



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Mayté Santamaria, Senior Director of Planning & Environmental Resources  
Emily Schemper, Assistant Director of Planning & Environmental Resources  
Development Review Committee

From: Devin Rains, Principal Planner  
Mike Roberts, Senior Administrator of Environmental Resources

Date: December 11, 2017

Subject: *Request for a Minor Conditional Use Permit in order to develop a proposed light industrial use involving a small engine repair facility with outdoor storage at vacant parcels at 100991 and 100981 Overseas Highway, Key Largo, Mile Marker 101, Real Estate #s 00087320-000000 and 00087320-000100 (File # 2017-087)*

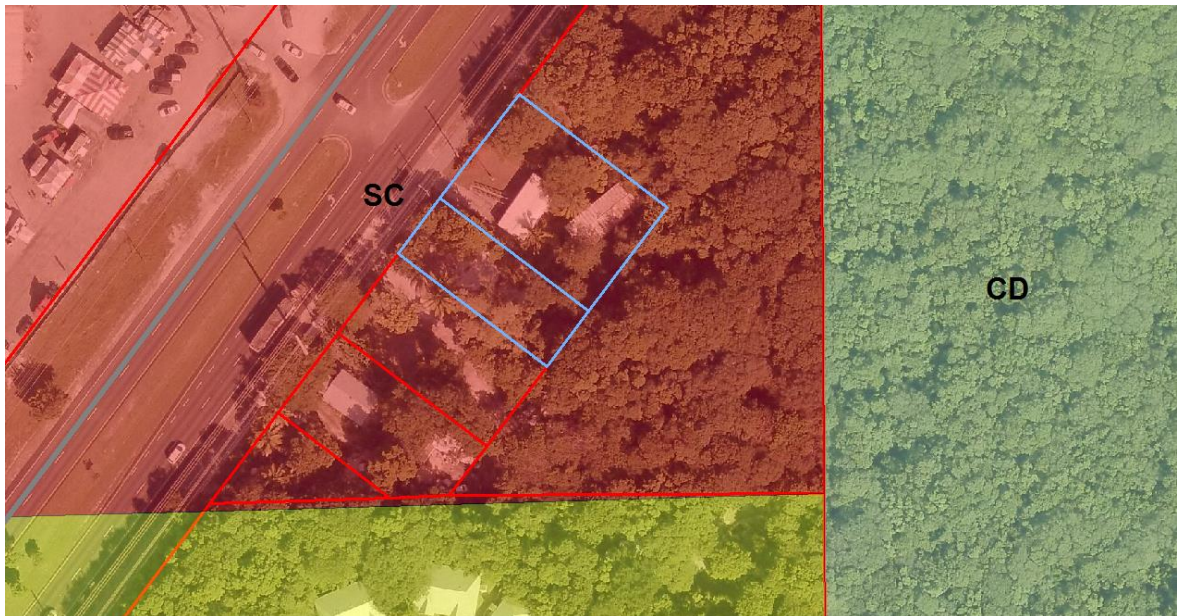
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**Meeting: December 19, 2017**

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1  
2 I REQUEST  
3

4 The applicant is requesting approval of a minor conditional use permit in order to develop a  
5 proposed light industrial use involving a small engine repair facility with outdoor storage  
6 consisting of: a 2,460 square foot building with dimensions of 41 feet by 60 feet by 21.8 feet  
7 tall consisting of repair area, storage, and related offices and waiting area. The development  
8 would include: 2,700 square feet of outside storage area, 7 proposed parking spaces, loading  
9 zone, landscaping, bufferyards, and other improvements.  
10



11  
12 Subject Property with Land Use District Overlaid (Aerial dated 2015)

1 II BACKGROUND INFORMATION:

2  
3 **Location:** Key Largo near US 1 Mile Marker 101, ocean side

4 **Address:** 100991 and 100981 Overseas Highway

5 **Legal Description:** A portion of Tract 8 in Section 28, Township 61 South, Range 39 East  
6 on Key Largo according to Model Land Company plat recorded in Plat Book 1, Page 68,  
7 Monroe County, Florida

8 **Real Estate (RE) Numbers:** 00087320-000000 and 00087320-000100

9 **Property Owner/Applicant:** LeBoeuf Revocable Trust, Michael LeBoeuf

10 **Agent:** Ashlie Brannen

11 **Size of Site:** 00087320-000000 - 13,720 square feet commercial highway and 00087320-  
12 000100 - 7,280 square feet commercial highway for a total of 21,000 square feet (based on  
13 Monroe County's Property Record Cards)

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

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

16 **Tier Designation:** III Infill Area

17 **Flood Zone:** X and 0.2 percent annual chance flood hazard

18 **Existing Use:** Vacant

19 **Existing Vegetation / Habitat:** Vacant, scarified land with no remaining native habitat.

20 **Community Character of Immediate Vicinity:** commercial retail, residential, and  
21 conservation area.

22  
23 III RELEVANT PRIOR COUNTY ACTIONS:

24  
25 On January 11, 2016, Building Permit number 15306815 was issued for the “demolition of  
26 (2) two trailers” for the parcel having RE number 00087320-000100.

27  
28 On July 17, 1992, Building Permit number 92306945 was issued to “demolish and remove  
29 existing structure” for the parcel having RE number 00087320-000100.

30  
31 IV REVIEW OF APPLICATION:

32  
33 Section 110-67 of the Monroe County Land Development Code (LDC), effective as of  
34 February 3, 2017, provides the standards which are applicable to all conditional uses. When  
35 considering applications for a conditional use permit, the Development Review Committee  
36 and Director of Planning & Environmental Resources shall consider the extent to which:

37  
38 (a) *The conditional use is consistent with the purposes, goals, objectives and policies of the*  
39 *Comprehensive Plan and this Land Development Code:*

40  
41 Specific policies from the *Monroe County Year 2030 Comprehensive Plan* that directly  
42 pertain to the proposed use include but are not limited to:  
43

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

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

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

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

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 [Section 163.3177(6)(a)1.,F.S.].

| Future Land Use Densities and Intensities   |   |   |   | Minimum Open Space Ratio <sup>(c)</sup> |
|---|---|---|---|---|
| Future Land Use Category And Corresponding Zoning                                 | Residential <sup>(i)</sup>  |   | Nonresidential  |   |
|   | Allocated Density <sup>(a)</sup><br>(per upland acre)   | Maximum Net Density <sup>(a) (b)</sup><br>(per buildable acre)  | Maximum Intensity<br>(floor area ratio)                                   |   |
| Mixed Use/Commercial (MC) <sup>(f)(g)</sup><br>(SC, UC, DR, RV, MU and MI zoning) | 1 du (DR, MU, MI)<br>3 du (SC)<br>6 du (UC)<br>Commercial Apartments (RV) <sup>(h)</sup><br><br>5-15 rooms/spaces | 2 du (MI)<br>6-18du (SC) <sup>(k)</sup><br>12 du (UC)<br>12-18 du (MU) <sup>(k)</sup><br>18 du (DR)<br><br>10-25 rooms/spaces | 0.10-0.45<br>(SC, UC, DR, MU)<br><br><2,500 SF (RV)<br><br>0.30-0.60 (MI) | 0.20                                    |

Policy 101.6.3: In order to encourage a compact form of nonresidential growth, the Point System shall be primarily based on the Tier system of land classification as set forth under Goal 105. To discourage and limit further growth in Tier I designated areas, the Permit Allocation System shall limit and direct new nonresidential development primarily to areas designated as Tier III under Goal 105, not areas designated as a Special Protection Area (Tier III-A) and provide

1 incentives for redevelopment of existing developed and vacant infill sites. Other  
2 criteria and corresponding points are available to encourage development to the  
3 most appropriate locations and discourage development from inappropriate  
4 locations. (See Policy 101.4.1.)  
5

6 Policy 101.19.2: The Community Master Plans shall be incorporated into the 2030  
7 Comprehensive Plan as a part of the plan and be implemented as part of the  
8 Comprehensive Plan. The following Community Master Plans have been completed  
9 in accordance with the principles outlined in this section and adopted by the Board  
10 of County Commissioners:  
11

12 5. The Key Largo Livable CommuniKeys Master Plan is incorporated by  
13 reference into the 2010 Comprehensive Plan. Only the Strategies denoted with a  
14 green checkmark in this Master Plan have been adopted and approved as  
15 equivalent to the term Objectives in the Comprehensive Plan. Only the Action  
16 Items denoted with a green checkmark in this Master Plan have been adopted  
17 equivalent to the term Policy in the Comprehensive Plan. Strategies and Action  
18 Items without a green checkmark next to them are not considered to be  
19 consistent with the definitions of “Objective” and “Policy” and therefore do not  
20 serve as equivalents. Adopted by Ordinance 012-2007.  
21

22 Action Items of the Key Largo Community Master Plan (aka the Livable  
23 CommuniKeys Plan) that directly pertain to the subject property and proposed  
24 redevelopment include:  
25

26 Action Item 1.3.1: Continue to use the FLUM and Land Use District Maps to  
27 regulate development of individual parcels with respect to density, intensity,  
28 bulk regulations, and all other land development regulation. This will protect the  
29 existing conformance status of most uses and promote orderly development  
30 consistent with the Comprehensive Plan.  
31

32 The subject property is not located within one of the overlay districts of the LCP.  
33

34 The proposed use is consistent with the 2030 Comprehensive Plan.  
35

36 (b) *The conditional use is consistent with the community character of the immediate vicinity*  
37 *of the parcel proposed for development:*  
38

39 The community character of the immediate vicinity is a mix of uses including  
40 commercial retail, and residential. The subject property is located adjacent to US1  
41 between vacant land to the northeast, southeast and southwest. The proposed  
42 development will serve those in the immediate area and be consistent with the  
43 community character of the immediate vicinity of the parcel.  
44

45 (c) *The design of the proposed development minimizes adverse effects, including visual*  
46 *impacts, of the proposed use on adjacent properties:*

1  
2 The applicant is proposing to complete construction of a one story building and outdoor  
3 storage area in a single phase of development.  
4

5 As per LDC Section 130-93, light industrial uses in the Suburban Commercial land use  
6 district are permitted as a minor conditional use if the parcel proposed for development is  
7 separated from any established residential use by at least a class C bufferyard. The  
8 adjacent and neighboring properties do not have an established residential use; therefore,  
9 a class C bufferyard is not required.  
10

11 The parcel is located in the Suburban Commercial land use district and is surrounded by  
12 parcel in the same land use district; therefore, a district boundary buffer is not required.  
13

14 The parcel fronts on US-1. Development of land that fronts on US-1 shall provide a  
15 buffer in accordance with Section 114-125 and Section 114-127. A 25 foot wide class  
16 "C" major street buffer is proposed.  
17

18 The proposed development includes 2,700 square feet of outside storage area which is a  
19 light industrial use. Pursuant to LDC Section 130-93(b)(7)c. all outside storage areas are  
20 to be screened from adjacent use by a solid fence, wall or hedge at least six feet in height.  
21 **The applicant has not demonstrated compliance with this requirement.**  
22

23 The proposed development includes 104 square feet of recycling and solid waste  
24 collection area. Pursuant to LDC Section 114-14, collection areas shall be screened on at  
25 least three sides. Screening shall consist of a solid or semi-opaque enclosure that shall not  
26 exceed six feet in height. **The applicant has not demonstrated compliance with this  
27 requirement.**  
28

29 **The applicant has not demonstrated compliance with the requirements of the Land  
30 Development Code regarding minimization of visual impacts.**  
31

32 (d) *The proposed use will have an adverse impact on the value of surrounding properties:*  
33

34 Assuming that the proposed use is found to be in compliance with the Comprehensive  
35 Plan and the LDC, as analyzed throughout this report, the proposed use would not be  
36 expected to have an adverse impact on the value of the surrounding properties.  
37

38 (e) *The adequacy of public facilities and services, including, but not limited to:*  
39

40 1. *Transportation/Roadways:*  
41

42 Localized Impacts & Access Management: The site currently has vehicular access  
43 onto U.S. 1, and the applicant is not proposing any new access along Overseas  
44 Highway/U.S. 1. The applicant has demonstrated evidence of coordination with  
45 FDOT. A letter of coordination from Adriel Brito, Permits Manager, HDR/ICA  
46 representing FDOT dated June 28, 2017 was submitted with the application.

1  
2 The County Engineering Department has determined that the project does not impact  
3 any County maintained rights-of-way. A letter of coordination from Judy Clarke,  
4 Monroe County Engineering Department dated July 3, 2017 provided with the  
5 application states, "The site is accessed from US 1 and the project does not impact  
6 any county maintained rights-of-way."  
7

8 Level of Service (LOS): A traffic study, signed and sealed 2/3/2017 by Karl B.  
9 Peterson, P.E. of KBP Consulting, Inc. was submitted with the application. Page 1 of  
10 the traffic study states "The LeBoeuf Storage Building is a proposed mini-  
11 warehouse/self-storage facility." Page 3 describes the Proposed Land Use as "a 2,460  
12 square foot mini-warehouse/self-storage building, plus an additional 2,700 square feet  
13 of outdoor storage area." Trip generation calculations (page 5 of report) are based on  
14 one single family residence and mini-warehouse, which are not the correct proposed  
15 uses. Therefore the adequacy of level of service has not been demonstrated for the  
16 proposed use as described in the application documents. **The applicant has not**  
17 **demonstrated compliance with this requirement.**  
18

| PROPOSED BUILDING OCCUPANCY            |  |
|--|--|
| Suburban Commercial - Light Industrial |  |
| Small Engine Repair/Outdoor Storage    |  |
| 1,984.84 SF - Small Engine Repair      |  |
| 475.16 SF - Office/Bathroom            |  |
| 2,460.00 SF - Total(Building)          |  |
| Accessory Use - Outdoor Storage        |  |
| 2,700.00 SF - Total(Outdoor)           |  |

19  
20  
21 **The applicant has not demonstrated compliance with the requirements of the**  
22 **Land Development Code regarding roadways/transportation.**  
23

- 24 2. *Solid Waste*: The site plan shows the location, size, and configuration of the required  
25 solid waste/recycling collection area. The applicant is coordinating with Monroe  
26 County Solid Waste Management. A letter of coordination with Monroe County Solid  
27 Waste dated March 31, 2016 was submitted with the application.  
28
- 29 3. *Potable Water*: The applicant is coordinating with the Florida Keys Aqueduct  
30 Authority. A letter of coordination with Florida Keys Aqueduct Authority dated May  
31 31, 2017 was submitted with the application.  
32
- 33 4. *Sanitary Sewer*: The property has access to central wastewater. The applicant is  
34 coordinating with the Florida Keys Aqueduct Authority. A letter of coordination with  
35 Florida Keys Aqueduct Authority dated May 31, 2017 was submitted with the  
36 application.  
37
- 38 5. *Drainage/Stormwater*: The applicant has submitted drainage plans with  
39 the Conditional Use Permit application, however, the plans are not in  
40 compliance with the water quality and water quantity requirements of  
41 Monroe County Land Development Code Section 114-3(f). A stormwater  
42 management plan consistent with the requirements of Section 114-3 must



1 be submitted prior to approval of a Development Order for the requested  
2 minor conditional use permit. Discharge to FDOT facilities, if any, will  
3 require additional coordination with FDOT.  
4

5 6. *Emergency Management:* The applicant has submitted a letter of coordination from  
6 the Office of the Fire Marshal, email dated June 1, 2017, indicating no objection to  
7 the proposed development. Fire protection plans shall be included with improvements  
8 to water supply via fire hydrant shall be submitted to Fire Marshal's Office prior to  
9 final plan review and issuance of a building permit. The Key Largo Fire Department  
10 provides fire suppression service to the proposed project location.  
11

12 (f) *The applicant for conditional use approval has the financial and technical capacity to*  
13 *complete the development as proposed and has made adequate legal provision to*  
14 *guarantee the provision and development of any open space and other improvements*  
15 *associated with the proposed development:*  
16

17 Staff has no evidence to support or disprove the applicant's financial and technical  
18 capacity. No legal provisions related to open space or other improvements are required by  
19 the County LDC.  
20

21 (g) *The development will adversely affect a known archaeological, historical, or cultural*  
22 *resource:*  
23

24 The proposed development will not adversely affect a known archaeological, historical,  
25 or cultural resource.  
26

27 (h) *Public access to public beaches and other waterfront areas is preserved as part of the*  
28 *proposed development:*  
29

30 The property is not located adjacent to any public beaches or other waterfront areas.  
31 Therefore, the proposed development would have no impact on the preservation of public  
32 access to public beaches and other waterfront areas.  
33

34 (i) *The proposed use complies with all additional standards imposed on it by the particular*  
35 *provision of this Land Development Code authorizing such use and by all other*  
36 *applicable requirements:*  
37

38 1. Residential Rate of Growth Ordinance (ROGO) (Section 138-19 – Section 138-28):  
39 *Not applicable.*  
40

41 The proposed development does not include any residential uses.  
42

43 2. Non-Residential Rate of Growth Ordinance (NROGO) (Section 138-47 – Section  
44 138-56): *In compliance upon NROGO allocation award.*  
45

1 The proposed development plan includes a small engine repair facility consisting of  
2 2,460 square feet of new nonresidential floor area.  
3

4 As defined in Monroe County Land Development Code Section 138-47,  
5 nonresidential floor area means the sum of the total floor area for a nonresidential  
6 building or structure, as defined in Monroe County Land Development Code Section  
7 101-1.  
8

9 The proposed 2,460 square feet shall be subject to the NROGO permit allocation  
10 system per LDC Chapter 138, Article III.  
11

12 3. Purpose of the SC District (Section 130-46): *In compliance.*  
13

14 The purpose of the SC district is to establish areas for commercial uses designed and  
15 intended primarily to serve the needs of the immediate planning area in which they  
16 are located. This district should be established at locations convenient and accessible  
17 to residential areas without the use of U.S. 1.  
18

19 4. Permitted and Conditional Uses (Section 130-93): *In compliance following receipt of*  
20 *the requested minor conditional use permit and adherence to proposed conditions of*  
21 *approval.*  
22

23 Pursuant to LDC Section 130-93(b)(7), the proposed light industrial use is permitted  
24 as a Minor Conditional Use in the SC District, subject to the standards and procedures  
25 set forth in LDC Chapter 110, Article III, which are being analyzed throughout this  
26 report.  
27

28 In the SC district, light industrial are permitted under a minor conditional use permit  
29 provided that:

- 30 a. The parcel proposed for development does not have an area of greater than two  
31 acres;
- 32 b. The parcel proposed for development is separated from any established  
33 residential use by at least a class C bufferyard; and
- 34 c. All outside storage areas are screened from adjacent use by a solid fence, wall  
35 or hedge at least six feet in height.  
36

37 Definitions related to light industrial use as found in LDC Section 101-1 – Definitions  
38 are as follows:

39 *Industrial use, heavy* means an industrial use with greater than average impacts on  
40 the environment and community and that is characterized by significant impacts  
41 on adjacent uses in terms of noise, hazards, emissions and/or odors, including but  
42 not limited to junkyards, salvage yards, solid waste disposal facilities/waste  
43 transfer stations, bulk petroleum storage, permanent concrete manufacturing  
44 facilities/concrete batch plants and resource extraction.  
45



1 *Industrial use, light* means a use devoted to the manufacture, warehousing,  
2 assembly, packaging, processing, fabrication, indoor and outdoor storage, or  
3 distribution of goods and materials whether new or used and/or the substantial  
4 refinishing, repair and/or rebuilding of vehicles or vessels.  
5

6 The combined area of the two parcels is less than two acres. The adjacent and  
7 neighboring properties do not have an established residential use; therefore, a class C  
8 bufferyard is not required. A 2,700 square foot outside storage area has been  
9 proposed. The outside storage area is required to be screened. The proposed use is  
10 consistent with the definition of light industrial use. The proposed use is consistent  
11 with the requirements of Section 130-93 for light industrial use in the SC land use  
12 district and requires a minor conditional use permit.  
13

14 5. Maximum Residential Density and Nonresidential Land Use Intensities (LDC  
15 Chapter 130, Article V): *In compliance.*  
16

17 The proposed development plan does not include any residential use.  
18

19 The proposed development includes 2,460 square feet of new nonresidential floor  
20 area that would be subject to the floor area ratio. In the SC land use district, the  
21 Maximum Floor Area Ratio for light industrial use is 0.30.  
22

23 In the MC Future Land Use category, pursuant to Policy 101.5.6 2. a maximum floor  
24 area ratio of 0.10 shall apply to nonresidential development in disturbed wetlands  
25 within this land use category (MC). The site does not contain any disturbed salt  
26 marsh wetlands.  
27

28 In the SC district, the floor area allowed for the use proposed is as follows:

| <i>Land Use</i>  | <i>Floor Area Ratio (FAR)</i> | <i>Site Area (S.F.)</i> | <i>Maximum Allowed (S.F.)</i> | <i>Amount of Floor Area (S.F.)</i> | <i>Potential Used</i> |
|------------------|-------------------------------|-------------------------|-------------------------------|------------------------------------|-----------------------|
| Light Industrial | 0.30                          | 21,000                  | 6,300                         | 2,460                              | 39%                   |

29  
30 6. Required Open Space (LDC Sections 118-4, 118-12, 130-157; 130-162; & 130-164):  
31 *In compliance.*  
32

33 In the SC district, there is a general required open space ratio (OSR) of at least 0.20  
34 or 20%. According to the site plan submitted with this application, the property  
35 consists of 21,000 square feet of upland area. Therefore, 4,200 square feet of upland  
36 is required to remain as open space. According to the site plan submitted with this  
37 application, 15,142 square feet of open space (or 0.72 OSR) is proposed.  
38  
39  
40  
41  
42

1 7. Required Setbacks (LDC Sections 118-12 & 130-186): *In compliance.*

2  
3 In the SC district, the required non-shoreline setbacks are as follows:

| <i>Land Use District/<br/>Land Use</i> | <i>Primary<br/>Front Yard<br/>(ft.)</i> | <i>Secondary<br/>Front Yard<br/>(ft.)</i> | <i>Primary<br/>Side Yard<br/>(ft.)</i> | <i>Secondary<br/>Side Yard<br/>(ft.)</i> | <i>Rear<br/>Yard<br/>(ft.)</i> |
|--|---|---|--|--|--------------------------------|
| SC                                     | 25                                      | 15  | 10                                     | 5  | 10                             |

4  
5 The subject property fronts on Overseas Highway (U.S. 1). The property has a  
6 required Primary Front Yard setback of 25 feet along the U.S. 1 right-of-way. The  
7 property does not have a required Secondary Front Yard setback. A primary side yard  
8 setback of 10 feet is required. A secondary side yard setback of 5 feet is required. A  
9 10-foot rear yard setback is required along the southeastern property line, which is the  
10 side opposite from U.S. 1.

11 The site plan demonstrates compliance with the required setbacks.

12  
13  
14 8. Shoreline Setback (Section 118-12): *Not applicable.*

15  
16 9. Maximum Height (Section 130-187): ***Compliance to be determined.***

17  
18 No structure or building shall be developed that exceeds a maximum height of 35  
19 feet. The structure has a proposed height of 21'-11" above existing grade elevation  
20 stated on the plans as 10.8 (NGVD 29) which would be in compliance of the  
21 maximum height allowed.

22  
23 Per LDC Section 101-1 "Grade means the highest natural elevation of the ground  
24 surface, prior to construction, next to the proposed walls of a structure, or the crown  
25 or curb of the nearest road directly adjacent to the structure, whichever is higher."  
26 The site has previously been developed as evidenced in demolition permits 15306815  
27 and 92306945 and the ground surface is no longer natural elevation. The survey  
28 submitted with the application (Ibarra & Associates, 10/16/2015) did not include the  
29 required elevation data at the crown or curb of the nearest road directly adjacent to  
30 the structure (US1). Therefore, staff is unable to verify the existing grade elevation as  
31 stated on the plans.

32  
33 10. Surface Water Management Criteria (Section 114-3): ***Not in compliance***

34  
35 The drainage plans (Sheet C-2R) are not in compliance with the water quality and  
36 water quantity requirements of Section 114-3(f). Specifically, the plans do not  
37 include water quantity calculations demonstrating that post development discharge is  
38 equal to or less than the existing discharge based on a 24-hour rainfall duration and  
39 25-year return frequency. Also, the retention volumes provided in the plans do not  
40 meet the water quality treatment standards of 114-3(f)(2). The treatment volume  
41 required is based on the disturbed area of the parcel. The term "disturbed area"  
42 includes the entire lot (21,000 square feet).

1 Lastly, the survey submitted with the application (Ibarra & Associates, 10/16/2015)  
2 did not include the required elevation data so staff is unable to verify the elevation  
3 data provided on the grading plans.  
4

5 11. Wastewater Treatment Criteria (Section 114-5): *Compliance to be determined by the*  
6 *Florida Keys Aqueduct Authority prior to the issuance of a building permit.*  
7

8 12. Fencing (Section 114-20): *Not applicable.*  
9

10 Fencing is not being reviewed as part of this application. Any new fencing shall be  
11 reviewed independently for compliance as an accessory structure/use under a building  
12 permit application in accordance with LDC Section 114-13.  
13

14 13. Floodplain Management (Sections 122-1 – 122-6): *Full compliance to be determined*  
15 *upon building permit application review.*  
16

17 The site is designated within the X, and 0.2 percent annual chance flood hazard, flood  
18 zones on the Federal Emergency Management Agency (FEMA) flood insurance rate  
19 maps. All new structures must be built to floodplain management standards that meet  
20 or exceed those for flood protection.  
21

22 14. Energy Conservation Standards (Section 114-45): *Full compliance to be determined*  
23 *upon building permit application review.*  
24

25 The development proposal includes the following required energy conservation  
26 measures: the installation of native plants in required landscaping, which will reduce  
27 the requirements for water and maintenance; and the installation of shade trees, which  
28 will provide shade for parking areas.  
29

30 Not enough information was provided to determine if the development proposal  
31 includes the following required energy conservation measures: prohibition of deed  
32 restrictions or covenants that would prevent or unnecessarily hamper energy  
33 conservation efforts; installation of energy-efficient lighting for streets, parking areas,  
34 recreation areas, and other interior and exterior public areas  
35

36 15. Potable Water Conservation Standards (Section 114-46): *Full compliance to be*  
37 *determined upon building permit application review.*  
38

39 The proposed building does not include shower facilities.  
40

41 16. Environmental Design Criteria and Mitigation Standards (Section 118-6, 118-7 &  
42 118-8): *Not applicable at this time.*  
43

44 The site is scarified with no native habitat and is designated as developed and  
45 disturbed land on the 2006 Habitat map and the 1986 Existing Conditions Map. The  
46 applicant is not proposing the removal of any native vegetation at this time. Any

future proposals to remove existing native vegetation will be subject to mitigation requirements in Section 118-8, as applicable.

17. Required Off-Street Parking (Section 114-67): *Not 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>Quantity of Proposed Service/Repair Bays or Floor Area</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   | 475.16 sq. ft   | 1.425                  | <b>3</b>               |
| Industrial uses; excluding repair and or servicing of vehicles | 2.0 spaces per 1,000 sq. ft. of nonresidential floor area within the building; and 1.0 space per 1,000 sq. ft. of the parcel that is devoted to outdoor industrial use                      | 1,984.84* square feet of floor area<br><br>2,700 sq. ft. of outside storage | 3.968*<br><br>2.7      |                        |
| Repair and or servicing of vehicles                            | 3.0 spaces per service/repair bay; or 3.0 spaces / 1,000 SF nonresidential floor area within building, whichever is greater, the service/repair bays shall not be counted as parking spaces | # Bays (TBD)  | TBD*                   |                        |
|  |   | 1,984.84* square feet of floor area   | 5.95 spaces*           | 4                      |
| <b>TOTAL</b>   |   |   | <b># spaces</b>        | <b>7 spaces</b>        |

\*The totals shall be corrected per the comments below

| PARKING DATA   |                  |                |        |
|--|------------------|----------------|--------|
| Use  | Required Spaces  | Square Footage | Spaces |
| Office Space/Bath                                      | 3 Spaces/1000 SF | 475.16 SF      | 3.0    |
| Small Engine Repair                                    | 2 Spaces/1000 SF | 1,984.84 SF    | 4.0    |
| (7) Total Spaces Provided Including (1) Handicap Space |                  |                |        |
| (1) 11' X 35' Loading Space Provided                   |                  |                |        |
| (1) 8' X 13' Recycle Area Provided                     |                  |                |        |

The proposed facility is for outboard (small) engine repair. Outboard or inboard engines mounted on a vessel that is on a trailer would be considered a vehicle as defined in the Florida Statutes.

1 320.01 Definitions, general.—As used in the Florida Statutes, except as  
2 otherwise provided, the term:

3 (1) “Motor vehicle” means:

4 (a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and  
5 semitrailer combination, or any other vehicle operated on the roads of this  
6 state, used to transport persons or property, and propelled by power other than  
7 muscular power, but the term does not include traction engines, road rollers,  
8 special mobile equipment as defined in s. 316.003(48), vehicles that run only  
9 upon a track, bicycles, swamp buggies, or mopeds.

10 (4) “Trailer” means any vehicle without motive power designed to be coupled to  
11 or drawn by a motor vehicle and constructed so that no part of its weight or that of  
12 its load rests upon the towing vehicle.

13  
14 The parking calculations for repair of small engines as mounted on a trailer (vehicle)  
15 and serviced inside would be based on the calculation for repair and/or servicing of  
16 vehicles which is 3.0 spaces per service/repair bay; or 3.0 spaces / 1,000 SF  
17 nonresidential floor area within building, whichever is greater. ~~number of service~~  
18 ~~bays~~. The number of overhead doors is not an indication of number of service bays.

19  
20 The parking calculations that were provided with the application were based on  
21 square footage and the proposed number of service/repair bays as zero (0). The  
22 applicant has described the use of the facility as service to vehicles in the way of  
23 trailers containing vessels, as well as service to small engine(s) not on trailers.  
24 Although there are four (4) overhead doors, the configuration and size of the interior  
25 repair area could accommodate more than four (4) service/repair bays. The number of  
26 bays proposed must be clarified, so the number of required parking spaces can be  
27 calculated accordingly. **The applicant has not demonstrated compliance with the**  
28 **requirements of the Land Development Code regarding required off-street**  
29 **parking.**

30  
31 18. Required Loading and Unloading Spaces (Section 114-69): *In compliance.*

32  
33 All nonresidential uses with a gross floor area of 100 to 2,500 square feet are required  
34 to have one 11 feet by 35 feet loading and unloading space. The proposed site plan  
35 shows one loading and unloading space of 11 feet by 35 feet.

36  
37 19. Bicycle Parking (LDC Section 114-71): *Not in compliance.*

38  
39 A bicycle parking rack is indicated on the site plan within the primary front yard  
40 setback. The parking must be located outside of the required setback. The bicycle  
41 parking shown on the site plan does demonstrate compliance with the requirements of  
42 LDC Section 114-71(c) *Bicycle parking rack criteria* for stall size for the minimum  
43 of four bicycles and for the minimum aisle width. **The applicant has not**  
44 **demonstrated compliance with this requirement.**

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

2  
3 As mentioned above, the proposed parking is not in compliance. The required  
4 parking lot landscaping must be adjusted to meet the required parking pursuant to the  
5 design criteria provided in LDC Section 114-100.  
6

7 The proposed development includes 2,700 square feet of outside storage area which is  
8 a light industrial use. Pursuant to LDC Section 130-93(b)(7)c. all outside storage  
9 areas are to be screened from adjacent use by a solid fence, wall or hedge at least six  
10 feet in height. **The applicant has not demonstrated compliance with the**  
11 **requirements of the Land Development Code regarding required landscaping.**  
12

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

15  
16 A Class C major street buffer is required adjacent to U.S. 1. A Class C buffer may be  
17 10 feet, 15 feet, 20 feet or 25 feet in width. The revised plans include the required  
18 buffer (25 feet) with the appropriate plant densities. The required street buffer is  
19 depicted on the site plans.  
20

21 The parcels are located in the Suburban Commercial land use district and are  
22 surrounded by parcels in the same land use district; therefore, a district boundary  
23 buffer is not required.  
24

25 22. Outdoor Lighting (Chapter 114-159, Article VI): *Full compliance to be determined*  
26 *upon building permit application review.*

27  
28 No structure or land shall be developed, used or occupied unless all outdoor lighting  
29 conforms to the requirements of LDC Chapter 114, Article VI and the sea turtle  
30 protection provisions of Chapter 12, Article V of the County Code of Ordinances,  
31 unless otherwise specified within the LDC.  
32

33 If illumination is desired or required for nonresidential development, site plans shall  
34 include photometric lighting plans, pursuant to LDC Section 114-161.  
35

36 Outdoor lighting is not being reviewed as part of this application. Outdoor lighting  
37 shall be reviewed under a building permit application.  
38

39 23. Signs (Sections 142-1 – 142-7): *Full compliance to be determined upon building*  
40 *permit application review.*

41  
42 Signage is not being reviewed as part of this application. Signs shall be reviewed  
43 independently for compliance as an accessory use under a building permit  
44 application.  
45  
46

1 24. Access Standards (Sections 114-195–114-201): *Compliance to be determined.*

2  
3 The site currently has vehicular access onto U.S. 1, and the applicant is proposing  
4 widening an existing access along Overseas Highway/U.S. 1. A letter of coordination  
5 from Adriel Brito, Permits Manager, HDR/ICA representing FDOT dated June 28,  
6 2017 was submitted with the application.

7  
8 Pursuant to LDC Section 114-199, no use fronting on U.S. 1 or County Road 905  
9 shall receive a permit for change of use, expansion or substantial improvement unless  
10 it is brought into conformance with this article by provision of combined drives or  
11 parallel access, and with any access standards or requirements of FDOT.

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

23  
24 The existing curb cut is less than 400 feet from curb cut access to the northeast and to  
25 the southwest along U.S. 1. U.S. 1 has a posted speed limit of 45 mph in this area and  
26 is designated as Class 5 access control classification and is eligible for deviation from  
27 400 foot standard. The proposed development requires a Notice of Intent from the  
28 FDOT prior to the issuance of a building permit for the proposed development.

29  
30 The Public Works Department shall review any proposed work within County public  
31 rights-of-way. The site currently does not have vehicular access within County public  
32 rights-of-way and none are proposed. A letter of coordination from Judy Clarke,  
33 Monroe County Engineering Department dated July 3, 2017 states, “The site is  
34 accessed from US 1 and the project does not impact any county maintained rights-of-  
35 way.

36  
37 The Department maintains the right to request revisions as it carries out its review of  
38 any application for an access permit. It is the responsibility of the applicant to obtain  
39 all required permits before starting work. In addition, new access drives must be  
40 designed in accordance with the Land Development Code.

41  
42 **The applicant has not fully demonstrated compliance with the requirements of**  
43 **the Land Development Code regarding direct access to U.S. 1.**

44  
45 25. Solid Waste / Recycling (LDC Section 114-14): *Not in Compliance.*



1 Pursuant to LDC Section 114-14(a), nonresidential development requiring a  
2 certificate of occupancy or certificate of compliance shall make adequate provision  
3 for a solid waste and recycling collection area. For nonresidential buildings consisting  
4 of 0 to 5,000 SF of floor area, there shall be at least one collection area of at least 82  
5 square feet. The site plan shows a solid waste/recycling collection area of 104 square  
6 feet.

7  
8 Pursuant to LDC Section 114-14(e), collection areas shall be screened on at least  
9 three sides. Screening shall consist of a solid or semi-opaque enclosure that shall not  
10 exceed six feet in height. **The applicant has not demonstrated compliance with  
11 this requirement.**

12  
13 A letter of coordination dated March 31, 2017 from Will Thompson, Monroe County  
14 Director of Solid Waste states “I have reviewed the plans for your project located at  
15 100991 Overseas Highway, and have no objections at this time.”

16  
17 **The applicant has not demonstrated compliance with the requirements of the  
18 Land Development Code regarding solid waste/recycling.**

19  
20 26. Accessibility (Chapter 533, Florida Statutes): *Full compliance to be determined upon  
21 submittal to Building Department.*

22  
23 All standards and requirements of the American with Disabilities Act (ADA) must be  
24 met.

25  
26 27. Inclusionary Housing Requirements (LDC Section 139-1): *Not applicable.*

27  
28 **V RECOMMENDED ACTION:**

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

37  
38 1. Prior to the issuance of the Development Order for the requested Minor CUP, the  
39 applicant shall submit the corrections and additional information requested in this  
40 memorandum including bringing the following items into compliance with the LDC:

- 41  
42 a. Demonstrate compliance with LDC Section 130-93(b)(7)c regarding screening of  
43 outside storage area.  
44 b. Demonstrate compliance with LDC Section 114-14 for required screening of  
45 collection area.

- c. Clarify number of proposed service/repair bays in order to determine if off-street parking is in compliance. Submit revised plans with information, labeling, and revised calculations accounting for the number of bays as distinguished from non-bay square footage.
  - d. Provide a revised Traffic Study reflecting the proposed use. The revised Traffic Study will be provided to the Monroe County Traffic Consultant for review. Any concerns that may be raised by the Monroe County Traffic Consultant must be addressed prior to approval.
  - e. Demonstrate compliance with LDC Section 114-71(c) regarding bicycle parking.
  - f. Demonstrate compliance with LDC Section 114-99 –114-105 regarding required landscaping.
  - g. Demonstrate compliance with LDC Section 114-3(f) regarding stormwater management (quantity and quality).
  - h. Provide a survey which includes site elevation data and elevation at the crown or curb of the nearest road directly adjacent to the structure (US1).
2. If the above compliance issues are satisfied, Staff recommends the following conditions of approval for the Minor CUP:
    - a. Prior to the issuance of any building permit associated with the construction of new nonresidential floor area, a NROGO allocation award of 2,460 square feet of nonresidential floor area shall be obtained through the NROGO permit allocation system.
    - b. The existing curb cuts to Overseas Highway/U.S. 1 shall be brought into compliance with current FDOT standards. A Notice of Intent letter from FDOT for an access permit or an FDOT letter stating no additional improvements are necessary shall be submitted with the County building permit application.
    - c. A minor conditional use permit is not a final approval for certain development. The applicant shall obtain a building permit(s) for any improvement requiring such an approval.
    - d. The scope of work has not been reviewed for compliance with Florida Building Code. Prior to the issuance of Building Permits, new development and structures shall be found in compliance by the Monroe County Building Department, Floodplain Administrator, and the Office of the Fire Marshal.

VI PLANS REVIEWED:

1. Plan Sheets C-1R, C-2R, C-3R, G-1, C-1, C-2, A-1, A-2, A-3, A-4, S-1, S-2, EP-1, E-2, P-1, M-1, signed and sealed by Michael Padula, 8/22/2017.
2. Boundary Survey by John Ibarra & Associates, Inc, Carlos Ibarra Professional Land Surveyor, field work date 10/16/2015.
3. Traffic Study by KBP Consulting, Inc. February 3, 2017