



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Planning Commission

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

From: Cheryl Cioffari, AICP, Assistant Director of Planning

Date: March 13, 2020

Subject: An Ordinance by the Monroe County Board of County Commissioners amending the Monroe County Land Use District (Zoning) Map from Improved Subdivision (IS) to Mixed Use (MU), for 10 platted lots legally described as Block 3, Lots 1-10, Revised Amended Plat of Riviera Village (Plat Book 2, Page 80), as proposed Robert and Yvette Doherty, Lori Stephenson and 3JL, LLC (File #2019-157)

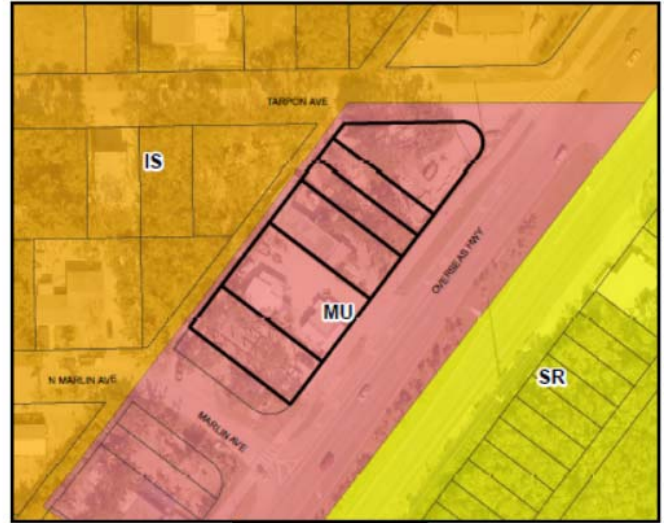
Meeting: March 25, 2020

I REQUEST

October 11, 2019, the Planning and Environmental Resources Department received an application from Robert and Yvette Doherty, Lori Stephenson and 3JL, LLC (the "Property Owners" and the "Applicants") to amend the Monroe County Land Use District (Zoning) map from Improved Subdivision (IS) to Mixed Use (MU), for 10 platted lots legally described as Block 3, Lots 1-10, Revised Amended Plat of Riviera Village (Plat Book 2, Page 80; the "Property"). The Applicants have also requested a corresponding Future Land Use Map (FLUM) amendment for the property from Residential Medium (RM) to Mixed Use / Commercial (MC). *The subject of this staff report is the proposed Zoning amendment.*



Existing Land Use (Zoning) District



Proposed Land Use (Zoning) District

II. BACKGROUND INFORMATION

Site Information:

Location: MM 105, Key Largo

Address: 105020, 105040, and 105050 Overseas Highway

Description: Block 3, Lots 1-10, Revised Amended Plat of Riviera Village (Plat Book 2, Page 80)

Parcel ID Number: 00510550-000000, 00510560-000000, 00510570-000000, 00510590-000000, 00510610-000000 and 00510630-000000

Owners/Applicants: Robert and Yvette Doherty, Lori Stephenson and 3JL, LLC

Size of Affected Portion of Property: 34,206.3 SF (0.79 acres)

- Lots 1, 2 and 3: 13,098.3 per survey by David S. Massey, P.S.M #5125 of Massey-Richards Surveying and Mapping, LLC, dated 2/14-15/19
- Lots 4 and 5: 6,108 per survey by David S. Massey, P.S.M #5125 of Massey-Richards Surveying and Mapping, LLC, dated 7/25/19
- Lots 6, 7 and 8: 9,000 per survey by David S. Massey, P.S.M #5125 of Massey-Richards Surveying and Mapping, LLC, dated 9/25/15
- Lots 9 and 10: 6,000 per survey by David S. Massey, P.S.M #5125 of Massey-Richards Surveying and Mapping, LLC, dated 9/25/15

FLUM Designation: Residential Medium (RM)

Land Use District: Improved Subdivision (IS)

Tier Designation: III and III-A

Flood Zone: X

CBRS: No

Existing Use:

- Lot 1 (Parcel ID 00510550-000000)– vacant (billboard)
- Lot 2 (Parcel ID 00510560-000000) – vacant



- 1 ○ Lot 3 (Parcel ID 00510570-000000) – vacant
- 2 ○ Lots 4 and 5 (Parcel ID 00510590-000000) – Permitted as single-family residence *Permit*
- 3 *19660 (per applicant – “owner holds occupational retail license.” No record of home*
- 4 *occupation special use permit in Planning files)*
- 5 ○ Lots 6, 7 and 8 (Parcel ID 00510610-000000) – Permitted as SFR with approved
- 6 nonconforming outdoor storage¹ (Bayside Plumbing)
- 7 ○ Lots 9 and 10 (Parcel ID 00510630-000000) - Single-family residence *Permit 16300082*
- 8 *(original expired Permit #91304191)*

9
10 **Existing Vegetation/Habitat:** Developed and Hammock

11 **Community Character of Immediate Vicinity:** Adjacent land uses include residential uses to the
12 north; residential uses to the west; vacant residential land to the east (across U.S. 1) with a small
13 parcel developed with lawfully nonconforming commercial (restaurant) development; commercial
14 uses (pet motel) to the south.

15
16 The Property currently has a Land Use District (Zoning) designation of Improved Subdivision (IS)
17 and a Future Land Use Map (FLUM) designation of Residential Medium (RM). The Property was
18 within the BU-1 district (light business district) prior to September 15, 1986. Subsequently, the
19 Property was designated as Improved Subdivision (IS) zoning district. With the adoption of the
20 Comprehensive Plan’s FLUM in 1997, the Property was given the current FLUM designation of
21 Residential Medium (RM).

22
23 A portion of the Property is developed with residential and nonresidential uses; the remainder of the
24 Property is vacant. The Property is designated as Tier III and III-A. A vegetation survey/existing
25 conditions report was not submitted with the application to confirm the habitats.

26
27 The Applicants are also concurrently requesting proposed Future Land Use Map (FLUM) amendment
28 for the Property from Residential Medium (RM) to Mixed Use / Commercial (MC).

29
30 The Applicants’ state the reason for the proposed amendment is:

31 THE PROPERTY OWNERS OF LOTS 1-10 FEEL IT WOULD BE IN THE BEST INTEREST OF THE COMMUNITY
32 TO DESIGNATE THE AREA AS MIXED USE, FOR OFFICE SPACE AND BUSINESS WITH HIGHWAY VISIBILITY.

33 The Applicants full explanation and justification of the proposed amendments is included in the file
34 for the application (File #2019-157).

35 Staff has reviewed the Applicant’s position and supporting documentation, and is also reviewing the
36 proposed amendment for consistency with State Statutes (including 163.3187, F.S., above), Rules,
37 internal consistency with the Comprehensive Plan and balancing all the requirements and policy
38 issues.

39
40

¹ The County recognizes the structure on Lots 6, 7 and 8 as a single-family residence. Furthermore, the County has recognized/permitted a light industrial use on Lots 6, 7 and 8 via the issuance of Building Permits #013-1070 and #993-1909, as memorialized in a Letter of Understanding dated June 26, 2015 (File 2013-127). Therefore, the light industrial use is considered a lawful, nonconforming use and may continue in accordance with the nonconforming use provisions as set forth in LDC Section 102-56.

Community Meeting and Public Participation

In accordance with LDC Section 102-159(a), a community meeting was held on December 10, 2019 at 5:05 PM at the Property to discuss the proposed Future Land Use Map (FLUM) amendment and corresponding Land Use District (Zoning) Map amendment, and to provide for public participation. There was one (1) attendee (other than the Applicants) who had questions about the map amendment process.

Development Review Committee and Public Input

At a regular meeting held on February 25, 2020, the Development Review Committee (DRC) considered the proposed FLUM map amendment, provided for public comment and recommended denial through DRC Resolution 04-20.

Planning Commission and Public Input

At a regular meeting held on March 25, 2020, the Planning Commission recommended _____ of the proposed FLUM map amendment through PC Resolution P____-20 and provided for public comment.

III. AMENDMENT REVIEW AND ANALYSIS

Maximum Allocated Density and Intensity by Land Use District (Zoning) Map Designation

Existing Zoning	Type	Adopted Standards	Maximum development potential based upon density/intensity
Improved Subdivision (IS) Total Upland Area: 10 platted lots (34,206.3 SF / 0.785 ac) 0.628 buildable acres (0.785 ac – 0.20 open space ratio)	Residential Allocated Density	1 du/lot	10 units
	TDR/Market Rate Residential Max Net Density	N/A	0 units
	Affordable Residential Max Net Density	N/A	0 units
	Transient Allocated Density	0 rooms/spaces	0 rooms or spaces
	Nonresidential Maximum Intensity	0 FAR	0 SF
Proposed Zoning	Type	Adopted Standards	Development potential based upon density
Mixed Use (MU) Total Upland Area: 10 platted lots (34,206.3 SF / 0.785 ac) 0.628 buildable acres	Residential Allocated Density	1 du	0.79 units
	TDR/Market Rate Residential Max Net Density	12 du	7.54 units

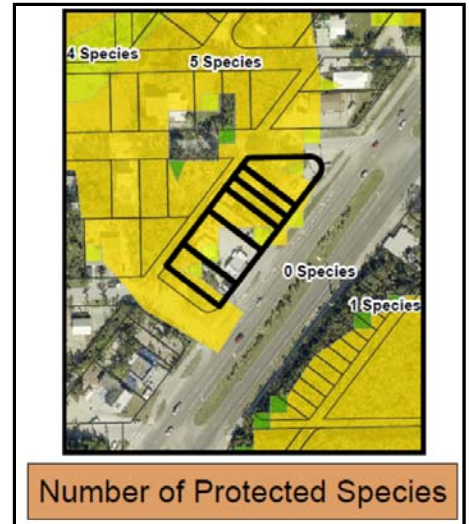
(0.785 ac – 0.20 open space ratio)	Affordable Residential Max Net Density	18 du	11.31 units
	Transient Allocated Density	5-10 rooms/spaces	3.93 – 7.85 rooms/spaces
	Nonresidential Maximum Intensity	0.15 – 0.40 FAR	5,131 SF – 13,683 SF
Net Change in Development Potential Based on Zoning	Residential Market Rate Allocated: -9.21 units		
	TDR/Market Rate Residential Max Net: +7.54 units		
	Affordable Residential Max Net: +11.31 units affordable		
	Transient Allocated: +3.93-7.85 rooms/spaces		
	Nonresidential: +5,131 SF – 13,683 SF		

The above table provides an approximation of the development potential for residential, transient and commercial development. Section 130-156(b) of the Land Development Code states: “The density and intensity provisions set out in this section are intended to be applied cumulatively so that no development shall exceed the total density limits of this article. For example, if a development includes both residential and commercial development, the total gross amount of development shall not exceed the cumulated permitted intensity of the parcel proposed for development.”

As shown in the blue portion of the table, the proposed Zoning amendment would result in a decrease of 9.21 units in permanent allocated residential development potential; an increase of 7.54 units in max net density residential potential for market rate units with the use of TDRs; an increase of 11.31 units in affordable residential development potential; an increase of 3.93-7.85 rooms or spaces for transient units; and an increase in nonresidential development potential of 5,131 square feet to a maximum of 13,683 square feet.

Compatibility with the Surrounding Area

- a. *Existing Vegetation/Habitat:* Developed Land and Hammock
- b. *Existing Tier Designation:* III and III-A
- c. *Number of Listed Endangered or Threatened Species:* 5
- d. *Existing Use:*
 - o Lot 1 (Parcel ID 00510550-000000)– vacant (billboard)
 - o Lot 2 (Parcel ID 00510560-000000) – vacant
 - o Lot 3 (Parcel ID 00510570-000000) – vacant
 - o Lots 4 and 5 (Parcel ID 00510590-000000) – Permitted as single-family residence
 - o Lots 6, 7 and 8 (Parcel ID 00510610-000000) - SFR with approved outdoor storage² (Bayside Plumbing)



² The County recognizes the structure on Lots 6, 7 and 8 as a single-family residence. Furthermore, the County has recognized/permitted a light industrial use on Lots 6, 7 and 8 via the issuance of Building Permits #013-1070 and #993-1909, as memorialized in a Letter of Understanding dated June 26, 2015 (File 2013-127). Therefore, the light industrial use is

- o Lots 9 and 10 (Parcel ID 00510630-000000) - Single-family residence *Permit 16300082 (original expired Permit #91304191)*
- e. *Community Character of Immediate Vicinity:* Adjacent land uses include residential uses to the north; residential uses to the west; vacant residential land to the east (across U.S. 1) with a small parcel developed with lawfully nonconforming commercial (restaurant) development; commercial uses (pet motel) to the south.

The Property is located on U.S. 1 across from predominantly vacant parcels within the Suburban Residential (SR) land use (zoning) district. The parcels to the north contain residential uses and are within the Improved Subdivision (IS) land use (zoning) district with limited commercial uses (Winn Dixie) adjacent to U.S. 1 within one-half mile. The parcels to the west of the Property are predominantly residential and within the Improved Subdivision (IS) land use (zoning) district.

The proposed LUD is anticipated to adversely impact the community character of the surrounding area of parcels along U.S. 1 are predominately residential with limited commercial development.

As noted above, there are two (2) lawfully established single-family residential units on Lots 4 and 5 and Lots 6, 7 and 8. There is a third single-family residential dwelling unit under construction on Lots 9 and 10 (*Permit 16300082*). If the Property’s designation is changed to Mixed Use / Commercial (MU) FLUM and Mixed Use (MU) Land Use (Zoning) District, then the Property would be nonconforming to density. Furthermore, the Property is owned by three (3) different property owners and not currently aggregated as a whole for purposes of development. Therefore, depending on how the lots are developed in the future, a portion of the Property may remain over density based on current density and intensity standards, if the Applicants continue to seek and are successfully granted a change to the MU FLUM and the MU land use district.

Sec. 130-157. - Maximum residential density and district open space.						
The maximum residential density and district open space shall be in accordance with the following table:						
RESIDENTIAL NON-TRANSIENT DENSITY	ALLOCATED DENSITY					
	Adopted Standard (DU/Acre)	Upland Acres	Development Potential (DUs)	# DUs Existing / Proposed	% Dev Potential Used	% Dev Potential Remaining
Mixed Use (MU) <i>(TDRs)</i> <i>(Aff & Employee per 139-1)</i>	1	0.79	0.79	3	382%	-282%
Suburban Commercial (SC) <i>(TDRs)</i> <i>(Affordable)</i>	3	0.79	2.36	3	127%	-27%
Urban Residential (UR) <i>(TDRs)</i> <i>(Affordable)</i>	6	0.79	4.71	3	64%	36%

considered a lawful, nonconforming use and may continue in accordance with the nonconforming use provisions as set forth in LDC Section 102-56.

1 **IV. CONSISTENCY WITH THE MONROE COUNTY YEAR 2030 COMPREHENSIVE PLAN,**
2 **THE KEY LARGO COMMUNIKEYS PLAN, AND THE MONROE COUNTY LAND**
3 **DEVELOPMENT CODE**
4

5 **A. The proposed amendment may not be consistent with the Goals, Objectives and Policies of**
6 **the Monroe County Year 2030 Comprehensive Plan (Note: compliance with Policy 101.5.26 must**
7 **be established prior to BOCC adoption of the proposed FLUM amendment). Specifically, it**
8 **further:**
9

10 **Goal 101:** Monroe County shall manage future growth to enhance the quality of life, ensure the
11 safety of County residents and visitors, and protect valuable natural resources.

12
13 **Objective 101.1**

14 Monroe County shall ensure that all development and redevelopment taking place within its
15 boundaries does not result in a reduction of the level-of-service requirements established and
16 adopted by this comprehensive plan. Further, Monroe County shall ensure that comprehensive
17 plan amendments include an analysis of the availability of facilities and services or demonstrate
18 that the adopted levels of service can be reasonably met. [§163.3177 & 163.3180, F. S.]
19

20 **Objective 101.5**

21 Monroe County shall regulate future development and redevelopment to maintain and enhance the
22 character of the community and protect natural resources by providing for the compatible
23 distribution of land uses consistent with the designations shown on the Future Land Use Map.
24

25 **Policy 101.5.3**

26 The principal purpose of the Residential Medium (RM) future land use category is to recognize
27 those portions of subdivisions that were lawfully established and improved prior to the adoption
28 of this plan and to define improved subdivisions as those lots served by a dedicated and accepted
29 existing roadway, have an approved potable water supply, and have sufficient uplands to
30 accommodate the residential uses. Development on vacant land within this land use category
31 shall be limited to one residential dwelling unit for each such platted lot or parcel which existed
32 on or before January 4, 1996.
33

34 **Policy 101.5.6**

35 The principal purpose of the Mixed Use/Commercial (MC) future land use category is to provide
36 for the establishment of mixed use commercial land use (zoning) districts where various types of
37 commercial retail and office may be permitted at intensities which are consistent with the
38 community character and the natural environment. Employee housing and commercial apartments
39 are also permitted. In addition, Mixed Use/Commercial land use districts are to establish and
40 conserve areas of mixed uses, which may include maritime industry, light industrial uses,
41 commercial fishing, transient and permanent residential, institutional, public, and commercial
42 retail uses.
43

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

The County shall continue to take a proactive role in encouraging the preservation and enhancement of community character and recreational and commercial working waterfronts. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

1. only low intensity commercial uses shall be allowed;
2. a maximum floor area ratio of 0.10 shall apply to nonresidential development; and
3. maximum net residential density shall be zero.

Policy 101.5.25

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the FLUM and described in Policies 101.5.1 - 101.5.20.

Future Land Use Densities and Intensities				Minimum Open Space Ratio ^(c)
Future Land Use Category And Corresponding Zoning	Residential ⁽¹⁾		Nonresidential	
	Allocated Density ^(a) (per upland acre)	Maximum Net Density ^{(a) (b)} (per buildable acre)	Maximum Intensity (floor area ratio)	
* * *				
Mixed Use / Commercial (MC)	1 du (DR, MU, MI) 3 du (SC) 6 du (UC) Commercial Apartments (RV)	2 du (MI) 6-18du (SC) 12 du (UC) 12-18 du (MU) 18 du (DR)	0.10 – 0.45 (SC, UC, DR, MU) <2,500 SF (RV) 0.30-0.60 (MI) FAR	0.20
* * *				
Residential Medium (RM) (IS, IS-V, IS-M and IS-D ⁽¹⁾ zoning)	1 du/lot (IS, IS-V, IS-M) 2 du/lot (IS-D) 0 rooms/spaces	N/A N/A	0	0.20
Notes:				
(a) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net density bonuses shall not be available.				
(b) The Maximum Net Density is the maximum density allowable with the use of TDRs, or for qualifying affordable housing development. TDRs can be utilized to attain the density between the allocated density standard up to the maximum net density standard. Deed restricted affordable dwelling units may be built up to the maximum net density without the use of TDRs. "N/A" means that maximum net density bonuses shall not be available. Buildable acres means the portion of a parcel of land that is developable and is not required open space.				
(c) Additional open space requirements may apply based on environmental protection criteria; in these cases, the most restrictive requirement shall apply.				
(d) Future land use categories of Agriculture/Aquaculture, Education, Institutional, Preservation, Public Buildings/Lands, and Public Facilities, which have no directly corresponding zoning, may be used with new or existing zoning districts as appropriate.				

- (e) Within the Mainland Native future land use district, campground spaces and nonresidential buildings shall only be permitted for educational, research or sanitary purposes.
- (f) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing future land use categories, the maximum floor area ratio shall be 0.10 and the maximum net density bonuses shall not be available.
- (g) A mixture of uses shall be maintained for parcels designated as MI zoning district that are within the MC future land use category. Working waterfront and water dependent uses, such as marina, fish house/market, boat repair, boat building, boat storage, or other similar uses, shall comprise a minimum of 35% of the upland area of the property, adjacent to the shoreline, pursuant to Policy 101.5.6.
- (h) In the RV zoning district, commercial apartments shall be allowed, not to exceed 10% of total spaces allowed or in existence on the site, whichever is less.
- (i) The allocated density for the CFSD-20 zoning district (Little Torch Key) shall be 1 dwelling unit per acre, or 1 dwelling unit per parcel for those parcels existing as of September 15, 1986, whichever is less, and the maximum net density bonuses shall not be available. Residential density shall be allowed in addition to the permitted nonresidential uses and intensity (i.e., density and intensity shall not be counted cumulatively).
- (j) Within IS subdivisions with primarily single family residential units, IS-D zoning may be used with a RM future land use designation for platted lots which have a duplex that was lawfully established prior to September 15, 1986.
- (k) The maximum net density shall be 25 du/buildable acre for the UR zoning district and shall be 18 du/buildable acre for the MU and SC zoning district for development where all units are deed restricted affordable dwelling units. For the UR zoning district market rate housing may be developed as part of an affordable or employee housing project with a maximum net density not exceeding 18 du/buildable acre.
- (l) Vessels, including live-aboard vessels, or associated wet slips are not considered dwelling units and do not count when calculating density.

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Policy 101.19.2

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

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

Goal 102: Monroe County shall direct future growth to lands which are most suitable for development and shall encourage conservation and protection of environmentally sensitive lands (wetlands, beach berm and tropical hardwood hammock).

Policy 105.2.1

Monroe County shall designate all lands outside of mainland Monroe County, except for the Ocean Reef planned development, into three general categories for purposes of its Land Acquisition Program and smart growth initiatives in accordance with the criteria in Policy 205.1.1. These three

1 categories are: Natural Area (Tier 1); Transition and Sprawl Reduction Area (Tier II) on Big Pine
2 Key and No Name Key only; and Infill Area (Tier III). The purposes, general characteristics, and
3 growth management approaches associated with each tier are as follows:
4
5

* * *

- 6 3. Infill Area (Tier III): Any defined geographic area, where a significant portion of
7 land area is not characterized as environmentally sensitive as defined by this Plan,
8 except for dispersed and isolated fragments of environmentally sensitive lands of
9 less than four acres in area, where existing platted subdivisions are substantially
10 developed, served by complete infrastructure facilities, and within close proximity
11 to established commercial areas, or where a concentration of nonresidential uses
12 exists, is to be designated as an Infill Area. New development and redevelopment
13 are to be highly encouraged, except within tropical hardwood hammock or pineland
14 patches of an acre or more in area, where development is to be discouraged. Within
15 an Infill Area are typically found: platted subdivisions with 50 percent or more
16 developed lots situated in areas with few sensitive environmental features; full
17 range of available public infrastructure in terms of paved roads, potable water, and
18 electricity; and concentrations of commercial and other nonresidential uses within
19 close proximity. In some Infill Areas, a mix of nonresidential and high-density
20 residential uses (generally 8 units or more per acre) may also be found that form a
21 Community Center.
22

23 **B. The proposed amendment may not be consistent with the Key Largo Livable Communikeys**
24 **Plan. Specifically:**
25

26 **Strategy 1.3**

27 Continue to utilize the Land Use District Map and supporting FLUM to regulate land use type,
28 density and intensity on individual parcels within the planning area.
29

30 *Action Item 1.3.1:* Continue to use the FLUM and Land Use District Maps to regulate development
31 of individual parcels with respect to density, intensity, bulk regulations, and all other land
32 development regulation. This will protect the existing conformance status of most uses and
33 promote orderly development consistent with the Comprehensive Plan.
34

35 *Action Item 1.3.7:* Evaluate future FLUM change and Land Use District Map change requests for
36 nonconforming uses, proposed changes in use, vacant parcels and other requests, based mainly on
37 comprehensive planning principles and the following community-goal related criteria:

- 38 a. Promote infill, design flexibility and transfer of density to Community Centers.
39 b. Preserve commercial conformance status within sections along US-1 predominated by
40 existing commercial businesses and disturbed lands.
41 c. Encourage sun-setting of intensive commercial uses within sections along US-1
42 predominated by natural habitat or native-dominated landscape, relatively sparse
43 development and relatively few businesses.
44 d. Preserve commercial use status for existing waterfront uses that support the tourist-based
45 and working waterfront-based economy.

- 1 e. Give consideration to whether the property provides a unique or outstanding opportunity
2 for enhancement of design, connectivity and other community goals, especially along the
3 US-1 corridor.
4

5 **Strategy 5.1**

6 Adopt the Tier System that specifies Tier I and Tier III lands and Tier III SPA for purposes of
7 guiding development while retaining species habitat and natural areas for acquisition.
8

9 **C. The proposed amendment is consistent with the provisions and intent of the Monroe County**
10 **Code Land Development Code.**

11 In accordance with MCC §102-158(d)(5)b., the BOCC may consider the adoption of an ordinance
12 enacting the proposed change based on one or more of the following factors:
13

- 14
15 1. *Changed projections (e.g., regarding public service needs) from those on which the text of*
16 *boundary was based;*
17

18 Per the Applicants:

19 **Business atmosphere has a less impact on services needed in the community.**
20

- 21 2. *Changed assumptions (e.g., regarding demographic trends);*
22

23 Per the Applicants:

24 **Although there is a need for housing, there is also a need for commercial business**
25 **space in Key Largo. There would be much less impact on the local services if lots 1, 2**
26 **& 3 served as a single commercial business entity as opposed to two houses.**
27

- 28 3. *Data errors, including errors in mapping, vegetative types and natural features described in*
29 *Volume I of the plan;*

30 Per the Applicants:

31 **Whereas lots 9, 10 & 11 were originally classified as commercial however the**
32 **zoning was changed in 1986 by Planning, in error. At this time the property owner**
33 **holds a letter of understanding, and operates an established plumbing business.**
34

35 The Applicants have referenced Lot 11; however, it should be noted that Lot 11 is not a part
36 of this Application.³
37

38 Lots 9 and 10 are under construction for a single-family residence (*Permit 16300082; original*
39 *expired Permit #91304191*). If the Property's designation is amended to the Mixed Use (MU)
40 Land Use (Zoning) District, then the Property would be nonconforming to density.

³ Lot 11, Block 3 is within the Mixed Use (MU) land use (zoning) district. Additionally, the County issued an LOU on May 22, 2015 concluding that the existing office use on the Property (Parcel ID 00510640-000000) was a lawfully nonconforming use that had been deemed nonconforming by the adoption of the 1986 LUD map, as well as, the 2010 Comprehensive Plan.

1 Furthermore, the Property is owned by three (3) different property owners and not currently
2 aggregated as a whole for purposes of development. Therefore, depending on how the lots are
3 developed in the future, a portion of the Property may remain over density based on current
4 density and intensity standards, if the Applicants continue to seek and are successfully granted
5 a change to proposed FLUM and Land Use District.
6

7 Staff has not found evidence that there are data errors in mapping associated with the Property.
8

9 *4. New issues;*

10
11 Per the Applicants: *no response provided.*
12

13 The Applicants have proposed a corresponding FLUM amendment changing the FLUM
14 designation on the Property from Residential Medium (RM) to Mixed Use / Commercial (MC).
15 The proposed Zoning map amendment is necessary to be consistent with the proposed FLUM
16 amendment, if the proposed FLUM of MC is adopted by the BOCC. Note, Sections 163.3194
17 and 163.3201, F.S., require land development regulations to be consistent with and implement
18 the Comprehensive Plan.
19

20 *5. Recognition of a need for additional detail or comprehensiveness; or*

21
22 Per the Applicants: *no response provided.*
23

24 The Applicants have proposed a corresponding FLUM amendment changing the FLUM
25 designation on the Property from Residential Medium (RM) to Mixed Use / Commercial (MC).
26 The proposed Zoning map amendment is necessary to be consistent with the proposed FLUM
27 amendment, if the proposed FLUM of MC is adopted by the BOCC. Note, Sections 163.3194
28 and 163.3201, F.S., require land development regulations to be consistent with and implement
29 the Comprehensive Plan.
30

31 *6. Data updates.*

32
33 N/A
34

35 **In accordance with MCC §102-158(d)(5)c., in no event shall an amendment be approved which**
36 **will result in an adverse community change to the planning area in which the proposed**
37 **development is located or to any area in accordance with a livable communities master plan**
38 **pursuant to findings of the board of county commissioners.**
39

40 Per the Applicants: “There should be NO adverse change to the surrounding communities.”
41

42 The Property is located on U.S. 1 across from predominantly vacant parcels within the Suburban
43 Residential (SR) land use (zoning) district. The parcels to the north contain residential uses and are
44 within the Improved Subdivision (IS) land use (zoning) district with limited commercial uses (Winn
45 Dixie) adjacent to U.S. 1 within one-half mile. The parcels to the west of the Property are
46 predominantly residential and within the Improved Subdivision (IS) land use (zoning) district.

1 The proposed LUD is anticipated to adversely impact the community character of the surrounding area
2 of parcels along U.S. 1 are predominately residential with limited commercial development. The
3 proposed LUD Amendment is not consistent and is anticipated to result in an adverse community
4 change as the parcels along US 1 are predominately commercial.
5

6 **V. STAFF RECOMMENDATION**

7
8 Staff recommends **does not** recommend approval of the proposed Zoning amendment from Improved
9 Subdivision (IS) to Mixed Use (MU).
10

11 **VI. EXHIBIT**

- 12
13 1. 11” by 17” LUD Amendment Maps