



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

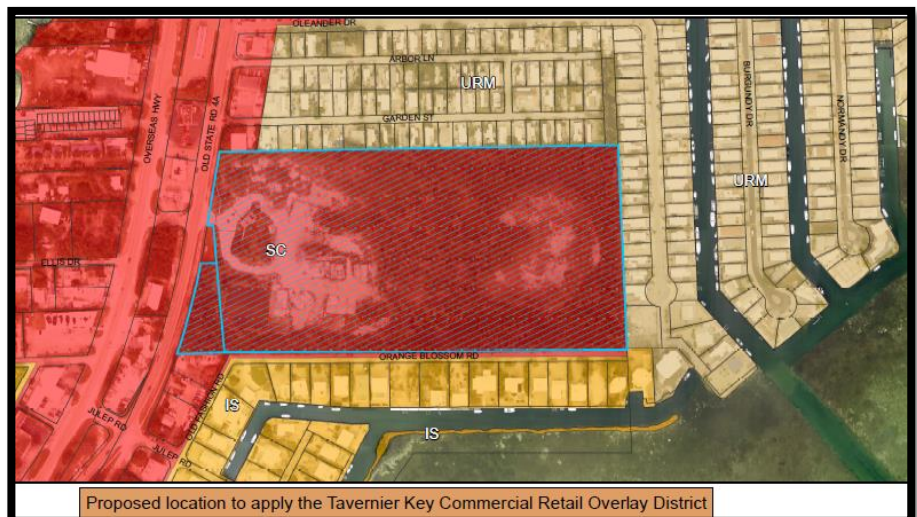
Subject: An ordinance by the Monroe County Board of County Commissioners amending Monroe
County Land Use District (Zoning) Map) to apply the Tavernier Key Commercial
Overlay District (TKCO) to property located at 92501 Overseas Highway, Key Largo,
approximately Mile Marker 92.5, having Parcel Identification Numbers 00089490-
000000 and 00490250-000000; as proposed by Cemex Construction Materials Florida,
LLC F/K/A Singletary Concrete Products, Inc. (File 2022-054)

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 Singletary 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 apply an overlay to
the Land Use District (Zoning) map on property located at 92501 Overseas Highway, Key Largo with
parcel identification numbers 00490250-000000 and 00089490-000000 (the “Property”).

The Applicants have also
requested a corresponding text
amendment to establish the
Tavernier Key Commercial
Overlay District (the
“Overlay”) to allow for a
nonresidential ROGO
allocation of up to 70,000
square feet to allow for the
development of a 64,080 SF
commercial supermarket,
including a liquor store, and 86
affordable housing dwelling



1 units on the Property (File 2022-053).

2
3 *The subject of this staff report is the proposed LUD (Zoning) Map Overlay amendment to apply the*
4 *overlay.*

5
6 **II. BACKGROUND INFORMATION**

7
8 **Site Information:**

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

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

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

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

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

14 **Size of Affected Portion of Property:** 841,940.3 SF (19.33 acres) gross area; including 611,384.2 SF
15 (14.04 acres) upland, 209,913.57 SF (4.82 acres) mangroves, and 20,642.5 SF (0.47 acres) man made
16 pond according to the submitted boundary survey

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

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

19 **Tier Designation:** III

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

21 **CBRS:** No

22 **Existing Uses:** previously developed as a cement plant

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

24 **Community Character of Immediate Vicinity:** Adjacent land uses include residential to the north,
25 east, and south with commercial retail to the west across US1. Part of the Tavernier Creek to Mile Marker
26 97 U.S. Highway 1 Corridor District Overlay (TC), established by LDC Section 130-128.



28
29 *Property outlined in orange (image dated 2022)*

Historic Aerial Imagery of the Property



Subject Property (image dated 1968)



Subject Property (image dated 1975)



Subject Property (image dated 1994)



Subject Property (image dated 2002)

Community Meeting and Public Participation

The Community Meeting for the subject application was held on August 18, 2022. Concerns from the Community Meeting included [but were not limited to]:

- Inconsistency with community character and the Tavernier Livable CommuniKeys Plan (the “LCP”);
- Increased traffic and the associated negative impacts;
- The County’s insufficient balance of ROGO Allocations to accommodate the request;
- Access off of US1; and
- Negative environmental impacts.

Previous Relevant BOCC Action

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

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

1 **III. AMENDMENT REVIEW**

2
3 Comparison of Development Potential

4 To better understand the Applicants’ request, below is a summary of the maximum development
5 potential of the Property based on 14.04 acres (611,384.2 SF) of upland¹ under the current Code as
6 compared to the proposed amendments:
7

| | <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 |

8

| | <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.

9
10 The Applicants’ proposed text would relax the development restrictions within the Overlay by allowing
11 for the potential NROGO allocation of up to 70,000 square feet as opposed to a maximum of 10,000
12 square foot per structure as set forth in LDC Section 138-51. As currently drafted, it is apparent that the
13 intent of the overlay is to limit the nonresidential development potential of the Property to no more than
14 70,000 square feet of nonresidential floor area and a maximum of 86 affordable residential dwelling
15 units. However, as currently drafted, the existing and future property owners maintain the potential to
16 add more market-rate dwelling units on the Property [*beyond the development proposed in Major*
17 *Conditional Use Permit File # 2022-012*] provided all required approvals are obtained and adequate
18 concurrency is maintained. Additionally, nothing prohibits this property owner or future applicant from
19 applying for a text amendment to increase or decrease the maximum development potential in the future.
20 See File 2022-053 for detailed analysis of the proposed text amendment.

21
22 Compatibility with surrounding area

23 As noted above, the Property is within the Suburban Commercial (SC) land use district and the
24 Tavernier Creek to Mile Marker 97 U.S. Highway 1 Corridor District Overlay (TC), established by LDC
25 Section 130-128. The Property is within the Suburban Zone and “is characterized by intermittent
26 occurrences of open space, residential development of diverse densities, and industrial and general

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 commercial uses following a pattern similar to that found in the mainland suburbs.” According to the
2 Glossary of the U.S.1 Guidelines, *Suburban*, is characterized by low density residential, this zone is
3 more vegetated than the general urban zone. In this zone blocks tend to be larger.

4
5 Staff has reviewed the size of building areas of surrounding properties to aid in the review for consistency
6 with the existing Tavernier community character. According to data from the Monroe County Property
7 Appraiser’s website, the largest commercial structure within 600 feet of the Property is approximately
8 12,000 square feet, known as the Vaughn Building. For reference only, some recognizable commercial
9 buildings within Tavernier are detailed in the table below:

| 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 | | |

11
12 The proposed structure of 64,080 square feet is much larger than existing structures within the transect
13 area noted as Suburban as indicated in the Mile Marker 97 U.S. Highway 1 Corridor Development
14 Standards and Guidelines (“US1 Guidelines”) and is inconsistent with the established community
15 character. The Tavernier Livable Communikeys Plan, coupled with the restrictions presented in the
16 LDC, intentionally limits the maximum size of each structure. Additionally, the amount of square
17 footage allocated is quarterly works to slow development to ensure deliberate and consistent
18 development occurs.

19
20 **Concurrency Analysis (Comprehensive Plan Policy 101.1.1)**

21 Traffic Circulation (Comprehensive Plan Policy 301.1.1)

22 Due to the specific development proposed as a result of the requested LUD Overlay and concurrent text
23 amendments, and the number of anticipated daily trips generated from said development, a Level III
24 Traffic Study is required before the proposed amendments may be considered by the DRC.

25
26 Based on the trip generation numbers provided in the approved Traffic Methodology, using a basic
27 calculation, it appears the daily trip generation is as follows:

28
29 ITE Code 220: 86 units * 6.02 = 517.72 +/- daily trips

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

31
32 Total= 6,782.82 +/- daily trips

33
34 This calculation does not include any “internal capture” that may exist between the proposed residential
35 units and nonresidential square footage. It also does not include daily trip generation of a proposed liquor

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 US 1 and potential impacts to relevant intersections.

3
4 The Property is located on Tavernier at approximate mile marker 92.5. The 2021 US 1 Arterial Travel
5 Time and Delay Study for Monroe County indicates levels of serve (LOS) of “A” for Segment 22
6 (Tavernier/Key Largo, mm 91.5-99.5), with 12,638 reserve trips. U.S. 1 is required to maintain a LOS
7 of “C” in order to support development. Pursuant to Policy 1401.4.9, the County maintains a database
8 to monitor capacity and reserve trips available. According to the County’s database of remaining
9 capacity, by segment, as of October 12, 2021, the number of trips remaining on Segment 22 is 12,714.

10
11 At the time of any development approval on the site, traffic concurrency will be reviewed and must
12 maintain a LOS of “C” on Segment 1 of US1. In order to be in compliance with Monroe County
13 Comprehensive Plan Policies 301.1.1, 301.1.2, 301.2.2, 301.2.3 and 301.2.4 as well as Land
14 Development Code Sections 114-2(a)(1)a., b., and c., **mitigation, or sufficient evidence acceptable to
15 Monroe County that the potential trip generation does not exceed LOS C, must be provided prior
16 to issuance of a building permit for development of the subject property.**

17
18 Potable Water (Comprehensive Plan Policy 701.1.2)

19 Monroe County shall maintain land development regulations which provide a Concurrency Management
20 System (See Capital Improvements Policy 1401.4.5). The Concurrency Management System shall
21 ensure that no certificate of occupancy or its functional equivalent will be issued for new development
22 unless adequate potable water supply, treatment, and distribution facilities needed to support the
23 development at the adopted level of service standards are available. [F.S. § 163.3177(3)(a)3., (6)(c); F.S.
24 § 163.3180(1)(b), (2), (3)(a)3., (6)(c)]

25
26 The proposed overlay would not increase residential density nor commercial intensity and therefore is
27 not anticipated to adversely impact the LOS for potable water.

28
29 Solid Waste (Comprehensive Plan Policy 801.1.1)

30 Monroe County has a contract with Waste Management authorizing the use of in-state facilities through
31 September 30, 2024; thereby, providing the County with approximately three (3) more years of guaranteed
32 capacity for solid waste. Currently, there is adequate capacity for solid waste generation. All commercial
33 solid waste is handled by private contract.

34
35 Sanitary Sewer (Comprehensive Plan Policy 901.1.1)

36 The property currently has a connection to Key Largo Wastewater Treatment District public sewer
37 system as evidenced by Monroe County Building Permit #12305084. Per Policy 901.1.1, the adopted
38 capacity LOS for sanitary sewer in Monroe County is 167 gpd/EDU. The proposed LUD Overlay would
39 not increase the maximum density nor intensity on this property, which would not increase the required
40 flow.

41
42 *The proposed LUD Map Amendment is not anticipated to adversely impact the LOS for traffic, potable
43 water, solid waste and sanitary sewer.*

44
45 **IV. CONSISTENCY WITH THE MONROE COUNTY YEAR 2030 COMPREHENSIVE PLAN,
46 THE TAVERNIER KEY LIVABLE COMMUNIKEYS PLAN AND THE MONROE COUNTY
47 LAND DEVELOPMENT CODE**

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

3
4 Policy 105.1.2:

5 Monroe County shall enforce the design guidelines established within the Livable CommuniKeys
6 Plans and its land development regulations which ensure that future uses and development are
7 compatible with scenic preservation and maintenance of the character of the casual island village
8 atmosphere of the Florida Keys.

9
10 Policy 105.1.3:

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

13
14 Policy 101.19.1

15 Monroe County shall develop, maintain, and update periodically, as appropriate, with public input,
16 the Livable CommuniKeys Community Master Plans. Community Master Plans will be maintained
17 in accordance with the following principles:

- 18
19 1. Each Community Master Plan will contain a framework for future development and redevelopment
20 including the designation of growth boundaries and future acquisition areas for public spaces and
21 environmental conservation;
- 22
23 2. Each Community Master Plan will include an Implementation Strategy composed of action items,
24 an implementation schedule, and a monitoring mechanism to provide accountability to
25 communities;
- 26
27 3. Each Community Master Plan will be consistent with existing Federal and State requirements and
28 overall goals of the 2030 Comprehensive Plan to ensure legal requirements are met. While
29 consistency with the goals of the 2030 Comprehensive Plan is paramount, the 2030 Plan will be
30 updated and amended where appropriate;
- 31
32 4. Each Community Master Plan will be closely coordinated with other community plans and other
33 jurisdictions to ensure development or redevelopment activities will not adversely impact those
34 areas;
- 35
36 5. Each Community Master Plan will include appropriate mechanisms allowing citizens continued
37 oversight and involvement in the implementation of their plans. Through the Community Master
38 Plans, programs for ongoing public involvement, outreach, and education will be developed;
- 39
40 6. Each Community Master Plan will include a Capital Improvements program to provide certainty
41 that the provision of public facilities will be concurrent with future development;
- 42
43 7. Each Community Master Plan will contain an environmental protection element to maintain existing
44 high levels of environmental protection as required in the 2030 Comprehensive Plan;
- 45
46 8. Each Community Master Plan will include a community character element that will address the
47 protection and enhancement of existing residential areas and the preservation of community
48 character through site and building guidelines. Design guidelines for public spaces, landscaping,
49 streetscaping, buildings, parking lots, and other areas will be developed through collaborative

1 efforts of citizens, the Planning Department, and design professionals reinforcing the character of
2 the local community context;

3
4 9.Each Community Master Plan will include an economic development element addressing current
5 and potential diversified economic development strategies including tourism management. The
6 preservation and retention of valued local businesses, existing economies, and the development of
7 economic alternatives will be encouraged through the process;

8
9 10.Each Community Master Plan will contain a Transportation Element addressing transportation
10 needs and possibilities including circulation, safe and convenient access to goods and services, and
11 transportation alternatives that will be consistent with the overall integrity of the transportation
12 system not resulting in negative consequences for other communities; and

13
14 11.Each Community Master Plan will be based on knowledge of existing conditions in each
15 community. The Planning Department will compile existing reports, databases, maps, field data,
16 and information from other sources supplemented by community input to document current
17 conditions; and

18
19 12.Each Community Master Plan will simplify the planning process providing clarity and certainty
20 for citizens, developers, and local officials by providing a transparent framework for a continuing
21 open dialogue with different participants involved in planning issues.

22
23 Policy 101.19.2

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

28 ...

29 2.The Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 dated February
30 11, 2005 and adopted by the Board of County Commissioners on February 16, 2005 is incorporated
31 by reference into the 2010 Comprehensive Plan. The term Strategies in the Master Plan is equivalent
32 to the term Objective in the Comprehensive Plan and the term Action Item is equivalent to the term
33 Policy; the meanings and requirements for implementation are synonymous. Adopted by Ordinance
34 002-2005.

35 ...

36
37 **B. The proposed amendment may not be consistent with the Goals, Strategies and Action Items,
38 of the Tavernier Livable CommuniKeys Plan. Specifically, it is not consistent with:**

39
40 ***Community Vision***

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

45
46 *Action Item 3.1. 3: Prohibit the designation of new commercial land use districts beyond that contained*
47 *in this Master Plan in order to protect the existing viability of the US 1 Corridor Area and Community*
48 *Center and to prevent the further sprawl or strip commercial zoning.*

1
2 **C. The amendment is consistent with the Principles for Guiding Development for the Florida Keys**
3 **Area, Section 380.0552(7), Florida Statutes.**
4

5 For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with the principles
6 for guiding development and any amendments to the principles, the principles shall be construed as a whole and
7 no specific provision shall be construed or applied in isolation from the other provisions.
8

- 9 (a) Strengthening local government capabilities for managing land use and development so that local government
10 is able to achieve these objectives without continuing the area of critical state concern designation.
11 (b) Protecting shoreline and benthic resources, including mangroves, coral reef formations, seagrass beds,
12 wetlands, fish and wildlife, and their habitat.
13 (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation
14 (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
15 (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
16 (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
17 (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring
18 that development is compatible with the unique historic character of the Florida Keys.
19 (g) Protecting the historical heritage of the Florida Keys.
20 (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public
21 investments, including:
22
23 1. The Florida Keys Aqueduct and water supply facilities;
24 2. Sewage collection, treatment, and disposal facilities;
25 3. Solid waste treatment, collection, and disposal facilities;
26 4. Key West Naval Air Station and other military facilities;
27 5. Transportation facilities;
28 6. Federal parks, wildlife refuges, and marine sanctuaries;
29 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
30 8. City electric service and the Florida Keys Electric Co-op; and
31 9. Other utilities, as appropriate.
32
33 (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and
34 replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities;
35 and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
36 (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of
37 wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as
38 applicable, and by directing growth to areas served by central wastewater treatment facilities through permit
39 allocation systems.
40 (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
41 (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
42 (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or
43 manmade disaster and for a post disaster reconstruction plan.
44 (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida
45 Keys as a unique Florida resource.
46 Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is not inconsistent with the Principles
47 for Guiding Development as a whole and is not inconsistent with any Principle.
48

49 **D. The proposed amendment may be inconsistent with the Part II of Chapter 163, Florida Statute**
50 **(F.S.). Specifically, the amendment is inconsistent with:**
51
52

1 163.3161(6), F.S. – It is the intent of this act that adopted comprehensive plans shall have the legal status
2 set out in this act and that no public or private development shall be permitted except in conformity
3 with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with
4 this act.
5

6 163.3177(1), F.S. – The comprehensive plan shall provide the principles, guidelines, standards, and
7 strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal
8 development of the area that reflects community commitments to implement the plan and its elements.
9 These principles and strategies shall guide future decisions in a consistent manner and shall contain
10 programs and activities to ensure comprehensive plans are implemented. The sections of the
11 comprehensive plan containing the principles and strategies, generally provided as goals, objectives,
12 and policies, shall describe how the local government’s programs, activities, and land development
13 regulations will be initiated, modified, or continued to implement the comprehensive plan in a
14 consistent manner. It is not the intent of this part to require the inclusion of implementing regulations
15 in the comprehensive plan but rather to require identification of those programs, activities, and land
16 development regulations that will be part of the strategy for implementing the comprehensive plan
17 and the principles that describe how the programs, activities, and land development regulations will
18 be carried out. The plan shall establish meaningful and predictable standards for the use and
19 development of land and provide meaningful guidelines for the content of more detailed land
20 development and use regulations.
21

22 163.3194, F.S. – (1)(a) After a comprehensive plan, or element or portion thereof, has been adopted in
23 conformity with this act, all development undertaken by, and all actions taken in regard to
24 development orders by, governmental agencies in regard to land covered by such plan or element
25 shall be consistent with such plan or element as adopted.
26

27 (b) All land development regulations enacted or amended shall be consistent with the adopted
28 comprehensive plan, or element or portion thereof, and any land development regulations existing at
29 the time of adoption which are not consistent with the adopted comprehensive plan, or element or
30 portion thereof, shall be amended so as to be consistent. If a local government allows an existing land
31 development regulation which is inconsistent with the most recently adopted comprehensive plan, or
32 element or portion thereof, to remain in effect, the local government shall adopt a schedule for
33 bringing the land development regulation into conformity with the provisions of the most recently
34 adopted comprehensive plan, or element or portion thereof. During the interim period when the
35 provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the
36 land development regulations are inconsistent, the provisions of the most recently adopted
37 comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an
38 application for a development order.
39

40 163.3201, F.S. – Relationship of comprehensive plan to exercise of land development regulatory
41 authority.—It is the intent of this act that adopted comprehensive plans or elements thereof shall be
42 implemented, in part, by the adoption and enforcement of appropriate local regulations on the
43 development of lands and waters within an area. It is the intent of this act that the adoption and
44 enforcement by a governing body of regulations for the development of land or the adoption and
45 enforcement by a governing body of a land development code for an area shall be based on, be related
46 to, and be a means of implementation for an adopted comprehensive plan as required by this act.
47

48 163.3202, F.S. – Land development regulations.—

49 (1) Within 1 year after submission of its comprehensive plan or revised comprehensive plan for review
50 pursuant to s. 163.3191, each county and each municipality shall adopt or amend and enforce land
51 development regulations that are consistent with and implement their adopted comprehensive plan.

52 (5) The state land planning agency shall adopt rules for review and schedules for adoption of land
53 development regulations.

1
2 **E. Pursuant to LDC Section 102-158(d)(7)(b), the BOCC may consider the adoption of an**
3 **ordinance enacting the proposed map and text amendments to this Land Development Code based**
4 **on one or more of the following factors:**
5

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

9 *Per the Applicant: No response provided.*

- 10
11 **2. Changed assumptions (e.g., regarding demographic trends);**
12

13 *Per the Applicant: No response provided.*

- 14
15 **3. Data errors, including errors in mapping, vegetative types and natural features described in**
16 **volume 1 of the plan;**
17

18 *Per the Applicant: No response provided.*

- 19
20 **4. New issues;**
21

22 *Per the Applicant: No response provided.*

- 23
24 **5. Recognition of a need for additional detail or comprehensiveness; or**
25

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

34
35 The Applicant must address the following two (2) main issues: 1) consistency with the Tavernier
36 LCP and Mile Marker 97 U.S. Highway 1 Corridor Development Standards and Guidelines (“US1
37 Guidelines”) and 2) consistency with community character.

38
39 The Applicants assert that the Overlay “further the objectives of the Code as it ‘encourages the
40 orderly development and construction of commercial structures or buildings that fit with the
41 architectural design and community character of the Tavernier community”. However, the
42 proposed language does not support this assertion nor has the Applicant submitted data and
43 analysis demonstrating consistency with community character.
44

45 The Property is within Suburban Commercial (SC) land use district and the Tavernier Creek to
46 Mile Marker 97 U.S. Highway 1 Corridor District Overlay (TC), established by LDC Section 130-
47 128. All proposed development within the existing overlay must comply with the U.S.1 Guidelines
48 as described below.
49

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

7 Excerpts from the U.S.1 Guidelines pertaining directly to relevant Building Types are pictured
8 below:
9

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.

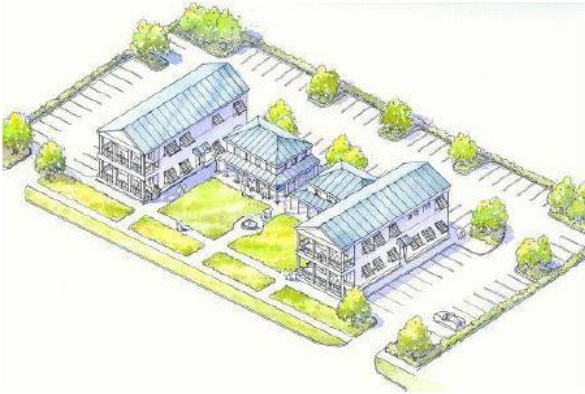


Figure 27 Large Commercial Building Type

10
11

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 companion text amendment (File 2022-053) to, at a
14 minimum maintain, but preferably enhances the community character of the area and demonstrates
15 consistency with the Tavernier 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 and the immediate area.
43

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

1
2 *Community Vision*
3 *We envision the Tavernier Creek Bridge to Mile Marker 97 Planning*
4 *Area as:*

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

11
12
13 The text amendment as drafted proposes to relax the development restrictions on the Property without
14 providing adequate data to support such a change. Furthermore, nothing within the proposed text
15 amendment would limit the redevelopment of this Property or requires improvements to the visual
16 character of the U.S. 1 corridor by requiring and/or supporting, the existing design standards within
17 the Mile Marker 97 U.S. Highway 1 Corridor Development.

18
19 For example, within the Suburban Zone, the intent of the building configuration standards is to break
20 down the apparent mass of buildings wider [*or deeper*] than 50 feet by creating façade insets at
21 intervals appropriate to the mass of the building. The maximum continuous façade of any building
22 fronting US1 cannot be greater than 50 feet. A building wider than 50 feet will be architecturally
23 defined as a series of smaller units, with insets between primary façades. The inset façade shall not be
24 setback less than 6 feet. The inset façade should not be wider than 1/3 of a primary façade segment or
25 17 feet. The arcade of a building may continue across this setback to provide architectural and
26 pedestrian continuity at the ground level.

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

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

43
44 **IV. PROCESS**

45
46 Land Development Code Amendments may be proposed by the Board of County Commissioners, the
47 Planning Commission, the Director of Planning, private application, or the owner or other person having
48 a contractual interest in property to be affected by a proposed amendment. The Director of Planning

1 shall review and process applications as they are received and pass them onto the Development Review
2 Committee and the Planning Commission.

3
4 The Planning Commission shall hold at least one public hearing. The Planning Commission shall review
5 the application, the reports and recommendations of the Department of Planning & Environmental
6 Resources and the Development Review Committee and the testimony given at the public hearing. The
7 Planning Commission shall submit its recommendations and findings to the Board of County
8 Commissioners (BOCC). The BOCC holds a public hearing to consider the adoption of the proposed
9 amendment, and considers the staff report, staff recommendation, Planning Commission
10 recommendation and the testimony given at the public hearing. The BOCC may adopt the proposed
11 amendment based on one or more of the factors established in LDC Section 102-158(d)(7).

12 13 **V. STAFF RECOMMENDATION**

14
15 Staff recommends the Applicant address the comments and consistency issues identified in Section IV,
16 *Analysis*, of the report for the companion proposed LDC Text Amendment establishing the proposed
17 overlay district.

18 19 20 **VIII. EXHIBITS**

- 21
22 1. Proposed Text from companion text amendment application to create the proposed overlay district
23 (File 2022-053)

a. **The Proposed Amendment**

Sec. 130-143. Tavernier Key Commercial Overlay District

- (a) **Purpose and Intent.** The purpose of the Tavernier Key Commercial Overlay District is to implement applicable goals, objectives, and policies of the Comprehensive Plan and to allow larger-scale commercial retail development in a scarified area of the Upper Keys that primarily serves the needs of permanent residents of the Upper Keys. The intent is to provide accessible necessities to permanent residents of the Upper Keys, while reducing traffic and trip generation on Overseas Highway and maintaining the character of Tavernier.
- (b) **Boundary.** The Tavernier Key Commercial Overlay District shall be shown as an Overlay district on the Official Land Use District (zoning) map. The Tavernier Key Commercial Overlay District shall be shown as the boundary of the ~~properties~~ ~~parcels~~ with Monroe County ~~RE-Parcel ID~~ numbers 00490250-000000 and 00089490-000000, and legally described as:
- [INSERT LEGAL DESCRIPTION]**
- (c) **Applicability.** In order for a property owner to utilize the standards, exemptions and reductions conferred within the Tavernier Key Commercial Overlay District, an amendment to the Official Land Use District (Zoning) Map shall be required and such overlay shall be shown on the Official Land Use District (Zoning) Map.
- (d) **NROGO Allocations.** The Tavernier Key Commercial Overlay District shall have the following NROGO allocation standards:
- a. Maximum allocation of nonresidential floor area ~~by site~~. The ~~maximum Amount of~~ nonresidential floor area to be allocated ~~or transferred to within~~ the Tavernier Key Commercial Overlay District shall be limited to a maximum of 70,000 square feet.
 - b. Maximum floor area per structure. Nonresidential principal structures within the Tavernier Key Commercial Overlay District shall be permitted to receive an allocation that expands the structure to more than 10,000 square feet, but not to exceed a maximum of 70,000 square feet of nonresidential floor area.
- (e) Any use within the overlay district shall be subject to all land development regulations of the underlying zoning district with the exception of those regulations controlling NROGO allocations.
- (f) The overlay district shall be limited to a maximum of 70,000 square feet of nonresidential development and eighty-six (86) deed restricted affordable housing dwelling units, and accessory uses, and shall be subject to all land development regulations of the underlying zoning district with the exception of those regulations controlling NROGO allocations.