



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

Through: Emily Schemper, AICP, CFM, Senior Director of Planning & Environmental Resources

From: Matt Restaino, Senior Planner

Date: March 5, 2020

Subject: *Request for a time extension pursuant to Monroe County Code Section 110-73(a)(1) to a Major Conditional Use Permit, originally approved by Planning Commission Resolution No. P03-11, to redevelop the existing gas station and convenience store by demolishing all existing buildings, constructing a new convenience store/commercial retail building, relocating the two (2) existing fuel pumps and constructing five (5) new fuel pumps, thus establishing a total of seven (7) fuel pumps with 14 fueling stations; demolishing the existing fuel pump canopy; constructing a new fuel pump canopy; constructing a car wash; and carrying out associated improvements, on a property legally described as Lots 1, 2, 3, 4, 5, 6, and 7, Rogers Subdivision, on Big Pine Key, according to the plat thereof, as recorded in Plat Book 3 at Page 79, of the Public Records of Monroe County, Florida, and having the Parcel ID#s 00275410-000000, 00275430-000000 and 00275450-000000. (File # 2020-006)*

Meeting: March 25, 2020

- 1 I REQUEST:
- 2 The applicant requests a time extension to a Major Conditional Use Permit, originally approved
- 3 by Planning Commission Resolution No. P03-11. The applicant is requesting the time
- 4 extension due to delays related to Hurricane Irma.
- 5
- 6 II BACKGROUND INFORMATION:
- 7
- 8 **Location:** Mile Marker 30.6, Ocean Side
- 9 **Address:** 30662 & 30670 Overseas Highway, Big Pine Key
- 10 **Legal Description:** Lots 1, 2, 3, 4, 5, 6, and 7, Rogers Subdivision, Big Pine Key, according
- 11 to the plat thereof as recorded in Plat Book 3, Page 79, of the Public Records of Monroe
- 12 County, Florida.
- 13 **Parcel Identification Numbers:** 00275410-000000, 00275430-000000, and 00275450-
- 14 000000
- 15 **Property Owners/Applicants:** Landco LLC
- 16 **Agent:** Gay Marie Smith
- 17 **Size of Site:** 72,400 square feet/1.66 acres (per County GIS)
- 18 **Land Use (Zoning) District:** Suburban Commercial (SC)

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

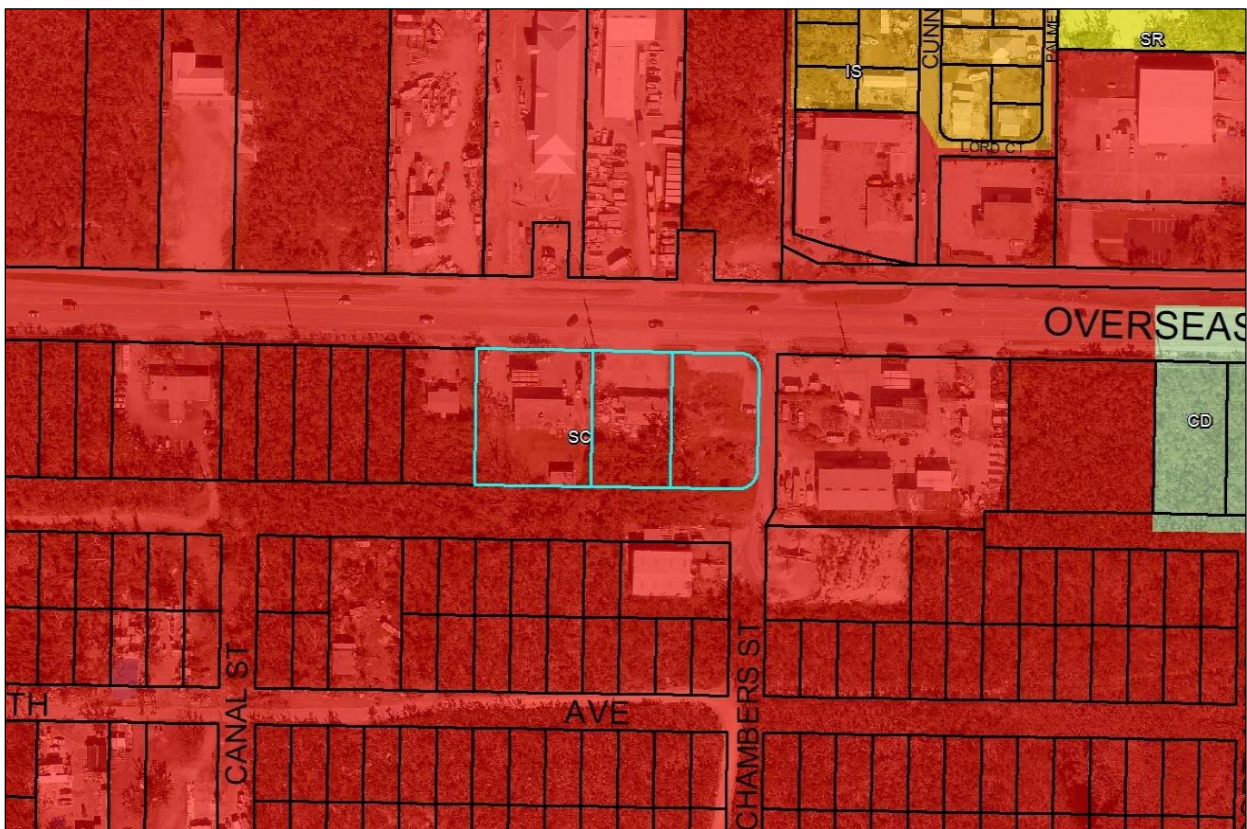
2 **Tier Designation:** III Infill Area

3 **Existing Uses:** Gas station and convenience store (Lots 5, 6, and 7), Dive shop (Lots 3 and 4),
4 and vacant (Lots 1 and 2).

5 **Existing Vegetation / Habitat:** Developed Land and Pineland

6 **Flood Zones:** AE-8

7 **Community Character of Immediate Vicinity:** The subject properties are part of the U.S. 1
8 corridor on Big Pine Key. The U.S. 1 corridor on Big Pine Key is primarily commercial in
9 nature with some residential uses as well. U.S. 1 is directly to the north of the subject
10 properties. There are commercial uses to both the east and west of the properties. There are
11 publicly owned conservation lands to the south.
12



13 *Subject Property (blue outline) with Land Use (Zoning) Districts (2018 Aerial)*

14
15
16 **III RELEVANT PRIOR COUNTY ACTIONS:**

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18 On May 6, 2011, Planning Commission Resolution No. P03-11 was recorded, which granted
19 a Major Conditional Use Permit to redevelop the existing gas station and convenience store by
20 demolishing all existing buildings, constructing a new convenience store/commercial retail
21 building, relocating the two (2) existing fuel pumps and constructing five (5) new fuel pumps,
22 thus establishing a total of seven (7) fuel pumps with 14 fueling stations; demolishing the
23 existing fuel pump canopy; constructing a new fuel pump canopy; constructing a car wash;
24 and carrying out associated improvements. The resolution was passed and adopted on January

1 12, 2011, and signed by the Planning Commission chair on February 9, 2011. A related
2 variance was also approved through Planning Commission Resolution No. P02-11.

3
4 On March 5, 2013, a Minor Deviation was approved by the Planning Director to allow the
5 redevelopment granted by the Major Conditional Use Permit to occur in two phases. The
6 approval was recorded on June 21, 2013.

7
8 On November 28, 2013, Planning Commission Resolution No. P31-13 approved a two year
9 time extension to the Major Conditional Use Permit approved by Planning Commission
10 Resolution No. P03-11. The deadline to complete the project was extended to May 6, 2016.

11
12 On July 8, 2016, Planning Commission Resolution No. P15-16 approved a two year time
13 extension to the Major Conditional Use Permit approved by Planning Commission Resolution
14 No. P03-11. The deadline to complete the project was extended to May 6, 2018.

15
16 On December 1, 2017, the Planning Director signed a request for a time extension to the Major
17 Conditional Use Permit per Executive Order #17-235 & 17-287 and F.S. 252.363. The
18 deadline to complete the project was extended to March 6, 2019.

19
20 On September 20, 2018, the Planning Director signed a request for a time extension to the
21 Major Conditional Use Permit per Executive Orders #17-235, 17-287, 17-330, 18-51, 18-122,
22 18-149, 18-182, 18-213 and F.S. 252.363. The deadline to complete the project was extended
23 to November 1, 2019.

24
25 On January 8, 2019, the Planning Director signed a request for a time extension to the Major
26 Conditional Use Permit per Executive Orders #17-235, 17-287, 17-330, 18-51, 18-122, 18-
27 149, 18-182, 18-213, 18-237, 18-280, and F.S. 252.363. The deadline to complete the project
28 was extended to March 2, 2020.

29
30 On February 7, 2019, the Planning Director signed a request for a time extension to the Major
31 Conditional Use Permit per Executive Orders #17-235, 17-287, 17-330, 18-51, 18-122, 18-
32 149, 18-182, 18-213, 18-237, 18-280 18-361, and F.S. 252.363. The deadline to complete the
33 project was extended to April 29, 2020.

34
35 On June 24, 2019, the Planning Director signed a request for a time extension to the Major
36 Conditional Use Permit per Executive Orders #17-235, 17-287, 17-330, 18-51, 18-122, 18-
37 149, 18-182, 18-213, 18-237, 18-280 18-361, 19-34, and F.S. 252.363. The deadline to
38 complete the project was extended to June 29, 2020.

39
40 **IV REVIEW OF APPLICATION:**

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42 Pursuant to Monroe County Land Development Code Section 110-73(a)(1):

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44 *Unless otherwise specified in a major conditional use approval, all required building permits*
45 *and certificates of occupancy and/or certificates of completion shall be procured within three*
46 *(3) years of the date on which the major conditional use approval is recorded and filed in the*
47 *official records of Monroe County, or the major conditional use approval shall become null*

1 *and void with no further action required by the county. Approval time frames do not change*
2 *with successive owners. Extensions of time to a major conditional use approval may be granted*
3 *only by the Planning Commission for periods not to exceed two (2) years, unless otherwise*
4 *specified. Applications for extensions shall be made prior to the expiration dates. Extensions*
5 *to expired major conditional use approvals shall be accomplished only by re-application for*
6 *the major conditional uses. When a hearing officer has ordered a conditional use approval*
7 *initially denied by the Planning Commission, the Planning Commission shall nonetheless have*
8 *the authority to grant or deny a time extension under this section. If the Planning Commission*
9 *denies a time extension, the holder of the conditional use may request an appeal of that*
10 *decision under chapter 102, article VI by filing the notice required by that article within 30*
11 *days of the written denial of the Planning Commission.*

12
13 The expiration date of the original Major Conditional Use Permit approved in 2011 has been
14 extended via the Planning Commission two (2) times with several other extensions being
15 granted via Executive Orders and Florida Statute 252.363. The current expiration date for the
16 property owner to obtain all Certificates of Occupancy and Certificates of Completion
17 associated with the Major Conditional Use Permit is June 29, 2020. The request for a time
18 extension was timely filed on January 14, 2020, prior to the expiration date. County Code
19 Section 110-73(a)(1) allows the Planning Commission to grant time extensions for periods not
20 to exceed two years, unless otherwise specified. If granted, a two year extension would give
21 the property owner until **June 29, 2022** to obtain all Certificates of Occupancy and Certificates
22 of Completion.

23
24 V. RECOMMENDATION:

25
26 Staff recommends **APPROVAL** of a time extension not to exceed two (2) years to the Major
27 Conditional Use Permit originally approved by Planning Commission Resolution No. P03-11
28 in accordance with Monroe County Code with the following condition:

- 29
30 1. The deadline to complete the project approved by Planning Commission Resolution No.
31 P03-11 is hereby extended to June 29, 2022. All Certificates of Occupancy and Certificates
32 of Completion associated with the Major Conditional Use Permit approval shall be
33 acquired by this date unless an additional time extension is granted.

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36 VI. ATTACHMENTS:

- 37
38 1. Planning Commission Resolution No. P03-11
39 2. Planning Commission Resolution No. P31-13
40 3. Planning Commission Resolution No. P15-16
41 4. Five (5) time extensions approved via Executive Order and F.S. 252.363
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