would not degrade the LOS of surrounding roadways. However, it is County policy to reduce the number of driveways along Overseas Highway when feasible to improve traffic safety and operations. As previously stated, further consideration should be given to the current two (2) driveway access configuration. Also, the applicant's consultant should certify that the site driveways provide clear sight visibility and the site is designed to accommodate the design vehicle. Should you have any questions, feel free to call me.

Sincerely,
URS Corporation Southern


John Arrieta, PE, PTOE
Senior Traffic Engineer/Transportation Planner

cc: Ms. Mayte Santamaria – Monroe County



R. ALEMAN

& Associates, Inc.

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Miami, Florida 33178
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Traffic Impact Study Review Comments – IMC Key Largo Commercial Center

- 1) FDOT Access Connection Permit for Category-D submittal will be required for this project.
- 2) Proposed Access shall comply with Florida Administrative Chapter (FAC) 14-96 and 14-97.
- 3) Existing segment of Overseas Hwy at project location is Access Management Class-5 Restrictive roadway. Project shall meet minimum spacing requirements for given Classification.
- 4) Proposed plans shall provide distance between the properties' two driveways along with distances to access points for neighboring properties and any existing median openings.
- 5) Site improvements will require an FDOT Drainage Permit with on-site retention. Plans with supporting calculations shall provide assurances the on-site retention system is sufficiently designed to meet the 100-yr / 1-hr Critical Storm duration at 5.1-inch intensity.
- 6) A percolation test shall be submitted along with the FDOT Drainage Permit providing the "K-value" for soil hydraulic conductivity.
- 7) Proposed driveway design shall comply with FDOT Standard Index 515.
- 8) Provide appendix showing the source (Trip Generation Handbook) for the percent pass- by rates used for different facility.
- 9) Table 3 and 4, verify the location Atlantic Blvd or Atlantic Avenue.
- 10) Provide reference for figures 3 and 4 with their respective appendix.
- 11) The report does not mention if trips were generated/calculated from Average rate or the equation.
- 12) It is noted that the report does not mention about Access Management Functional Classification that is based on speed of main roadway and not show the Access Class Code and compliance with the minimum required space between driveways.
- 13) The Florida Department of Transportation Design Standard Index Number 546 requires a minimum sight distance at intersections based on design speed of the main road. The required sight distance is not shown and following to the standard requirements for sight distance applicable to the study driveways.

Layers

- Analysis
 - Crash
- Reference
 - Hospital
 - School
 - Fire Department
 - Police Station

Base Map

- Cartographic
- Aerial
- Hybrid
- Grayscale



Time and Place Filters

Date/Time

Date Range: 1/1/2011 - 12/31/2015

Geographic Area

Geographic Extent: Current Map Extent

Hide Unused Filters

Search [X] Clear

HSMV Report #	Agency Report #	Reporting Agency	Form Type	Crash Date	Crash Time	City	County	Crash Street	Intersecting Street
81971815	FHPE11OFF009245	FHP	Long	2/18/2011	5:29 PM	Key Largo	Monroe	SR-5	HIBISCUS LN
82815785	FHPE11OFF043770	FHP	Long	8/14/2011	6:37 PM	Unincorporated	Monroe	SR-5	HIBISCUS LN
82051110	FHPE11OFF000933	FHP	Long	1/6/2011	2:40 PM	Key Largo	Monroe	HARRY DAVIS CIR	SR-5
81971247	FHPE12OFF049655	FHP	Long	9/27/2012	4:10 PM	Key Largo	Monroe	HARRY DAVIS CIR	SR-5
83196753	FHPE13OFF017580	FHP	Long	4/10/2013	5:07 PM	Key Largo	Monroe	US-1	HIBISCUS LN
83291133	FHPE13OFF013582	FHP	Long	3/20/2013	10:40 AM	Key Largo	Monroe	US-1	HIBISCUS LN
83642329	FHPE13OFF050809	FHP	Long	10/8/2013	2:10 AM	Key Largo	Monroe	US-1	HIBISCUS LN
83699554	FHPE13OFF056119	FHP	Long	11/5/2013	9:45 AM	Key Largo	Monroe	US-1	HARRY DAVIS CIR

Showing: All (107) / Mapped (107) / Selected (0) | Retrieved 107 (107 Mapped)



**Engineering Department
MEMORANDUM**

To: Mayte Santamaria, Director of Planning

From: Judy Clarke, Director of Engineering Services

Date: September 23, 2015

Re: #2015-163 Key Largo Tree LLC

I have reviewed the plans that were submitted for this project. The site is located on US 1; therefore it will not create any access issues on county maintained roads. The landscape plans show trees and/or shrubs between the proposed paved parking lot and the US 1 right of way. The county's recently completed US 1 Bayside Shared Use Path is located on the FDOT ROW in front of this parcel. The final approved design should include either the landscaping buffer as shown or curb along the edge of the parking area to prevent vehicles from leaving the site (or using the ROW as overflow parking) by driving across the grass and paved path instead of using the site driveways. This will help with access management along US 1 and will minimize damage to the path by unauthorized vehicles.

If you should have any questions or need additional information please feel free to contact me.



BOARD OF COUNTY COMMISSIONERS

Mayor Sylvia J. Murphy, District 5
Mayor Pro Tem, Danny L. Kolhage, District 1
George Neugent, District 2
Heather Carruthers, District 3
David Rice, District 4

OFFICE of
the FIRE MARSHAL
490 63rd Street
Marathon, FL 33050
PHONE: (305) 289-6368
FAX: (305) 289-6369



Angel Figueroa
Engineer/Architect Intern
CPH, Inc.
1992 SW 1st St
Miami, FL 33135

May 11, 2015

RE: Letter of Coordination 101000 Overseas Highway (US 1), Key Largo, FL

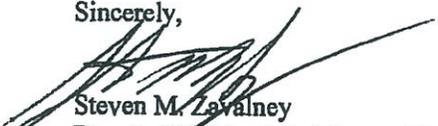
Dear Mr. Figueroa,

Pursuant to the requirements of the Monroe County Planning Department Development Permit Application, this shall serve as the letter of coordination between the Monroe County Fire Marshal's Office and the agent and/or property owner for the project owner of 101000 Overseas Highway (US 1), Key Largo, FL.

1. The Fire Marshal's Office enforces the Florida Fire Prevention Code (5th Edition), The Florida Building Code (5th Edition), National Fire Protection Code (NFPA 1), Life Safety Code (NFPA 101) and related NFPA standards as applicable and adopted by the State of Florida.
2. All fire rated penetrations shall be caulked with a UL approved product per manufacturer's specifications. A detail sheet shall be included with the final set of approved and sealed plans on each method used the fire stop system. A single manufacturer of Fire Penetration sealant shall be used throughout the structure. Expanding "foam" products shall not be permitted anywhere in the structure.
3. Approved fire hydrants shall be provided for building to meet necessary fire flow requirements as determined by the NFPA 1, Ch.18, and approved by the Florida Keys Aqueduct Authority (FKAA).
4. Fire Department access shall comply with NFPA 1, Ch.18.
5. The Fire Department Connection and back flow currently in place shall be brought into compliance with current codes and properly protected from physical damage by vehicular traffic.

It is understood that after conceptual review of the project has been granted, preliminary fire protection plans shall be included with improvements to water supply via fire hydrant and shall be submitted to Fire Marshal's Office prior to final plan review and issuance of a building permit. The Key Largo Fire Department provides fire suppression service to the proposed project location.

Sincerely,


Steven M. Zavalney
Deputy Fire Marshal, Monroe County Fire Rescue