



MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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

From: Cheryl Cioffari, AICP, Assistant Director of Planning
Devin Tolpin, AICP, CFM, Principal Planner

Date: October 14, 2022

Subject: An ordinance by the Monroe County Board of County Commissioners amending Monroe
County Land Development Code to establish Section 130-143, creating the Tavernier
Key Commercial Overlay District, including the purpose and intent, boundary,
applicability, and NROGO allocation standards, as proposed by Smith/Hawks PL on
behalf of Cemex Construction Materials Florida, LLC (File 2022-053)

Meeting: October 25, 2022

I. REQUEST

On March 23, 2022, the Planning and Environmental Resources Department received an application from Smith/Hawks, PL (the “Agent”) on behalf of Singeletary Concrete Products, Inc. and Cemex Construction Materials Florida, LLC (the “Property Owners” and “Applicants”) and The Vestcor Companies, Inc. and Blackstone Group – Tavernier 925, LLC (the “Developers”) to amend Monroe County Land Development Code to establish the Tavernier Key Commercial Overlay District (the “Overlay”) to allow for a nonresidential ROGO allocation of up to 70,000 square feet, which could allow for the development of a 64,080 SF commercial supermarket, including a liquor store, on property located at 92501 Overseas Highway, Key Largo with parcel identification numbers 00490250-000000 and 00089490-000000 (the “Property”). An amended and restated application was received on May 19, 2022 (the “Application”). The proposed text was revised and resubmitted to the Planning Department [via email] for review on September 22, 2022.

The Applicants state the reason for the requested amendment is: “*LDR Section 138-51 (b) provides a maximum nonresidential floor area allocation of ten thousand square feet (10,000 sf) and Section 138-51 (c) prohibits an allocation of nonresidential floor area that expands the structure to more than 10,000 square feet of nonresidential floor area, excluding: a) a structure in the Urban Commercial (UC) land use (zoning) district may receive an allocation that expands the structure to not more than 50,000 square feet and b) a structure within an overlay district established in a community master plan, in which the maximum shall be governed by the master plan if applicable, or within Chapter 130 specifically allowing such a structure of over 10,000 square feet. Notwithstanding the standards contained in section 138-*

1 5l(c), the proposed Amendment permits an NROGO allocation of up to, but not exceeding, Seventy
2 Thousand square feet (70,000 sf) for specific mixed-use properties in Tavernier that make up the overlay
3 district, and will allow for the construction of a large-scale grocery store, including a liquor store, that
4 fits with the architectural design and community character of the City of Tavernier that it will serve.”
5

6 The Applicant’s full explanation and justification of the proposed amendments is included in the file for
7 the application (File 2022-053).
8

9 **Concurrent Applications**

10 File 2022-054: A corresponding Land Use District (Zoning) map amendment for the Property to apply
11 the Overlay.
12

13 File 2022-012: A request for a Major Conditional Use Permit to develop the Property in two phases.
14 Phase 1 of the development proposal includes the construction of a 64,080 square foot grocery and liquor
15 store (a commercial retail use). Phase 2 of the development proposal is the development of 86 attached,
16 deed-restricted affordable housing dwelling units. Pursuant to LDC Section 139-1(f), any nonresidential
17 development subject to the inclusionary provisions of the LDC are required to obtain certificates of
18 occupancy on said deed restricted affordable housing prior to the resulting nonresidential use and
19 structure.
20

21 **II. BACKGROUND INFORMATION**

22 **Site Information:**

23 **Location:** 92501 Overseas Highway, MM 92.5, Tavernier (Island of Key Largo)

24 **Boundary:** Affected parcels are outlined in **orange** in the image below.

25 **Parcel ID Numbers (2 Parcels):** 00490250-000000 and 00089490-000000

26 **Applicant:** Singletary Concrete Products Inc. and CEMEX Construction Materials Florida, LLC

27 **Agent:** Smith / Hawks, PL

28 **Size of Affected Portion of Property:** 841,940.3 SF (19.33 acres) gross area; including 611,384.2 SF
29 (14.04 acres) upland, 209,913.57 SF (4.82 acres) mangroves, and 20,642.5 SF (0.47 acres) man made
30 pond according to the submitted boundary survey signed and sealed by David S. Massey on May 26,
31 2022
32

33 **FLUM Designation:** Mixed Use / Commercial (MC)

34 **Land Use Districts:** Suburban Commercial (SC); proposing overlay land use district

35 **Tier Designation:** III

36 **Flood Zones:** AE (EL 8, 9, 10, and 11); VE (EL 11)

37 **CBRS:** No

38 **Existing Uses:** previously developed as a cement plant with outdoor storage

39 **Existing Vegetation/Habitat:** Undeveloped Land, Exotic, Mangrove, Hammock, and Water

40 **Community Character of Immediate Vicinity:** Adjacent land uses include residential to the north,
41 east, and south with commercial retail to the west across US1. Part of the Tavernier Creek to Mile Marker
42 97 U.S. Highway 1 Corridor District Overlay (TC), established by LDC Section 130-128.



Property outlined in orange (image dated 2022)

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Historic Aerial Imagery of the Property



Subject Property (image dated 1968)



Subject Property (image dated 1975)

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7



Subject Property (image dated 1994)



Subject Property (image dated 2002)

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10

1 **Concept Meeting**

2 In accordance with LDC Section 102-158(b)(1), a concept meeting was held on June 28, 2022, and it
3 was determined that the proposed text amendment will **not** have a county-wide impact because the
4 proposed amendment is limited to a portion of Tavernier.
5

6 **Community Meeting and Public Participation**

7 In accordance with LDC Section 102-159(b)(3), a community meeting is not required for Land
8 Development Code text amendments that do not have a county-wide impact. However, a community
9 meeting is required for the accompanying Land Use District Map Amendment Request (File 2022-054),
10 which is requested to apply the proposed overlay to the Property. The Community Meeting for File
11 2022-054 was held on August 18, 2022. Concerns from the Community Meeting included, but were not
12 limited to:

- 13 ▪ Inconsistency with community character and the Tavernier Livable CommuniKeys Plan;
- 14 ▪ Increased traffic and the associated negative impacts;
- 15 ▪ The County’s insufficient balance of ROGO Allocations to accommodate the development
16 request;
- 17 ▪ Access off of US1; and
- 18 ▪ Negative environmental impacts.

19
20 **Previous Relevant BOCC Action**

21 On September 16, 1988, an Application for Land Use Map amendment from Suburban Commercial (SC)
22 to Industrial (I) (File# M9315) was received by the Planning Department. It appears that this file was
23 never processed because it was submitted when the new Comprehensive Plan was being drafted and the
24 pending application was put on hold and eventually closed.

25
26 On June 30, 2003, a Letter of Understanding (LOU) was issued, to address the potential construction of
27 300 affordable housing units on the Property.
28

29
30 **III. APPLICANTS’ PROPOSED LAND DEVELOPMENT CODE TEXT AMENDMENTS**

31
32 The Applicants’ proposed text, as submitted on September 22, 2022, is shown as follows: additions are
33 in blue underline, deletions are ~~stricken through~~.

34
35 *****

36 **Chapter 130 – LAND USE DISTRICTS**

37 *****

38 **ARTICLE IV. - OVERLAY DISTRICTS**

39
40 **Sec. 130-143. Tavernier Key Commercial Overlay District**

41
42
43 (a) **Purpose and Intent.** The purpose of the Tavernier Key Commercial Overlay District is to
44 implement applicable goals, objectives, and policies of the Comprehensive Plan and to allow
45 larger-scale commercial retail development in a scarified area of the Upper Keys that primarily
46 serves the needs of permanent residents of the Upper Keys. The intent is to provide accessible
47 necessities to permanent residents of the Upper Keys, while reducing traffic and trip generation
48 on Overseas Highway and maintaining the character of Tavernier.

1
2 (b) **Boundary.** The Tavernier Key Commercial Overlay District shall be shown as an Overlay
3 district on the Official Land Use District (zoning) map. The Tavernier Key Commercial Overlay
4 District shall be shown as the boundary of the parcels with Monroe County Parcel ID numbers
5 00490250-000000 and 00089490-000000, and legally described as:

6 [INSERT LEGAL DESCRIPTION]

7 (c) **Applicability.** In order for a property owner to utilize the standards, exemptions and reductions
8 conferred within the Tavernier Key Commercial Overlay District, an amendment to the Official
9 Land Use District (Zoning) Map shall be required and such overlay shall be shown on the Official
10 Land Use District (Zoning) Map.

11
12 (d) **NROGO Allocations.** The Tavernier Key Commercial Overlay District shall have the following
13 NROGO allocation standards:

14 a. Maximum allocation of nonresidential floor area. The maximum nonresidential floor area
15 to be allocated or transferred to the Tavernier Key Commercial Overlay District shall be
16 limited to a maximum of 70,000 square feet.

17 b. Maximum floor area per structure. Nonresidential principal structures within the
18 Tavernier Key Commercial Overlay District shall be permitted to receive an allocation
19 that expands the structure to more than 10,000 square feet, but not to exceed a maximum
20 of 70,000 square feet of nonresidential floor area.

21
22 (e) Any use within the overlay district shall be subject to all land development regulations of the
23 underlying zoning district with the exception of those regulations controlling NROGO
24 allocations.

25 (f) The overlay district shall be limited to a maximum of 70,000 square feet of nonresidential
26 development and eighty-six (86) deed restricted affordable housing dwelling units, and accessory
27 uses, and shall be subject to all land development regulations of the underlying zoning district
28 with the exception of those regulations controlling NROGO allocations.

29
30 *****

31 32 **IV. ANALYSIS OF PROPOSED AMENDMENT**

33
34 Staff is reviewing the proposed amendment for consistency with the County’s Comprehensive Plan, the
35 Tavernier Livable CommuniKeys Plan, internal consistency with the Code and State Statutes (including
36 163.3187, F.S.), Rules, and balancing all the requirements and policy issues. Staff is recommending
37 modifications to the Applicants’ **September 22, 2022** proposal in an effort to provide for consistency
38 with the County’s Comprehensive Plan, the Tavernier Livable CommuniKeys Plan, internal consistency
39 with the Code. These edits are detailed in subsection “*Consistency with LDC Section 102-*
40 *158(d)(7)(b)(5) Recognize a need for additional detail or comprehensiveness.*”

41 42 *Comparison of Development Potential*

43 To better understand the Applicants’ request, below is a summary of the maximum development
44 potential of the Property based on 14.04 acres (611,384.2 SF) of upland¹ under the current Code as
45 compared to the maximum development potential under the proposed text amendment:

¹ Upland acreage is based on survey completed by Massey-Richards Surveying & Mapping, LLC and digitally signed by David S. Massey on May 26, 2022.

1

	<i>Nonresidential Square Footage (SF)</i>	<i>Max Net Density</i>	<i>Allocated Density</i>
Existing Code <i>(ref. LDC Sections 130-157 and 130-164)</i>	Commercial retail: Low intensity: 213,984 SF Medium intensity: 152,846 SF High Intensity: 91,708 SF	202.11 units	42.11 units
Proposed Code <i>(ref. LDC Sections 130-157 and 130-164)</i>	Commercial retail: Low intensity: 213,984 SF Medium intensity: 152,846 SF High Intensity: 91,708 SF	202.11 units	42.11 units

2

	<i>Maximum NROGO Allocation</i>	<i>Maximum Square Footage (SF)</i>
Existing Code <i>(ref. LDC 138-51)</i>	10,000 SF/ Allocation Quarter	10,000 SF/ Structure
Proposed Code <i>(ref. proposed LDC Section 130-143)</i>	70,000 SF/ Allocation*	70,000 SF/ Structure; and/or 70,000 maximum SF within overlay

* The maximum nonresidential floor area to be allocated or transferred to the Tavernier Key Commercial Overlay District shall be limited to a maximum of 70,000 square feet.

3

The Applicants’ proposed text would relax the development restrictions within the Overlay by allowing for the potential NROGO allocation of up to 70,000 square feet as opposed to a maximum of 10,000 square foot per structure as set forth in LDC Section 138-51. As currently drafted, it is apparent that the intent of the overlay is to limit the nonresidential development potential of the Property to no more than 70,000 square feet of nonresidential floor area and a maximum of 86 affordable residential dwelling units. However, as currently drafted, the existing and future property owners maintain the potential to add more market-rate dwelling units on the Property [beyond the development proposed in Major Conditional Use Permit File # 2022-012] provided all required approvals are obtained and adequate concurrency is maintained. Additionally, nothing prohibits this property owner or future applicant from applying for a text amendment to increase or decrease the maximum development potential in the future.

14

Traffic Review

15

Due to the specificity of the proposed development, staff has requested that a Level III Traffic Study be submitted and reviewed before the proposed text amendment may be considered by the Planning Commission. As of the date of this report, Staff has not received the requested document.

16

Based on the trip generation numbers provided in the approved Traffic Methodology, using a basic calculation, it appears the daily trip generation is as follows:

17

ITE Code 220: 86 units * 6.02 = 517.72 +/- daily trips

18

ITE Code 850: (64,080 SF/1000) * 97.77 = 6,265.10 +/- daily trips

19

Total= 6,782.82 +/- daily trips

20

This calculation does not include any “internal capture” that may exist between the proposed residential units and nonresidential square footage. It also does not include daily trip generation of a proposed liquor

21

1 store. A Level III Traffic Study will provide a more detailed analysis of the daily trip generation,
2 potential impacts to affected segments of US1 and potential impacts to relevant intersections.

3
4 *Consistency with the LDC*

5 In accordance with LDC Section 102-158(d)(7)(b), the BOCC may consider the adoption of an ordinance
6 enacting the proposed map and text amendments to this Land Development Code based on one or more
7 of the following factors:

- 8
9 **1. Changed projections (e.g., regarding public service needs) from those on which the text or**
10 **boundary was based;**

11
12 *Per the Applicant: No response provided.*

- 13
14 **2. Changed assumptions (e.g., regarding demographic trends);**

15
16 *Per the Applicant: No response provided.*

- 17
18 **3. Data errors, including errors in mapping, vegetative types and natural features described in**
19 **volume 1 of the plan;**

20
21 *Per the Applicant: No response provided.*

- 22
23 **4. New issues;**

24
25 *Per the Applicant: No response provided.*

- 26
27 **5. Recognition of a need for additional detail or comprehensiveness; or**

28
29 *Per the Applicant: “The proposed Overlay is based on a need for additional detail or*
30 *comprehensiveness. The current Code has provisions that encourage overlay districts to be created*
31 *to benefit and promote the character of the community in its development. Permitting the Overlay*
32 *further the objectives of the Code as it encourages the orderly development and construction of*
33 *commercial structures or buildings that fit with the architectural design and community character*
34 *of the Tavernier community. The Overlay encourages sound, attractive, and practical procedures*
35 *for the Tavernier community, and such provisions will result in flexible planning that benefits the*
36 *community the Overlay will serve.*

37
38 The Applicant must address the following two (2) main issues: 1) consistency with the Tavernier
39 LCP and Mile Marker 97 U.S. Highway 1 Corridor Development Standards and Guidelines (“US1
40 Guidelines”) and 2) consistency with community character.

41
42 The Applicants assert that the Overlay “further the objectives of the Code as it ‘encourages the
43 orderly development and construction of commercial structures or buildings that fit with the
44 architectural design and community character of the Tavernier community”. However, the
45 proposed language does not support this assertion nor has the Applicant submitted data and
46 analysis demonstrating consistency with community character.

47
48 The Property is within Suburban Commercial (SC) land use district and the Tavernier Creek to
49 Mile Marker 97 U.S. Highway 1 Corridor District Overlay (TC), established by LDC Section 130-

1 128. All proposed development within the existing overlay must comply with the U.S.1 Guidelines
2 as described below.
3

4 The Property is within the Suburban Zone and “is characterized by intermittent occurrences of
5 open space, residential development of diverse densities, and industrial and general commercial
6 uses following a pattern similar to that found in the mainland suburbs.” According to the Glossary,
7 *Suburban*, is characterized by low density residential, this zone is more vegetated than the general
8 urban zone. In this zone blocks tend to be larger.
9

10 Excerpts from the U.S.1 Guidelines pertaining directly to relevant Building Types are pictured
11 below:
12

5. Building Types

The intent is to guide the development of new construction so that buildings continue to define a character for Tavernier and that the massing, scale and materials of new structures are compatible with this character. These are the recommended types for new construction in the corridor. The listed building types are not the universe of buildings that can be developed in the corridor; they are merely applied examples of the guidelines and standards in this document. Figure 27 does not accurately reflect all county regulations and is illustrative of building concept only.

Large Commercial Building

The intent is to create a building prototype that would fit in the General Urban zone deep lots or in the suburban zone.

This building type is characterized by the aggregation of smaller buildings; where possible, these should be arranged as to create positive accessible open space (Figure 27). The building may be clad with siding or finished with stucco. The primary façade is lined with arcades and balconies; windows are covered with operable Bahama shutters, and roofs are standing seam metal.

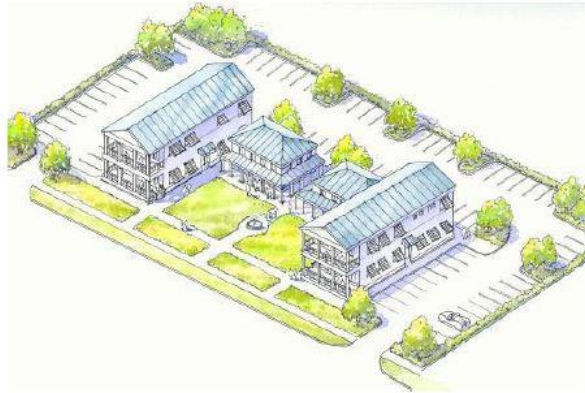


Figure 27 Large Commercial Building Type

13
14

Multifamily Residential

The architecture of the building should consist of the materials recommended in these guidelines and it should be compatible with architectural and urban character of Tavernier. Access to individual units should be obvious from the street level (Figure 28).



Figure 28 Multi Family Building

1
2
3 Staff recommends the proposed text amendment be revised for consistency with the U.S.1
4 Guidelines.

5
6 The proposed amendment would allow a size of structure that is inconsistent with established
7 community character that is indicated by the smaller scale development resulting from additional
8 development requirements within this zone. The establishment of the proposed overlay would
9 allow for a single nonresidential structure of up to a 70,000 square foot on the Property. This is
10 inconsistent with existing community character in the suburban zone.

11
12 Furthermore, under the existing SC Zoning District and U.S.1 Guidelines, the development of
13 70,000 square feet and 86 affordable residential dwelling units is permissible. However, no one (1)
14 nonresidential structure may exceed 10,000 square feet.

15
16 The proposed text amendment would allow both: 1) a structure greater than 10,000 square feet
17 within the SC Zoning District and 2) allows for the allocation of transfer of the entire 70,000 square
18 feet of nonresidential development at one time. Therefore, no phasing of the resulting project
19 would be required.

20
21 Finally, *the proposed amendment is not consistent with Comprehensive Plan Policy 101.5.6:*

22
23 The principal purpose of the Mixed Use/Commercial (MC) future land use category is to
24 provide for the establishment of mixed use commercial land use (zoning) districts where
25 various types of commercial retail and office may be **permitted at intensities which are**
26 **consistent with the community character** and the natural environment. Employee housing
27 and commercial apartments are also permitted. In addition, Mixed Use/Commercial land use
28 districts are to establish and conserve areas of mixed uses, which may include maritime
29 industry, light industrial uses, commercial fishing, transient and permanent residential,
30 institutional, public, and commercial retail uses.

31
32 This future land use category is also intended to allow for the establishment of mixed use
33 development patterns, where appropriate. Various types of residential and nonresidential uses

1 may be permitted; however, heavy industrial uses and similarly incompatible uses shall be
2 prohibited. The County shall continue to take a proactive role in encouraging the preservation
3 and enhancement of community character and recreational and commercial working
4 waterfronts.
5

6 In order to protect environmentally sensitive lands, the following development controls shall
7 apply to all hammocks, pinelands, and disturbed wetlands within this land use category:
8

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

12
13 The Applicants should revise the proposed amendment to, at a minimum maintain, but preferably
14 enhances the community character of the area and demonstrates consistency with the Tavernier
15 LCP and U.S.1 Guidelines.
16

17 **6. Data updates;**

18
19 *Per the Applicant: No response provided.*
20

21 **7. Consistency with the Comprehensive Plan and the principles for guiding development as**
22 **defined in Section 380.0552, Florida Statutes.**

23
24 *Per the Applicant: No response provided.*
25

26 Staff has not found the proposed text amendment consistent with the Comprehensive Plan and
27 the principles for guiding development as defined in F.S. Section 380.0552 as noted in section V
28 of this Report.
29

30 **In no event shall an amendment be approved which will result in an adverse community change**
31 **to the planning area in which the proposed development is located or to any area in accordance**
32 **with a livable communities master plan pursuant to findings of the board of county**
33 **commissioners [Ref. Code Section 102-158(d)(7)d.].**
34

35 *Per the Applicant: "There will be no adverse change to unincorporated Monroe County if the Overlay*
36 *is approved. As discussed herein, there are no increased concurrency, environmental, or practical*
37 *impacts associated with the increased NROGO permitted within the Overlay. All such development*
38 *will be required to at a minimum comply with level of service, concurrency, and performance*
39 *standards as set forth in the Code."*
40

41 Staff **anticipates** the proposed amendment **will** result in an adverse community change to Tavernier.
42

43 The theme throughout the Tavernier LCP is one of protection for the natural environment, preservation
44 of the historic elements of Tavernier and guided development and growth in a manner that is
45 compatible with community goals. The LCP provides a number of goals, objectives and action items
46 to enact policies consistent with the theme and intent of the LCP. In reviewing the Tavernier LCP and
47 the Community Vision statement therein, it appears the proposed amendment may not be consistent
48 with the Community Vision:
49

1 *We envision the Tavernier Creek Bridge to Mile Marker 97 Planning Area as:*

2
3 **An island community committed to preserving its heritage, natural setting and**
4 **stands of native tropical hardwood hammocks, with improvements to the**
5 **visual character of the U.S. 1 corridor, limited redevelopment of commercial**
6 **properties, and neighborhoods where residents have access to the water and**
7 **recreational facilities.**
8

9 The text amendment as drafted proposes to relax the development restrictions on the Property without
10 providing adequate data to support such a change nor demonstrating consistency with the Tavernier
11 LCP and existing community character. Furthermore, nothing within the proposed text amendment
12 would limit the redevelopment of this Property or requires improvements to the visual character of the
13 U.S. 1 corridor by expanding beyond the minimum requirements set forth in the existing design
14 standards within the Mile Marker 97 U.S. Highway 1 Corridor Development area.
15

16 For example, within the Suburban Zone, the intent of the building configuration standards is to break
17 down the apparent mass of buildings wider [*or deeper*] than 50 feet by creating façade insets at
18 intervals appropriate to the mass of the building. The maximum continuous façade of any building
19 fronting US1 cannot be greater than 50 feet. A building wider than 50 feet will be architecturally
20 defined as a series of smaller units, with insets between primary façades. The inset façade shall not be
21 setback less than six (6) feet. The inset façade should not be wider than 1/3 of a primary façade segment
22 or 17 feet. The arcade of a building may continue across this setback to provide architectural and
23 pedestrian continuity at the ground level.
24

25 Additionally, the guidelines encourage the use of arcades and porches in commercial (nonresidential)
26 buildings to enhance the pedestrian realm. The design guidelines also state that although there is no
27 single dominant vernacular architecture within Tavernier, over time an architectural theme has
28 developed and includes metal roofs, clapboard siding, and clear glazing fenestration. All commercial
29 buildings should have panel or flush doors with clear glass insets and be hinged (pivot or sliding doors
30 are not acceptable). Window types should include bay, casement, single hung, and double hung.
31 Single-pane and awning windows are permissible if the window has imbedded mullions. The minimum
32 vertical proportion of a window should be 1.5 times its width. Windows may be grouped in bands of
33 two or more when separated by a visible wider mullion. All windows should have sills. The glazing in
34 all windows should be clear and non-reflective. Dormers are allowable; however, applied dormers that
35 are not structurally and spatially integral to the building are not allowable. Dormers may be used as
36 vents for the buildings mechanical system. Dormers can also be used to expand the head room in the
37 interior of a building.
38

39 The overlay and text as proposed, do not include provisions that support or expand upon construction
40 consistent with the architectural theme of Tavernier.
41

42 Staff has reviewed the size of building areas of surrounding properties to aid in the review for
43 consistency with the existing Tavernier community character. According to data from the Monroe
44 County Property Appraiser's website, the largest commercial structure within 600 feet of the Property
45 is approximately 12,000 square feet, known as the Vaughn Building. For reference only, some
46 recognizable commercial buildings within Tavernier are detailed in the table below:
47

Common Property Name	Building Square Footage (approximate)	Transect Zone per US1 Design Guidelines
Tavernier Towne*	526,686	General Urban
Mariners Hospital*	75,737	General Urban
FKEC Property	59,403	General Urban
Tavernier Commercial Center	26,782	General Urban
'Old' Bank of America	9,420	Suburban
Vaughn Building	12,000	Suburban
*Nodes of community center per Guidelines and LCP		

The proposed structure of 64,080 square feet is much larger than existing structures within the transect area noted as suburban and is inconsistent with the established community character. The LCP, coupled with the restrictions presented in the LDC, intentionally limits the maximum size of each structure. Additionally, the amount of square footage allocated is quarterly works to slow development to ensure deliberate and consistent development occurs.

V. CONSISTENCY WITH THE MONROE COUNTY COMPREHENSIVE PLAN, THE PRINCIPLES FOR GUIDING DEVELOPMENT, AND FLORIDA STATUTES.

A. The proposed amendment is not consistent with the Goals, Objectives and Policies of the Monroe County 2030 Comprehensive Plan. Specifically, it is inconsistent with:

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 waterfronts.

Policy 105.1.2

Monroe County shall enforce the design guidelines established within the Livable Communities Plans and its land development regulations which ensure that future uses and development are

1 compatible with scenic preservation and maintenance of the character of the casual island village
2 atmosphere of the Florida Keys.

3
4 Policy 105.1.3

5 Monroe County shall, through its development standards and Land Development Code, continue
6 to foster the retention and redevelopment of small businesses on the U.S.1.

7
8 *Tavernier LCP*

9 *Community Vision*

10 We envision the Tavernier Creek Bridge to Mile Marker 97 Planning Area as: An island community
11 committed to preserving its heritage, natural setting and stands of native tropical hardwood
12 hammocks, with improvements to the visual character of the U.S. 1 corridor, limited redevelopment
13 of commercial properties, and neighborhoods where residents have access to the water and
14 recreational facilities.

15
16 Action Item 3.1.1: Designate a "Community Center" from MM 91 to Burton Dr. pursuant to Policy
17 105.2.15 where Tier III infill and incentives for redevelopment will be encouraged.

18
19 Action Item 3.1. 2: Require that any new development or redevelopment approved within the
20 designated US Highway 1 Community Center, meeting the following criteria, be consistent with
21 design standards established pursuant to Action Items 3.2.3 and 3.3.3:

- 22 1. Any new or expanded non-residential structures of greater than 2,500 square feet in floor area;
- 23 2. Any new or expanded outdoor retail sales;
- 24 3. Any new residential structure containing more than three units or redeveloped residential structure
25 containing more than three units that involves a change in floor area, building height or configuration
26 of building footprint;
- 27 4. Any new transient residential structure or redeveloped existing transient residential structure that
28 involves a change of floor area, building height, or configuration of building footprint.

29
30 Action Item 3.1. 3: Prohibit the designation of new commercial land use districts beyond that
31 contained in this Master Plan in order to protect the existing viability of the US 1 Corridor Area and
32 Community Center and to prevent the further sprawl or strip commercial zoning.

33
34 Action Item 3.1.4: Prohibit the following new uses or change of uses within the Tavernier Creek
35 Bridge to Mile Marker 97 planning area: 1) Commercial retail high-intensity uses that generate above
36 one hundred and fifty (150) average daily trips per one thousand (1,000) square feet; 2) Storage areas
37 as a principal use; 3) Outdoor retail sales on a vacant lot and any new or expanded outdoor retail
38 sales associated with structures of less than five hundred (500) square feet of floor area.

39
40 Action Item 3.1. 5: Enact a temporary moratorium on all development meeting the threshold for
41 design review and approval in Action Item 3 .1.2 until adoption of design standards for the US
42 Highway 1 Community Center are adopted or six months after the effective date of this Master Plan,
43 whichever comes first.

44
45 Strategy 3.2

46 Develop and adopt a Commercial Corridor Enhancement Plan for the U.S. 1 Corridor Area between
47 MM 91 and MM 93.5.

1 Action Item 3.2.1: Define the U.S. 1 Community Center as the area from MM 91 to Burton Dr. It is
2 the focus of community activity due to the dominant land use pattern of commercial and other
3 nonresidential uses. A program of planning for this area shall be continued and accelerated.
4

5 Action Item 3.2.2: Generate a Corridor Enhancement Plan, based upon the corridor enhancement
6 planning process which includes ideas for improvement of traffic and pedestrian/ bicycle movement,
7 parking, beautification, and incorporation of parks/open space.
8

9 Action Item 3.2.3: Develop and adopt design standards and design guidelines for development within
10 the U.S. 1 Corridor Area and the Community Center.
11

12 Action Item 3.2.4: Provide incentives for property owners on U.S. 1 to make landscaping and
13 building improvements and bring signs into conformance with the Enhancement Plan.
14
15

16 **B. The amendment is consistent with the Principles for Guiding Development for the Florida**
17 **Keys Area, Section 380.0552(7), Florida Statutes.**
18

19 For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with the
20 principles for guiding development and any amendments to the principles, the principles shall be
21 construed as a whole and no specific provision shall be construed or applied in isolation from the other
22 provisions.
23

- 24 (a) Strengthening local government capabilities for managing land use and development so that local
25 government is able to achieve these objectives without continuing the area of critical state concern
26 designation.
- 27 (b) Protecting shoreline and benthic resources, including mangroves, coral reef formations, seagrass
28 beds, wetlands, fish and wildlife, and their habitat.
- 29 (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical
30 vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and
31 their habitat.
- 32 (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic
33 development.
- 34 (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- 35 (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and
36 ensuring that development is compatible with the unique historic character of the Florida Keys.
- 37 (g) Protecting the historical heritage of the Florida Keys.
- 38 (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major
39 public investments, including:
40

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

- 50
- 51 (i) Protecting and improving water quality by providing for the construction, operation, maintenance,
52 and replacement of stormwater management facilities; central sewage collection; treatment and

- 1 disposal facilities; and the installation and proper operation and maintenance of onsite sewage
2 treatment and disposal systems.
- 3 (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of
4 wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10),
5 as applicable, and by directing growth to areas served by central wastewater treatment facilities
6 through permit allocation systems.
- 7 (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida
8 Keys.
- 9 (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- 10 (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural
11 or manmade disaster and for a post disaster reconstruction plan.
- 12 (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining
13 the Florida Keys as a unique Florida resource.

14 Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is not inconsistent
15 with the Principles for Guiding Development as a whole and is not inconsistent with any
16 Principle.

17
18 **C. The proposed amendment, may not be consistent with the Part II of Chapter 163, Florida**
19 **Statute (F.S.). Specifically:**

20
21 163.3161(4), F.S. – It is the intent of this act that local governments have the ability to preserve and
22 enhance present advantages; encourage the most appropriate use of land, water, and resources,
23 consistent with the public interest; overcome present handicaps; and deal effectively with future
24 problems that may result from the use and development of land within their jurisdictions. Through
25 the process of comprehensive planning, it is intended that units of local government can preserve,
26 promote, protect, and improve the public health, safety, comfort, good order, appearance,
27 convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and
28 efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing,
29 and other requirements and services; and conserve, develop, utilize, and protect natural resources
30 within their jurisdictions.

31
32 163.3161(6), F.S. – It is the intent of this act that adopted comprehensive plans shall have the legal status
33 set out in this act and that no public or private development shall be permitted except in conformity
34 with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with
35 this act.

36
37 163.3177(1), F.S. – The comprehensive plan shall provide the principles, guidelines, standards, and
38 strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal
39 development of the area that reflects community commitments to implement the plan and its elements.
40 These principles and strategies shall guide future decisions in a consistent manner and shall contain
41 programs and activities to ensure comprehensive plans are implemented. The sections of the
42 comprehensive plan containing the principles and strategies, generally provided as goals, objectives,
43 and policies, shall describe how the local government’s programs, activities, and land development
44 regulations will be initiated, modified, or continued to implement the comprehensive plan in a
45 consistent manner. It is not the intent of this part to require the inclusion of implementing regulations
46 in the comprehensive plan but rather to require identification of those programs, activities, and land
47 development regulations that will be part of the strategy for implementing the comprehensive plan
48 and the principles that describe how the programs, activities, and land development regulations will
49 be carried out. The plan shall establish meaningful and predictable standards for the use and
50 development of land and provide meaningful guidelines for the content of more detailed land
51 development and use regulations.

1 163.3194, F.S. – (1)(a) After a comprehensive plan, or element or portion thereof, has been adopted in
2 conformity with this act, all development undertaken by, and all actions taken in regard to
3 development orders by, governmental agencies in regard to land covered by such plan or element
4 shall be consistent with such plan or element as adopted.
5

6 (b) All land development regulations enacted or amended shall be consistent with the adopted
7 comprehensive plan, or element or portion thereof, and any land development regulations existing at
8 the time of adoption which are not consistent with the adopted comprehensive plan, or element or
9 portion thereof, shall be amended so as to be consistent. If a local government allows an existing land
10 development regulation which is inconsistent with the most recently adopted comprehensive plan, or
11 element or portion thereof, to remain in effect, the local government shall adopt a schedule for
12 bringing the land development regulation into conformity with the provisions of the most recently
13 adopted comprehensive plan, or element or portion thereof. During the interim period when the
14 provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the
15 land development regulations are inconsistent, the provisions of the most recently adopted
16 comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an
17 application for a development order.
18

19 163.3201, F.S. – Relationship of comprehensive plan to exercise of land development regulatory
20 authority.—It is the intent of this act that adopted comprehensive plans or elements thereof shall be
21 implemented, in part, by the adoption and enforcement of appropriate local regulations on the
22 development of lands and waters within an area. It is the intent of this act that the adoption and
23 enforcement by a governing body of regulations for the development of land or the adoption and
24 enforcement by a governing body of a land development code for an area shall be based on, be related
25 to, and be a means of implementation for an adopted comprehensive plan as required by this act.
26

27 163.3202, F.S. – Land development regulations.—

- 28 (1) Within 1 year after submission of its comprehensive plan or revised comprehensive plan for review
29 pursuant to s. 163.3191, each county and each municipality shall adopt or amend and enforce land
30 development regulations that are consistent with and implement their adopted comprehensive plan.
31 (5) The state land planning agency shall adopt rules for review and schedules for adoption of land
32 development regulations.
33

34 VI. PROCESS

35
36 Land Development Code Amendments may be proposed by the Board of County Commissioners, the
37 Planning Commission, the Director of Planning, private application, or the owner or other person having
38 a contractual interest in property to be affected by a proposed amendment. The Director of Planning
39 shall review and process applications as they are received and pass them onto the Development Review
40 Committee and the Planning Commission.
41

42 The Planning Commission shall hold at least one public hearing. The Planning Commission shall review
43 the application, the reports and recommendations of the Department of Planning & Environmental
44 Resources and the Development Review Committee and the testimony given at the public hearing. The
45 Planning Commission shall submit its recommendations and findings to the Board of County
46 Commissioners (BOCC). The BOCC holds a public hearing to consider the adoption of the proposed
47 amendment, and considers the staff report, staff recommendation, Planning Commission
48 recommendation and the testimony given at the public hearing. The BOCC may adopt the proposed
49 amendment based on one or more of the factors established in LDC Section 102-158(d)(7).
50
51

1 **VII. STAFF RECOMMENDATION**

2

3 Staff recommends the Applicant address the comments and consistency issues identified in Section IV,
4 *Analysis*, of this report. Additionally, it should be noted that the item will not be scheduled for
5 consideration by the Planning Commission until a Level III Traffic Study is submitted and approved.