MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Development Review Committee; and
Emily Schemper, AICP, CFM, Senior Director of Planning & Environmental Resources
From: Devin Tolpin, AICP, CFM, Principal Planner
Michael Roberts, CEP, PWS, Assistant Director/Environmental Resources
Date: August 18, 2022
Subject: A REQUEST FOR A MINOR CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A MINI STORAGE FACILITY WITH AN ATTACHED DWELLING UNIT DESIGNATED AS EMPLOYEE HOUSING LOCATED AT 92425 OVERSEAS HIGHWAY, TAVERNIER, MILE MARKER 92, AND DESCRIBED AS A PARCEL OF LAND IN SECTION 27, TOWNSHIP 62 SOUTH, RANGE 38 EAST, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBER 00490270-000000 (FILE # 2021-055).

Meeting: September 27, 2022

1 I REQUEST

The applicant is requesting approval of a minor conditional use permit which would allow for the development of a mini storage facility with an attached dwelling unit designated as employee housing as provided in LDC Section 139-1, located within the Suburban Commercial (SC) Land Use District (LUD), on the subject property. Two phases of development are proposed; Phase 1 consists of the construction of the first floor storage units, with Phase 2 commencing immediately after Phase 1, and includes the second floor of storage units and the affordable dwelling unit.

Subject Property (outlined in blue) with Land Use District Map (2022 Aerial)
II BACKGROUND INFORMATION:

Location: Tavernier near U.S. 1 Mile Marker 92, median of US1

Address: 92425 Overseas Highway

Legal Description: South 100 feet of that portion of Tract 2, according to the “Plat of Survey of Ellis Property,” in Section 27, Township 62 South, Range 38 East, Key Largo, recorded in Plat Book 2, Page 99 of the Public Records of Monroe County, Florida, which lies between the Easterly Right-of-Way line of State Road No. 5, and the Westerly Right-of-Way line of State Road No. 4-A; and Tract “B” in Tavernier Ocean Shores, a subdivision on the Island of Key Largo, according to a Plat thereof, recorded in Plat Land Records of Monroe County, Florida, in Plat book 4, at Page 112; and a portion of Lot 7, according to the Plat of Absolom Albury Property, as recorded in Plat Book 1, at Page 64, of the Public Records of Monroe County, Florida

Parcel Identification Number: 00490270-000000

Property Owner/Applicant: Chris Sante

Agent: Barbara Bauman

Size of Site: 30,546.4 square feet / 0.7 acres (per submitted plans)

Land Use District: Suburban Commercial (SC)

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

Tier Designation: III (Infill Area)

Flood Zone: AE9, AE10

Existing Uses: Office and dwelling unit

Existing Vegetation / Habitat: Developed land

Community Character of Immediate Vicinity: Restaurant, commercial retail, office, single family residences

III RELEVANT PRIOR COUNTY ACTIONS:

On May 18, 2011, Administrative Variance No. AV11-03 was issued by the Planning & Environmental Resources Department, conditionally approving an Administrative Variance for a reduction of 10 feet from the required 25 foot front yard setback from the right of way adjacent southbound US 1 for the placement of an ice machine.

On January 27, 2021, a Letter of Development Rights Determination (LDRD) was issued by the Senior Director of Planning and Environmental Resources for the subject property. This LDRD documented that one (1) dwelling unit was lawfully established on the subject property on or about July 13, 1992 and is exempt from the residential ROGO permit allocation system pursuant to LDC Section 138-22 and Comprehensive Plan Policy 103.5 and that a total of 1,591 square feet of nonresidential floor area was lawfully established on or about 2001 and is exempt from the NROGO permit allocation system pursuant to LDC Section 138-50.

On November 18, 2021, Planning Commission Resolution No. P32-20 was signed approving the request for a variance to access standards set forth in Chapter 114, Article VII and a request for a variance of 5 feet to the required 25 foot front yard setback requirement set forth in Chapter 131 of the Land Development Code.
IV REVIEW OF APPLICATION:

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

(a) The conditional use is consistent with the purposes, goals, objectives and standards of the Comprehensive Plan and the Land Development Code: Compliance to be determined

Specific policies from the Monroe County Year 2030 Comprehensive Plan that directly pertain to the proposed conditional use include:

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

This future land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and nonresidential uses may 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 water fronts.

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.

The subject property is located within the Tavernier Livable Community Keys Plan (LCP) which is adopted as part of the Comprehensive Plan and implemented as objectives and policies of the Comprehensive Plan. The following LCP Strategies and Action Items are specifically applicable to the property and the proposed development:

Action Item 3.1.2 Require that any new development or redevelopment approved within the designated US Highway 1 Community Center, meeting the following criteria, be consistent with design standards established pursuant to Action Items 3.2.3 and 3.3.3:
1. Any new or expanded non-residential structures of greater than 2,500 square feet in floor area;
2. Any new or expanded outdoor retail sales;
3. Any new residential structures containing more than three units or redeveloped residential structure containing more than three units that involves a change in floor area, building height, or configuration of building footprint;
4. Any new transient residential structure or redeveloped existing transient residential structure that involves a change of floor area, building height, or configuration of building footprint.

**Action Item 3.1.4:** Prohibit the following new uses or change of uses within the Tavernier Creek Bridge to Mile Marker 97 Planning Area: 1) Commercial retail high-intensity uses that generate above one hundred and fifty (150) average daily trips per one thousand (1,000) square feet; 2) Storage areas as a principal use; 3) Outdoor retail sales on a vacant lot and any new or expanded outdoor retail sales associated with structures of less than five hundred (500) square feet of floor area.

**Action Item 3.3.4:** Prohibit new storage lots on U.S.1 within the planning area in order to enhance the community character of the U.S.1 Corridor Area.

*It should be noted that the subject development proposal is for an indoor storage facility, which is not prohibited through Action Items 3.1.4 and 3.3.4.*

**Action Item 3.3.6:** Encourage small businesses, that are not of historic quality, on U.S. 1 to add employee apartments; either attached or on the property if construction can be accomplished within the design guidelines for the commercial corridor.

**Strategy 5.1** Promote employee housing above and in conjunction with commercial buildings in the Community Center Overlay district, as this planning area has capacity to add some employee-housing units based on the commercial floor area ratio of the different commercial parcels.

**Action Item 5.1.2:** Redevelopment projects will come into compliance with landscaping and bulk regulations so far as practicable.

*The subject property is within the Tavernier Creek to Mile Marker 97 U.S. Highway 1 Corridor District Overlay (TC), established by LDC Section 130-128. The proposed development must comply with the Mile Marker 97 U.S. Highway 1 Corridor Development Standards and Guidelines as described below:*
Approximate location of subject property

Suburban – This frontage has open swales drained by percolation, without parking, and a bicycle path or sidewalk along one or both sides. The landscaping consists of multiple species arrayed in naturalistic clusters. The recommended front yard setback is 25 feet (Figure 11).

Width
The intent is to break down the apparent mass of buildings wider than 50 feet by creating façade insets at intervals appropriate to the mass of the building.

General Urban and Suburban – The maximum continuous façade of any building fronting onto US Highway 1 cannot be greater than 50 feet. A building wider than 50 feet will be architecturally defined as a series of smaller units, with insets between primary façades. The inset façade shall not be setback less than 6 feet. The inset façade should not be wider than 1/3 of a primary façade segment or 17 feet. The arcade of a building may continue across this setback to provide architectural and pedestrian continuity at the ground level (Figure 13).
**Depth**

The intent is to break down the apparent mass of buildings deeper than 50 feet by creating façade insets at intervals appropriate to the mass of the building. This guideline applies particularly to buildings whose main entrance or whose primary parking area fronts a side façade.

*General Urban and Suburban* – Buildings deeper than 50 feet should show architectural insets defined as a series of smaller units. The minimum façade inset setback should be 3 feet (Figure 14).

*Exurban* – No guideline applies. However, it is recommended that large footprint buildings follow the guideline above.

![Figure 14 Articulating Long Depths](image)

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**Roofing**

*Suburban and Exurban* – Materials include standing seam metal, stamped metal, V-crimp metal, and composition tile for residential buildings. Commercial buildings may have flat roofs.

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**Exterior Walls**

The intent is to have a unified palette of materials characteristic of Tavernier.

*General Urban, Suburban and Exurban* – Materials include clapboard siding and novelty or drop siding. Masonry exterior finishes, such as stucco and textured stucco as well as exposed and painted brick, are recommended for commercial structures. Materials resembling wood siding may be acceptable if the building technique is properly applied. Fish scale siding is acceptable (Figure 19). The use of board and batten siding should be allowable only for residential use in the Suburban and Exurban zones.

![Figure 19 Fish Scale Siding](image)

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**Doors**

The intent is to have doors that are compatible with Tavernier architecture.

*General Urban and Suburban* – All commercial buildings should have panel or flush doors with clear glass insets (Figure 20). Doors should be hinged; pivot or sliding doors are not acceptable.

![Figure 20 Commercial Door](image)
Staff would like to note that the submitted elevation plans do not clearly demonstrate consistency with the maximum building façade as described in the development guidelines; however the submitted site and floor plans do. The rear façade of the building does not include the required insets as referenced above, however this side is screened from US1 by means of a 20 foot wide Class C buffer yard which aids in meeting the intent to break down the apparent massing of buildings greater than 50 feet wide. **Staff is recommending additional plantings be included in this buffer yard to ensure the structure is fully screened from US1.**

The metal doors, providing internal and external access to the storage units, do not appear to meet the development guidelines regarding compatibility with Tavernier architecture based on Figure 20 from the Design Guidelines. **Staff is recommending that prior to issuance of the development order, the applicant must submit details of both roll up and hinged doors that are consistent with the architecture common in the Tavernier design corridor and demonstrate less of an industrial appearance.**

(b) **The conditional use is consistent with the community character of the immediate vicinity of the parcel proposed for development: Compliance to be determined**

The proposed storage unit facility with attached, deed restricted affordable, dwelling unit is generally consistent with the community character of the immediate vicinity of the parcel proposed for development. It is anticipated that the recommended extra buffer plantings and revised door fixtures will result in the proposed development as being compatible with the community character of the immediate vicinity.

(c) **The design of the proposed development minimizes adverse effects, including visual impacts, of the proposed use on adjacent properties: In compliance**

The applicant is proposing to complete construction in two phases of development. The development proposal is in compliance with the County LDC, including landscaping, bufferyards, off-street parking and loading, stormwater management, outdoor lighting and solid waste/recycling collection. Staff is also recommending additional plantings be added
to the bufferyard adjacent the rear of the building to aid in screening the building from US1.

The design of the proposed development and use minimizes adverse effects, including visual impacts, on adjacent properties.

(d) The proposed use will have an adverse impact on the value of surrounding properties: In compliance

Staff has no evidence to support or disprove that the proposed development will have an adverse impact on the value of the surrounding properties.

(e) The adequacy of public facilities and services:

Transportation/Roadways: Not in compliance

Localized Impacts & Access Management: The County Engineering Department has reviewed the development proposal and provided comments on May 24, 2022. These comments do not appear to have been addressed. See a snapshot of the comments below:
Level of Service (LOS): According to the 2021 US1 Arterial Travel Time and Delay Study, Segment 22, Tavernier (MM 91.5 through 99.5) currently operates at a LOS A.

The submitted Traffic Statement, prepared by Karl Peterson, P.E., KBP Consulting, Inc., indicates that the proposed development is projected to generate 79 daily vehicular trips on Segment 22 in Tavernier. It has been determined that there is adequate roadway capacity for the proposed development.

**Solid Waste:** The applicant is coordinating with Monroe County Solid Waste Management.

**Potable Water:** The applicant is coordinating with the Florida Keys Aqueduct Authority.

**Sanitary Sewer:** The applicant is coordinating with the Florida Department of Health and Key Largo Wastewater Treatment District to comply with the applicable regulations.
Drainage/Stormwater: The revised drainage plans (7/29/22) meet the water quality and water quantity criteria of the Land Development Code. See stormwater review later in this report.

Schools: Sufficient school classroom capacity is available to accommodate the proposed uses, according to the 2021-2023 Monroe County Public Facilities Capacity Assessment Report.

Recreation and Open Space: Sufficient recreation and open space capacity is available to accommodate the proposed uses, according to the 2021-2023 Monroe County Public Facilities Capacity Assessment Report.

(f) The applicant for conditional use approval has the financial and technical capacity to complete the development as proposed and has made adequate legal provision to guarantee the provision and development of any improvements associated with the proposed development:

Staff has no evidence to support or disprove the applicant’s financial and technical capacity.

(g) The development will adversely affect a known archaeological, historical, or cultural resource:

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

(h) Public access to public beaches and other waterfront areas is preserved as part of the proposed development:

The proposed development would have no impact on the preservation of public access to public beaches and other waterfront areas.

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

1. Residential Rate of Growth Ordinance (ROGO) (LDC Chapter 138, Article II):

   Compliance to be determined

   Pursuant to LDC Section 138-21, “The residential ROGO shall apply to all residential dwelling units, including institutional residential uses, such as nursing homes and rehabilitation centers, for which a building permit is required and for which building permits have not been issued prior to July 13, 1992.”

   As described above, the LDRD issued January 27, 2021 determined that one (1) [market rate] dwelling unit was lawfully established on the subject property on or about July 13, 1992 and is exempt from the residential ROGO permit allocation system.
pursuant to LDC Section 138-22 and Comprehensive Plan Policy 103.5. This ROGO Exemption could be utilized to construct the affordable dwelling unit designated as employee housing that is proposed under Phase 2; however a 99 year affordable deed restriction would be put on the dwelling unit and it would be required to meet the affordable housing criteria set forth in LDC Chapter 139.

2. Nonresidential Rate of Growth Ordinance (NROGO) (LDC Chapter 138, Article III): **Compliance to be determined**

On January 27, 2021, a Letter of Development Rights Determination (LDRD) was issued by the Senior Director of Planning and Environmental Resources for the subject property. This LDRD documented that a total of 1,591 square feet of nonresidential floor area was lawfully established on or about 2001 and is exempt from the NROGO permit allocation system pursuant to LDC Section 138-50.

*According to Sheet C-3, the proposed structure has a total nonresidential floor area of 8,760 square feet. An NROGO Allocation for the balance of 7,169 square feet will be required.*

3. District Purpose (LDC Section 130-46): **In compliance**

*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 located. This district should be established at locations convenient and accessible to residential areas to reduce trips on U.S. 1.*

4. Permitted and Conditional Uses (LDC Section 130-93): **In compliance following receipt of the requested minor conditional use permit and adherence to proposed conditions of approval**

Pursuant to LDC Section 130-93 (b)(7), the proposed light industrial use is permitted as a Minor Conditional Use in the SC District, subject to the standards and procedures set forth in LDC Chapter 110, Article III, which are being analyzed throughout this report.

5. Land Use Intensities (LDC Chapter 130, Article V): **In compliance**

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Proposed Use</th>
<th>Site Area</th>
<th>Maximum FAR</th>
<th>Max. Density</th>
<th>Max. Permitted Density</th>
<th>% of Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>SC</td>
<td>Light Industrial</td>
<td>30,546.4 SF Upland</td>
<td>0.3</td>
<td>9,163.92</td>
<td>8,760</td>
<td>95.59%</td>
</tr>
<tr>
<td>SC</td>
<td>Affordable Dwelling Unit</td>
<td>0.56 Buildable Acre</td>
<td>n/a</td>
<td>18 DU/Buildable Acre</td>
<td>10.08</td>
<td>9.92%</td>
</tr>
</tbody>
</table>
In accordance with LDC Section 139-1(b)(5), when calculating density, any existing lawfully established or proposed affordable or employee housing on a parcel and the floor area thereof shall be excluded from the calculation of the total gross nonresidential floor area and hotel/motel density development that may be lawfully established on the parcel, provided, however, that the total residential density allowed on the site shall not exceed the maximum net density for affordable and employee housing.

6. Required Open Space (LDC Sections 118-4, 118-12, 130-157, 130-162 & 130-164): In compliance

In the SC District, there is a general required open space ratio (OSR) of at least 0.20 or 20%. Based on a total upland area of 30,546.04 square feet, the minimum open space requirement is 6,109.28 square feet. According to the submitted site plan, the proposed open space on the subject property is 23,267 square feet of upland or 76.17%.

7. Required Setbacks (LDC Sections 118-12, 131-1 & 131-3): In compliance

The required setbacks in the SC District are as follows:

<table>
<thead>
<tr>
<th>Land Use District/ Land Use</th>
<th>Primary Front Yard (ft.)</th>
<th>Secondary Front Yard (ft.)</th>
<th>Primary Side Yard (ft.)</th>
<th>Secondary Side Yard (ft.)</th>
<th>Rear Yard (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SC</td>
<td>25</td>
<td>15</td>
<td>10</td>
<td>5</td>
<td>10</td>
</tr>
</tbody>
</table>

This property is located within the median of US1 and is subject to two primary front yards, a secondary front yard, and a secondary side yard in accordance with LDC Section 131-3.

Administrative Variance No. AV11-03 conditionally approved an Administrative Variance for a reduction of 10 feet from the required 25 foot front yard setback from the right of way adjacent southbound US 1 for the placement of an ice machine, which is proposed to remain.

Planning Commission Resolution No. P32-20 was signed approving the request for a variance to access standards set forth in Chapter 114, Article VII and a request for a variance of 5 feet to the required 25 foot front yard setback requirement set forth in Chapter 131 of the Land Development Code.

It should be noted that front yard open space calculations were not provided on the submitted site plan. In accordance with LDC Section 131-3(c)(3), accessory structures, limited to driveways and walkways, may be permitted within a required front yard setback provided they do not exceed six (6) inches in height as measured from grade. In no event shall the total combined area of all accessory structures occupy more than 60 percent of the required front yard setback area. This property shall be required to comply with the front yard setback open space requirements.
8. Maximum Height (LDC Sections 101-1 & 131-2): In Compliance  

According to the boundary survey submitted, the area of the proposed development has a grade elevation (at crown of road) of 10 feet NGVD 29. The proposed structure has a total height of 21.2 feet.  

The proposed development is in compliance with the maximum height restriction of 35 feet pursuant to LDC Section 131-2.  

*Grade* means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the structure, whichever is higher. To confirm the natural elevation of the ground surface, prior to construction, the county shall utilize the Light Detection and Ranging (LiDAR) dataset for Monroe County prepared in 2007 and other best available data, including, but not limited to, pre-construction boundary surveys with elevations, pre-construction topographic surveys, elevation certificates and/or other optical remote sensing data.  

9. Surface Water Management Criteria (LDC Section 114-3): In Compliance  
The revised plans (signed and sealed 7/29/21) meet the water storage and treatment criteria of Chapter 114-3.  

10. Wastewater Treatment Criteria (LDC Section 114-4): Compliance to be determined by the Florida Keys Aqueduct Authority prior to the issuance of a building permit.  

11. Fences (LDC Section 114-13): Not applicable  
The proposed development does not include fencing. Fencing will require a Building Permit in accordance with LDC Section 114-13  

12. Floodplain Management (LDC Chapter 122): Compliance to be determined upon submittal to Building Department  

All new structures must be built to floodplain management standards that meet those for flood protection.  

13. Energy Conservation Standards (LDC Section 114-45): Full compliance to be determined upon building permit application review  

14. Potable Water Conservation Standards (LDC Section 114-46): Full compliance to be determined upon building permit application review  

15. Environmental Design Criteria and Mitigation Standards (LDC Sections 118-6, 118-7 & 118-8): In compliance, no native plant communities on site  

16. Required Off-Street Parking (LDC Section 114-67): In compliance
The proposed development is subject to the following off-street parking requirements:

<table>
<thead>
<tr>
<th>Specific Use</th>
<th>Multiplier</th>
<th>Required Spaces</th>
<th>Proposed Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mini-warehouses/self-storage center</td>
<td>3.0 spaces for the office use plus a parking aisle of 10 feet in width adjacent the storage unit access doors if outside access to the storage units is provided</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Multifamily residential developments</td>
<td>2.0 spaces per each 1-bedroom dwelling unit; 2.0 spaces per each 2-bedroom dwelling unit; and 3.0 spaces per each 3 or more bedroom dwelling unit</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Ice Machine</td>
<td>2 as require through Permit #11302935</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

The subject development proposal is in compliance with the off street parking requirements; however there appears to be an additional parking space within the required 10 foot parking aisle. It should be noted that this area shall still be considered to be a part of the parking aisle and not an additional parking space.

17. Required Loading and Unloading Spaces (LDC Section 114-69): Not applicable

18. Bicycle Parking (LDC Section 114-71): In compliance

In accordance with LDC Section 114-71, All nonresidential development within 200 feet of an existing or programmed state or county bikeway shall provide a bicycle parking rack. The development proposal includes a bike rack that meeting the bicycle parking rack criteria.

19. Required Landscaping (LDC Chapter 114, Article IV): Not in compliance

In accordance with the parking lot landscaping requirements of Section 114-100, all off-street parking areas containing more than six (6) spaces shall be landscaped in accordance with the following standards:

- Interior landscaping shall be installed in landscape areas designated for the purposes of controlling traffic, providing shade, screening unnecessary views into and within the vehicular use areas, and separating parking circulation and service areas.
- Parking lots shall be designed to be sustainable and to function as part of the development's stormwater management system, utilizing vegetated islands as bioretention/swale areas, at/or below grade and with curb cuts. Existing natural drainage ways and vegetated channels shall be incorporated into the design, rather than the standard soil mounding, continuous concrete curb and gutter configuration, to decrease flow velocity and allow for stormwater infiltration.
- Landscaping shall be provided in a square footage area equal to a minimum of twenty percent (20%) of the gross parking lot area (includes both parking and...
vehicular use area). Calculations to verify these requirements shall be shown on
the landscape plan per Section 114-108. Such required parking lot landscaping
area shall be in addition to other required bufferyards.

- No required parking lot landscaping area shall have any dimension less than five
  (5) feet.
- For all off-street parking areas containing twenty (20) or more spaces a terminal
  island shall be provided at the end of each row of parking adjacent to the travel
  lanes or parking aisle serving the parking.
- Island landscape areas shall be provided for at least every ten (10) parking
  spaces in a row.
- One (1) tree shall be required for every one thousand (1,000) square feet, or
  fraction thereof, of gross parking lot area (includes both parking and vehicular
  use area). Every island shall have a minimum one (1) canopy tree.
- Four (4) shrubs shall be required for every one thousand (1,000) square feet, or
  fraction thereof, of gross parking lot area (includes both parking and vehicular
  use area).
- 100% of required parking lot landscaping material shall be native species, as
defined in Section 114-105.
- A minimum of fifty percent (50%) of the required trees shall be native canopy
  species, as defined in Section 114-105, and shall have a minimum of twenty
  (20) feet on-center spacing.
- A minimum of forty percent (40%) of the required trees shall be native
  understory species, as defined in Section 114-105.
- A maximum often percent (10%) of the required trees may be native palm
  species, as defined in Section 114-105.
- Existing native plant material that is retained and meets the planting
  requirements relative to location, size and species may be counted toward the
  total planting requirement of this section.
- Landscaping on each island shall be located so as not to cause a traffic hazard.
  Visibility must be maintained for traffic movements. Shrubs shall not exceed
  thirty (30) inches in height, and trees shall be kept with at least four (4) feet of
  clear trunk.

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

The Landscape plans (sheet C-3(a)) dated 3/1/21 meet the bufferyard standards of 114-
128. As noted previously, the rear façade of the building as it is proposed does not
include the required 6’ deep insets. In order to provide additional screening from US1
to meet the intent of Mile Marker 97 U.S. Highway 1 Corridor Development Standards
and Guidelines, staff recommends increasing the density of the Class C Buffer by an
additional six (6) canopy, three (3) understory, and 24, shrubs across the rear façade of
the structure. Also, note that Sheet C-3 depicts swales and trench drains in the buffer.
Applicant is referred to Section 114-105 for a List of Trees/Shrubs/Ground Covers that
are Appropriate for Stormwater Landscaped Areas

21. Outdoor Lighting (LDC Chapter 114, Article VI): Full compliance to be determined
upon building permit application review
The site plan does not indicate outdoor lighting.

No structure or land shall be developed, used or occupied unless all outdoor lighting conforms to the requirements of LDC Chapter 114, Article VI and the sea turtle protection provisions of Chapter 12, Article V of the County Code of Ordinances, unless otherwise specified within the LDC.

22. Signs (LDC Chapter 142): **Full compliance to be determined upon building permit application review**

Signage is not being reviewed as part of this application. Signs shall be reviewed independently for compliance as an accessory use under a building permit application.

23. Access Standards (LDC Chapter 114, Article VII): **In compliance**

On November 18, 2021, Planning Commission Resolution No. P32-20 was signed approving the request for a variance to access standards set forth in Chapter 114, Article VII.

24. Recycling and Solid Waste Collection Areas (LDC Section 114-14): **In compliance**

Pursuant to LDC Section 114-14(b), mixed use developments shall make adequate provision for a solid waste and recycling collection area. For 5,001 to 15,000 square feet of floor area, the minimum collection area is 125 square feet. The site plan shows one 320 square foot collection area.

25. Accessibility (Chapter 533, Florida Statues): **Full compliance to be determined upon submittal to Building Department**

All standards and requirements of the American with Disabilities Act (ADA) must be met.

26. Inclusionary Housing Requirements (LDC Section 139-1): **Compliance to be determined at the time of building permit review**

Nonresidential and transient use development or redevelopment generates a direct impact on housing for the workforce. LDC Section 139-1(3) requires workforce housing be provided for all new development and expansions in an amount proportionate to the need for affordable workforce housing that the nonresidential and transient uses create. Per LDC Section 139-1(3)(c), each redevelopment project with a change of use increasing housing demand, not exempted by subsection (4), shall mitigate 50% of the workforce housing demand created by the proposed redevelopment by one or a combination of the methods identified in subsection (5). The workforce housing required for nonresidential development when a new use replaces an existing use and increasing housing demand (for example from an industrial use to an office use) shall be calculated based on the square footage proposed for
conversion and/or based on the incremental increase in size of the new uses (if any).

The table below indicates the number of workforce housing units or in-lieu fee needed for the 8,760 square feet of new storage facility:

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Total Housing Need per sf (units/sf)</th>
<th>Total In-Lieu Fee per sf (monetary fee/sf)</th>
<th>Units</th>
<th>In-Lieu Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial (Light manufacturing, lumber yards, warehousing, storage facilities, etc.)</td>
<td>0.000226</td>
<td>$24.39</td>
<td>0.98988</td>
<td>$106,828.2</td>
</tr>
</tbody>
</table>

*Note: If the workforce housing requirement results in less than one (1) affordable dwelling unit, then the applicant may choose to build one (1) affordable dwelling unit or pay the in-lieu amount.*

As recognized in the aforementioned LDRD, there is currently a 1,591 square foot commercial structure, to be demolished on the subject property. This commercial structure is currently used as an office.

The table below indicates the number of workforce housing units or in-lieu fee needed for the 1,591 square feet of existing office space, to be compared to the equivalent of industrial area, in order to determine a “credit” for the pre-existing development.

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Total Housing Need per sf (units/sf)</th>
<th>Total In-Lieu Fee per sf (monetary fee/sf)</th>
<th>Units</th>
<th>In-Lieu Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office (Professional and non-professional office buildings, etc.)</td>
<td>0.000704</td>
<td>$78.49</td>
<td>0.56</td>
<td>$62,438.80</td>
</tr>
</tbody>
</table>
Standards. Workforce housing provided pursuant to subsection (f) shall comply with the standards set forth in subsections (b) and (c) and below. Applications for development projects subject to these inclusionary requirements and applicants shall provide to the County information and necessary legal assurances to demonstrate current and continued compliance with these provisions, consistent with the applicable enforcement mechanisms set forth in Section 139-1(c). The County may institute any appropriate legal action necessary to ensure compliance with this subsection.

1. Workforce housing units required pursuant to this subsection are restricted to either units for the owner of the nonresidential use that meets the sales price and annual income limits for owner-occupied housing, as defined in Section 101-1 or rental units that meet the rental amounts and annual income limits for rental housing, as defined in Section 101-1;

2. Workforce housing units provided pursuant to subsection (f) may be provided on-site, off-site as provided in subsection (f)(5); or through linkage with another off-site project as provided in subsection (g) of this section;

3. Each workforce unit provided pursuant to this subsection shall contain a minimum of 350 square feet of habitable floor area;

4. The County will not issue certificates of occupancy for the nonresidential and transient development or redevelopment projects subject to the provisions of this subsection (f) unless and until:
   1) the required number of inclusionary affordable workforce housing units have an approved and recorded deed restriction, and certificates of occupancy have been issued for the workforce housing units; and/or
   2) the required number of existing dwelling units must have an approved and recorded deed-restriction; and/or
   3) the donation of parcels to the County is completed.

5. Prior to the issuance of a building permit for the nonresidential and transient development or redevelopment projects, any in-lieu fees must be paid.

Phase 1 of the proposed development does not trigger the inclusionary housing requirement due to the fact that the existing office building (to be demolished) has a higher demand for affordable housing. An overall increase is created with Phase 2, but will be mitigated by the proposed dwelling unit.

V RECOMMENDED ACTION:

Pursuant to LDC Section 110-69(b), an application for a minor conditional use permit shall be reviewed by the Development Review Committee (DRC). At the meeting, DRC members shall make comment on the application and responsible Planning and Environmental Resources Department staff shall provide their staff report(s) to the Planning Director. The applicant shall
provide any additional information requested by the DRC within 6 months of the date of the
DRC meeting when the application was considered. If such information is not received within
this timeframe, the application will be deemed withdrawn.

Pursuant to LDC Section 110-69(b), Staff requires that prior to the issuance of a development
order, the applicant shall revise the site plan so as to demonstrate compliance with the
following:

1. The applicant must receive and submit a letter of coordination demonstrating approval
   of the site plan from Monroe County Engineering.

2. The applicant must submit details of both roll up and hinged doors that are consistent
   with the architecture common in the Tavernier design corridor and demonstrate less of
   an industrial appearance

3. The applicant must submit a revised landscape plan demonstrating compliance with the
   Landscaping Requirements in accordance with LDC Section 114-100.

4. The applicant must submit current coordination and/or Notice of Intent to permit the
development from FDOT.

Staff recommends APPROVAL of the requested Minor Conditional Use Permit, with
the following conditions:

1. Notwithstanding the buffer yard requirements set forth in LDC Article V, the developer
   must plant an additional six (6) canopy, three (3) understory, and 24, shrubs across the
   rear façade of the structure in order to provide additional screening from US1.

2. The commercial doors must be consistent with the architecture common in the
   Tavernier design corridor and have less of an industrial appearance in to comply with
   the Mile Marker 97 U.S. Highway 1 Corridor Development Standards and Guidelines.

3. All access drives must be constructed to Monroe County standards and will require a
   right-of-way permit from Monroe County Engineering Department.

4. Prior to issuance of a building permit for any lighting on the site, lighting details and a
   photometric plan shall be provided demonstrating compliance with Chapter 114, Article
   VI.

5. Prior to the issuance of a building permit that includes fencing, the fencing must be
   shown to comply with LDC Section 114-13.

6. Prior to issuance of a Certificate of Occupancy for the nonresidential structure to be
   constructed under Phase 1, all site work must be complete and pass a final inspection.

7. Prior to issuance of a building permit for Phase 2, the inclusionary housing requirement
   set forth in 139-1(f)(3) must be satisfied.
8. The scope of work has not been reviewed for compliance with Florida Building Code. Prior to the issuance of Building Permits, new development and structures shall be found in compliance by the Monroe County Building Department, Floodplain Administrator, and the Office of the Fire Marshal.

9. Prior to the issuance of a building permit, all standards and requirements of the American with Disabilities Act (ADA) must be met.

10. A minor conditional use permit is not a final approval for certain development. The applicant shall obtain a building permit(s) for any improvement requiring such an approval.

VI PLANS REVIEWED:

1. General Location Design Summary and Notes, Sheet C-1, by James Brush, P.E., signed and sealed on 07/29/2022
2. Site Plan, Phase 1, Sheet C-3, by James Brush, P.E., signed and sealed on 07/29/2022
3. Landscape Plan, Sheet C-3(a), by James Brush, P.E., signed and sealed on 08/11/2022
4. Site Plan, Phase 2, Sheet C-4, by James Brush, P.E., signed and sealed on 04/08/2022
5. Access Driveway Plan, Sheet C-5, by James Brush, P.E., signed and sealed on 08/11/2022
6. Access Driveway Plan, Sheet C-6, by James Brush, P.E., signed and sealed on 04/08/2022
7. Drainage Plan, Sheet C-8, by James Brush, P.E., signed and sealed on 04/08/2022
8. Drainage Plan, Sheet C-8(a), by James Brush, P.E., signed and sealed on 07/29/2022
9. First Floor Plan, Sheet A-1, by Dave Boerner, dated 11/15/21
10. Second Floor Plan, Sheet A-2, signed and sealed by Mike Padula, P.E., on 5/09/21
11. Exterior Elevations, Sheet A-3, by Dave Boerner (undated)