



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Development Review Committee

From: Emily Schemper, CFM, AICP, Sr Director of Planning & Environmental Resources

Date: March 23, 2023

Subject: *REQUEST FOR A MINOR CONDITIONAL USE PERMIT, ALLOWING THE TRANSFER OF ONE (1) MARKET RATE TRANSFERRABLE RATE OF GROWTH ORDINANCE (ROGO) EXEMPTION (TRE) FROM THE SENDER SITE LOCATED AT 148 PALMETTO AVENUE, BIG PINE KEY, LEGALLY DESCRIBED AS LOTS 15 AND 16, BLOCK 3, BIG PINE KEY INC. ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 4, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBER 00256790-000000 AND ALLOWING THE TRANSFER OF THREE (3) MARKET RATE TRANSFERRABLE RATE OF GROWTH ORDINANCE (ROGO) EXEMPTIONS (TRE) FROM THE SENDER SITE LOCATED AT 31535 AVENUE C, BIG PINE KEY, LEGALLY DESCRIBED AS LOTS 1, 2, 3 AND 4, BLOCK 22, SANDS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 65, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBER 00302670-000000 TO THE RECEIVER SITES, LOCATED AT 160, 170, 180 AND 190 SANDS ROAD, BIG PINE KEY, LEGALLY DESCRIBED AS LOTS 1, 2, 17 AND 18, BLOCK 2, SAM-N-JOE SUBDIVISION, BIG PINE KEY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 76 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBERS 00300180-000100, 00300180-000200, 00300180-001700, 00300180-001800. (File#2023-065)*

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**Meeting: March 28, 2023**

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#### **I REQUEST:**

Monroe County is requesting approval of a minor conditional use permit to transfer four (4) Rate of Growth Ordinance (ROGO) Exemptions (TREs) from two sender sites to four receiver sites. The sender sites are located at 148 Palmetto Avenue, and 31535 Avenue C on Big Pine Key. The receiver sites are located at 160, 170, 180, and 190 Sands Road on Big Pine Key.

## II BACKGROUND INFORMATION:

### **Sender Site 1 - 148 Palmetto Avenue, Big Pine Key:**

**Location:** Big Pine Key, mm 30

**Address:** 148 Palmetto Avenue

**Description:** Block 3, Lots 15 & 16, Big Pine Key Inc, PB5-4

**Sender Parcel ID Number:** 00256790-000000

**Owner:** Monroe County Comprehensive Plan Land Authority

**Size of Site:** 7,000 square feet, per Monroe County Property Appraiser

**Land Use District (LUD):** Improved Subdivision (IS)

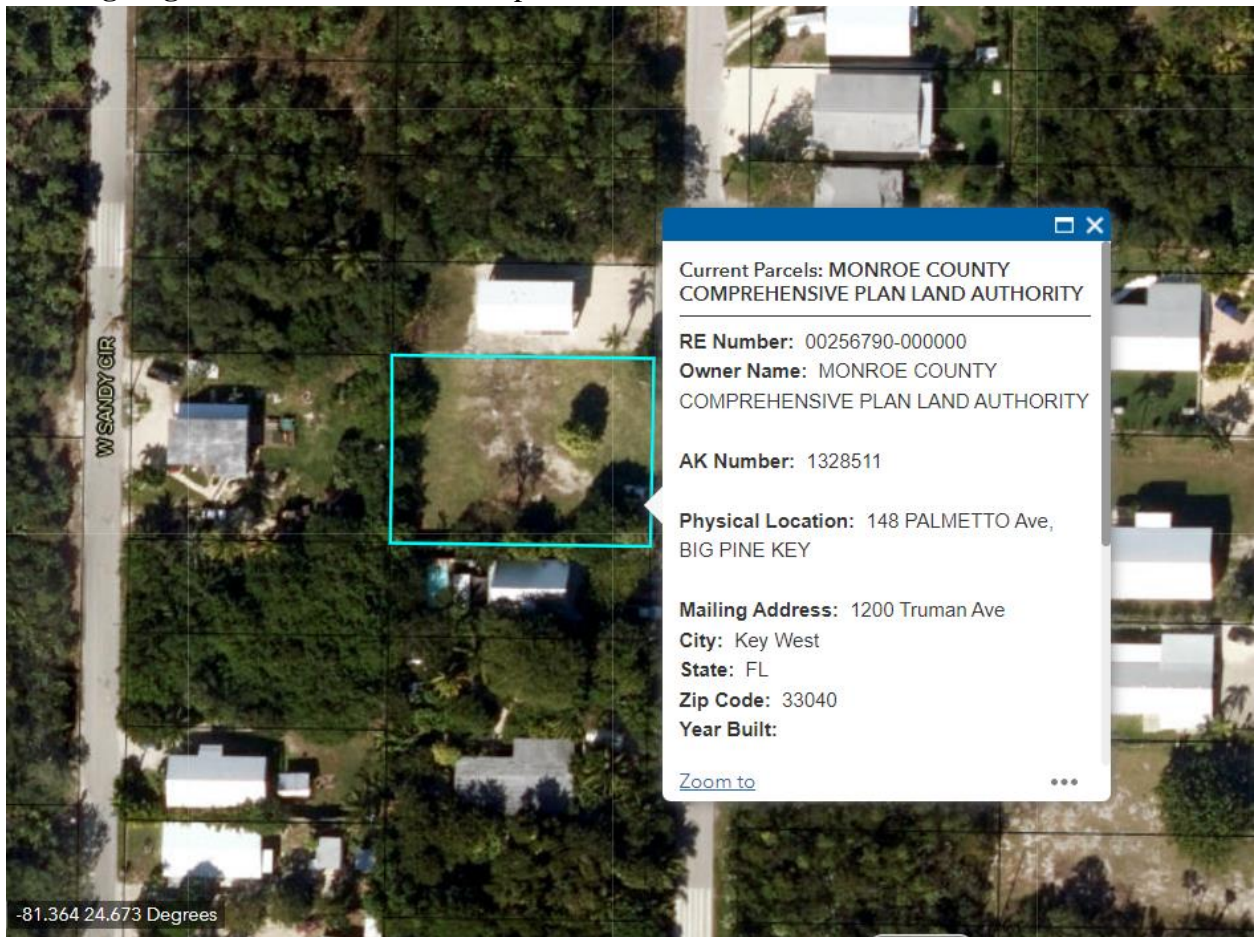
**Future Land Use Map (FLUM) Designation:** Residential Medium (RM)

**Tier Designation:** Tier I

**Flood Zone:** AE 8

**Existing Use:** vacant

**Existing Vegetation / Habitat:** Developed Land



*Sender Site 1, Aerial dated 2022*

**Sender Site 2 - 31535 Avenue C, Big Pine Key:**

**Location:** Big Pine Key, mm 31.5

**Address:** 31535 Avenue C

**Description:** Block 22, Lots 1, 2, 3 and 4, Sands Subdivision, PB1-65

**Sender Parcel ID Number:** 00302670-000000

**Owner:** Monroe County

**Size of Site:** 20,000 square feet, per Monroe County Property Appraiser

**Land Use District (LUD):** Improved Subdivision (IS)

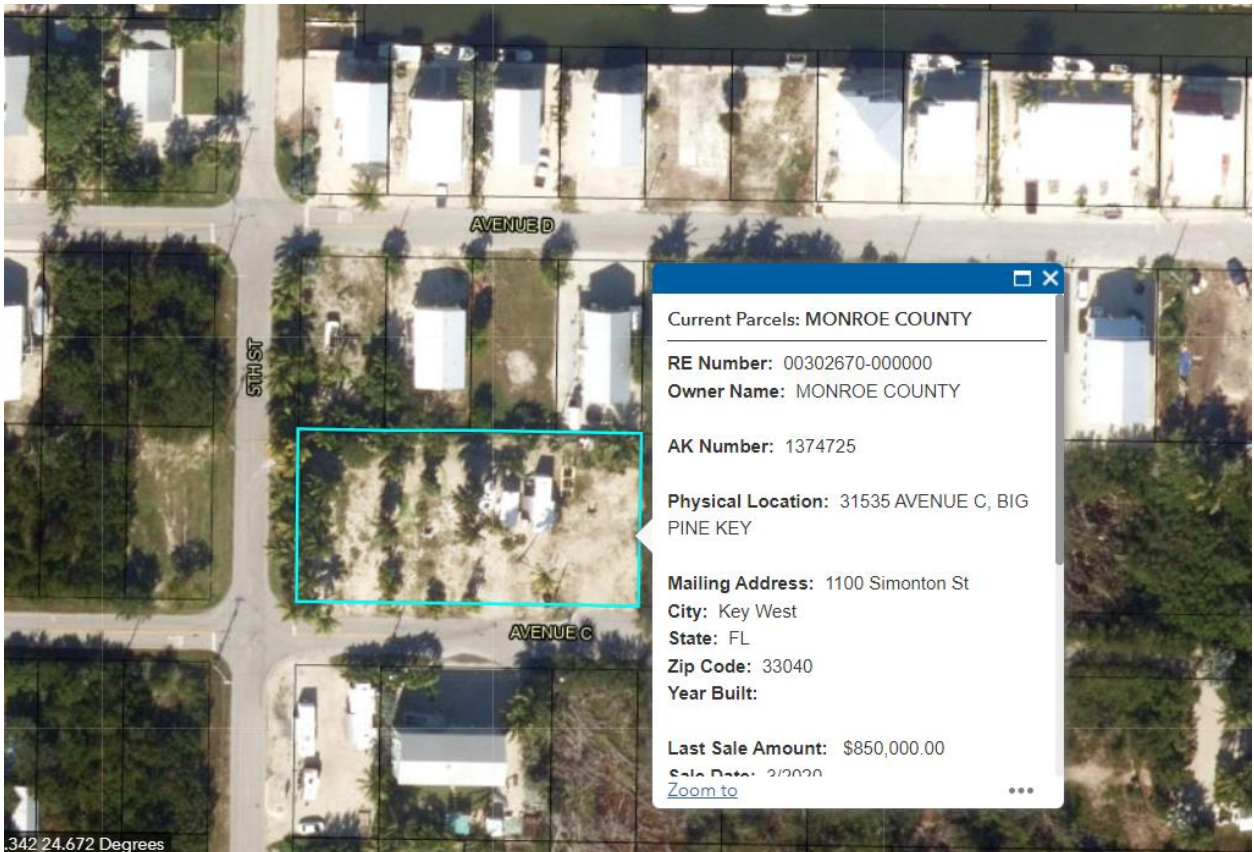
**Future Land Use Map (FLUM) Designation:** Residential Medium (RM)

**Tier Designation:** Tier I

**Flood Zone:** AE 8

**Existing Use:** vacant

**Existing Vegetation / Habitat:** Developed Land



*Sender Site 2, Aerial dated 2022*



**Receiver Sites - 160, 170, 180, and 190 Sands Road, Big Pine Key:**

**Location:** Big Pine Key, Mile Marker 31

**Address:** 160, 170, 180, and 190 Sands Road

**Legal Description:** Lots 1, 2, 17 and 18, Block 2, Sam-N-Joe Subdivision, PB3-76

**Receiver Parcel ID Numbers:** 00300180-000100, 00300180-000200, 00300180-001700, 00300180-001800

**Owner:** Monroe County Comprehensive Plan Land Authority

**Size of Site:** 22,770 square feet per Monroe County Property Appraiser

**Land Use District (LUD):** Urban Residential Mobile Home (URM)

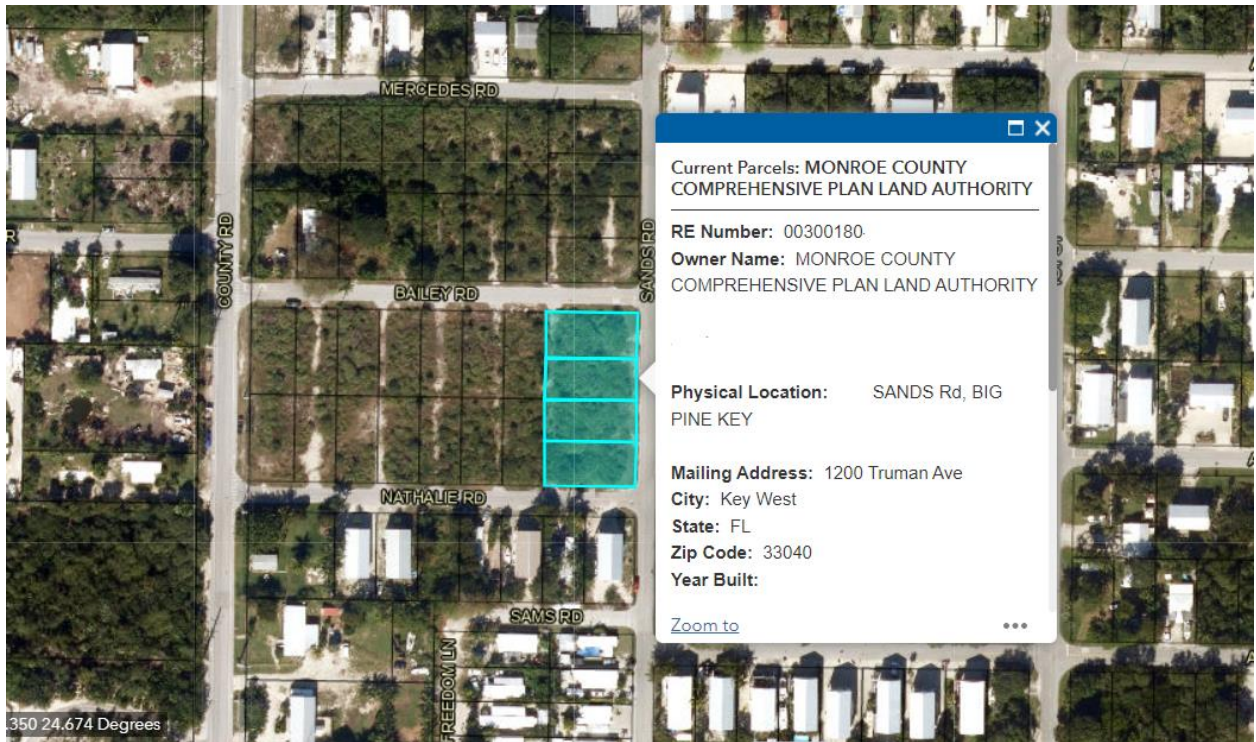
**Future Land Use Map (FLUM) Designation:** Residential High (RH)

**Tier Designation:** Tier III (infill area)

**Flood Zone:** AE 8

**Existing Use:** vacant

**Existing Vegetation / Habitat:** Developed Land



*Receiver Site, Aerial dated 2022*

**III RELEVANT PRIOR COUNTY ACTIONS:**

**Sender Site 1 (148 Palmetto Avenue):**

On February 22, 2018, a ROGO Exemption Letter was issued which determined that one (1) residential dwelling unit was lawfully established on the property located at 148 Palmetto Avenue, Block 3, Lots 15 & 16, Big Pine Key Inc, PB5-4 (sender site 1) and is thereby exempt from the ROGO permit allocation system.

On January 18, 2023, the BOCC adopted a resolution accepting the conveyance of ownership from the Monroe County Land Authority, of a market rate, Rate Of Growth Ordinance (ROGO) exemption from Block 3, Lot 15, Big Pine Key, Inc. Subdivision, 148 Palmetto Avenue, RE#00256790-000000 on Big Pine Key for redevelopment in the Monroe County Employee Housing Rental Program (MCEHRP) on Block 2, Lot 1, Sam-N-Joe Subdivision, 190 Sands Road, RE# 00300180-000100, contingent upon approval by the County of a minor conditional use transferring the market rate ROGO as an affordable ROGO exemption for use, subject to a Land Use Restriction Agreement (LURA) (Agenda Item F.2).

**Sender Site 2 (31535 Avenue C):**

On December 14, 2017, a ROGO Exemption Letter was issued which determined that one (1) residential dwelling unit was lawfully established on the property located at 31553 Avenue C (Lot 4, Block 22, Sands Subdivision, PB1-65), Big Pine Key, having Parcel ID Number 00302680-000000 at that time. The parcel has now been combined with Lots 1, 2, and 3, under Parcel ID Number 00302670-000000 (sender site 2).

On July 27, 2018, a Letter of Development Rights Determination (LDRD) was issued by the Senior Director of Planning and Environmental Resources which determined that 12 residential dwelling units were lawfully established on the property located at 31535 Avenue C (Lots 1, 2 and 3 at that time), Big Pine Key, having Parcel ID Number 00302670-000000 (sender site 2) and are thereby exempt from the ROGO Allocation System.

On February 6, 2023, Building Permit Number 22101950 was issued for the property located at 31535 Avenue C (Lots 1, 2, 3, and 4, Block 22, Sands Subdivision, PB1-65), Big Pine Key, having Parcel ID Number 00302670-000000 (sender site 2) for site work for 10 affordable modular homes, **utilizing 10 of the 13 ROGO exemptions associated with sender site 2** per the ROGO exemption letter and LDRD as described above.

**Receiver Site (160, 170, 180, and 190 Sands Road):**

On January 18, 2023, the BOCC adopted a resolution accepting the conveyance of ownership from the Monroe County Land Authority, of a market rate, Rate Of Growth Ordinance (ROGO) exemption from Block 3, Lot 15, Big Pine Key, Inc. Subdivision, 148 Palmetto Avenue, RE#00256790-000000 on Big Pine Key for redevelopment in the Monroe County Employee Housing Rental Program (MCEHRP) on Block 2, Lot 1, Sam-N-Joe Subdivision, 190 Sands Road, RE# 00300180-000100, contingent upon approval by the County of a minor conditional use transferring the market rate ROGO as an affordable ROGO exemption for use, subject to a Land Use Restriction Agreement (LURA) (Agenda Item F.2).

On January 18, 2023, the BOCC provided direction to staff (Agenda Item O.7) to proceed with the TRE minor conditional use process for transferring four (4) ROGO exemptions from sender sites 1 and 2 to the subject receiver sites for the development of four dwelling units in the Monroe County Employee Housing Rental Program (MCEHRP).

#### IV REVIEW OF APPLICATION:

Pursuant to Monroe County Land Development Code Sec.138-22(b), the following criteria must be met to transfer permanent market rate ROGO exemptions:

(b) Transfer off-site. Residential dwelling units and transient units may be transferred to another site in the same ROGO subarea, provided that the units lawfully exist and can be accounted for in the County's hurricane evacuation model.

(1) ROGO exemptions may be transferred as follows:

- a. between sites within the Upper Keys ROGO subarea;
- b. between sites within the Lower Keys ROGO subarea;
- c. between sites within the Big Pine Key and No Name Key ROGO subarea;
- d. from the Big Pine Key and No Name Key ROGO subarea to the Lower Keys ROGO subarea.

**In Compliance.** The sender sites and receiver sites are all within the Big Pine Key and No Name Key ROGO subarea.

(2) No sender units may be transferred to an area where there are inadequate facilities and services.

**In Compliance.** The receiver site has adequate facilities and services.

(3) Transfer off-site shall consist of either the demolition of a dwelling unit on a sender site or a change of use of the floor area of dwelling unit on a sender site to another permitted use in the applicable land use (zoning) district that does not require the ROGO exemption and the development of a new dwelling unit, transient unit or affordable housing unit on a receiver site.

**In Compliance.** Building Permit #18100738 was issued on February 14, 2018 to demolish the dwelling unit on Sender Site 1 and was closed on March 23, 2018.

Building Permit #17105571 was issued on October 20, 2017 to demolish 13 dwelling units on Sender Site 2, and was closed on November 2, 2017.

(4) Transfer of Lawfully Established Unit Types:

- b. *Transfer of an affordable housing unit.* A lawfully established permanent market rate or affordable dwelling unit may be transferred to affordable housing. The receiver site shall be developed with an affordable housing unit pursuant to Sections 101-1 and 139-1.

**In Compliance.** The sender sites have been determined to have lawfully established permanent market rate dwelling units. The receiver site is to be developed by Monroe County with four (4) affordable housing units as part of the Monroe County Employee

Housing Rental Program and will be deed restricted in accordance with Sections 101-1 and 139-1.

(5) Sender Site Criteria:

- a. Contains a documented lawfully-established sender dwelling unit pursuant to subsection (a) and recognized by the County; and
- b. Located in a Tier I, II, III-A, or III designated area; including any tier within the County's Military Installation Area of Impact (MIAI) Overlay.

**In Compliance.**

(6) Receiver Site Criteria:

- a. The Future Land Use category and Land Use (Zoning) District must allow the requested use;

**In Compliance.**

- b. Must meet the adopted density standards;

**In Compliance.** The adopted density standards for the receiver site, which is in the Improved Subdivision (IS) land use district, in accordance with LDC Section 130-157, is one (1) dwelling unit per platted lot. The receiver sites consist of four (4) platted lots, and therefore have a density of four (4) dwelling units.

- c. Includes all infrastructure (potable water, adequate wastewater treatment and disposal wastewater meeting adopted LOS, paved roads, etc.);

**In Compliance.** All infrastructure (potable water, adequate wastewater treatment and disposal wastewater meeting adopted LOS, paved roads, etc.) is available at the receiver site.

- d. Located within a Tier III designated area; and

**In Compliance.**

- e. Structures are not located in a velocity (V) zone or within a CBRS unit.

**In Compliance.**

## **V RECOMMENDATION:**

Staff recommends APPROVAL of a minor conditional use permit, allowing the transfer of one (1) market rate TRE from the sender site located at 148 Palmetto Avenue, Big Pine Key, legally described as Lots 15 and 16, block 3, Big Pine Key Inc. according to the plat thereof, as recorded in plat book 5, page 4, of the public records of Monroe County, Florida, having Parcel Identification Number 00256790-000000 and allowing the transfer of three (3) market rate TREs from the sender site located at 31535 Avenue C, Big Pine Key, legally described as Lots 1, 2, 3 and 4, Block 22, Sands Subdivision, according to the plat thereof as recorded in Plat Book 1, Page 65, of the public records of Monroe County, Florida, having Parcel Identification Number 00302670-000000 to the receiver sites, located at 160, 170, 180 and 190 Sands Road, Big Pine Key, legally described as Lots 1, 2, 17 and 18, Block 2, Sam-N-Joe Subdivision, Big Pine Key, according to the plat thereof, as recorded in Plat Book 3, Page 76 of the public records of Monroe County, Florida, having Parcel Identification Numbers 00300180-000100, 00300180-000200, 00300180-001700, 00300180-001800 subject to the following conditions:

1. The receiver sites shall be developed with affordable housing units pursuant to LDC Sections 101-1 and 139-1.
2. Building permit approval is required for the construction of all dwelling units.