



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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

From: Devin Tolpin, AICP, CFM, Principal Planner; and
Michael Roberts, CEP, PWS, CFM, Assistant Director/Environmental Resources

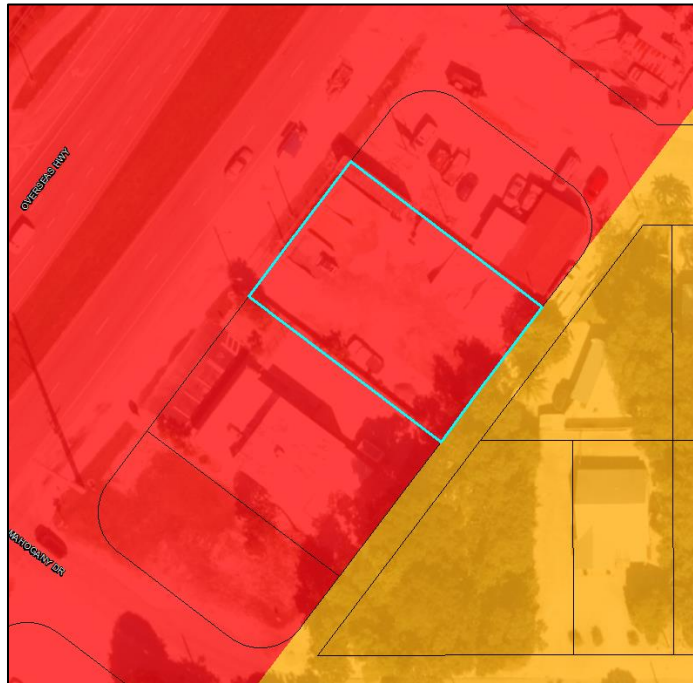
Date: January 26, 2023

Subject: *REQUEST FOR A MINOR CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A LIGHT INDUSTRIAL AGGREGATE STORAGE SITE WITH AN 810 SQUARE FOOT OFFICE BUILDING LOCATED AT 102091 OVERSEAS HIGHWAY, MILE MARKER 102, KEY LARGO, HAVING PARCEL IDENTIFICATION NUMBER 00464610-000000 (File #2019-165)*

Meeting: February 21, 2023

1
2 I REQUEST

3 The applicant is requesting approval of a minor conditional use permit which would allow for
4 a light industrial use of the site. The proposed development involves the construction of an 810
5 square foot building to be used as an office and an 828 square foot outdoor storage area to
6 accommodate the storage of aggregate materials to be distributed offsite.
7



8
9 *Subject Property (blue outline) with Land Use (Zoning) Districts, 2022 Aerial*
10

1 II BACKGROUND INFORMATION:

2
3 **Location:** Key Largo near U.S. 1 Mile Marker 102, bayside

4 **Address:** 102091 Overseas Highway

5 **Legal Description:** All of Lot 13, and the Northeasterly One Half of Lot 14, together with an
6 Easement for ingress and egress across the Southeasterly 10 feet of the Southwesterly One
7 Half of Lot 14, Block 5, Pamela Villa, according to the plat thereof, as recorded in Plat Book
8 3, at Page 125, of the Public Records of Monroe County, Florida

9 **Parcel Identification Numbers:** 00464610-000000

10 **Property Owner/Applicant:** Javier Trucking, Inc.

11 **Agent:** Gelly Juvier

12 **Size of Site:** 10,080 square feet (per submitted plans)

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

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

15 **Tier Designation:** III (Infill Area)

16 **Flood Zone:** X

17 **Existing Uses:** No approved/permitted use

18 **Existing Vegetation / Habitat:** Developed land

19 **Community Character of Immediate Vicinity:** Commercial retail, office, light industrial,
20 single family residences

21
22 **Concurrent Applications:**

23 The applicant had submitted a request for a Planning Commission Variance to the access
24 standards in order to allow the access drive off of U.S. 1 as proposed (Planning File #2022-
25 214). The access variance was approved by the Planning Commission on January 25, 2023.

26
27 III RELEVANT PRIOR COUNTY ACTIONS:

28 On July 20, 2021, the Monroe County Planning Commission denied the request for a variance
29 of the front and side yard setbacks for a previously proposed design to develop the subject
30 property as an aggregate storage site. This was memorialized through Planning Commission
31 Resolution No. P16-21.

32
33 IV REVIEW OF APPLICATION:

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

38
39 (a) *The conditional use is consistent with the purposes, goals, objectives and standards of the*
40 *Comprehensive Plan and the Land Development Code: **In compliance.***

41
42 Specific policies from the Monroe County Year 2030 Comprehensive Plan that directly
43 pertain to the proposed conditional use include:
44

1 **Policy 101.5.6**

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

10
11 This future land use category is also intended to allow for the establishment of mixed
12 use development patterns, where appropriate. Various types of residential and
13 nonresidential uses may be permitted; however, heavy industrial uses and similarly
14 incompatible uses shall be prohibited. The County shall continue to take a proactive
15 role in encouraging the preservation and enhancement of community character and
16 recreational and commercial working waterfronts.

17
18 In order to protect environmentally sensitive lands, the following development controls
19 shall apply to all hammocks, pinelands, and disturbed wetlands within this land use
20 category:

- 21
22 1. only low intensity commercial uses shall be allowed;
23 2. a maximum floor area ratio of 0.10 shall apply to nonresidential development; and
24 3. maximum net residential density shall be zero.
25 ...*Information related specifically to MI zoning district omitted*

26
27 The subject property is located within the Key Largo Livable CommuniKeys Plan (LCP)
28 which is adopted as part of the Comprehensive Plan and implemented as objectives and
29 policies of the Comprehensive Plan. The following LCP Strategies and Action Items are
30 specifically applicable to the property and the proposed development:

31 **Action Item 1.1.2:** Adopt the Tier System Overlay Map as a separate map to use as a
32 planning and regulatory overlay on the existing Land Use District Map. The Tier System
33 Overlay Map shall be used primarily to focus acquisition efforts into Tier I and Tier III
34 SPA and to guide development to appropriate areas in Tier III as implemented Keys-wide.

35
36 **Action Item 1.3.1:** Continue to use the FLUM and Land Use District Maps to regulate
37 development of individual parcels with respect to density, intensity, bulk regulations, and
38 all other land development regulation. This will protect the existing conformance status of
39 most uses and promote orderly development consistent with the Comprehensive Plan.

40
41 **Action Item 4.2.1:** Require new developments to supply or fund employee, affordable and
42 workforce housing in return for receiving dwelling unit or commercial floor space
43 allocations.

- 44 (b) *The conditional use is consistent with the community character of the immediate vicinity*
45 *of the parcel proposed for development: **In compliance.***

1 The community character of the immediate vicinity is a mix of uses consisting of
2 commercial retail, office, light industrial, and single family residences. The proposed
3 development will serve those in and out of the immediate area. With adequate shielding
4 and accommodations, the proposed development will be consistent with the community
5 character of the immediate vicinity of the parcel.
6

7 The subject property is located in Key Largo and is subject to compliance with the Key
8 Largo Livable CommuniKeys Plan. The subject development proposal is not inconsistent
9 with the Key Largo Livable CommuniKeys Plan.
10

- 11 (c) *The design of the proposed development minimizes adverse effects, including visual*
12 *impacts, of the proposed use on adjacent properties: **In compliance w/ condition added.***
13

14 The applicant is proposing to complete the construction of the 810 square foot CBS
15 building and aggregate storage areas in a single phase of development. The outdoor storage
16 areas will be screened by means of a 6 foot tall wall constructed of landscaping stones.
17 Additionally, the property will be in compliance with the landscaping, bufferyard, off-
18 street parking and loading, stormwater management, outdoor lighting and solid
19 waste/recycling collection requirements.
20

21 **Staff is recommending as a condition of the requested Minor Conditional Use Permit,**
22 **the requirement of a functional sprinkler system and/or wash station be installed on**
23 **the property [not within the front yard setback] in order to rinse the dump**
24 **trucks/aggregate loads to minimize the potential for dust to leave the property.**
25

- 26 (d) *The proposed use will have an adverse impact on the value of surrounding properties:*
27

28 Staff has no evidence to support or disprove that the proposed development will have an
29 adverse impact on the value of the surrounding properties.
30

- 31 (e) *The adequacy of public facilities and services:*
32

33 *Transportation/Roadways:*
34

35 Localized Impacts & Access Management: The proposed development is to be
36 accessed by means of a 24 foot wide curb cut off of U.S.1. The applicant has also
37 submitted a request for a Planning Commission Variance to access standards in order
38 to permit the proposed access drive, which is separated less than 250 feet from the
39 adjacent access drives. The applicant has demonstrated evidence of coordination with
40 FDOT.
41

42 In accordance with LDC Section 114-8(b), all driveways for nonresidential or multi-
43 family development shall be composed of compacted fill or concrete not less than four
44 inches thick on a mechanically compacted base and reinforced with at least six-inch by
45 six-inch number wire mesh, or such other construction, including permeable paving
46 materials, as may be approved by the County Engineer.
47

1 **The applicant is proposing a gravel driveway. Staff is recommending as a**
2 **condition of the requested Minor Conditional Use Permit, that prior to issuance**
3 **of the Development Order, the applicant must revise the plans so as to construct**
4 **the proposed driveway of compacted fill or concrete not less than four inches thick**
5 **on a mechanically compacted base and reinforced with at least six-inch by six-inch**
6 **number wire mesh, or such other construction, including permeable paving**
7 **materials, as may be approved by the County Engineer.**
8

9 Level of Service (LOS): According to the 2021 US1 Arterial Travel Time and Delay
10 Study, Segment 23, Key Largo (MM 99.5 through 106.0) currently operates at a LOS
11 A.
12

13 The submitted Traffic Statement, prepared by Karl Peterson, P.E., KBP Consulting,
14 Inc., dated October 22, 2019, indicates that the proposed development was projected to
15 generate 56 daily vehicular trips on Segment 23 in Key Largo. Although the traffic
16 statement was provided when this application was initially submitted, a significant
17 change to the number of daily trips generated is not anticipated. There is adequate
18 roadway capacity for the proposed development.
19

20 *Solid Waste:* The applicant has demonstrated coordination with Monroe County Solid
21 Waste Management.
22

23 *Potable Water:* The applicant has demonstrated coordination with the Florida Keys
24 Aqueduct Authority.
25

26 *Sanitary Sewer:* The applicant has demonstrated coordination with the Key Largo
27 Wastewater Treatment District.
28

29 *Drainage/Stormwater:* According to the topography plan dated 12/01/22, Sheet C-2.0
30 and the Stormwater Management Plan submitted with the application, the proposed
31 development complies with both the water quality and water quantity stormwater
32 management criteria as required by LDC Section 114-3.
33

34 *Schools:* Sufficient school classroom capacity is available to accommodate the
35 proposed uses, according to the 2021-2023 Monroe County Public Facilities Capacity
36 Assessment Report.
37

38 *Recreation and Open Space:* Sufficient recreation and open space capacity is available
39 to accommodate the proposed uses, according to the 2021-2023 Monroe County Public
40 Facilities Capacity Assessment Report.
41

42 (f) *The applicant for conditional use approval has the financial and technical capacity to*
43 *complete the development as proposed and has made adequate legal provision to*
44 *guarantee the provision and development of any improvements associated with the*
45 *proposed development:*
46

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

3
4 (g) *The development will adversely affect a known archaeological, historical, or cultural*
5 *resource:*

6
7 The proposed development would not adversely affect a known archaeological, historical,
8 or cultural resource.

9
10 (h) *Public access to public beaches and other waterfront areas is preserved as part of the*
11 *proposed development:*

12
13 The proposed development would have no impact on the preservation of public access to
14 public beaches and other waterfront areas.

15
16 (i) *The proposed use complies with all additional standards imposed on it by the particular*
17 *provision of this Land Development Code authorizing such use and by all other applicable*
18 *requirements:*

19
20 1. Residential Rate of Growth Ordinance (ROGO) (LDC Chapter 138, Article II):
21 *Not applicable.*

22
23 The development proposal does not include residential uses or dwelling units.

24
25 2. Nonresidential Rate of Growth Ordinance (NROGO) (LDC Chapter 138, Article III):
26 *In compliance.*

27
28 In accordance with LDC Section 138-50(f), the cumulative addition of up to 1,000
29 square feet of new nonresidential floor area shall not require an NROGO application
30 and NROGO allocation prior to issuance of a building permit. De minimis is not
31 required to be utilized in whole or limited to a single building permit application;
32 however cumulatively, an individual property shall not receive any more than 1,000
33 square feet of new nonresidential floor via de minimis expansion and/or addition.
34 Nonresidential floor area permitted via de minimis expansion and/or addition shall be
35 deducted from the annual NROGO allocation or the NROGO bank.

36
37 3. District Purpose (LDC Section 130-946: *In compliance.*

38
39 The purpose of the SC district is to establish areas for commercial uses designed and
40 intended primarily to serve the needs of the immediate planning area in which they are
41 located. This district should be established at locations convenient and accessible to
42 residential areas to reduce trips on U.S. 1.

43
44 4. Permitted and Conditional Uses (LDC Section 130-93): ***In compliance following***
45 ***receipt of the requested minor conditional use permit and adherence to proposed***
46 ***conditions of approval.***

1 Pursuant to LDC Section 130-93 (b)(7), the proposed light industrial use of outdoor
2 storage of aggregate materials, is permitted as a Minor Conditional Use in the SC
3 District, provided that:

- 4 a. The parcel proposed for development does not have an area of greater than two
5 acres;
- 6 b. The parcel proposed for development is separated from any established
7 residential use by at least a class C bufferyard; and
- 8 c. All outside storage areas are screened from adjacent use by a solid fence, wall
9 or hedge at least six feet in height;

10
11 Pursuant to LDC Section 101-1:

12
13 *Industrial use, light* means a use devoted to the manufacture, warehousing, assembly,
14 packaging, processing, fabrication, indoor and outdoor storage, or distribution of goods
15 and materials whether new or used and/or the substantial refinishing, repair and/or
16 rebuilding of vehicles or vessels.

17
18 5. Land Use Intensities (LDC Chapter 130, Article V): *In compliance.*

19
20 *The maximum nonresidential land use intensities for those uses permitted pursuant to LDC*
21 *Section 130-164 shall be in accordance with the following table:*

<i>Use within Suburban Commercial</i>	<i>Maximum Floor Area Ratio</i>	<i>Total Area (square feet)</i>	<i>Total Amount Allowed (square feet)</i>	<i>Total Proposed</i>	<i>Percent Proposed</i>
Light Industrial	0.30	10,080 SF	3,024 SF	810 SF	26.79%

22
23 6. Required Open Space (LDC Sections 118-4, 118-12, 130-157, 130-162 & 130-164): *In*
24 *compliance.*

25
26 In the SC District, there is a general required open space ratio (OSR) of at least 0.20 or
27 20%. Based on a total upland area of 10,080 square feet, the minimum open space
28 requirement is 2,016 square feet of upland. The proposed development includes 4,862
29 square feet of open space, or 48.23%.

30
31 7. Required Setbacks (LDC Sections 118-12, 131-1 & 131-3): *In compliance.*

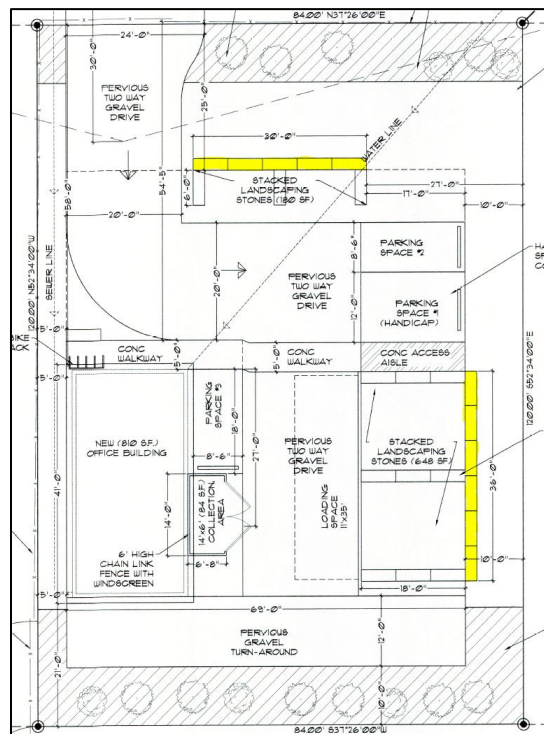
32
33
34
35
36
37
38
39 The required setbacks for this property are as follows:
40

<i>Land Use District/ Land Use</i>	<i>Primary Front Yard (ft.)</i>	<i>Primary Side Yard (ft.)</i>	<i>Secondary Side Yard (ft.)</i>	<i>Rear Yard (ft.)</i>
Suburban Commercial	25	10	5	10

It should be noted that the fencing constructed of landscaping stones are partially located within the primary front and primary side yard setbacks, however, this is permitted through LDC Section 114-13.

LDC Section 114-13(b): in general, notwithstanding the setback requirements in Section 131-1, fencing may be located anywhere on the property, including the property line.

LDC Section 101-1: *fence* means a barrier made of rocks, logs, posts, boards, wire, stakes, rails, masonry components, or similar material or combination of materials. A snapshot of the encroachment is included below and highlighted in yellow. Note that only the stone fencing is within the setbacks and not the aggregate storage areas:



8. Maximum Height (LDC Sections 101-1 & 131-2): *In compliance.*

According to the boundary survey submitted, the crown of road has grade elevations that vary from 13.47 NGVD 29 to 13.48 NGVD 29. The maximum height of the proposed structure is 24.30 NGVD 29.

1 The proposed development is in compliance with the maximum height restriction of 35
2 feet pursuant to LDC Section 131-2.
3

4 *Grade* means the highest natural elevation of the ground surface, prior to construction,
5 next to the proposed walls of a structure, or the crown or curb of the nearest road
6 directly adjacent to the structure, whichever is higher. To confirm the natural elevation
7 of the ground surface, prior to construction, the county shall utilize the Light Detection
8 and Ranging (LiDAR) dataset for Monroe County prepared in 2007 and other best
9 available data, including, but not limited to, pre-construction boundary surveys with
10 elevations, pre-construction topographic surveys, elevation certificates and/or other
11 optical remote sensing data.
12

13 9. Surface Water Management Criteria (LDC Section 114-3): *In compliance.*
14

15 The topography and stormwater plan dated April 19, 2022, Sheet C-2.0, and the
16 Stormwater Management Plan submitted with the application, indicate that the
17 proposed development complies with both the water quality and water quantity
18 stormwater management criteria as required by LDC Section 114-3.
19

20 10. Wastewater Treatment Criteria (LDC Section 114-4): *Compliance to be determined by*
21 *the Key Largo Wastewater Treatment District prior to the issuance of a building*
22 *permit.*
23

24 11. Fences (LDC Section 114-13): *Compliance to be determined.*
25

26 The proposed site plan does include 6 foot tall chain link fencing, which was permitted
27 through Monroe County Building Permit #96303480 for upland security only.
28

29 Any new fencing will require a building permit in accordance with LDC Section 114-
30 13
31

32 12. Floodplain Management (LDC Chapter 122): ***Compliance to be determined upon***
33 ***submittal to Building Department***
34

35 All new structures must be built to floodplain management standards.
36

37 13. Energy Conservation Standards (LDC Section 114-45): ***Full compliance to be***
38 ***determined upon building permit application review.***
39

40 14. Potable Water Conservation Standards (LDC Section 114-46): ***Full compliance to be***
41 ***determined upon building permit application review.***
42

43 15. Environmental Design Criteria and Mitigation Standards (LDC Sections 118-6, 118-7
44 & 118-8): *Not applicable.*
45

46 There are no native habitats on site. The standards in Chapter 118 are not applicable
47 to the proposed development.

1
2 16. Required Off-Street Parking (LDC Section 114-67): *In compliance.*

3
4 The proposed development is subject to the following off-street parking requirements:
5

<i>Specific Use</i>	<i>Multiplier</i>	<i>Required Spaces</i>	<i>Proposed Spaces</i>
Office	3.0 spaces per 1,000 sq. ft. of nonresidential floor area within the building	3	3
Total			3 spaces

6
7 17. Required Loading and Unloading Spaces (LDC Section 114-69): *In compliance.*

8
9 Outdoor uses and storage are required to have one 11' x 35' loading/unloading space.

10
11 The site plan submitted proposes one 11' x 35' loading space adjacent one of the
12 aggregate storage bays and is in compliance with LDC Section 114-69.
13

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

15
16 Pursuant to LDC Section 114-71, all nonresidential development within 200 feet of
17 an existing or programmed state or county bikeway shall provide a bicycle parking
18 rack. All bicycle parking racks shall be separated from vehicular traffic by at least
19 five feet or a physical barrier; the minimum dimensions for a bicycle parking rack
20 shall be two-foot-wide by six-foot-long stalls with a minimum aisle width of five feet.
21 Location criteria can be modified by the Planning Director if he or she determines
22 that a superior alternative exists.
23

24 19. Required Landscaping (LDC Chapter 114, Article IV): *Not applicable.*

25
26 Parking lot landscaping is not required for fewer than 6 parking spaces.
27

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

29
30 The site plan dated 12/01/22 (received 12/06/22) is in compliance with the Major Street
31 and Land Use District Boundary buffers required in Sections 114-125 and 114-126.
32

33 21. Outdoor Lighting (LDC Chapter 114, Article VI): *Full compliance to be determined*
34 *upon building permit application review.*

35
36 No structure or land shall be developed, used or occupied unless all outdoor lighting
37 conforms to the requirements of LDC Chapter 114, Article VI and the sea turtle
38 protection provisions of Chapter 12, Article V of the County Code of Ordinances,
39 unless otherwise specified within the LDC.
40

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

1
2 Signage is not being reviewed as part of this application. Signs shall be reviewed
3 independently for compliance as an accessory structure under a building permit
4 application.
5

- 6 23. Access Standards (LDC Chapter 114, Article VII): *In compliance with Planning*
7 *Commission Variance granted January 25, 2023.*
8

9 Pursuant to LDC Section 114-195, *US-1/ County Road 905 Access*, “No structure or
10 land shall be developed, used or occupied unless direct access to U.S. 1 or County
11 Road 905 is by way of a curb cut that is spaced at least four hundred (400) feet from
12 any other curb cut that meets the access standards of the Florida Department of
13 Transportation, as contained in Chapter 14-97, F.A.C., or an existing street on the
14 same side of U.S. 1 or County Road 905. Proposed developments with access on U.S.
15 1 that are designated as Class 5 or Class 6 access control classifications, as defined by
16 FDOT, where the posted speed limit is 45 MPH or less may deviate from 400 foot
17 standard, in accordance with the standards contained in Chapter 14-97, F.A.C., State
18 Highway System Access Control Classification System and Access Management
19 Standards.”
20

21 In accordance with LDC Section 114-195 and Chapter 14-97 F.A.C., connections on
22 Access Class 5 roadways with 45 mph are to be spaced 245 feet apart.
23

24 The subject property is proposed to be developed with a single 24 foot wide access
25 drive way onto US1 that is spaced approximately 25 feet from the curb cut of the
26 access drive of the property to the south and 125 feet from the curb cut of Lime Drive
27 to the north.
28

29 The applicant had submitted a request for a Planning Commission Variance to the
30 access standards in order to allow the access drive off of U.S. 1 as proposed (Planning
31 File #2022-214). **The access variance was approved by the Planning Commission**
32 **on January 25, 2023. Staff recommends that as a condition of the requested Minor**
33 **Conditional Use Permit, that prior to issuance of the Development Order, the**
34 **Planning Commission variance to access standards (Planning Commission**
35 **Resolution No. P02-23) must be effective.**
36

- 37 24. Recycling and Solid Waste Collection Areas (LDC Section 114-14): *In compliance.*
38

39 Pursuant to LDC Section 114-14(a), any nonresidential development shall make
40 adequate provision for a solid waste and recycling collection area. For 0 to 5,000 square
41 feet of floor area, the minimum collection area is 82 square feet.
42

- 43 25. Accessibility (Chapter 533, Florida Statutes): *Full compliance to be determined upon*
44 *submittal to Building Department.*
45

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

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

Nonresidential and transient use development or redevelopment generates a direct impact on housing for the workforce. LDC Section 139-1(3) requires workforce housing be provided for all new development and expansions in an amount proportionate to the need for affordable workforce housing that the nonresidential and transient uses create.

Per LDC Section 139-1(f)(3)(a), each new development project not exempted by subsection (4), **shall mitigate 50% of the workforce housing demand created by the proposed development by one or a combination of the methods identified in subsection (5)**

The table indicates the number of workforce housing units or in-lieu fee needed for every square foot (and per 1,000sf) of new development or redevelopment (expanded or converted square footage) for each category of non-residential land use.

TOTAL NEED CREATED BY NONRESIDENTIAL DEVELOPMENT (for construction and post-construction employees)				
			50% Mitigation	
Land Use Category	Total Housing Need per sf (units/sf)	Total In-Lieu Fee per sf (monetary fee/sf)	Units	In-Lieu Fees
Industrial (Light manufacturing, lumber yards, warehousing, storage facilities, etc.)	0.000226	\$24.39	0.09	\$9,877.95
e. If the workforce housing requirement results in less than one (1) affordable dwelling unit, then the applicant may choose to build one (1) affordable dwelling unit or pay the in-lieu amount.				

The inclusionary housing requirement (or required number of workforce housing dwelling units) shall be calculated by multiplying the per square foot requirements for the appropriate type of land use category by the proposed square footage of the nonresidential development and/or incremental increase in size of the nonresidential use and applying the appropriate mitigation standard.

All nonresidential uses not exempted by subsection (4) shall mitigate the demand for workforce housing created by the proposed development or redevelopment by one or a combination of methods identified below.

- 1 1. The construction of workforce housing dwelling units on the site of the
2 development project. The workforce housing dwelling units shall meet the
3 County's affordable housing restrictions as specified in Section 139-1(b) and (c),
4 for a period not less than 99 years.

- 5 2. The construction of workforce housing dwelling units off-site of the development
6 project but within a 15 mile radius of the nonresidential development/
7 redevelopment. The workforce housing dwelling units shall meet the County's
8 affordable housing restrictions as specified in Section 139-1(b) and (c), for a period
9 not less than 99 years.

- 10 3. The deed-restriction of existing dwelling units within a 15 mile radius of the
11 nonresidential development/ redevelopment. The workforce housing dwelling units
12 shall meet the County's affordable housing restrictions as specified in Section 139-
13 1(b) and (c), for a period not less than 99 years.

- 14 4. The donation of land to the County, upon the acceptance of the BOCC of a proposed
15 parcel or parcels, may satisfy the requirements of this subsection by donating one
16 (1) IS or URM zoned platted lot for each workforce housing unit required but not
17 provided through actual construction or in-lieu fees (or a Tier III parcel or parcels
18 of land zoned other than IS or URM as long as the donated parcel(s) have the
19 appropriate density available to support the development of the required number of
20 workforce units); and/or

- 21 5. The payment of a fee in-lieu for the inclusionary housing requirements for all or a
22 percentage of the workforce housing units required. The in-lieu fee shall be paid
23 prior to issuance of a building permit for the nonresidential affordable housing trust
24 fund and spent solely on the purposes allowed for that fund.

25
26 RECOMMENDED ACTION:
27

28 Pursuant to LDC Section 110-69(b), an application for a minor conditional use permit shall be
29 reviewed by the Development Review Committee (DRC). At the meeting, DRC members shall
30 make comment on the application and responsible Planning and Environmental Resources
31 Department staff shall provide their staff report(s) to the Planning Director. The applicant shall
32 provide any additional information requested by the DRC within 6 months of the date of the
33 DRC meeting when the application was considered. If such information is not received within
34 this timeframe, the application will be deemed withdrawn.
35

36 Pursuant to LDC Section 110-69(b), Staff requires that prior to the issuance of a development
37 order, the applicant shall revise the site plan so as to demonstrate compliance with the
38 following:
39

- 40 1. The applicant must revise the plans so as to construct the proposed driveway of
41 compacted fill or concrete not less than four inches thick on a mechanically compacted
42 base and reinforced with at least six-inch by six-inch number wire mesh, or such other

1 construction, including permeable paving materials, as may be approved by the County
2 Engineer.

- 3
4 **2. The Planning Commission variance to access standards (Planning Commission
5 Resolution No. P02-23) must be effective.**

6
7 **Staff recommends APPROVAL of the requested Minor Conditional Use Permit, with
8 the following conditions:**

- 9
10 1. A functional sprinkler system and/or wash station must be installed on the property [not
11 the front yard setback] in order to rinse the dump trucks/aggregate loads to minimize the
12 potential for dust to leave the property.
13
14 2. Approval of this Minor CUP is contingent upon the Planning Commission variance
15 approving the requested access variance (Planning Commission Resolution No. P02-23)
16 being issued and effective.
17
18 3. Prior to issuance of a building permit for the proposed development, the nonresidential
19 inclusionary housing requirement must be satisfied in accordance with LDC Section
20 139-1(f)(3)(a).
21
22 4. Prior to issuance of a building permit for any lighting on the site, lighting details and a
23 photometric plan shall be provided demonstrating compliance with Chapter 114, Article
24 VI.
25
26 5. Prior to the issuance of a building permit that includes fencing, the fencing must be
27 shown to comply with LDC Section 114-13.
28
29 6. The scope of work has not been reviewed for compliance with Florida Building Code.
30 Prior to the issuance of Building Permits, new development and structures shall be found
31 in compliance by the Monroe County Building Department, Floodplain Administrator,
32 and the Office of the Fire Marshal.
33
34 7. Prior to the issuance of a building permit, all standards and requirements of the
35 American with Disabilities Act (ADA) must be met.
36
37 8. A minor conditional use permit is not a final approval for certain development. The
38 applicant shall obtain a building permit(s) for any improvement requiring such an
39 approval.
40

41 **V PLANS REVIEWED:**

- 42
43 1. Site Plan, Sheet C-1, by Daryle Osborn, P.E., signed and sealed on 12/01/2022
44 2. Topography Plan, Sheet C-2, by Daryle Osborn, P.E., signed and sealed on 12/01/2022
45 3. Floor Plan, Sheet A-1, by Daryle Osborn, P.E., signed and sealed on 12/01/2022
46 4. Elevations, Sheet A-2, by Daryle Osborn, P.E., signed and sealed on 12/01/2022

- 1 5. Electrical Plans, Sheets E-1 and E-2, by Daryle Osborn, P.E., signed and sealed on
- 2 12/01/2022
- 3 6. Mechanical Plan, Sheet M-1, by Daryle Osborn, P.E., signed and sealed on 12/01/2022
- 4 7. Plumbing Plan, Sheet P-1, by Daryle Osborn, P.E., signed and sealed on 12/01/2022
- 5 8. Structural Plans, Sheets S-1 and S-2, by Daryle Osborn, P.E., signed and sealed on
- 6 12/01/2022
- 7 9. Boundary Survey prepared by Armando F. Alvarez, Professional Surveyor and Mapper,
- 8 dated on 03/06/2019
- 9 10. Traffic Statement prepared by KBP Consulting, Inc. signed by Karl B. Peterson, P.E., dated
- 10 October 22, 2019