MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: **Planning Commission**

Through: **Townsley Schwab, Senior Director of Environmental. & Planning Resources**
Mitch Harvey, AICP, Comprehensive Plan Manager TS

From: **Kathy Grasser, Comprehensive Planner** KG

Date: **March 18, 2010**

Subject: **Request for Amendment to the Land Use District Map by Mr. Lloyd A. Good, Jr., 17001 & 17075 Overseas Highway, Sugarloaf Key, Florida 33042, Mile Marker 17, Real Estate Number 00118420.000000, 00118470-00000 & 00117930-000000**

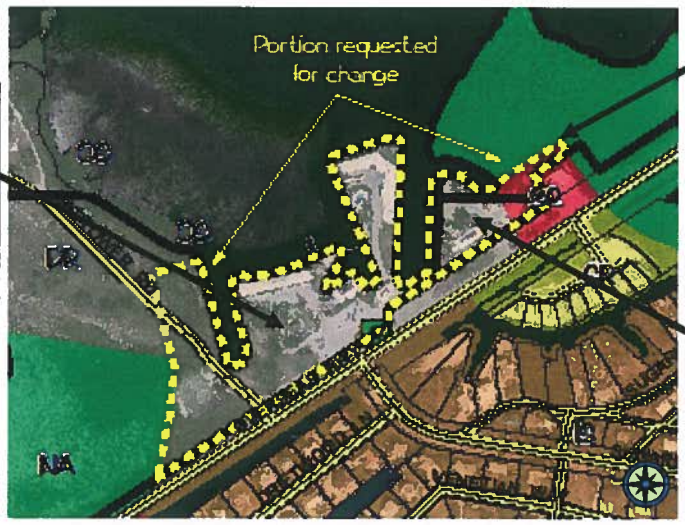
Meeting: **March 24, 2010**

I. REQUEST

A request by Lloyd A. Good, Jr., to amend the current Land Use District (LUD) designation from Destination Resort (DR), Sub Urban Commercial (SC) and Native Area (NA) to Mixed Use (MU) for the entire real estate number 00118470.00000 and portions of real estate numbers 00118420.000000 and 00117930.000000.

Part of Real Estate # 00118420.000000

Destination Resort and Native Area to Mixed Use



Part of Real Estate # 00117930.000000

Destination Resort and Suburban Commercial to Mixed Use

Real Estate # 00118470.000000

Destination Resort and Suburban Commercial to Mixed Use

Address: 17001 – 17075 Overseas Highway, Lower Sugarloaf Key Florida, Mile Marker 16 – 17

Real Estate Numbers: All of RE 00117930.000000
A portion of RE 00118420.000000
A portion of RE 00118470.000000

Applicant/Property Owner: Lloyd A. Good, Jr.

Descriptions: A portion of Government Lot 3 and portion of Government Lot 4, Section 3, Township 67 South, Range 27 East and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida at 17001 Overseas Highway, Lower Sugarloaf Key, at approximately Mile Marker 17

Legal Description:

Parcel A:

A portion of Government Lot 3 and Portion of Government Lot 4, Section 3, Township 67 South, Range 27 East and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and being more particularly described as follows (All references to Government Lot Lines are per Bailey's Survey of Sugarloaf Properties, December 22, 1972):

BEGIN at the intersection of the Northwesterly Line of U.S. Highway No. 1 (State Road No. 5) and the West line of Government Lot 3 of said Section 3, thence N 0 degrees 16' 32" E along the said Government Lot line for 60.28 feet; thence N 56'19'10" East along the said Northwesterly right of way line of U.S. Highway No. 1 for 644.56 feet; thence North 33 degrees 41' W for 147.88 feet, more or less to the Mean High Tide Line of Upper Sugarloaf Sound; thence meander said Mean High Tide Line with the following metes and bounds; thence S 52 degrees 19' 26" W for 139.22 feet; thence S 81 degrees 00' 25" W for 28.6 feet; thence N 49 degrees 28' 21" W for 36.77 feet; thence N 44 degrees 25' 27" W for 56.18 feet; thence N 83 degrees 14' 35" W for 35.52 feet; thence S 73 degrees 27' 37" W for 55.44 feet; thence N 42 degrees 13' 57" W and across a marina for 179.20 feet; thence continue meandering the Mean High Tide Line and a concrete seawall with the following metes and bounds: thence N 80 degrees 53' 10" W for 10.77 feet; thence S 70 degrees 37' 47" W for 107.27 feet; thence S 75 degrees 11' 6" W for 110.85 feet;

thence North 31 degrees 25' 52" W for 7.55 feet; thence S 45 degrees 41' W for 20.0 Feet; thence S 12 degrees 56' 49" E for 17.13 feet; thence S 23 degrees 15' 23" E for 148.59 feet; thence S 22 degrees 11' 53" E for 87.98 feet; thence S 55 degrees 0014" W and across an open deep water pool for 96.97 feet; thence continue meandering said seawall and the Mean High Tide Line of Upper Sugarloaf Sound with the following metes and bounds; thence S 58 degrees 44' 30" W for 27.82 feet; thence South 71 degrees 47' 47" W for 29.56 feet; thence S 66 degrees 18' 30" W for 129.11 feet; thence S 77 degrees 18' 41" W for 49.7 feet; thence N 89 degrees 13' 39" W for 18.11 feet; thence S 80 degrees 45' 45" W for 75.01 feet; thence N 76 degrees 26' 39" W for 10.79 feet; thence S 86 degrees 24' 08" W for 12.48 feet; thence N 73 degrees 28' 09" W and across a canal for 136.57 feet; thence continue meandering the said Mean High Tide Line for the following metes and bounds; thence N 59 degrees 53' 45" W for 5.95 feet; thence S.75°02'38"W., a distance of 175.86 feet; thence S.14°57'22"E., a distance of 356.02 feet; thence S.59°39'59"W., a distance of 77.48 feet; thence S.30° 16'10"E., a distance of 269.50 feet to the said Northwesterly right of way line of U.S. Highway No. 1, thence N 56°19'10" E along the said Northwesterly right of way line of U.S. Highway No. 1 for 792.73 feet to the Point of Beginning. Parcel contains 557,839 square feet or 12.81 acres, more or less.

AND

Parcel C

A portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and being more particularly described as follows (All references to Government Lot Lines are per Bailey's Survey of Sugarloaf Properties, December 22, 1972):

COMMENCE at the intersection of the Northwesterly Line of U.S. Highway No. 1 (State Road No. 5) and the West line of Government Lot 3, Section 3, Township 67 South, Range 27 East, thence N 0° 16' 32" E along the said Government Lot line for 60.28 feet; thence N 56° 19' East along the said Northwesterly right of way line of U.S. Highway No. 1 for 644.56 feet; thence North 33° 41' W for 110.00 feet to the Point of Beginning; thence continue N 33° 41' W for a distance of approximately 37.88 feet to the point of intersection with the Mean High Tide Line of Upper Sugarloaf Sound; thence meander said Mean High Tide Line Northeasterly to a point, said point bears N 63°40'43" E from the first point of intersection with the said Mean High Tide Line at a

distance of 125.84 feet from said point of intersection with the Mean High Tide Line; thence S 89°59'13" W for a distance of 39.25 feet; thence S 56°19'10" W for a distance of 157.47 feet back to the Point of Beginning. Parcel contains 4,077 square feet or 0.09 acres, more or less.

NOTE:
The LUD amendment does not guarantee future development for the three (3) parcels. Currently, Growth Management does not have any pending applications for development on this property. When or if, Growth Management receives an application, it will be addressed at that time.

II. PROCESS

Amendments may be proposed by the Board of County Commissioners (BOCC), the Planning Commission, the Director of Planning, or the owner or other person having a contractual interest in property to be affected by a proposed amendment. The Director of Planning shall review and process map amendment applications as they are received and pass them onto the Development Review Committee and the Planning Commission for recommendation and final approval by the BOCC.

The Planning Commission and the BOCC shall each hold at least one public hearing on a proposed amendment. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the BOCC. The BOCC shall consider the report and recommendation of and the testimony given at the public hearings and may either deny the application or adopt an ordinance approving the proposed amendment. Ordinances are then reviewed by the Florida Department of Community Affairs.

III. RELEVANT PRIOR COUNTY ACTIONS

On December 16, 2008, the Planning Commission approved Resolution P39-08 recommending approval to the BOCC amending the FLUM from Residential Conservation (RC) to Mixed Use / Commercial (MC).

On January 26, 2009, the BOCC approved Resolution 002-2009 transmitting an ordinance for adoption to the Department of Community Affairs (DCA). There were no objections, recommendations or comments from the DCA on the proposed FLUM amendment.

On June 2, 2009, the BOCC adopted Ordinance 019-2009 amending a FLUM change on real estate number 00118420.000000 and only on the triangular portion located 110 feet

west of Bat tower Road near U. S. 1 from Residential Conservation (RC) to Mixed Use / Commercial (MC).

IV. BACKGROUND INFORMATION

An application was received for FLUM and LUD amendments to the subject properties on June 24, 2008. On June 2, 2009, the BOCC adopted Ordinance 019-2009 amending the Residential Conservation (RC) to Mixed Use / Commercial (MC) on a 379ft^2 piece of land. Currently, the Native Area (NA) land use district within the subject area is nonconforming with the current FLUM of MC.

The tier for Real Estate number 00118420.000000 has been undesignated pursuant to Final Order Number DC07-GM-166. The parcel will be evaluated by the Tier Designation Committee and recommendations made to the BOCC.

V. PARCEL INFORMATION

There are three parcels related to the proposed LUD amendment.

1. RE number 00118420.000000 is 26.39 acres
2. RE number 00118470.000000 is 1.55 acres
3. RE number 00117930.000000 is 15.61 acres

The size of the proposed amendment is 10.86 acres on three parcels. There is a motel, office, restaurant, marina, real estate office and auto repair on the site.

1. RE number 00118420.000000 is 8.63 acres
2. RE number 00118470.000000 is 1.55 acres
3. RE number 00117930.000000 is 0.68 acres

The surrounding land use districts contain Native Area, Destination Resort, Off Shore Islands, Suburban Commercial and Improved Subdivision.

The land use district designations proposed to be amended from NA, SC and DR to MU is as follows:

Land Use District Designation Existing	Acres
Native Area (NA)	0.08 acres
Suburban Commercial (SC)	0.49 acres
Destination Resort (DR)	10.29 acres
Proposed Amended LUD	10.86 acres

Mr. Good owns the adjacent three parcels northwest of the subject area which includes a small airport and four dwelling units on Bat Tower Road. To the north of the subject area is the Gulf of Mexico. To the west and the east of the subject area are mangroves that require a 100% open space requirement. The subject parcels are adjacent to US 1 Overseas Highway. There is a large developed subdivision to the south across US 1.

REAL ESTATE NUMBER 00118420.000000

The total size of RE number 00118420.000000 is 26.39 acres. The portion of this parcel proposed to be amended to MU is 10.66 acres.

The subject parcel is located in the DR and NA land use districts. It is located in the AE – EL 11 and VE – EL 12 flood zone. The parcel has Hotel / Motel PC Code classification.

The parcel has land use codes of Commercial / Highway / Water Transitional Lands and Environmentally Sensitive.

Tier Designation

This parcel is undesignated. Pursuant to Final Order Number DC07-GM-166, this parcel was placed in an incorrect category because of the arbitrary four-acre size limitation and may be re-evaluated by the County after the Tier I regulation is revised.

Existing Vegetation / Habitat

The subject area is scarified and developed with some exotic vegetation along the western canal. The subject parcel is located in a Marsh Rabbit Buffer. The subject parcel is not located in the Marsh Rabbit Habitat. There are no other endangered species listed for the subject area.

REAL ESTATE NUMBER 00118470.000000 (1.55 acres)

RE 00118470.000000

The total size of the parcel is 1.55 acres. It is located in two land use district designations, DR and SC. It is located in a Tier 3 designation and has a flood zone of AE, VE (EL 12). The PC Code lists this parcel as store, office, residential or a combination of these uses. It has a land use code designation of commercial / highway / water. The subject parcel is adjacent to and serves the existing marina. The parcel is developed and located in the Marsh Rabbit Buffer, but not in the habitat.

REAL ESTATE NUMBER 00117930.000000 (0.68 acres)

RE 00117930.000000

Land Use District

RE number 00117930.000000 is 15.61 acres, Mr. Good is proposing to amend only 0.68 acres of land behind the fire station and adjacent to real estate number 00118470.000000. The subject parcel is in the Suburban Commercial and Native Area land use districts. It has Tier 1 and Tier 3 designations. It has a flood zone classification of AE, VE (EL 12). The PC Code classification is Non Agriculture Acreage, five (5) acres or more. The entire parcel is listed as environmentally sensitive. The subject area is in the Marsh Rabbit Buffer, but not in the rabbits' habitat and no other endangered species are listed. There are endangered species listed on the remaining portion of the parcel.

VI. REVIEW OF APPLICATION

A. *Consistency of the proposed amendment with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan:*

The proposed LUD amendment retains the community character and quality of life in the area. The proposed amendment is located in a Tier III area and is adjacent to the U. S. 1 corridor. The proposed amendment will retain the surrounding natural resources and direct future growth to this area where appropriate on the parcel. This is consistent with smart growth initiatives. The proposed LUD amendment is consistent with the following provisions and intent of the Monroe County Year 2010 Comprehensive Plan.

1. Goal 101: Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources. [9J-5.006(3)a]

2. Objective 101.4: Monroe County shall regulate future development and redevelopment to maintain the character of the community and protect the natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map.

3. Goal 105: Monroe County shall undertake a comprehensive land acquisition program and smart growth initiatives in conjunction with its Livable CommuniKeys Program in a manner that recognizes the finite capacity for new development in the Florida Keys by providing economic and housing opportunities for residents without compromising the biodiversity of the natural environment and the continued ability of the natural and manmade systems to sustain livable communities in the Florida Keys for future generations.

4. Objective 105.1: Monroe County shall implement smart growth initiatives in conjunction with its Livable CommuniKeys and Land Acquisition Programs which promote innovative and flexible development processes to preserve the natural environment, maintain and enhance the community character and quality of life, redevelop blighted commercial and

residential areas, remove barriers to design concepts, reduce sprawl, and direct future growth to appropriate infill areas.

B. *Consistency of the proposed amendment with the provisions and intent of Chapters 102 of the Monroe County Code, Land Development Regulations:*

The proposed LUD amendment is consistent with the provisions and intent of the Monroe County Code, Section 130-88 Mixed Use (MU) District purpose which states:

> 'to establish or conserve areas of mixed uses, including commercial fishing, resorts, residential, institutional and commercial uses, and preserve these as areas representative of the character, economy and cultural history of the Florida Keys.'

In accordance with MCC Sec. 102-158(d)(5)b., the BOCC may consider the adoption of an ordinance enacting the proposed change based on one (1) or more of the following factors: *changed projections; changed assumptions; data errors; new issues*; *recognition of a need for additional detail or comprehensiveness; and data updates*. There were no applicant responses for *changed projections, changed assumptions and new issues.*

APPLICANT RESPONSE:

Recognition of a need for additional detail or comprehensiveness;

The use of the area as a bank or real estate office or tire repair shop is nonconforming in the DR zone but not in the MU zone.

Data errors:

Any portion of the area RE 00118420-000000 zoned as NA should have originally been DR. This area is NA should now be MU.

Data updates:

This property has traditionally been used for the uses permitted in a mixed use zone as distinguished from the DR zone.

STAFF RESPONSE

Staff has determined that the proposed map amendment is in accordance with MCC Section 102-158(d)(5)b(v) '*Recognition of a need for additional detail or comprehensiveness*' based on the following data and analysis. The *'data error'* and *'data updates'* factors are not applicable to the LUD amendment.

History of the property

In 1960, a 24-unit motel building was built. At one time there was the existence of fifty-five (55) transient dwellings and one (1) permanent dwelling located in the

motel office. There are five (5) buildings on RE 00118420.000000. Accordingly, in a letter of Development Rights Determination dated August 9, 2006, staff determined that twenty-four (24) transient dwelling units in the eastern wing of the motel and thirty-one (31) transient dwelling units in the western wing of the motel are lawfully-established.

There are three (3) existing lawfully-established non-residential structures on the parcel which consist of a motel office and lobby building, restaurant and marina.

As of April 9, 2008, Building Permit 081-1303 was issued to demolish the 24-unit motel, a pool, and a lift station. The structures were demolished soon after the permit was issued.

Land Use District History

Prior to 1986, the area had a land use district designation of a General Use District and a Business Use District.

General Use District

The General Use land use district designation did not allow for the development or redevelopment of any structure except for single family dwellings and clubs. This district was established as an interim land classification pending action to rezone the property to a residential, business or industrial classification. The marina is located in RE 00118420.000000 and was zoned GU prior to 1986. Marinas were not listed in this land use category.

BU-1, Light Business District

The hotel and retail establishments are located on RE 00118420.000000 and RE 00118470.000000 and were zoned BU-1. Professional services, business services, banks, post offices, ticket offices, drug stores, and other retail services were permitted. This district was intended to protect and enhance the areas best suited for preservation of businesses related to neighborhood, tourist, and resort retail sales and business, personal and professional services.

After 1986, the area received land use district designations of Suburban Commercial and Destination Resort LUDs.

Suburban Commercial Land Use District

After the 1986 zoning took effect, the area surrounding the fire station and part of the western side of parcel RE 00117930.000000 were rezoned to Suburban Commercial (SC). The purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the

immediate planning area in which they are allocated. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1.

Permitted Uses of the Suburban Commercial LUD

Commercial retail, low- and medium-intensity and office uses of less that 2,500 ft^2 of floor area, institutional residential uses of less that ten (10) dwelling units, commercial apartments of less than six (6) dwelling units and accessory use are permitted as of right.

Commercial retail, low- and medium-intensity and offices uses of less that 10,000ft^2 of floor area, commercial retail uses of high intensity of less that 2,500 ft^2 of floor area, institutional residential uses involving ten to twenty dwelling units, commercial apartments of six to eighteen dwelling units and hotels of fewer than 25 rooms are permitted as minor conditional uses subject to certain criteria.

Commercial retail of low- and medium-intensity and office uses of greater than 10,000ft^2 of floor area, commercial retail uses of high intensity greater than 2,500ft^2 of floor area, institutional residential uses of 20 or more dwelling units, hotels providing more that that 25 rooms and marinas are permitted as a major conditional use subject to certain criteria.

Destination Resort Land Use District

After 1986, most of RE 00118470.000000 and 00118420.000000 were rezoned to the Destination Resort (DR) land use district.

Purpose of Destination Resort LUD:
'To establish areas suitable for the development of planned tourist centers proving on-site residential, recreational, commercial and entertainment facilities of a magnitude sufficient to attract visitors and tourists for tenancies of three or more days.'

Permitted Uses of Destination Resort LUD
Single family detached dwellings and vacation rentals are permitted uses. One or more resort hotels subject to certain criteria are permitted with a minor conditional use. Marinas, employee and attached residential dwelling units are permitted as a major conditional use subject to certain criteria.

Mr. Good is proposing to amend his land use to Mixed Use LUD designation.

Mixed Use Proposed Land Use District

The proposed amendment will change one parcel (RE 00118470.000000) and portions of two parcels (RE 00117930.000000 and RE 00118420.000000) from Destination Resort (DR), Suburban Commercial (SC) and Native Area (NA) land use district to the Mixed Use (MU) land use district designation.

Purpose of the Mixed Use LUD:
'To establish or conserve areas of mixed use, including commercial fishing, resorts, and residential, institutional and commercial uses and preserve these as areas representative of the character, economy and cultural history of the Florida Keys.'

Permitted Uses of the Mixed Use LUD:
Detached residential dwellings, commercial retail and low- and medium-intensity and office uses of less than 2,500ft^2, institutional uses, residential uses of less than ten dwelling units, commercial apartments involving less that six dwelling units and accessory uses are permitted as of right.

Attached residential dwelling units, commercial recreational uses, commercial retail, low- and medium-intensity and offices of less than 10,000ft^2 of floor area, high-intensity commercial retail uses of less than 2,500ft^2 and commercial apartments involving six to 18 dwelling units are permitted as a minor conditional use are subject to certain criteria.

Commercial retail, low- and medium-intensity uses and offices of less that 10,000ft^2 of floor area, commercial retail, high-intensity uses and office uses of greater than 2,500 ft^2, attached residential dwelling units, marinas, and hotels providing more than 50 rooms are permitted as a major conditional use with certain conditions.

Conditional uses in the MU land use category require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location.

Currently, the auto body repair shop and real estate office are nonconforming under the Destination Resort LUD designation. The 379ft^2 of Native Area is not consistent with the future land use map of Mixed Use / Commercial. The proposed Mixed Use LUD designation will bring the auto body repair shop and real estate office into accordance with the Land Development Regulations and Comprehensive Plan.

VII. IMPACT ON COMMUNITY CHARACTER

MCC §102-158 maintains that amendments may not permit an adverse change in community character. Sugarloaf Lodge was established in the 1960s and has continuously operated as a motel and restaurant to present day. The property has waterfront and provides dockage (marina) for guests staying at the Sugarloaf Lodge facilities.

Based on information in this staff report, staff finds the proposed LUD amendment from Destination Resort (DR), Suburban Commercial (SC) and Native Area (NA) LUD designations to Mixed Use (MU) LUD designations will effect community character.

SURROUNDING LAND USE DISTRICTS

APPLICANT RESPONSE

The uses proposed for the mixed use zone are consistent with the uses the area has had for over forty years.

STAFF RESPONSE

Local Use Compatibility

The subject parcels are adjacent to and north of U. S. 1. The existing uses on the property consist of an office, apartment, restaurant and dockage for motel guests. Prior to April 9, 2008, a 24-unit motel stood on the property. Building permit 08101303 was issued to demolish the hotel. In a letter of Development Rights Determination, dated August 9, 2006, staff determined there are 55 transient dwelling units located on RE 00118420.000000. Staff additionally determined there are three (3) existing lawfully-established non-residential structures on the parcel which consist of a motel, office and lobby building, restaurant and marina.

The following structures have been lawfully established:

Real Estate Number	*Building*
00118420.000000	Motel Office and Lobby
	Motel – Eastern Wing
	Motel – Western Wing
	Restaurant and Gazebo
	Marina
00118470.000000	Mixed Use Building

Density and Intensity

The proposed LUD designation amendment would alter the development potential of the subject properties. The following densities and intensities are permitted:

Maximum Residential Densities in NA (Allocated) – Sec 130-157				
Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Permanent Residential (market-rate commercial apartments)	3 units/acre	0.08 acres	0 units	0 units

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

Maximum Residential Densities in SC (Allocated) – Sec 130-157				
Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Permanent Residential (market-rate commercial apartments)	3 units/acre	0.49 acres	1.47 units	1 units
Permanent Residential (affordable / employee)	3 units/acre	0.49 acres	1.47 units	1 units

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

Maximum Residential Densities in SC (Maximum Net Density) – Sec 130-157					
Permitted Land Uses	Max Net Density	Required Open Space	Size of Site	Total Units	Max Allowed
Permanent Residential (market-rate commercial apartments)	6 units/ buildable acre	0.2	0.49 acres (0.39 buildable acres)	2.34 units	2 units
Permanent Residential (affordable employee housing)	15 units/ buildable acre	0.2	0.49 acres (0.39 buildable acres)	5.85 units	6 units

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.
NOTE: Net buildable area means that portion of a parcel of land that is developable and is not open space required by sec. 130-157 or required minimum bufferyard under chapter 114, article V or required setbacks under sec. 130-186.
NOTE: The maximum net residential density allowed per district shall not require transferable development rights (TDR) for affordable and employee housing and market rate housing developed in accordance with sec. 130-161(a)(8).

Maximum Hotel-Motel, RV & Institutional Residential Densities in SC (Allocated) – Sec 130-162				
Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Institutional Residential	5 units/acre	0.49 acres	2.45 units	2 units
Hotel	10 units/acre	0.49 acres	4.9 units	4 units
Recreational Rental	10 spaces/acre	0.49 acres	4.9 spaces	4 spaces

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

Maximum Hotel-Motel, RV & Institutional Residential Densities in SC (Maximum Net Density) – Sec 130-162					
Permitted Land Uses	Max Net Density	Required Open Space	Size of Site	Total Units	Max Allowed
Institutional Residential	20 units/ buildable acre	0	0.49 acres	9.8 units	9 units
Hotel	15 units/ buildable acre	0	0.49 acres	7.35 units	7 units
Recreational Rental	10 spaces/ buildable acre	0	0.49 acres	4.9 units	4 spaces

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.
NOTE: Net buildable area means that portion of a parcel of land that is developable and is not open space required by sec. 130-157 or required minimum bufferyard under chapter 114, article V or required setbacks under sec. 130-186.

Maximum nonresidential land use intensities in SC – Sec 130-164			
Permitted Land Uses	FAR	Size of Site	Max Allowed
Commercial Retail (Low)	0.35	17,076 ft²	5,976 ft²
Commercial Retail (Medium)	0.25	17,076 ft²	4,269 ft²
Commercial Retail (High)	0.15	17,076 ft²	2,561 ft²
Office	0.4	17,076 ft²	6,830 ft²
Commercial Recreational	0.1	17,076 ft²	1,708 ft²
Institutional	0.3	17,076 ft²	5,123 ft²
Outdoor Recreational	0.1	17,076 ft²	1,708 ft²
Public	0.3	17,076 ft²	5,123 ft²
Light Industrial	0.3	17,076 ft²	5,123 ft²

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

Maximum Residential Densities in DR (Allocated) – Sec 130-157				
Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Permanent Residential (market-rate commercial apartments)	1 units/acre	10.29 acres	10.29 units	10 units

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

Maximum Residential Densities in DR (Maximum Net Density) – Sec 130-157					
Permitted Land Uses	Max Net Density	Required Open Space	Size of Site	Total Units	Max Allowed
Permanent Residential (affordable employee housing)	18 units/ buildable acre	0.2	10.29 acres (8.23 buildable acres)	148.18 units	148 units

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.
NOTE: Net buildable area means that portion of a parcel of land that is developable and is not open space required by sec. 130-157 or required minimum bufferyard under chapter 114, article V or required setbacks under sec. 130-186.
NOTE: The maximum net residential density allowed per district shall not require transferable development rights (TDR) for affordable and employee housing and market rate housing developed in accordance with sec. 130-161(a)(8).

Maximum Hotel-Motel, RV & Institutional Residential Densities in DR (Allocated) – Sec 130-162				
Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Hotel	10 units/acre	10.29acres	102.9 units	102 units

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

Maximum Hotel-Motel, RV & Institutional Residential Densities in DR (Maximum Net Density) – Sec 130-162					
Permitted Land Uses	Max Net Density	Required Open Space	Size of Site	Total Units	Max Allowed
Hotel	25 units/ buildable acre	0.2	10.29 acres (8.23 buildable acres)	205.8 units	205 units

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.
NOTE: Net buildable area means that portion of a parcel of land that is developable and is not open space required by sec. 130-157 or required minimum bufferyard under chapter 114, article V or required setbacks under sec. 130-186.

Maximum nonresidential land use intensities in DR – Sec 130-164			
Permitted Land Uses	FAR	Size of Site	Max Allowed
Commercial Retail (Low)	0.35	358,499ft²	125,475 ft²
Commercial Retail (Medium)	0.25	358,499ft²	89,625 ft²
Commercial Retail (High)	0.15	358,499ft²	53,775 ft²
Institutional	0.3	358,499ft²	107,550 ft²

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

Maximum Residential Densities in MU (Allocated) – Sec 130-157				
Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Permanent Residential (market-rate commercial apartments)	3 units/acre	10.86 acres	32.58 units	32 units
Permanent Residential (affordable / employee)	1 units/acre	10.86 acres	10.86 units	10 unit

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

Maximum Residential Densities in MU (Maximum Net Density) – Sec 130-157					
Permitted Land Uses	Max Net Density	Required Open Space	Size of Site	Total Units	Max Allowed
Permanent Residential (market-rate commercial apartments)	12 units/ buildable acre	0.2	10.86 acres (8.69 buildable acres)	104.28 units	104 units
Permanent Residential (affordable employee housing)	18 units/ buildable acre	0.2	10.86 acres (8.69 buildable acres)	156.42 units	156 units

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.
NOTE: Net buildable area means that portion of a parcel of land that is developable and is not open space required by sec. 130-157 or required minimum bufferyard under chapter 114, article V or required setbacks under sec. 130-186.
NOTE: The maximum net residential density allowed per district shall not require transferable development rights (TDR) for affordable and employee housing and market rate housing developed in accordance with sec. 130-161(a)(8).

Maximum Hotel-Motel, RV & Institutional Residential Densities in MU (Allocated) – Sec 130-162				
Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Institutional Residential	5 units/acre	10.86 acres	54.3 units	54 units
Hotel	10 units/acre	10.86 acres	108.6 units	108 units
Recreational Rental	10 spaces/acre	10.86 acres	108.6 spaces	108 spaces

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

Maximum Hotel-Motel, RV & Institutional Residential Densities in MU (Maximum Net Density) – Sec 130-162					
Permitted Land Uses	Max Net Density	Required Open Space	Size of Site	Total Units	Max Allowed
Institutional Residential	20 units/ buildable acre	0.2	10.86 acres (8.69 buildable acres)	173.8 units	173 units
Hotel	15 units/ buildable acre	0.2	10.86 acres (8.69 buildable acres)	130.35 units	130 units
Recreational Rental	10 spaces/ buildable acre	0.2	10.86 acres (8.69 buildable acres)	86.9 units	86 spaces

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

NOTE: Net buildable area means that portion of a parcel of land that is developable and is not open space required by sec. 130-157 or required minimum bufferyard under chapter 114, article V or required setbacks under sec. 130-186.

Maximum nonresidential land use intensities in MU – Sec 130-164			
Permitted Land Uses	FAR	Size of Site	Max Allowed
Commercial Retail (Low)	0.35	378,450 ft²	132,456 ft²
Commercial Retail (Medium)	0.25	378,450 ft²	94,613 ft²
Commercial Retail (High)	0.15	378,450 ft²	56,768 ft²
Office	0.4	378,450 ft²	151,380 ft²
Commercial Recreational	0.1	378,450 ft²	37,845 ft²
Institutional	0.3	378,450 ft²	113,535 ft²
Outdoor Recreational	0.1	378,450 ft²	37,845 ft²
Public	0.3	378,450 ft²	113,535 ft²
Light Industrial	0.3	378,450 ft²	113,535 ft²

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

Local Traffic, Parking and Circulation

The subject parcel is located on U. S. 1 in Lower Sugarloaf Key. Including Bat Tower Road, there are ample driveways available to enter into and exit out of the property. However, the property is only accessible by U.S. 1. Parking is available for all establishments on the three subject parcels. The local neighborhood roads have been well maintained.

The 2009 U. S. 1 Arterial Travel Time and Delay Study for Monroe County indicates a LOS of "D" on Sugarloaf Key (MM 16.5 to MM 20.5). U.S. Highway No. 1 is required to maintain a level of service (LOS) of "C" in order to support additional development. However, county regulations and FDOT policy allow segments that fail to meet LOS C standards to receive a traffic allocation not to exceed 5% below the LOS C standard. Sugarloaf Key has reserve capacity within the 5% allocation. The resulting flexibility will allow a limited amount of additional land development to continue until traffic speeds are measured again next year or until remedial actions are implemented. This segment is a candidate for being designated either "backlogged" or "constrained" by FDOT. Applications for new development located within backlogged or constrained segments are required to undergo a thorough traffic analysis as part of the review process.

Currently, Monroe County does not have a development application on file for this property. A thorough traffic analysis is required as part of the review process and will be considered when or if a development application is submitted.

Effect on Natural Resources

The subject parcels applicable to the proposed amendment are mostly scarified or have been previously cleared. No additional clearing is anticipated. Effects on natural resources for the proposed amendment are not anticipated.

Effects on Public Facilities (Comprehensive Plan 801.1.1)

Objective 101.11 of the *Monroe County Year 2010 Comprehensive Plan* requires the County to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed LUD amendment will not affect Objective 101.11 and will encourage development to remain on disturbed lands rather than encroaching on environmentally sensitive areas.

In a Request for an Amendment to a Minor Conditional Use Permit, dated June 9, 2008, it was determined that Sugarloaf Lodge currently operates an existing sewage treatment plant under DEP permit FLA 014893. The proposed LUD amendment will affect public facilities.

Solid Waste (Comprehensive Plan Policy 801.1.1)

Monroe County has a solid waste haul out contract with Waste Management LLC, which authorizes the use of in-state facilities through September 20, 2016, thereby providing the County with approximately eight (8) years of guaranteed capacity.

Maximum Residential = 156 DUs X 2.1 (household size in people) = 328; 346 X 5.44 pounds per capita per day = 1,784 pounds per day

Maximum Nonresidential = 12.2 pounds per day per equivalent residential unit X 10.86 acres = 133 pounds per day

TOTAL = 1,784 + 133 pounds per day = 1,917 pounds per day

The proposed LUD amendment will affect public facilities.

Potable Water

In March 2008, South Florida Water Management District (SFWMD) approved the FKAA's modification of WUP 13-00005-5-W for a 20-year allocation from the Biscayne and Floridian Aquifers. The WUP provides an annual allocation of 8,751 Million Gallons (MG) or 23.98 MGD and a maximum monthly allocation of 809 MG with a limited annual withdrawal from the Biscayne Aquifer of 6,492 MG or 17.79 MGD and an average dry season (December 1st-April 30th) of 17.0 MGD. The overall level of service for potable water is 132 gallons per capita/per/day.

Maximum Residential = 156 DU X 2.1 (household size in people) = 328; 328 X 132 pounds per capita per day = 43,243 gallons per day

Stormwater

MCC Section 114-3, titled '*Surface Water Management Criteria*', establishes guidelines and criteria for the safe management and disposal of stormwater runoff from developed areas that will minimize or eliminate any resultant adverse impacts on the surface water, groundwater, and other natural resources of the county. Any change in the use of the property must comply with State and Federal regulations as well as the Monroe County Code, the Monroe County Comprehensive Plan and the Livable CommuniKeys Plans.

Wastewater

Currently, any permitted or replacement on-site or wastewater treatment facility with a design flow of less than or equal to 100,000 gpd within the County must comply with the 10/10/10/1 Best Available Technology (BAT) standard, as well as require approval from the Monroe County Health Department and / or the Department of Environmental Protection. Any proposed development associated with the proposed amendment will be subject to this provision or will be mandated to hook up to the central sewer system when it is available. The level of service (LOS) for residential and nonresidential flow is 145 gallons per day per equivalent dwelling units (Exhibit 3-8 Sanitary Wastewater Master Plan 2000).

Maximum Residential = 156 X 145 = 22,620 gallons per day

The proposed LUD is not anticipated to adversely impact the wastewater supply LOS.

Effects on Redevelopment/Infill Potential

The proposed area is cleared, scarified and developed. Objective 102.3.1 of the Monroe County Year 2010 Comprehensive Plan directs the County to encourage infill development where existing lands are already substantially developed, served by complete infrastructure facilities and within close proximity to established commercial areas and have few sensitive or significant environmental features. The proposed LUD amendment will encourage infill development to remain on already existing developed land.

Education

All public schools are under the purview of Monroe County Board of Education including all capital expenditures relating to facilities improvements or additional development of education facilities. Per the 2008 Monroe County Public Facilities Capacity Assessment Report, the Monroe County requirements are that classroom capacity be "adequate" to accommodate the school-age children generated by proposed land development. The School Board uses recommended capacities provided by the Florida Department of Education to determine each school's capacity. All schools have adequate reserve capacity to accommodate the impacts of the additional land development activities projected for the next school year.

Parks and Recreation / Open Space

The County has adopted an overall level of service, pursuant to Comprehensive Plan Policy 1201.1.1, for resourced-based and activity-based recreation and open space of 0.82 acres of per 1,000 persons (functional population). As of 2008, there was 60.49 acres of resourced based parks and 33.29 acres of activity based parks available in reserve in the lower keys. If development occurs at 156 single family residential dwelling units and 2.1

per capita, there would be an additional 328 people located on this property. The increase would take up 0.27 acres of recreation. The LUD would not affect parks and recreation or open space.

C. *Consistency with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern pursuant to F.S. Chapter 380.0552(7)*

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

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

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

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

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

e. To limit the adverse impacts of development on the quality of water throughout the Florida Keys.

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

g. To protect the historical heritage of the Florida Keys.

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

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

i. To limit the adverse impacts of public investments on the environmental resources of the Florida Keys.

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

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

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

SUMMARY

The subject parcels are scarified and mainly developed. The Sugarloaf Lodge and its structures have been in place since the 1960s. County staff had determined the majority of the structures are lawfully established. The main parcel currently does not have a Tier designation, while the other two parcels are in Tier 1 and Tier 3 designations. The area is in the Marsh Rabbit Buffer, but not in the habitat.

Staff finds proposed LUD amendment consistent with the Principles for Guiding Development as a whole and not inconsistent with any one principle.

VIII. RECOMMENDATION

Staff recommends approval of this LUD amendment contingent on a final approval and effective date of the Lower Sugarloaf Key Community Center Overlay District text amendment.