



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

Through: Emily Schemper, AICP, CFM, Senior Director of Planning & Environmental Resources

From: Brad Stein, AICP, Planning and Development Review Manager  
Michael Roberts; CEP, PWS, CFM, Assistant Director/Environmental Resources

Date: September 6, 2023

Subject: A request for a Major Conditional Use Permit by Mobile Homes Holdings Coco, LLC, 21585 Old State Road 4a, Cudjoe Key, Mile Marker 21.6, Bayside, Parcel ID # 00174960-000000 (File# 2023-033)

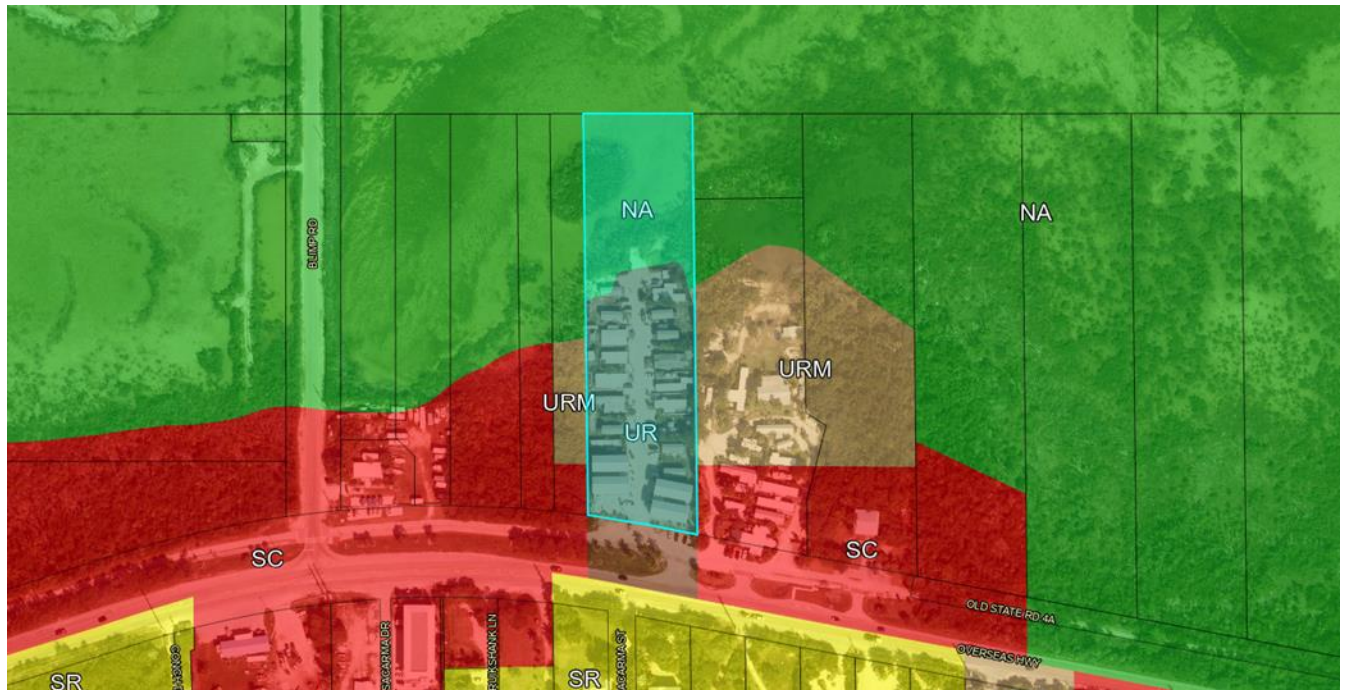
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**Meeting: September 27, 2023**

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1  
2 I REQUEST:  
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4 The applicant is requesting approval of an Amendment to Major Conditional Use Permit, in order  
5 to develop an additional twenty-four (24) multifamily employee housing dwelling units in an  
6 existing mobile home park for a total of forty-six (46) dwelling units on Cudjoe Key.  
7



8  
9 Subject Property with Land Use District Overlaid (Aerial dated 2022)  
10

1  
2 BACKGROUND INFORMATION:  
3

4 **Address:** 21585 Old State Road 4a, Cudjoe Key

5 **Legal Description:** LEGALLY DESCRIBED AS LOT 30 SACARMA, A SUBDIVISION  
6 OF GOVERNMENT LOTS 3 AND 4 IN SECTION 29, TOWNSHIP 66 SOUTH, RANGE 28  
7 EAST, CUDJOE KEY, MONROE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2,  
8 PAGE 48 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA

9 **Parcel ID Numbers:** 00174960-000000

10 **Property Owner/Applicant:** Mobile Homes Holdings Coco, LLC

11 **Agent:** Bart Smith/Jess Goodall

12 **Size of Site:** 100,359 sq. ft. (2.3 acres) of upland, total site 167,600 sq. ft. (3.85 acres)

13 **Land Use District:** Urban Residential (UR) and Native Area (NA)

14 **Future Land Use Map (FLUM) Designation:** Residential High (RH) and Residential  
15 Conservation (RC)

16 **Tier Designation:** III Infill Area

17 **Existing Use:** Mobile home park, with affordable multifamily dwelling units

18 **Existing Vegetation / Habitat:** Developed land with mangroves to the north

19 **Community Character of Immediate Vicinity:** Mobile home park to the east, residential  
20 uses to the south, mangroves, hammock, buttonwood, and water to the north and west.

21 **FEMA Flood Zone:** AE 10  
22

23 II RELEVANT PRIOR COUNTY ACTIONS:  
24

25 On February 20, 2019, the BOCC adopted Ordinance 001-2019, for a Comprehensive Plan  
26 Text Amendment for a Subarea Policy. The purpose of Coco Palms Affordable Housing  
27 Subarea is to implement applicable goals, objectives, and policies of the Comprehensive Plan  
28 to promote and facilitate development of affordable housing to meet the needs of Monroe  
29 County. The Ordinance became effective March 22, 2019 (File #2018-050).  
30

31 On February 20, 2019, the BOCC adopted Ordinance 002-2019, for a Comprehensive Plan  
32 Future Land Use Map Amendment from Residential High (RH) to Mixed Use/Commercial  
33 (MC). The Ordinance became effective March 22, 2019 (File #2018-051).  
34

35 On February 20, 2019, the BOCC adopted Ordinance 003-2019, for a Land Use District Map  
36 Amendment from Urban Residential Mobile Home (URM) to Suburban Commercial (SC).  
37 The Ordinance became effective May 6, 2019 (File #2018-052).  
38

39 On October 30, 2019, the Planning Commission approved Resolution No. 49-19 for the Major  
40 Conditional Use Permit, the resolution was signed December 18, 2019. (File# 2019-057)  
41

42 On November 15, 2022, the BOCC adopted Ordinance 023-2022, for a Comprehensive Plan  
43 Text Amendment for a Subarea Policy. The purpose of Coco Palms Affordable Housing  
44 Subarea is to implement applicable goals, objectives, and policies of the Comprehensive Plan

1 to promote and facilitate development of affordable housing to meet the needs of Monroe  
2 County. The Ordinance became effective December 2, 2022 (File #2022-084).

3  
4 On November 15, 2022, the BOCC adopted Ordinance 024-2022, for a Comprehensive Plan  
5 Future Land Use Map Amendment from Mixed Use/Commercial (MC) to Residential High  
6 (RH). The Ordinance became effective December 12, 2022. (File #2022-085).

7  
8 On November 15, 2022, the BOCC adopted Ordinance 025-2022, for a Land Use District Map  
9 Amendment from Suburban Commercial (SC) to Urban Residential (UR). The Ordinance  
10 became effective December 2, 2022. (File #2022-086).

11  
12 **III REVIEW OF APPLICATION:**

13  
14 Section 110-67 of the Monroe County Land Development Code (LDC) provides the standards  
15 which are applicable to all conditional uses. When considering applications for a conditional  
16 use permit, the Planning Director and the Planning Commission shall consider the extent to  
17 which:

- 18 (a) *The conditional use is consistent with the purposes, goals, objectives and policies of the*  
19 *Comprehensive Plan and this Land Development Code: **In compliance***

20  
21 Policies from the *Monroe County Year 2030 Comprehensive Plan* that directly pertain to  
22 the proposed use include but are not limited to:

23  
24 **Policy 107.1.7 Coco Palms Affordable Housing Subarea**

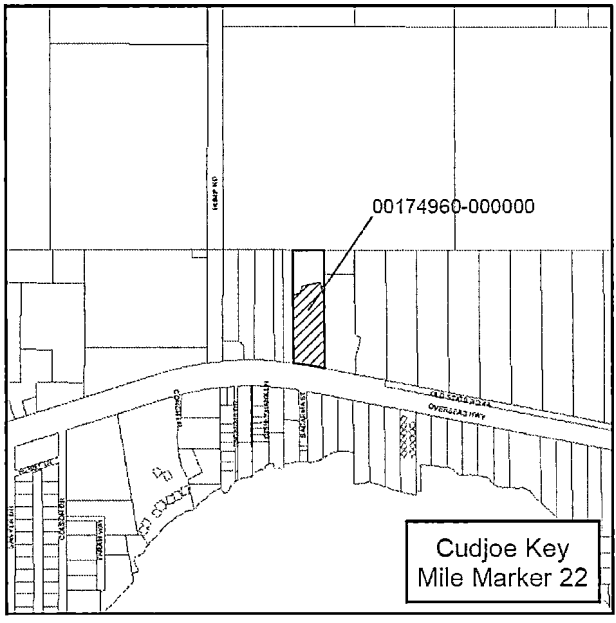
25 The purpose of Coco Palms Affordable Housing Subarea is to implement applicable  
26 goals, objectives, and policies of the Comprehensive Plan to promote and facilitate  
27 development of affordable housing to meet the needs of Monroe County.

- 28 1. Boundary. The Coco Palms Affordable Housing Subarea shall include the upland  
29 portion of the property having Real Estate Number 00174960-000000, which  
30 consists of approximately 2.30 acres of upland, and is legally described as follows  
31 (upland portion):

32 **LEGAL DESCRIPTION (Upland):**

33 A portion of Lot 30 Sacarma a subdivision of Government Lots 3 and 4 in Section  
34 29, Township 66 South, Range 28 East, Cudjoe Key, Monroe County, Florida,  
35 recorded in Plat Book 2, Page 48 of the Public Records of Monroe County, Florida,  
36 and being more particularly described as follows: BEGIN at the Southwest corner of  
37 said Lot 30; thence N 00°28'49" W along the Westerly Line of said Lot 30 for a  
38 distance of 431.51 feet; thence N 49°54'16" E a distance of 6.89 feet; thence N  
39 62°43'59" E a distance of 17.84 feet; thence N 74°45'27" E for a distance of 25.07  
40 feet; thence N 52°36'11" E for a distance of 6.04 feet; thence N 18°29'29" E for a  
41 distance of 10.62 feet; thence N 13°02'59" E for a distance of 26.10 feet; thence N  
42 51°09'27" E for a distance of 8.57 feet; thence N 76°25'20" E for a distance of 49.23  
43 feet; thence N 83°33'07" E for a distance of 20.97 feet; thence N 71°51'34" E for a  
44 distance of 29.93 feet; thence S 75°26'35" E for a distance of 8.32 feet; thence S

1 36°22'15" E for a distance of 16.80 feet; thence S 12°41'11" E for a distance of 31.84  
 2 feet; thence S 13°57'59" E for a distance of 38.49 feet; thence S 26°21'12" E for a  
 3 distance of 5.72 feet to the Easterly Line of said Lot 30; thence S 00°28'49" E along  
 4 the said Easterly Line of said Lot 30 for a distance of 464.64 feet to the Southeast  
 5 corner of said Lot 30; thence N 79°07'38" W along the South Line of said Lot 30  
 6 (also being the Northerly Right-of-Way Line of Old State Road 4A) for a distance of  
 7 91.48 feet to a point of curvature of a curve concave to the South; thence in a  
 8 Westerly direction along the curve, having a radius of 2025.86 feet; a Central angle  
 9 of 03°09'58", a chord bearing of N 80°42'37" W and a chord length of 111.93 feet,  
 10 for an arc distance of 111.95 feet to the Point of Beginning. Containing 100,371 sq.  
 11 ft. or 2.3 Acres, more or less.



- 12
- 13 2. Land Use Designations. The Coco Palms Affordable Housing Subarea shall be  
 14 subject to all regulations applicable to the Residential High (RH) Future Land Use  
 15 Map designation and the Urban Residential (UR) Land Use District (Zoning)  
 16 category, as well as the additional restrictions set forth in this Policy. Where conflicts  
 17 may arise, the specific restriction in this Sub Area Policy shall supersede the general  
 18 criteria applicable to the underlying Future Land Use designation and Land Use  
 19 District (Zoning) Category. In no case shall the subarea policy allow development  
 20 potential greater than the underlying FLUM category or Land Use (Zoning) District.
- 21 3. Density Provisions.
- 22 a. For consistency with Policy 101.5.26, in order to implement the Florida Keys  
 23 Carrying Capacity Study and maintain the overall County allocated density and  
 24 the preservation of native habitat, the allocated density for the Coco Palms  
 25 Affordable Housing Subarea shall be zero (0).
- 26 b. There shall be no maximum net density standard available for market rate  
 27 dwelling units or transient units.

- c. The maximum floor area ratio (F.A.R.) for all nonresidential uses within the subarea shall be zero.
- d. In accordance with Policy 101.5.25, the following density and intensity standards shall be applicable to the Coco Palms Affordable Housing Subarea.

Estimated Maximum Development Potential						
Land Use	Allocated Density	Maximum Net Density	Gross Upland Area of Site	Open Space Ratio	Buildable Area	Development Potential
Market Rate Dwelling Units	0 du/acre	N/A	N/A	N/A	N/A	0 du/acre
Affordable Dwelling Units	0 du/acre	25 du/buildable acre	2.30 acres*	0.20	1.84	46 du*
Transient Units	0 du/acre	0 du/acre	N/A	N/A	N/A	0 du/acre
Nonresidential Uses	0.0 FAR	N/A	N/A	N/A	N/A	0 sf

101,958 sf (2.3 acres) per survey by Eric Isaacs, Florida Keys Land Surveying, dated 09/20/2022.

- 4. Only the land uses listed below shall be permitted within the Coco Palms Affordable Housing Subarea.
  - a. Permitted as of right.
    - i. Deed restricted attached or detached affordable dwelling units involving less than six units, designated as employee housing as provided for in LDC Section 139-1;
    - ii. Accessory Uses;
    - iii. Replacement of deed restricted affordable dwelling units (mobile homes) which are as of the effective date of this Policy subject to Chapter 723, Florida Statutes, in the event of substantial damage or destruction, for so long as such deed restricted affordable dwelling units (mobile homes) are subject to Ch. 723, Florida Statutes; and
    - iv. Non-conforming mobile homes existing as of the date of this policy may remain so long as they are not substantially damaged or destroyed. All current occupants may remain under their current leases. Upon expiration of any mobile home lease, in order to obtain a new lease, the tenant(s) must meet the qualifications for affordable employee housing.

- b. Permitted as a minor conditional use subject to the standards and procedures set forth in the Monroe County Land Development Code Chapter 110, Article III.
  - i. Attached or detached dwellings involving six to 18 units, designated as employee housing as provided for in LDC Section 139-1.
- c. Permitted as a major conditional use subject to the standards and procedures set forth in Monroe County Land Development Code Chapter 110, Article III:
  - i. Attached or detached dwellings involving more than 18 units, designated as employee housing as provided for in LDC Section 139-1.
- d. Permitted and Conditional use limitations.
  - i. All residential units constructed within the subarea shall be deed restricted affordable in accordance with Policy 601.1.4;
  - ii. No market rate housing shall be allocated, assigned, transferred to the Coco Palms Affordable Housing Subarea, or otherwise developed within the Coco Palms Affordable Housing Subarea;
  - iii. Properties within the Coco Palms Affordable Housing Subarea shall not be eligible sender sites for affordable housing ROGO exemptions or TREs;
  - iv. No other residential or nonresidential uses shall be permitted within the subarea; and
  - v. All new residential units developed within the subarea shall be subject to the ROGO permit allocation system and after development of the sixteen new units the resulting thirty-three (33) units shall consist of nineteen (19) moderate income, seven (7) median income and seven (7) low income affordable allocations. Once the sixteen (16) new employee housing units are developed, the affordable housing income restrictions may be reconfigured within the property so as to insure occupant(s) can meet the income requirements for the unit occupied.

**Policy 101.5.4**

The principal purpose of the Residential High (RH) future land use category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers.

**Policy 101.5.25**

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the FLUM and described in Policies 101.5.1 - 101.5.20.

<b>Future Land Use Densities and Intensities</b>				Minimum Open Space Ratio <sup>(c)</sup>
Future Land Use Category And Corresponding Zoning	Residential <sup>(l)</sup>		Nonresidential	
	Allocated Density <sup>(a)</sup> (per upland acre)	Maximum Net Density <sup>(a) (b)</sup> (per buildable acre)	Maximum Intensity (floor area ratio)	
* * *				
Residential High (RH) (IS-D (j) , URM, URM-L and UR zoning)	6 du (UR) 1 du/lot (URM, URM-L) 2 du/lot (IS-D)  0—10 rooms/spaces	12—25 du (UR) (k) N/A (IS-D, URM, URM-L)  0—20 rooms/spaces	0	0.20

Notes:

- (a) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net density bonuses shall not be available.
- (b) The Maximum Net Density is the maximum density allowable with the use of TDRs, or for qualifying affordable housing development. TDRs can be utilized to attain the density between the allocated density standard up to the maximum net density standard. Deed restricted affordable dwelling units may be built up to the maximum net density without the use of TDRs. “N/A” means that maximum net density bonuses shall not be available. Buildable acres means the portion of a parcel of land that is developable and is not required open space.
- (c) Additional open space requirements may apply based on environmental protection criteria; in these cases, the most restrictive requirement shall apply.
- (d) Future land use categories of Agriculture/Aquaculture, Education, Institutional, Preservation, Public Buildings/Lands, and Public Facilities, which have no directly corresponding zoning, may be used with new or existing zoning districts as appropriate.
- (e) Within the Mainland Native future land use district, campground spaces and nonresidential buildings shall only be permitted for educational, research or sanitary purposes.
- (f) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing future land use categories, the maximum floor area ratio shall be 0.10 and the maximum net density bonuses shall not be available.
- (g) A mixture of uses shall be maintained for parcels designated as MI zoning district that are within the MC future land use category. Working waterfront and water dependent uses, such as marina, fish house/market, boat repair, boat building, boat storage, or other similar uses, shall comprise a minimum of 35% of the upland area of the property, adjacent to the shoreline, pursuant to Policy 101.5.6.
- (h) In the RV zoning district, commercial apartments shall be allowed, not to exceed 10% of total spaces allowed or in existence on the site, whichever is less.
- (i) The allocated density for the CFSD-20 zoning district (Little Torch Key) shall be 1 dwelling unit per acre, or 1 dwelling unit per parcel for those parcels existing as of September 15, 1986, whichever is less, and the maximum net density bonuses shall not be available. Residential density shall be allowed in addition to the permitted nonresidential uses and intensity (i.e., density and intensity shall not be counted cumulatively).
- (j) Within IS subdivisions with primarily single family residential units, IS-D zoning may be used with a RM future land use designation for platted lots which have a duplex that was lawfully established prior to September 15, 1986.
- (k) The maximum net density shall be 25 du/buildable acre for the UR zoning district and shall be 18 du/buildable acre for the MU and SC zoning district for development where all units are deed restricted affordable dwelling units. For the UR zoning district market rate housing may be developed as part of an affordable or employee housing project with a maximum net density not exceeding 18 du/buildable acre.
- (l) Vessels, including live-aboard vessels, or associated wet slips are not considered dwelling units and do not count when calculating density.

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

4 The proposed 40 units of attached affordable dwelling units and remaining 6 detached  
5 dwelling units are consistent with the community character.  
6

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

9  
10 The raised multifamily attached affordable dwelling units do not create adverse effects or  
11 a visual impact to adjacent property owners, 4 of the buildings currently exist at the front  
12 of the development.  
13

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

16  
17 Staff has no evidence to support or disprove that the proposed development will have an  
18 adverse impact on the value of the surrounding properties.  
19

20 (e) *The adequacy of public facilities and services, including, but not limited to: **In***  
21 ***compliance***

22  
23 1. *Transportation/Roadways:* The Level of Service (LOS) for Segment 6 it is at a LOS  
24 A, with a reserve capacity of 3,064 trips and a remaining capacity of 2,603. A Level II  
25 Traffic Study was provided with a date of December 2022, and shows 283 gross daily  
26 trips. The traffic study has been reviewed for compliance by the County's consulting  
27 traffic engineers.

Table 2 Coco Palms Trip Generation Analysis Overseas Highway / US 1 - Cudjoe Key, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Existing</i>								
Mobile Homes	17 DU	118	1	6	7	6	4	10
Multifamily Housing (Low-Rise)	16 DU	96	1	5	6	5	3	8
<b>Sub-Total</b>	<b>33 DU</b>	<b>214</b>	<b>2</b>	<b>11</b>	<b>13</b>	<b>11</b>	<b>7</b>	<b>18</b>
<i>Proposed</i>								
Mobile Homes	6 DU	42	0	2	2	2	1	3
Multifamily Housing (Low-Rise)	40 DU	241	4	12	16	13	7	20
<b>Sub-Total</b>	<b>46 DU</b>	<b>283</b>	<b>4</b>	<b>14</b>	<b>18</b>	<b>15</b>	<b>8</b>	<b>23</b>
<b>Difference (Proposed - Existing)</b>		<b>69</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>4</b>	<b>1</b>	<b>5</b>

28 Compiled by: KBP Consulting, Inc. (December 2022).  
29 Source: ITE Trip Generation Manual (11th Edition).  
30



1

The trip distribution for the remaining segments is as follows:

Net New Daily Trips	Percent Primary Trips	US 1 Segment Number	Percent Directional Split	% Impact Based On Trip Length	Project Generated Daily Trips	2021 Reserve Capacity
		1	60%	25%	10	2,474
		2	60%	40%	17	5,599
		3	60%	60%	25	815
		4	60%	75%	31	3,685
		5	60%	85%	35	9,363
69	100%	6	60% / 40%	100%	41	2,657
		7	40%	90%	25	1,754
		8	40%	75%	21	2,027
		9	40%	65%	18	2,646
		10	40%	55%	15	4,193
		11	40%	15%	4	7,876
		12	40%	0%	0	3,700

Source: Monroe County Planning and Environmental Resources Department.

Compiled by: KBP Consulting, Inc. (December 2022).

<sup>1</sup> Remaining roadway capacities by segment as documented by Monroe County in the latest tracking table (10/20/22). These values reflect existing volumes plus traffic volumes associated with committed development (i.e. permitted but unbuilt). Please see Appendix G for the latest tracking table.

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Monroe County Engineering has reviewed the proposed plans and provides the following comments:

“I have reviewed the plans and the file for the referenced proposed project. The traffic study incorrectly states that Old State Road 4A is a two-lane local roadway that serves as frontage road to Overseas Highway; Old State Road 4A is a single lane paved frontage road that carries two-way traffic in the vicinity of the proposed development.

Old State Road 4A is within the FDOT US 1 right-of-way and is not a county maintained road; therefore there are no impacts to county roads via the proposed access drive. Engineering Department has no further comments at this time.”

2. *Solid Waste*: A letter from Waste Management dated February 17, 2023 indicates no issue.
3. *Potable Water*: A letter of coordination with Florida Keys Aqueduct Authority dated October 13, 2022 was submitted with the application.
4. *Sanitary Sewer*: The development is required to connect to wastewater.
5. *Drainage/Stormwater*: The revised Site Plan and revised Stormwater Management System Report (signed & sealed by Michael J. Giardullo on 04/24/2023) meet the water quantity and water quality requirements of the Land Development Code.

1 6. *Schools:* According to the latest County Public Facilities Capacity Report, the capacity  
2 for schools is adequate for the Lower Keys.

3  
4 7. *Recreation and Open Space:* According to the latest County Public Facilities Capacity  
5 Report, the other requirements of the County Public Facilities Capacity Report for  
6 recreation and open space is adequate for the Lower Keys.

7  
8 (f) *The applicant for conditional use approval has the financial and technical capacity to*  
9 *complete the development as proposed and has made adequate legal provision to*  
10 *guarantee the provision and development of any improvements associated with the*  
11 *proposed development: **In compliance***

12  
13 Staff has no evidence to support or disprove the applicant's financial and technical  
14 capacity.

15  
16 (g) *The development will adversely affect a known archaeological, historical, or cultural*  
17 *resource: **In compliance***

18  
19 The proposed redevelopment will not adversely affect a known archaeological, historical,  
20 or cultural resource.

21  
22 (h) *Public access to public beaches and other waterfront areas is preserved as part of the*  
23 *proposed development: **In compliance***

24  
25 Public access to public beaches and other waterfront areas will not be affected by this  
26 project.

27  
28 (i) *The proposed use complies with all additional standards imposed on it by the particular*  
29 *provision of this Land Development Code authorizing such use and by all other applicable*  
30 *requirements:*

31  
32 1. Residential Rate of Growth Ordinance (ROGO) (LDC Chapter 138, Article II): ***In***  
33 ***compliance, subject to approval of the requested Amendment to Major CUP, building***  
34 ***permit, and allocation of 13 additional affordable ROGOs.***

35  
36 The current 33 units on site are all required to be deed restricted affordable dwelling  
37 units, 11 of those units are being redeveloped as attached dwelling units with this  
38 current proposal, with 16 existing affordable attached dwelling units and 6 existing  
39 detached affordable dwelling units.

40  
41 2. NonResidential Rate of Growth Ordinance (NROGO) (LDC Chapter 138, Article III):  
42 ***Not applicable.***

43  
44 No NROGO proposed.

1 3. District Purpose (LDC Section 130-51): ***In compliance***

2  
3 The purpose of the UR district is to provide areas appropriate for high-density  
4 residential uses and to create areas to provide for vacation rental use of detached  
5 dwellings, duplexes, and multifamily dwellings. This district should be established at  
6 or near employment centers.  
7

8 4. Permitted and Conditional Uses (LDC Section 130-98): ***In compliance, subject to***  
9 ***approval of the requested Amendment to Major CUP.***

10 Pursuant to Policy 107.1.7,4.c. of the Coco Palms Affordable Housing Subarea

11 Policy 107.1.7,4.

12  
13 c. Permitted as a major conditional use subject to the standards and procedures set  
14 forth in Monroe County Land Development Code Chapter 110, Article III:

15  
16 i. Attached or detached dwellings involving more than 18 units, designated as  
17 employee housing as provided for in LDC Section 139-1.

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

20 Residential Density Analysis

21  
22 No structure or land in the County shall be developed, used or occupied at an intensity  
23 or density greater than the standards set out in LDC Chapter 130, Article V. The County  
24 LDC allows affordable and employee housing dwelling units in the UR District to  
25 utilize the maximum net density of up to 18 dwelling units per buildable acre pursuant  
26 to LDC Sections 130-157 and 139-1.  
27

28 LDC Section 101-1 defines the following relevant terms:

29  
30 *Density, maximum net* means the maximum number of dwelling units or  
31 rooms/spaces which may be permitted to be developed per buildable acre, with the  
32 use of Transferable Development Rights (TDRs) or for affordable housing.  
33

34  
35 *Net buildable area* means that portion of a parcel of land that is developable and is  
36 not required open space.  
37

38 Given the land area and open space required (*as outlined above*), the net buildable area  
39 of the property would be 80,150 square feet or 1.84 acres. The maximum residential  
40 density of the subject property, pursuant to LDC Sections 130-157 and 139-1, shall be  
41 in accordance with the following table:  
42  
43

<i>Land Use District</i>	<i>Maximum Net Density Standard</i>	<i>Net Buildable Area</i>	<i>Maximum DUs</i>	<i>Proposed DUs</i>	<i>Development Potential Used</i>
<b>Urban Residential (UR):</b>					
Affordable & Employee Housing per LDC Section 139-1	25 DU / Buildable Area	1.84 acres	46 DU	46 DU	100%

Nonresidential Density Analysis

No nonresidential intensity requested.

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

In the UR district, the required open space ratio (OSR) is a minimum of 0.20 or 20%. According to the site plan submitted with this application, the property consists of 101,958 square feet of upland area. Therefore, 20,391.6 square feet of upland is required to remain as open space. According to the site plan submitted with this application, 47,709.5 square feet, or 46.8% percent of open space is provided.

LDC Section 101-1 defines the following relevant term:

*Open space* means (in relation to open space ratio calculations) that portion of any parcel or area of land or water that is required to be maintained such that the area within its boundaries is open and unobstructed from the ground to the sky (This definition is not intended to exclude vegetation from required open space).

7. Required Setbacks (LDC Sections 118-12, 131-1 & 131-3): ***In Compliance, with the previously approved Administrative Waiver to the front yard setback***

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

<i>Land Use District/ Land Use</i>	<i>Primary Front Yard (ft.)</i>	<i>Secondary Front Yard (ft.)</i>	<i>Primary Side Yard (ft.)</i>	<i>Secondary Side Yard (ft.)</i>	<i>Rear Yard (ft.)</i>
Suburban commercial	25	15	10	5	10

The subject property is shown in compliance of setbacks with the waiver.

8. Wetland Setback (LDC Section 118-10): ***In compliance***

The revised Site Plan (Sheet CU-1.0, dated 05/22/2023) depicts the required wetland setback and buffer.

1 9. Maximum Height (LDC Section 130-187): ***In compliance as shown***

2  
3 The attached affordable dwelling units would not exceed the maximum height pursuant  
4 to Section 131-2(b).

5  
6 Per LDC Sec. 101-1 “Grade means the highest natural elevation of the ground surface,  
7 prior to construction, next to the proposed walls of a structure, or the crown or curb of  
8 the nearest road directly adjacent to the structure, whichever is higher.”  
9

10  
11 10. Surface Water Management Criteria (LDC Section 114-3): ***In compliance***

12  
13 The revised Site Plan and revised Stormwater Management System Report (signed &  
14 sealed by Michael J. Giardullo on 04/24/2023) meet the water quantity and water  
15 quality requirements of the Land Development Code.  
16

17 11. Wastewater Treatment Criteria (LDC Section 114-4): ***In compliance***

18  
19 The development is required to connect to wastewater.  
20

21 12. Fences (LDC Section 114-13): ***Compliance to be determined***

22  
23 All fencing must comply with LDC Section 114-13.  
24

25 13. Floodplain Management (LDC Chapter 122): ***Compliance to be determined***

26  
27 The site is designated within AE-10 flood zone on the Federal Emergency Management  
28 Agency (FEMA) flood insurance rate maps.  
29

30 14. Energy Conservation Standards (LDC Section 114-45): ***In compliance***

31  
32 15. Potable Water Conservation Standards (LDC Section 114-46): ***In compliance***

33  
34 16. Environmental Design Criteria and Mitigation Standards (LDC Sections 118-6, 118-7  
35 & 118-8): ***In compliance***

36  
37 The revised Site Plan (Sheet CU-1.0, dated 05/22/2023) is in compliance with the  
38 design criteria of Sections 118-6, 118-7 & 118-8.  
39

40 17. Required Off-Street Parking (LDC Section 114-67): ***In compliance***

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

<i>Specific Use</i>	<i>Minimum Required Number of Parking Spaces</i>	<i>Existing/Proposed Use</i>	<i>Required Spaces</i>
Multifamily residential developments	2.0 spaces per each 1-bedroom dwelling unit; 2.0 spaces per each 2-bedroom dwelling unit; and 3.0 spaces per each 3 or more bedroom dwelling unit	46 two bedroom dwelling units	92
Total spaces required:			92

The plans submitted with this application indicate 92 regular parking spaces.

All regular parking spaces, with the exception of parallel, shall be a minimum of 8.5' in width by 18' in length. All parallel parking spaces are required to be 8.5' in width by 25' feet in length.

All pervious and impervious surface parking spaces shall have a wheel stop, bumper blocks or similar barriers where the front of the parking space is adjacent a building, required yard or required landscaping, to designate each parking space.

18. Required Loading and Unloading Spaces (LDC Section 114-69): ***Not applicable***

19. Bicycle Parking (LDC Section 114-71): ***Not applicable***

20. Required Landscaping (LDC Sections 114-99–114-105): ***Not in compliance***

The Plant Schedule (Sheet L-02) and the landscape plans (Sheets L-01 through L-05, signed & sealed by Derick Langel dated 03/02/2023) depict the required parking lot landscaping, however the plans also indicate the transplantation of Coconut Palms.

Coconut Palms (*Cocos nucifera*) are a Class II invasive exotic plant. Pursuant to Section 118-7(e) of the Land development Code, all invasive exotic plant species shall be removed from the parcel proposed for development. Landscape plans submitted for a building permit application should indicate the removal of these palms.

21. Scenic Corridors & Bufferyards (LDC Sections 114-124 –114-129): ***In compliance***

The Landscape Plans (Sheets L-01 through L-05, signed & sealed by Derick Langel dated 03/02/2023) are in compliance with the standards of Sections 114-124 through 114-127.

1 22. Outdoor Lighting (LDC Chapter 114, Article VI): ***Compliance to be determined***

2  
3 ***No lighting plan submitted to determine compliance.***

4  
5 Sec. 114-161. Maximum Illumination.

6 Outdoor lighting shall be designed and located such that the maximum illumination  
7 measured in footcandles at the property line shall not exceed 0.3 footcandles for  
8 noncutoff lights and 1.5 footcandles for cutoff lights. If illumination is desired or  
9 required for nonresidential or multifamily (3 or more units) residential development,  
10 site plans shall include photometric lighting plans.

11  
12 23. Signs (LDC Chapter 142): ***no signage proposed, separate building permit required***

13  
14 Signage is not being proposed as part of this application.

15  
16 24. Access Standards (LDC Chapter 114, Article VII): ***In compliance***

17  
18 25. Recycling and Solid Waste Collection Areas (LDC Section 114-14): ***In compliance***

19  
20 For multi-family residential developments, the following are minimum space  
21 configurations per solid waste/recycling collection area, there shall be 2 collection  
22 areas of 240 sq. ft., for 36-50 dwelling units. The applicant has provided 2 collection  
23 areas of 262 square feet and 279 square feet.

24  
25 26. Accessibility (Chapter 533, Florida Statutes): ***In compliance***

26  
27 All standards and requirements of the American with Disabilities Act (ADA) must be  
28 met.

29  
30 27. Inclusionary Housing Requirements (LDC Section 139-1): ***Not applicable***

31  
32 28. Community Participation Meeting (LDC Section 110-3): ***In compliance***

33  
34 In accordance with LDC Section 110-3(b), a Community Meeting for the proposed  
35 Major Conditional Use was held on June 28, 2023 by Communications Media  
36 Technology (CMT) Zoom® Meeting.

37  
38 **IV RECOMMENDED ACTION:**

39  
40 Pursuant to LDC Section 110-70(c), ...The Planning Commission shall hold a public hearing  
41 on the application for a major conditional use permit and shall issue a development order  
42 granting, granting with conditions or denying the application for a major conditional use permit  
43 within 60 days of the public hearing by the Planning Commission, with the exception of any  
44 application where a condition has been imposed that must be satisfied prior to the issuance of  
45 a development order approving the major conditional use permit, in which case the  
46 development order shall be issued within 30 days after receipt of proof of satisfaction of the

1 condition. The applicant shall provide any additional information to satisfy a condition  
2 required by the Planning Commission within one (1) year of the date of the Planning  
3 Commission meeting when the application was considered. If such information is not received  
4 within this timeframe, the application will be deemed withdrawn.  
5

6 Staff recommends **APPROVAL**, subject to the following conditions:  
7  
8

- 9 1. All landscaping shall be reviewed by the County Biologist and found to be in  
10 compliance with the LDC prior to building permit issuance. Specifically, the landscape  
11 plans submitted for a building permit application should indicate the removal of  
12 Coconut palms from the site.  
13
- 14 2. Prior to issuance of a building permit for any lighting on the site, lighting details and a  
15 photometric plan shall be provided demonstrating compliance with Chapter 114,  
16 Article VI.  
17
- 18 3. The scope of work has not been reviewed for compliance with Florida Building Code.  
19 Prior to the issuance of Building Permits, new development and structures shall be  
20 found in compliance by the Monroe County Building Department, Floodplain  
21 Administrator, and the Office of the Fire Marshal.  
22
- 23 4. Prior to issuance of building permit for the remaining affordable dwelling units, 13  
24 affordable dwelling allocations are required.  
25  
26

27 **V PLANS REVIEWED:**  
28

- 29 1. Site Plan: Sheet C-4.0 prepared by Weiler Engineering Corporation, signed and sealed by  
30 Michael J. Giardullo P.E. dated May 22, 2023
- 31 2. Building Front and Rear Elevations: Sheet S-2.0 prepared by Weiler Engineering  
32 Corporation, signed and sealed by Michael J. Giardullo P.E. dated December 21, 2022
- 33 3. Building Side Elevations: Sheet S-2.1 prepared by Weiler Engineering Corporation, signed  
34 and sealed by Michael J. Giardullo P.E. dated December 21, 2022
- 35 4. Stormwater Management Plan prepared by Weiler Engineering Corporation, signed and  
36 sealed by Michael J. Giardullo P.E. dated April 24, 2023
- 37 5. Landscape Plan: Sheet L1-L5 prepared by All Landscape Data Inc., signed and sealed by  
38 Derick Langel, RLA dated March 02, 2023
- 39 6. Boundary & Topographic Survey by Monroe County Surveying & Mapping, Inc. signed  
40 and sealed Eric A. Isaacs, P.S.M. with revision date September 20, 2022
- 41 7. Traffic Study by KBP Consulting, Inc. signed Karl Peterson dated December 5, 2022