



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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

From: Liz Lustberg, AICP, CFM, Senior Planner
Mike Roberts, CEP, PWS, CFM, Assistant Director/Environmental Resources

Date: January 30, 2023

Subject: *Request for a Minor Conditional Use Permit in order to change the use from restaurant to light industrial and office. The subject property is described as part of Lot(s) 1 and 2, Block 3, Bay Point Amended Plat, according to the map or plat thereof, as recorded in Plat Book 3, Page(s) 75, of the Public Records of Monroe County, Florida, having Parcel ID number 00160140-000000 (File # 2022-150)*

Meeting: February 21, 2023

1
2 I REQUEST
3

4 The applicant is requesting approval of an amendment to an existing minor conditional use
5 permit in order to change the use on the property from restaurant to light industrial and office.
6 2,663 square feet of outdoor storage (light industrial) is proposed under the existing building.
7 961 square feet of indoor storage (light industrial) is proposed within the existing building.
8 2,595 square feet of office space is proposed within the existing building. No change to the
9 building footprint is proposed.
10



11 Subject Property with Land Use District Overlaid (Aerial dated 2022)
12

1 II BACKGROUND INFORMATION:

2
3 **Address:** 3100 Overseas Highway, Saddlebunch Key, mile marker 15, ocean side

4 **Legal Description:** Part of Lot(s) 1 and 2, Block 3, Bay Point Amended Plat, according to the
5 map or plat thereof, as recorded in Plat Book 3, Page(s) 75, of the Public Records of Monroe
6 County, Florida

7 **Parcel ID Number:** 00160140-000000

8 **Property Owner/Applicant:** J Jade Development Inc.

9 **Agent:** Smithhawks PL – Barton W. Smith and Jess Miles Goodall

10 **Size of Site:** 17,932.79 square feet per survey

11 **Land Use District:** Suburban Commercial (SC)

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

13 **Tier Designation:** III Infill Area

14 **Existing Use:** Restaurant (closed)

15 **Existing Vegetation / Habitat:** Developed

16 **Community Character of Immediate Vicinity:** ocean to the north and west, residences to
17 the south, commercial, park, and public utility to the east

18
19 III RELEVANT PRIOR COUNTY ACTIONS:

20
21 Planning Commission Resolution No. 03-02, file 21077, approved a variance to reduce the
22 required number of parking spaces on the property on 3/13/02.

23
24 Planning Commission Resolution No. 04-02, dated 3/13/02, denied an amendment to an
25 existing minor conditional use to re-develop the property with a new restaurant, file 21078.

26
27 DOAH case #02-1578, final order dated 9/3/02, reversed PC Resolution No. 04-02.

28
29 Permit 03101929, with CO dated 6/16/05, approved a replacement restaurant with 4,631 square
30 foot building with 74 square feet elevator, 985 square feet deck/stairs, 4,720 square feet roof,
31 and 1305 square feet flatwork, and two (2) wall mounted signs one 12' by 8' and the other 8'
32 by 2'.

33
34 Interior remodel permit 22100778, applied for 3/16/22, requires conditional use approval and
35 other corrections prior to planning approval. This permit would change the use from restaurant
36 to office. As of 1/30/2023, no changes to this permit application have been received and no
37 new permit applications have been received that would approve a light industrial use on the
38 property.

39
40 IV REVIEW OF APPLICATION:

41
42 Pursuant to 110-73(c)(2)&(3) Regardless of compliance with the preceding requirements,
43 improvements or additional development may not be permitted as a minor or major deviation
44 if such would result in a substantial change in the overall impact or intent of the development

1 order. Such improvements or additional development may only be approved by an amendment
2 to the minor conditional use permit.

3
4 Section 110-67 of the Monroe County Land Development Code (LDC) provides the standards
5 which are applicable to all conditional uses. When considering applications for a conditional
6 use permit, the Development Review Committee and Director of Planning & Environmental
7 Resources shall consider the extent to which:

8
9 (1) *The conditional use is consistent with the purposes, goals, objectives and policies of the*
10 *Comprehensive Plan and this Land Development Code: **In compliance***

11
12 The proposed use is consistent with the purposes, goals, objectives and policies of the 2030
13 Comprehensive Plan and the Land Development Code.

14
15 Policies from the *Monroe County Year 2030 Comprehensive Plan* that directly pertain to
16 the proposed use include but are not limited to:

17
18 Policy 101.5.6: The principal purpose of the Mixed Use/Commercial (MC) future land
19 use category is to provide for the establishment of mixed use commercial land use
20 (zoning) districts where various types of commercial retail and office may be permitted
21 at intensities which are consistent with the community character and the natural
22 environment. Employee housing and commercial apartments are also permitted. In
23 addition, Mixed Use/Commercial land use districts are to establish and conserve areas
24 of mixed uses, which may include maritime industry, light industrial uses, commercial
25 fishing, transient and permanent residential, institutional, public, and commercial retail
26 uses.

27
28 This future land use category is also intended to allow for the establishment of mixed
29 use development patterns, where appropriate. Various types of residential and
30 nonresidential uses may be permitted; however, heavy industrial uses and similarly
31 incompatible uses shall be prohibited. The County shall continue to take a proactive
32 role in encouraging the preservation and enhancement of community character and
33 recreational and commercial working waterfronts.

34
35 In order to protect environmentally sensitive lands, the following development controls
36 shall apply to all hammocks, pinelands, and disturbed wetlands within this land use
37 category:

- 38
39 1. only low intensity commercial uses shall be allowed;
40 2. a maximum floor area ratio of 0.10 shall apply to nonresidential development; and
41 3. maximum net residential density shall be zero.

42
43 Policy 101.5.25: Monroe County hereby adopts the following density and intensity
44 standards for the future land use categories, which are shown on the FLUM and
45 described in Policies 101.5.1 - 101.5.20 [Section 163.3177(6)(a)1.,F.S.].

Future Land Use Densities and Intensities				Minimum Open Space Ratio ^(c)
Future Land Use Category And Corresponding Zoning	Residential ⁽¹⁾		Nonresidential	
	Allocated Density ^(a) (per upland acre)	Maximum Net Density ^{(a) (b)} (per buildable acre)	Maximum Intensity (floor area ratio)	

Mixed Use/Commercial (MC) (f)(g) (SC, UC, DR, RV, MU and MI zoning)	1 du (DR, MU, MI) 3 du (SC) 6 du (UC) Commercial Apartments (RV) (h) 5—15 rooms/spaces	2 du (MI) 6-18 du (SC) (k) 12 du (UC) 12—18 du (MU) (k) 18 du (DR) 10—25 rooms/spaces	0.10—0.45 (SC, UC, DR, MU) <2,500 SF (RV) 0.30—0.60 (MI)	0.20

1
2 (2) *The conditional use is consistent with the community character of the immediate vicinity*
3 *of the parcel proposed for development: **In compliance***

4
5 The community character of the immediate vicinity is a mix of uses including: residential
6 and commercial retail. A waste water treatment facility is directly across the street. The
7 proposed use is consistent with the community character.

8
9 (3) *The design of the proposed development minimizes adverse effects, including visual*
10 *impacts, of the proposed use on adjacent properties: **In compliance***

11
12 This is consistent with the requirements of the Land Development Code and minimizes
13 visual impact of the proposed development

14
15 (4) *The proposed use will have an adverse impact on the value of surrounding properties: **In***
16 ***compliance***

17
18 It is not anticipated that the proposed development will have an adverse impact on the value
19 of the surrounding properties.

20
21 (5) *The adequacy of public facilities and services, including, but not limited to: **In compliance,***
22 ***6. Compliance to be determined***

23
24 1. *Roadways:*

25
26 Localized Impacts & Access Management: The site currently does not have vehicular
27 access onto U.S. 1, and the applicant is not proposing any new access along Overseas
28 Highway/U.S. 1.

29
30 The Engineering Department shall review any proposed work within County public
31 rights-of-way. The Department maintains the right to request revisions as it carries out

1 its review of any application for an access permit. It is the responsibility of the applicant
2 to obtain all required permits before starting work. In addition, new access drives must
3 be designed in accordance with the Land Development Code, which is addressed later
4 in this report.

5
6 Level of Service (LOS): According to the 2021 U.S. 1 Arterial Travel Time and Delay
7 Study, Segment 4 of U.S. 1 (Saddlebunch Key) had a level of service of “B”. The
8 reserve capacity was 3,685 trips on 8/10/22. A Traffic Statement by KBP Consulting
9 Inc., dated October 9, 2022, specifies that the proposed light industrial and office use
10 will generate an average estimated 53 daily trips, down from the 374 daily trips when
11 the property was a restaurant. A traffic study is not required pursuant to Sec.114-200.
12 Traffic mitigation is not required. Fifty-three (53) daily vehicle trips to and from the
13 site is under the number reserve trips available; therefore, the level of service is
14 adequate.

- 15
16 2. *Drainage/Stormwater*: The plans submitted are in compliance with the criteria of
17 Section 114-3. See discussion below.
18
19 3. *Sanitary Sewer*: The property has access to central wastewater. Permit 09104107 to
20 connect to the sewer passed its last inspection on 12/1/21. The property is connected
21 to the sewer.
22

23 Florida Department of Health letter dated July 27, 2022 states:

24
25 ‘FL DOH-Monroe has no objections to your project for converting the above
26 referenced building from a restaurant to an office building. ... We would just require
27 the facility is connected to central sewer.’
28

- 29 4. *Potable Water*: The applicant coordinated with the Florida Keys Aqueduct Authority.
30 A letter of coordination with Florida Keys Aqueduct Authority dated July 2, 2022, was
31 submitted with the application. The letter states ‘This letter will serve as No objection
32 for the application of conditional use for the above referenced property with the Florida
33 Keys Aqueduct Authority. There is an existing 5/8” water meter serving the property.
34 If there is any change to the water using fixtures on site, a complete set of Civil and
35 Architectural/Plumbing plans will be required for review to determine water main
36 requirements, meter requirements and system development charges.’
37
38 5. *Solid Waste*: The site plan shows the location of an 84 square foot recycling and solid
39 waste collection area. A letter of coordination with Monroe County Solid Waste dated
40 August 8, 2022, was submitted with the application.
41
42 6. *Emergency Management*: The applicant has submitted a letter from the Office of the
43 Fire Marshal, dated August 9, 2022 for the initial proposal, office only with no light
44 industrial use. The letter specifies items to be addressed by the applicant. The fire
45 marshal clarified in an email dated 8/25/22, that all of fire’s concerns can be addressed
46 at the permit stage. On 1/9/23 the fire marshal sent an updated letter of coordination
47 after reviewing the proposed layout and the proposed industrial use. Clarifying email,
48 also dated 1/9/23 lists the items requiring additional detail for fire to review for

1 compliance. Fire’s comments were conveyed to the applicant. On 1/19/23 the applicant
2 submitted updated plans to address fire’s comments. As of 1/30/23 there has not been
3 a fire marshal response to the updated plans. **Compliance with emergency**
4 **management requirements will be reviewed at Development Review Committee**
5 **meeting and may require compliance at permitting.**
6

7 7. *Electricity:* A letter dated August 9, 2022, from Keys Energy Services acknowledges
8 that coordination has begun, but a full set of plans and a Project Review Form is
9 required.

10
11 (6) *The applicant for conditional use approval has the financial and technical capacity to*
12 *complete the development as proposed and has made adequate legal provision to*
13 *guarantee the provision and development of any open space and other improvements*
14 *associated with the proposed development: **In compliance***
15

16 Staff has no evidence to support or disprove the applicant’s financial and technical
17 capacity.
18

19 (7) *The development will adversely affect a known archaeological, historical, or cultural*
20 *resource: **In compliance***
21

22 The proposed redevelopment will not adversely affect a known archaeological, historical,
23 or cultural resource.
24

25 (8) *Public access to public beaches and other waterfront areas is preserved as part of the*
26 *proposed development: **In compliance***
27

28 There is no public access to a beach or waterfront through this property, though the property
29 is along the water.
30

31 (9) *The proposed use complies with all additional standards imposed on it by the particular*
32 *provision of this Land Development Code authorizing such use and by all other applicable*
33 *requirements:*
34

35 1. Residential Rate of Growth Ordinance (ROGO) (Section 138-19 – Section 138-29):
36 **Not applicable**
37

38 Non-Residential Rate of Growth Ordinance (NROGO) (Section 138-47 – Section 138-
39 56): **In compliance**
40

41 Permit 03101929 approved 3,646 sf of floor area (4631 building minus 985
42 deck/stairs). No additional floor area is proposed. The conditional use site plan
43 specifies 2,595 sf of office (floor area) and 961 sf of industrial (floor area), totaling
44 3556 square feet of floor area. The 74 sf of enclosed area for the elevator is not
45 attributed to either use.
46

47 2. Purpose of the SC District (Section 130-46): **In compliance**
48

1 The purpose of the SC district is to establish areas for commercial uses designed and
2 intended primarily to serve the needs of the immediate planning area in which they are
3 located. This district should be established at locations convenient and accessible to
4 residential areas without the use of U.S. 1.
5

6 3. Permitted and Conditional Uses (Section 130-93): ***In compliance upon approval of the***
7 ***required Minor CUP and adherence to conditions of approval.***
8

9 In the SC district, office uses of greater than 2,500 but less than 10,000 square feet of
10 floor area is allowed with minor conditional use approval, provided that access to U.S.
11 1 is by way of:

- 12 a. An existing curb cut;
- 13 b. A signalized intersection; or
- 14 c. A curb cut that is separated from any other curb cut on the same side of U.S. 1
15 by at least 400 feet;

16
17 Access to US 1 is via West Circle Drive. 3,646 square feet of floor area is existing.
18 No change to floor area is proposed.
19

20 In the SC district, light industrial uses are allowed with minor conditional use approval,
21 provided that:

- 22 a. The parcel of land proposed for development does not exceed five acres;
- 23 b. The parcel proposed for development is separated from any established
24 residential use by a class C bufferyard; and
- 25 c. All outside lighting is designed and located so that light does not shine directly
26 on any established residential use;

27
28 This parcel is less than five acres. There are no adjacent or contiguous residential uses.
29 Outdoor lighting is not depicted in this application and will be reviewed during the
30 permit application.
31

32 4. Required Open Space (LDC Sections 118-9; 118-12; 130-157; 130-162; & 130-164):
33 ***In compliance***
34

35 In the SC district, there is a general required open space ratio (OSR) of at least 0.20 or
36 20%. 17,932.79 square feet of upland is specified on the survey. 3,586.56 square feet
37 of open space is required. 13,099 square feet of open space is proposed.
38

39 5. Maximum Residential Density and Nonresidential Land Use Intensities (LDC Sections
40 130-157, 130-162 & 130-164): ***In compliance***
41

42 The conditional use site plan specifies 2,595 sf of office (floor area), 961 sf of industrial
43 (floor area), and 2,663 sf outdoor industrial, storage under existing building.
44

45 Pursuant to LDC Section 130-164, maximum nonresidential land use intensity:

Land Use	Maximum Floor Area Ratio	Maximum Floor Area	Proposed Floor Area	Percent Floor Area Proposed
Office (17,932.79 sf property)	0.40	7,173 sf	2,595 sf	36.18%
Light Industrial (17,932.79 sf property)	0.30	5,380 sf	961 sf	17.86%
Total				54.04%

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6. Required Setbacks (LDC Sections 118-12 & 130-131): ***In compliance***

In the SC district, the required non-shoreline setbacks are as follows:

Land Use District/ Land Use	Primary Front Yard (ft.)	Secondary Front Yard (ft.)	Primary Side Yard (ft.)	Secondary Side Yard (ft.)	Rear Yard (ft.)
SC	25	15	10	5	10
Proposed	25 (W Circle)	16 (US 1)	N/A	5	N/A

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9. Shoreline Setbacks (Section 118-12): ***In compliance***

The subject shoreline is a lawfully altered shoreline adjacent to a manmade channel. Pursuant to 118-12(b)(1), principal structures shall be set back at least 20 feet as measured from the mean high water (MHW) line. The site plan (Sheet AO.1) is in compliance with the required setback.

10. Maximum Height (Section 131-2): ***In compliance***

Elevation plan received with the permit application depicts the peak of the roof at 32' 5/8" elevation. The survey dated 11/1/21 shows Crown of Road (COR) at 9.5' NGVD 29 on US 1 and 5.48' NGVD 29 on Bay Dr.. The existing height does not exceed a maximum height of 35 feet.

11. Surface Water Management Criteria (Section 114-3): ***In compliance***

The drainage plan (Sheet C-200, dated 01/06/2023) by Perez Engineering and Development demonstrates compliance with the water quality and water quantity criteria of Chapter 114-3.

12. Wastewater Treatment Criteria (Section 114-4): ***In compliance***

The property has access to central wastewater. Permit 09104107 to connect to the sewer passed its last inspection on 12/1/21. The property is connected to the sewer. Florida Department of Health letter dated July 27, 2022 states 'FL DOH-Monroe has no objections to your project for converting the above referenced building from a restaurant to an office building. ... We would just require the facility is connected to central sewer.'

13. Fences (Section 114-13): ***Full compliance to be determined upon building permit application review.***

No fencing or fence details are specified in this application. Fence permit 22101757 has been approved by all reviews though not issued as of 1/30/23.

14. Floodplain Management (Sections 122-1 – 122-9): ***Full compliance to be determined upon building permit application review.***

The site is designated within AE-10 flood zone on the Federal Emergency Management Agency (FEMA) flood insurance rate maps. All new structures and substantial improvements must be built to floodplain management standards that meet or exceed those for flood protection. Full compliance to be determined upon building permit application review

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

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

17. Environmental Design Criteria and Mitigation Standards (Section 118-6, 118-7 & 118-8): ***In Compliance***

The subject parcel is a developed lot with little native vegetation other than the existing mangrove fringe. Since the parcel does not contain native upland habitat, an existing conditions report is not required for development approval (LDC Section 118-2).

18. Required Off-Street Parking (Section 114-67): ***In compliance***

The development would be subject to the following off-street parking requirements:

<i>Specific Use Category</i>	<i>Minimum Required Number of Parking Spaces Per indicated Unit of Measure</i>	<i>Proposed Quantity</i>	<i>Required Spaces</i>	<i>Proposed Spaces</i>
Offices	3.0 spaces per 1,000 sq. ft. of nonresidential floor area within the building	2,595 sf	8	

Industrial uses; excluding mini-warehouses/self-storage centers; repair and or servicing of vehicles; and warehousing	2.0 spaces per 1,000 sq. ft. of nonresidential floor area within building; and 1.0 space per 1,000 sq. ft. of the parcel that is devoted to outdoor industrial use	961 sf indoor 2,663 sf outdoor	2 3	
TOTAL			13	13 spaces

A minimum of 13 off-street parking spaces is required and 13 spaces are proposed, including one ADA accessible space. The design and dimensions of the proposed parking spaces and aisles complies with LDC Section 114-67(b). Wheel stops are not required, pursuant to LDC Section 114-67(j).

19. Required Loading and Unloading Spaces (Section 114-69): ***In compliance***

One loading zone 11' x 55' is required. One loading zone 11' x 55' is shown on the plans.

20. Bicycle Parking (Section 114-71): ***In compliance***

Bicycle parking is required and is shown on the plans.

21. Required Landscaping (Sections 114-99 –14-105): ***In compliance***

The revised site plan dated 01/11/23 and signed and sealed by Gavin W. Scarbrough meets the square footage and planting requirements of Section 114-100.

22. Scenic Corridors & Bufferyards (Sections 114-124 –114-130, 130-93): ***In compliance***

A Class C major street buffer is required adjacent to U.S. 1. A Class C buffer may be 10 feet, 15 feet, 20 feet or 25 feet in width. The plans include the required buffer (10 feet) with the appropriate plant densities.

23. Outdoor Lighting (Sections 114-159 – 114-164): ***Full compliance to be determined upon building permit application review.***

1 Outdoor lighting details were not provided in this application. A photometric plan
2 demonstrating compliance with outdoor lighting regulations will be required at the time
3 of building permit review.
4

5 24. Signs (Sections 142-1 – 142-7): ***Full compliance to be determined upon building***
6 ***permit application review.***
7

8 Signage was not specified in this conditional use application.
9

10 25. Access Standards (Sections 114-195 –114-201): ***In compliance***
11

12 No access is proposed to U.S. 1. The applicant proposes maintaining the existing access
13 onto West Circle Drive. The Engineering Department shall review any proposed work
14 within County public rights-of-way. The Department maintains the right to request
15 revisions as it carries out its review of any application for an access permit. It is the
16 responsibility of the applicant to obtain all required permits before starting work. In
17 addition, new access drives must be designed in accordance with the Land
18 Development Code.
19

20 A sight triangle from this access drive onto West Circle Drive is depicted on the site
21 plan 30' by 150'.
22

23 No traffic study was required pursuant to LDC Section 114-200 due to the proposed
24 development generating less than 250 trips per day and the adequate level of service on
25 this segment of US 1.
26

27 Level of Service (LOS): According to the 2021 U.S. 1 Arterial Travel Time and Delay
28 Study, Segment 4 of U.S. 1 (Saddlebunch Key) had a level of service of “B”. The
29 reserve capacity was 3,685 trips on 8/10/22. A Traffic Statement by KBP Consulting
30 Inc., dated October 9, 2022, specifies that the proposed light industrial and office use
31 will generate an average estimated 53 daily trips, down from the 374 daily trips when
32 the property was a restaurant. A traffic study is not required pursuant to Sec.114-200.
33 Traffic mitigation is not required. Fifty-three (53) daily vehicle trips to and from the
34 site is under the number reserve trips available; therefore, the level of service is
35 adequate.
36

37 26. Solid Waste / Recycling (Section 114-14): ***In compliance***
38

39 Any nonresidential development shall make adequate provision for a recycling
40 collection area. Floor area of up to 5,000 square feet requires a minimum collection
41 area of 82 square feet. 82 square feet is proposed. Details of the trash/recycling
42 collection enclosure were not provided. Those details shall be reviewed in the building
43 permit application.
44

45 27. Accessibility (Chapter 533, Florida Statutes): ***Full compliance to be determined upon***
46 ***submittal to Building Department.***
47

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

3
 4 28. Inclusionary Housing Requirements (LDC Section 139-1(f)): ***Compliance to be***
 5 ***determined.***

6
 7 The nonresidential inclusionary housing requirements require workforce housing be
 8 provided for *Redevelopment with a Change in Use Increasing Housing Demand*. Each
 9 *redevelopment project with a change of use increasing housing demand, not exempted*
 10 *by subsection (4), shall mitigate 50% of the workforce housing demand created by the*
 11 *proposed redevelopment by one or a combination of the methods identified in*
 12 *subsection (5). The workforce housing required for nonresidential development when*
 13 *a new use replaces an existing use and increasing housing demand (for example from*
 14 *an industrial use to an office use) shall be calculated based on the square footage*
 15 *proposed for conversion and/or based on the incremental increase in size of the new*
 16 *uses (if any).*

17
 18 Section 139-1(f)(5)a. Total Need Created by Nonresidential Development (for
 19 construction and post-construction employees)
 20

Land Use Category	Total Housing Need per 1,000 sf (units/1000 sf)	Total Housing Need per sf (units/sf)	Total In-Lieu Fee per 1,000 sf (monetary fee/1000 sf)	Total In-Lieu Fee per sf (monetary fee/sf)
Commercial Retail (Retail stores, supermarkets, shopping centers, restaurants, etc.)	0.416	0.000416	\$66,722	\$66.72
Housing demand from existing development (3,646 sf)		1.52 du		\$240,636
50% mitigation requirement		.76 du		\$120,318
Office (Professional and non-professional office buildings, etc.)	0.704	0.000704	\$78,492	\$78.49

Land Use Category	Total Housing Need per 1,000 sf (units/1000 sf)	Total Housing Need per sf (units/sf)	Total In-Lieu Fee per 1,000 sf (monetary fee/1000 sf)	Total In-Lieu Fee per sf (monetary fee/sf)
Housing demand from proposed development (2,595 sf)		1.83 du		\$203,681.55
50% mitigation		0.91 du		\$101,840.76
Industrial (Light manufacturing, lumber yards, warehousing, storage facilities, etc.)	0.226	0.000226	\$24,397	\$24.39
Housing demand from proposed development (3,624 sf)		0.82 du		\$88,389.36
50% mitigation		0.41 du		\$44,194.68
Total mitigation required:		0.15 du		*\$25,717.44

*Note, the total is the new use of Industrial plus the Office use, minus existing Restaurant use.

Since the housing demand created by the change of use and expansion from restaurant to office and industrial increases housing demand, inclusionary housing is required for the difference.

The inclusionary housing shall be addressed and compliant prior to receiving a permit or CO, depending on the chosen form of compliance of paying the in-lieu fee or building an affordable dwelling unit.

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1 *The County will not issue certificates of occupancy for the nonresidential and transient*
2 *development or redevelopment projects subject to the provisions of this subsection (f)*
3 *unless and until:*

4 *(1) the required number of inclusionary affordable workforce housing units have an*
5 *approved and recorded deed restriction, and certificates of occupancy have been*
6 *issued for the workforce housing units; and/or*

7 *(2) the required number of existing dwelling units must have an approved and recorded*
8 *deed-restriction; and/or*

9 *(3) the donation of parcels to the County is completed.*

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

12
13
14 V RECOMMENDED ACTION:

15
16 Pursuant to LDC Section 110-69(b), an application for a minor conditional use permit shall be
17 reviewed by the Development Review Committee (DRC). At the meeting, DRC members may
18 comment on the application and responsible Planning and Environmental Resources
19 Department staff shall provide their staff report(s). The applicant shall provide any additional
20 information requested by the DRC within 6 months of the date of the DRC meeting when the
21 application was considered. If such information is not received within this timeframe, the
22 application will be deemed withdrawn. DRC members may submit additional reports and
23 comments to the Planning Director within five (5) working days in advance of the meeting.

24
25 Pursuant to LDC Section 110-69(c), within 60 days after the DRC meeting, the Planning
26 Director shall render a development order granting, granting with conditions or denying the
27 application for a minor conditional use permit, with the exception of any application where a
28 condition has been imposed that must be satisfied prior to the issuance of a development order
29 approving the minor conditional use permit, in which case the development order shall be
30 issued within 30 days after receipt of proof of satisfaction of the condition(s). Such proof of
31 satisfaction must be submitted to the Planning Director within 6 months of notification to the
32 applicant by the County. If such proof is not received within this timeframe, the application
33 will be deemed withdrawn.

34
35 Pursuant Section 110-69(b)&(c) the following conditions must be satisfied prior to approval
36 of the Development Order for the requested Minor CUP:

- 37
38 1. The review in this staff report is based on plans received electronically. **Prior to**
39 **approval, hard copies of the site and drainage plans shall be received.**

40
41 Following revisions addressing the items listed above, Staff recommends APPROVAL with
42 the following conditions for the requested Minor CUP:

- 43
44 1. The inclusionary housing requirement shall be completed prior to permit issuance or
45 issuance of CO, depending on the method of complying with inclusionary housing. *The*
46 *County will not issue certificates of occupancy for the nonresidential and transient*
47 *development or redevelopment projects subject to the provisions of this subsection 139-*
48 *I(f).*

- 1 2. Outdoor storage is approved to be located under the existing building only.
- 2
- 3 3. A minor conditional use permit is not a final approval for certain development. The
- 4 applicant shall obtain a building permit(s) for any improvement requiring such an approval.
- 5
- 6 4. This conditional use approval does not include fire marshal approval.
- 7
- 8 5. The scope of work has not been reviewed for compliance with Florida Building Code or
- 9 ADA. Prior to the issuance of Building Permits, new development and structures shall be
- 10 found in compliance by the Monroe County Building Department, Floodplain
- 11 Administrator, and the Office of the Fire Marshal.
- 12
- 13 6. The Engineering Department shall review any proposed work within County public rights-
- 14 of-way and maintains the right to request revisions as it carries out its review of any
- 15 application for an access permit. It is the responsibility of the applicant to obtain all
- 16 required permits before starting work. Paving of the existing drive will require permit
- 17 approval of the Engineering Department.
- 18

19 **VI PLANS REVIEWED:**

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- 21 1. Site Plan by Gavin Scarbrough, 1/11/2023, received electronically on 1/19/23.
- 22 2. Drainage Plan by Allen E Perez, Perez Engineering & Development Inc. 1/6/2023, received
- 23 electronically
- 24 3. Elevations Plan by Michael Ingram, Michael B. Ingram & associates 10/25/2001
- 25 4. Boundary Survey by Florida Keys Land Surveying, Eric A. Isaacs, dated 11/01/2021.
- 26 5. Traffic Study by KBP Consulting Inc., dated October 9, 2022.