



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Development Review Committee
Emily Schemper, CFM, AICP, Senior Director of Planning & Environmental Resources

From: Liz Lustberg, AICP, CFM, Senior Planner

Date: August 31, 2022

Subject: *Request for a Minor Conditional Use Permit for the transfer of one (1) market rate ROGO Exemption (TRE) from a Sender Site to a Receiver Site. The sender site, having Parcel Identification Number 00124390-000000, is described as Lot Five (5), in Square Thirty-One (31), McDonald's Plat of Stock Island, according to the plat thereof, as recorded in Plat Book 1, Page 55, Public Records of Monroe County, Florida. The Receiver Site, having Parcel Identification Number 00193020-000100, is described as Lot 36, Block 1, Summerland Key Cove Addition No. 6, according to the Plat thereof as recorded in Plat Book 5 at Page 41 of the Public Records of Monroe County, Florida. (File#2022-151)*

Meeting: October 25, 2022

I REQUEST:

The applicant is requesting approval of a minor conditional use permit to transfer one (1) market rate, Rate of Growth Ordinance (ROGO) Exemption – known as a TRE from the sender site to the receiver site. The sender site is located at 5650 East Laurel Avenue 1-3, Stock Island. The receiver site is located at 270 Caribbean Drive East, Summerland Key.

II BACKGROUND INFORMATION:

Sender Site (5650 East Laurel Avenue 1-3, Stock Island):

Location: Stock Island, Mile Marker 6

Address: 5650 East Laurel Avenue 1-3

Description: Lot Five (5), in Square Thirty-One (31), McDonald's Plat of Stock Island, according to the plat thereof, as recorded in Plat Book 1, Page 55, Public Records of Monroe County, Florida.

Sender Parcel ID Number: 00124390-000000

Owner/Applicant: 5650 Laurel, LLC

Agent: Summer Vacarella

Size of Site: 6,250 square feet, per Monroe County Property Appraiser

Land Use District (LUD): Mixed Use (MU)

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

Tier Designation: Tier III (infill area)

Flood Zone: AE 9

Existing Use: Commercial

Existing Vegetation / Habitat: Developed land



Sender Site, Aerial dated 2022

Receiver Site (270 Caribbean Drive East, Summerland Key):

Location: Summerland Key, Mile Marker 25

Address: 270 Caribbean Drive East, Summerland Key

Legal Description: Lot 36, Block 1, Summerland Key Cove Addition No. 6, according to the Plat thereof as recorded in Plat Book 5 at Page 41 of the Public Records of Monroe County, Florida.

Receiver Parcel ID Number: 00193020-000100

Owner/Applicant: Brent Vacarella and Summer Vacarella

Agent: Summer Vacarella

Size of Site: 6,000 square feet according to the property record card
Land Use District (LUD): Improved Subdivision (IS)
Future Land Use Map (FLUM) Designation: Residential Medium (RM)
Tier Designation: Tier III (infill area)
Flood Zone: AE 10, AE 11, VE 14
Existing Use: Vacant Residential
Existing Vegetation / Habitat: Developed Land



Receiver Site, Aerial dated 2022

III RELEVANT PRIOR COUNTY ACTIONS:

Sender Site (5650 East Laurel Avenue 1-3, Stock Island):

ROGO exemption letter dated July 23, 2018, recognized one (1) market rate dwelling unit as ROGO exempt.

Ordinance 006-2019, approved by the BOCC on February 20, 2019, changed the zoning on the property from Urban Residential Mobile Home to Mixed Use.

Planning Commission resolution P15-20 approved variances to loading zone size, the district boundary buffer, and setbacks for parking spaces in order to develop the property with two (2) affordable dwelling units and 1,875 square feet of nonresidential floor area.

The mobile home was demolished under permit 21100121, issued August 10, 2021.

Permit 20103282, issued September 8, 2021, approved two 3-bedroom apartments deed restricted as employee housing, 1500 sf of office and 375 sf of commercial retail. Two (2) affordable ROGO allocations were approved for this property in Planning Commission resolution P13-21 on May 26, 2021. The affordable housing deed restriction is recorded in the Monroe County Official Records Document 2329428, Book 3111, Page 1179. The NROGO allocation was approved in Planning Commission resolution P14-21 on May 26, 2021. The final planning inspection was passed on July 26, 2022. It received a Certificate of Occupancy, certificate number 1144603, on August 8, 2022.

Receiver Site (270 Caribbean Drive East, Summerland Key):

Lot 35 and 36 of Block 1 were previously aggregated under parcel ID 00193020-000000 with address 280 Caribbean Drive East. The lots have been separated. On September 14, 2021, Lot 35 Block 1 Summerland Key Cove Addition No. 6 was sold. Lot 36, 270 Caribbean Drive East, parcel ID 00193020-000100, is the subject of this application.

Permit application 21103265 approving the demolition of the garage was issued on July 29, 2022.

Permit application 21101741 for a new house was received on June 4, 2021. The permit was approved by all review stops and is currently awaiting a ROGO allocation. Site plan, sheet C-1, depicts a portion of the house within the velocity zone. **PERMIT APPLICATION #21101741 HAS BEEN VOIDED. A NEW PERMIT APPLICATION DEMONSTRATING THAT NO PORTION OF THE PROPOSED RESIDENCE IS WITHIN THE VELOCITY ZONE WILL BE REQUIRED IN ORDER TO DEVELOP THIS PROPERTY WITH THE ROGO EXEMPTION.**

A pre-application conference regarding a transfer of ROGO exemption as proposed in this application was held on April 11, 2022.

IV REVIEW OF APPLICATION:

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

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

(1) ROGO exemptions may be transferred as follows:

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

In Compliance. The sender site and receiver site are both located within unincorporated Monroe County in the Lower Keys ROGO subarea.

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

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

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

In Compliance. Building permit 20103282 issued September 8, 2021, approved two (2) 3-bedroom apartments deed restricted as employee housing, 1500 sf of office and 375 sf of commercial retail. Two (2) affordable ROGO allocations were approved for this property in Planning Commission resolution P13-21 on May 26, 2021. The affordable housing deed restriction is recorded in the Monroe County Official Records Document 2329428, Book 3111, Page 1179. The NROGO allocation was approved in Planning Commission resolution P14-21 on May 26, 2021. This building does not have a Certificate of Occupancy at time of this application. The final planning inspection was passed on July 26, 2022. This redevelopment of the property does not use the market rate ROGO exemption that is proposed to be transferred off site.

(4) Transfer of Lawfully Established Unit Types:

c. *Transfer of a market rate unit.* A lawfully established permanent market rate dwelling unit may be transferred to a receiver site and developed as a single family detached market rate dwelling unit, subject to the following:

1. The transfer of market rate ROGO exemptions may be allowed provided that one of the following is satisfied:

- i. A 99 year deed-restricted affordable housing unit, pursuant to Sections 101-1 and 139-1, is retained or redeveloped on the sender

site. If the existing dwelling unit is proposed as the deed-restricted affordable housing unit, the unit shall pass a life safety inspection conducted in a manner prescribed by the Monroe County Building Department, comply with hurricane standards established by the Florida Building Code, and habitability standards established under the Florida Landlord and Tenant Act; or

- ii. The sender site is dedicated to Monroe County for the development of affordable housing and an in-lieu fee per unit, based on the current maximum sales price for a one-bedroom affordable unit as established under Section 139-1(a), is paid to the affordable housing trust fund; or
- iii. A 99 year deed-restricted affordable housing unit, pursuant to Sections 101-1 and 139-1, is developed on a Tier III property (single-family residential lots or parcels) and the dwelling unit on the sender site is demolished and the sender site is restored.

In Compliance. The sender site is in the process of being redeveloped with two (2) deed restricted affordable apartments and nonresidential floor area.

- 2. The receiver site for the market rate ROGO exemption must meet the criteria of subsection (6) and the following:

- i. Receiver site is a legally platted lot; and

In Compliance. The receiver site is a legally platted lot. The plat was approved by the BOCC on June 13, 1961 and is recorded in Plat Book 5 Page 41.

- ii. Receiver site is within the Improved Subdivision (IS) Land Use District or the Urban Residential Mobile Home (URM) Land Use District; and

In Compliance. The receiver site is within the Improved Subdivision (IS) Land Use District.

- iii. Receiver site is located within the same ROGO subarea as the sender site, except exemptions may be transferred from the Big Pine Key and No Name Key ROGO subarea to the Lower Keys ROGO subarea; and

In Compliance. The receiver site and the sender site are both within the Lower Keys ROGO subarea.

- iv. Receiver site property is not a recreational and commercial working waterfront.

In Compliance. A review of the permit history shows that the receiver site is a not a recreational or commercial working waterfront.

- (5) Sender Site Criteria:

- a. Contains a documented lawfully-established sender dwelling unit pursuant to subsection (a) and recognized by the County; and

In Compliance. ROGO exemption letter dated July 23, 2018, recognized one (1) dwelling unit as ROGO exempt on the sender site.

- b. Located in a Tier I, II, III-A, or III designated area; including any tier within the County's Military Installation Area of Impact (MIAI) Overlay.

In Compliance. The sender site is designated Tier III.

(6) Receiver Site Criteria:

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

In Compliance. Improved Subdivision zoning and Residential Medium Future Land Use Map designation allow for detached dwelling units, LDC Sec. 130-83 and Comprehensive Plan Policy 101.5.3.

- b. Must meet the adopted density standards;

In Compliance. LDC Section 130-157 and Comprehensive Plan Policy 101.5.25 both specify a density of one (1) dwelling unit per platted lot. The property is one (1) platted lot and the density proposed is one (1) dwelling unit.

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

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

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

In Compliance. The receiver site is designated Tier III.

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

In Compliance. The property is not located within a CBRS unit. A portion of the property is located within a Velocity zone, as pictured below. It is recommended that a condition be added to this minor conditional use permit that the dwelling unit is not to be constructed within the velocity zone on this subject property.



Subject property with FEMA flood zones overlaid (aerial image dated 2022)

V RECOMMENDATION:

Staff recommends APPROVAL to the Director of Planning & Environmental Resources of a minor conditional use permit allowing the transfer of one (1) market rate ROGO Exemption from a sender site located at 5650 East Laurel Avenue 1-3, Stock Island, having Parcel Identification Number 00124390-000000 to a receiver site located at 270 Caribbean Drive East, Summerland Key, having Parcel Identification Number 00193020-000100, subject to the following conditions:

1. No new dwelling unit nor portion of a new dwelling unit shall be located within the current velocity (v) zone or within a CBRS unit based on the FEMA flood zones at the time of building permit review.
2. **A PERMIT APPLICATION DEMONSTRATING THAT NO PORTION OF THE PROPOSED RESIDENCE IS WITHIN THE VELOCITY ZONE WILL BE REQUIRED AT THE TIME OF PERMIT REVIEW IN ORDER TO DEVELOP THE RECEIVER SITE WITH THE ROGO EXEMPTION.**

3. This Minor CUP approval does not, in any way, bind or obligate Monroe County to approve any future building permits.
4. Building permit approval is required for the construction of the dwelling unit.