



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, Assistant Director/Environmental Resources

Date: July 16, 2020

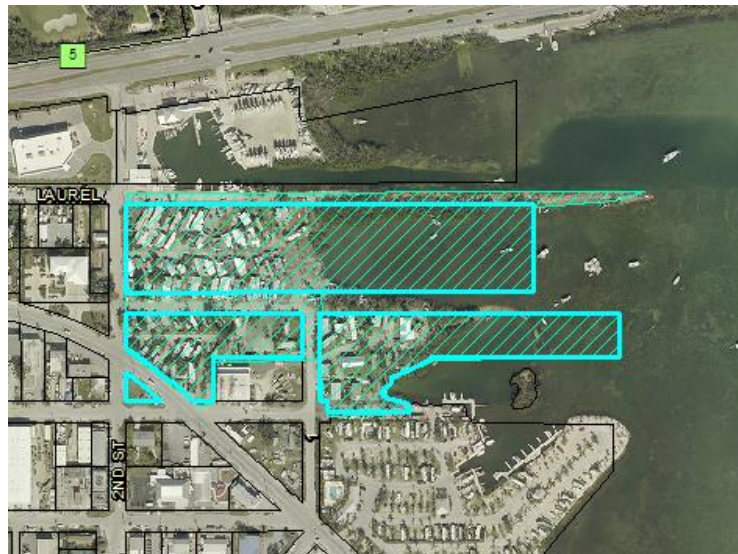
Subject: *A REQUEST FOR A MAJOR CONDITIONAL USE PERMIT BY WRECKERS CAY APARTMENTS AT STOCK ISLAND, LLC. THE REQUESTED MAJOR CONDITIONAL USE RELATES TO THE PROPOSED REDEVELOPMENT OF UP TO TWO HUNDRED EIGHTY (280), MULTIFAMILY DEED-RESTRICTED AFFORDABLE DWELLING UNITS, WITH A PLAYGROUND AND POOL. THE SUBJECT PROPERTY IS DESCRIBED AS THREE PARCELS OF LAND IN SECTION 35, TOWNSHIP 67, RANGE 25, STOCK ISLAND, MONROE COUNTY, FLORIDA, HAVING PARCEL ID NUMBERS 00124540-000000, 00124550-000000 AND 00124560-000000.*

Meeting: July 22, 2020

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I REQUEST:

The requested Major Conditional Use Permit for the redevelopment of Wrecker's Cay Property as Two Hundred Eighty (280) deed-restricted affordable dwelling units. The site was formerly known as Water's Edge Colony Trailer Park (Water's Edge") at 5700 Laurel Avenue, Tropic Palms Mobile Home Park which was historically known as Rolf's Trailer Park ("Tropic Palms") at 6125 Second Street, and Woodson's Trailer Park ("Woodson") at 6325 First Street, Stock Island, Florida.



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Subject Property with Land Use District Overlaid (Aerial dated 2018)

1 The site plan indicates that the proposed development would include 280 affordable housing
2 units arranged throughout eight buildings, with a pavilion, playground and pool, 494 car off-
3 street parking spaces and 8 scooter/motorcycle spaces.
4

5 **II BACKGROUND INFORMATION:**
6

7 **Address:** 5700 Laurel Avenue, 6125 Second Street, 6325 First Street, Stock Island, mile
8 marker 5 (Atlantic Ocean side of US 1)

9 **Legal Description:** The subject property is described as a three parcels of land in Section 35,
10 Township 67, Range 25, Stock Island, Monroe County, Florida

11 **Parcel ID Numbers:** 00124540-0000, 00124550-000000 and 00124560-000000

12 **Property Owner/Applicant:** Wreckers Cay Apartments at Stock Island, LLC

13 **Agent:** Bart Smith

14 **Size of Site:** 7.76 acres of upland prior to road abandonments, 9.1 acres estimated after
15 proposed road abandonments.

16 **Land Use District:** Urban Residential (UR)

17 **Future Land Use Map (FLUM) Designation:** Residential High (RH)

18 **Tier Designation:** III Infill Area

19 **Existing Use:** vacant, mobile home park with mobile homes and recreational vehicles.

20 **Existing Vegetation / Habitat:** Predominately developed and scarified, with mangroves
21 fringe along water to the east

22 **Community Character of Immediate Vicinity:** The property is surrounded with a mix of
23 uses including a marina, commercial retail, recreational vehicle park, and residential dwellings

24 **Flood Zone:** AE 9 and AE 10
25

26 **Community Meeting and Public Participation**

27 In accordance with LDC Section 110-3(b), a Community Meeting for the proposed Major
28 Conditional Use was held on June 5, 2020 by Communications Media Technology (CMT)
29 Zoom® Meeting.
30

31 **III RELEVANT PRIOR COUNTY ACTIONS:**
32

33 At a regularly scheduled meeting of the BOCC on January 22, 2020, the BOCC adopted
34 Ordinance 002-2020 that amended Comprehensive Plan Policy 101.5.25 to allow for a density
35 bonus for site-specific policies, created Goal 111 and Objective 111.1 to incentivize
36 affordable housing on Stock Island, creating Policy 111.1.1 Stock Island Workforce Subarea
37 1; established the boundary of the Stock Island Workforce Subarea 1; limited the permitted
38 uses of the subarea to deed restricted affordable housing dwelling units; established the
39 maximum net density for affordable housing, height and off-street parking requirements in
40 the subarea; and eliminated allocated density and floor area ratio for properties located at 6325
41 First Street, 6125 Second Street and 5700 Laurel Avenue on Stock Island as proposed by
42 Wreckers Cay Apartments at Stock Island, LLC.
43

44 Additionally, at the January 22, 2020 BOCC Meeting, the following actions occurred:

- 45 • The BOCC adopted Ordinance 003-2020 that amended Section 130-157 of the Land
46 Development Code to allow for increased density for properties with UR zoning districts

1 within Stock Island that apply for an receive a site specific subarea policy as established
2 in the Comprehensive Plan;

- 3 • The BOCC adopted Ordinance 004-2020, an amendment to the Official Zoning Map for
4 a portion of the Property from Urban Residential Mobile Home (URM) to Urban
5 Residential (UR);
- 6 • The BOCC adopted Resolution 031A-2020 approving a Development Agreement
7 between Monroe County and Wreckers Cay Apartments at Stock Island, LLC; **The**
8 **Development Agreement’s effective date is contingent upon the abandonment of the**
9 **Laurel Ave, Macdonald Ave, and First Street rights of way;** and
- 10 • The BOCC adopted Resolution 031-2020 to reserve 280 ROGO affordable units
11 consisting of seventy (70) low income, ninety-eight (98) median and one hundred twelve
12 (112) moderate income Affordable housing allocations pursuant to Monroe County Code
13 Section 138-24(b)4, for the Property.
- 14 • The BOCC also held public hearings regarding two road abandonment requests: a portion
15 of Laurel Avenue (File 2010-130); and portions of Macdonald Avenue and First Street
16 (File 2018-179). These items were tabled until after such time that the Subarea Policy
17 became effective. They are currently scheduled to be heard by the BOCC at their July 15,
18 2020 regular meeting. **The land area subject to these abandonments is required for**
19 **the site plan of the proposed development. The project is being reviewed and the staff**
20 **report has been written assuming the requested abandonments are approved and**
21 **the associated land area becomes part of the project site.**

22
23 At a regularly scheduled public meeting on June 23, 2020, the DRC reviewed the proposed
24 Major Conditional Use Permit.

25 26 IV REVIEW OF APPLICATION:

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

- 31
32 (a) *The conditional use is consistent with the purposes, goals, objectives and policies of the*
33 *Comprehensive Plan and this Land Development Code: **In compliance***

34
35 Policies from the *Monroe County Year 2030 Comprehensive Plan* that directly pertain to
36 the proposed use include but are not limited to:

37 38 **Policy 101.5.4**

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

42 43 **Policy 101.5.25 (this policy is superseded by Policy 111.1.1 for this property)**

44 Monroe County hereby adopts the following density and intensity standards for the future
45 land use categories, which are shown on the FLUM and described in Policies 101.5.1 -
46 101.5.20.

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

Residential High (RH) (IS-D ⁽ⁱ⁾ , 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)} N/A (IS-D, URM, URM-L) 0—20 rooms/spaces	0	0.20

(n) Density increase above the max net density provided may be permitted for a property within a site-specific policy subarea under Goal 111.				

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Goal 111

Monroe County shall manage future growth to enhance the quality of life and safety of County residents, and prioritize the provision of affordable housing that is safe, code compliant, and resilient. To incentivize the supply of affordable housing near employment centers, the County shall provide for the development of site-specific land use mechanisms, limited to density increases up to a maximum of 40 affordable dwelling units per buildable acre, transfer of ROGO exemptions within the Lower Keys, modification to height, and alternate off-street parking requirements, to augment the development potential to address the inadequate availability of affordable housing in the Lower Keys.

This Goal shall only be available to properties within the Residential High (RH) Future Land Use Map (FLUM) category on Stock Island, as established through a site specific subarea policy.

Objective 111.1

Monroe County shall create site-specific subareas located in Stock Island which provide density increases up to a maximum of 40 affordable dwelling units per buildable acre for developing affordable housing in suitable areas located in close proximity to an employment center (Key West). Such site specific subareas may facilitate the transfer of ROGO exemptions (TREs), may vary off-street parking requirements, and may allow for up to three (3) stories within the building height envelope. All site-specific areas located on Stock Island shall require a Policy defining the development restrictions and allowances for the site.

Policy 111.1.1 Stock Island Workforce Subarea 1

Development of affordable housing in the Stock Island Workforce Subarea 1 shall be subject to regulations applicable to the Residential High (RH) Future Land Use Designation except as provided below:

- 1 1. Notwithstanding the density standards set forth in Policy 101.5.25, the Maximum Net
2 Density of the Stock Island Workforce Subarea 1 shall be 280 affordable dwelling
3 units at a density of 40 dwelling units per buildable acre for property within the UR
4 zoning district and shall not require transferable development rights. The income
5 categories for the 280 units shall consist of 112 moderate income units, 98 median
6 income units, and 70 low income units. If fewer than 280 units are built, the
7 distribution of income categories for units built shall be 40% moderate income, 35%
8 median income, and 25% low income.
9
- 10 2. There shall be no allocated or maximum net density standard available for market
11 rate dwelling units or transient units.
12
- 13 3. The maximum floor area ratio (FAR) for all nonresidential uses within the subarea
14 shall be zero. A shoreside support facility associated with a mooring field may be
15 permitted as an accessory use associated with the Wreckers Cay project within the
16 RH FLUM and UR Zoning District.
17
- 18 4. The Eighty (80) lawfully established market rate dwelling units may be transferred
19 within Stock Island upon approval of a minor conditional use permit following the
20 approval of a development agreement associated with the Wreckers Cay project.
21 Additionally, all of the following criteria shall apply:
22
 - 23 a. No sender units may be transferred to an area where there are inadequate facilities
24 and services.
25
 - 26 b. Transfer off-site shall consist of the demolition of the dwelling unit on the sender
27 site.
28
 - 29 c. Transfer of Lawfully Established Unit Types:
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 - 31 i. *Transfer of a transient unit.* A lawfully established hotel room, motel room,
32 campground space, or recreational vehicle space may be transferred off-site
33 to another hotel, motel, campground or recreational vehicle park.
34
 - 35 ii. *Transfer of a market rate unit.* A lawfully established permanent market rate
36 dwelling unit may be transferred to a receiver site and developed as a market
37 unit, provided that one of the following is satisfied:
38
 - 39 1. A 99 year deed-restricted affordable housing unit, pursuant to Sections
40 [101-1](#) and [139-1](#), is redeveloped on the sender site; or
 - 41 2. The sender site is dedicated to Monroe County for the development of
42 affordable housing and an in-lieu fee per unit, based on the current
43 maximum sales price for a one-bedroom affordable unit as established
44 under [Section 139-1\(a\)](#), is paid to the affordable housing trust fund; or
 - 45 3. A 99 year deed-restricted affordable housing unit, pursuant to Sections
46 [101-1](#) and [139-1](#), is developed on a Tier III property (single-family
47 residential lots or parcels) and the dwelling unit on the sender site is
48 demolished and the sender site is restored.
 - 49 d. The Receiver Site shall meet all of the following criteria:

- i. The Future Land Use category and Land Use (Zoning) District must allow the requested use.
 - ii. Must meet the adopted density standards.
 - iii. Includes all infrastructure (potable water, adequate wastewater treatment and disposal wastewater meeting adopted LOS, paved roads, etc.).
 - iv. Located within a Tier III designated area.
 - v. Structures are not located in a velocity (V) zone or within a CBRS unit.
 - vi. Receiver sites in the Day-Night Average Sound Level (DNL) 65-69 must incorporate measures to achieve an outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB.
 - vii. Receiver sites in the DNL 70-74 must incorporate measures to achieve an outdoor to indoor NLR of at least 35 dB.
 - viii. Receiver sites for transient housing in the 75-79 DNL must incorporate measures to achieve an outdoor to indoor NLR of at least 35 dB.
 - e. Building permits for the eighty (80) market rate dwelling units transferred off-site cannot be issued until the 280 affordable dwelling units are issued building permits and obtain approved footer inspections.
 - f. No certificates of occupancy shall be issued on the eighty (80) market rate dwelling units transferred off-site until all of the 280 affordable dwelling units receive a certificate of occupancy.
5. The height of any new structure associated with the redevelopment of the Wrecker's Cay Property shall not have any habitable floor area above 38 feet from grade; mechanical equipment and architectural features utilized to hide mechanical equipment, including parapets, may be up to 44 feet above grade; and such structures may contain three (3) habitable floors.
 6. Parking requirements may be varied in the Development Agreement as approved by the Board of County Commissioners.
 7. Nonresidential uses shall be prohibited. Accessory uses to the residential development, such as a club house or recreational facilities, are permitted. A shoreside support facility associated with a mooring field may be permitted as an accessory use associated with the Wreckers Cay project within the RH FLUM and UR Zoning District.
 8. All new residential units developed within the Stock Island Workforce Subarea 1 shall be subject to the ROGO permit allocation system.
 9. The protest procedures set forth within Sec. 102-158(d)(8) are applicable to applications submitted under this Policy 111.1.1.
 10. A development agreement shall be required for any proposed development of an affordable housing project within the Stock Island Workforce Subarea 1.

1 11. All new affordable units developed within the Stock Island Workforce Subarea 1 shall
2 require occupants to derive at least seventy percent (70%) of their household income
3 from gainful employment in Monroe County.
4

5 12. The boundary for the Stock Island Workforce Subarea 1 is legally described as:
6

7 A parcel of land in Maloney's Subdivision of Stock Island, according to the plat
8 thereof, as recorded in Plat Book 1, Page 55 of the Public Records of Monroe County,
9 Florida and being bounded and described as follows:
10

11 Begin at the intersection of the centerline of Laurel Avenue and the east right-of-way
12 line of Second Street, thence East along the centerline of Laurel Avenue and its
13 easterly projection for a distance of 1486 feet, more or less, to a point on the apparent
14 shoreline of said Boca Chica Channel, thence meander said shoreline for the
15 following eight courses:

16 (1) thence Southwesterly for a distance of 8 feet;

17 (2) thence Westerly for a distance of 934 feet;

18 (3) thence Southeasterly for a distance of 548 feet;

19 (4) thence Northeasterly for a distance of 152 feet;

20 (5) thence Southeasterly and Southwesterly for a distance of 150 feet;

21 (6) thence Northeasterly for a distance of 150 feet;

22 (7) thence Southwesterly for a distance of 389 feet;

23 (8) thence Southeasterly for a distance of 58 feet, more or less, to a point on the north
24 right-of-way line of First Avenue;

25 thence bear S14°51'45"E for a distance of 26.10 feet to a point on the centerline of
26 First Avenue;

27 thence West along the centerline of First Avenue for a distance of 235.00 feet; thence
28 North at right angles for a distance of 30.00 feet to a point on the north right-of-way
29 line of First Avenue; thence West at right angles along the said north right-of-way
30 line a distance of 24 feet to the southwest corner of Block 33 of said Plat, thence
31 North at right angles on the west line of Block 33 a distance of 125 feet, thence West
32 at right angles a distance of 300 feet, thence South at right angles along the east
33 boundary line of Lot 16, Block 34, of said Plat a distance of 125 feet to a point on the
34 north right-of-way line of First Avenue, thence West along the north right-of-way
35 line of First Avenue to a point of intersection with northeasterly right-of-way line of
36 Maloney Avenue Per FDOT R/W map Section 90550-2608, thence bear
37 N47°17'00"W along the said right-of-way line to a point of curvature, said curve
38 having for its elements a radius of 985.37 feet and a chord bearing N52°21'51"W a
39 chord distance of 174.53, thence along said curve for an arc length of 174.76 feet to
40 the point of intersection with the east right-of-way line of Second Street, thence North
41 along the east right-of-way line of Second Street for a distance of 435.31 feet to the
42 centerline of Laurel Avenue and the Point of Beginning.

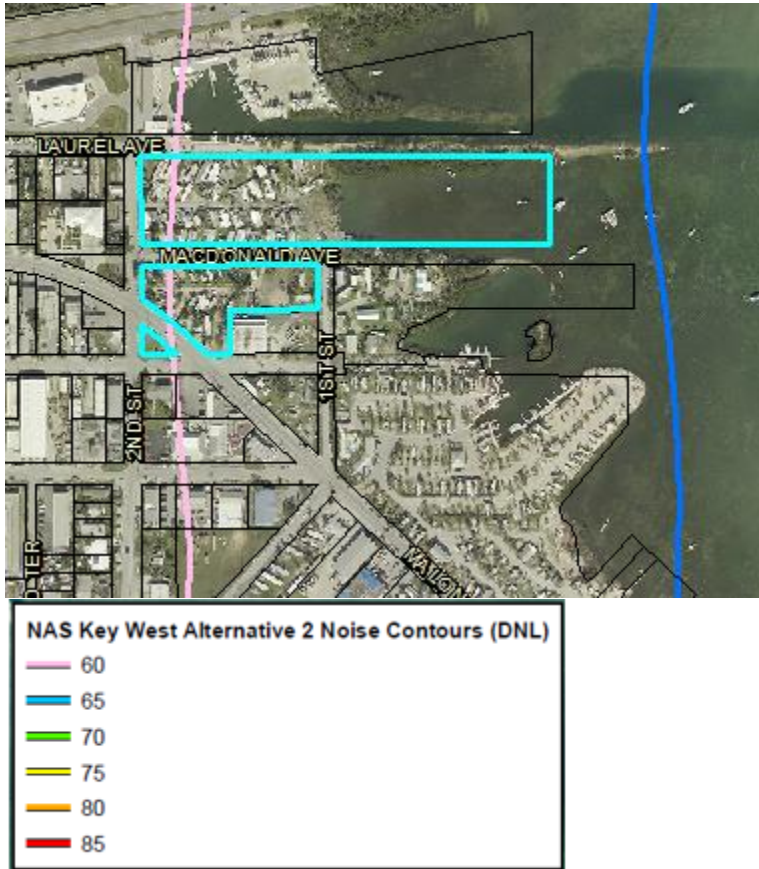
43 CONTAINING 9.1 ACRES, MORE OR LESS
44

45 13. The affordable dwelling units shall be rental units only.
46

47 **Policy 108.2.6**

48 The project site is within the Military Installation Area of Impact (MIAI). Policy 108.2.6
49 of the Comprehensive Plan provides the MIAI land use table with suggested land use

1 compatibility according to noise zones. However, this table addresses noise zones 65
2 DNL and over; and this project site is all below 65 DNL.
3



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6
7 During the DRC Meeting, Karen Taporco, Community Planning and Liaison Officer for
8 Naval Air Station Key West, made the following comments:
9

- 10 • Request the applicant consider including disclosure statements, including sound
11 attenuation and rental disclosures.
12

13 (b) *The conditional use is consistent with the community character of the immediate vicinity*
14 *of the parcel proposed for development: **In compliance***
15

16 The proposed 280 units of attached affordable dwelling units are consistent with the
17 community character. The surrounding area to the east is a channel between Stock Island
18 and Boca Chica Key. The uses to the south include a church, restaurant, retail and an RV
19 resort, the uses to the west are a convenience store, assorted retail, scattered residential and
20 a Monroe County fire station. The project is bordered to the north by a marina and retail.
21

22 (c) *The design of the proposed development minimizes adverse effects, including visual*
23 *impacts, of the proposed use on adjacent properties: **In compliance***
24

25 The elevated multifamily attached affordable dwelling units do not create adverse effects
26 or a visual impact to adjacent property owners.
27

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

3
4 Staff has no evidence to support or disprove that the proposed development will have an
5 adverse impact on the value of the surrounding properties.
6

7 (e) *The adequacy of public facilities and services, including, but not limited to: **Compliance***
8 ***to be determined upon review provided by the County's consulting traffic engineers.***

9
10 A Level 3 traffic study and proposed mitigation measures were provided by the
11 applicant. **The applicant is coordinating with the County's consulting traffic engineers**
12 **to address all traffic study comments. Required mitigation must be identified prior to**
13 **Planning Commission approval of the major conditional use permit request.**
14

- 15
16 1. *Solid Waste:* A letter from Monroe County Solid Waste Management dated May 5,
17 2020 was provided and indicates no issue.
18
19 2. *Potable Water:* A letter of coordination with Florida Keys Aqueduct Authority dated
20 May 19, 2020 was submitted with the application.
21
22 3. *Sanitary Sewer:* The development is required to connect to wastewater.
23
24 9. *Drainage/Stormwater:* **The plans will need to be modified to reflect the current**
25 **layout of the site, prior to the Development Order of the major conditional use**
26 **permit being signed.**
27
28 4. *Schools:* According to the latest County Public Facilities Capacity Report, the capacity
29 for schools is adequate for the Lower Keys.
30
31 5. *Recreation and Open Space:* According to the latest County Public Facilities Capacity
32 Report, the other requirements of the County Public Facilities Capacity Report for
33 recreation and open space is adequate for the Lower Keys.
34

35 (f) *The applicant for conditional use approval has the financial and technical capacity to*
36 *complete the development as proposed and has made adequate legal provision to*
37 *guarantee the provision and development of any improvements associated with the*
38 *proposed development: **In compliance***

39
40 Staff has no evidence to support or disprove the applicant's financial and technical
41 capacity. **Any traffic mitigation proposals that require financial guarantee will need**
42 **to be confirmed prior to CUP approval where/if required.**
43

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

46
47 The proposed redevelopment will not adversely affect a known archaeological, historical,
48 or cultural resource.
49

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

3
4 Public access to public beaches and other waterfront areas are not affected by this project.
5

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

- 9
10 1. Residential Rate of Growth Ordinance (ROGO) (LDC Chapter 138, Article II): ***In***
11 ***compliance, subject to approval of the requested Major CUP, building permit, and***
12 ***allocation by building permit of the reserved 280 affordable ROGOs for employee***
13 ***housing. The project currently has a reservation from by the BOCC (Resolution 031-***
14 ***2020) for 280 affordable ROGO allocations.***

15
16 On January 22, 2020, the BOCC adopted Resolution 031-2020 to reserve 280 ROGO
17 affordable units consisting of seventy (70) low income, ninety-eight (98) median and
18 one hundred twelve (112) moderate income Affordable housing allocations pursuant to
19 Monroe County Code Section 138-24(b)4, for the Property. Per the Resolution, the
20 deadline for issuance of building permits for these allocations is January 22, 2025.
21

- 22 2. NonResidential Rate of Growth Ordinance (NROGO) (LDC Chapter 138, Article III):
23 ***In compliance***

24
25 There is no requested NROGO for this project, all nonresidential uses are considered
26 to be accessory to the affordable housing development.
27

- 28
29 3. District Purpose (LDC Section 130-51): ***In compliance***

30
31 The purpose of the UR district is to provide areas appropriate for high-density
32 residential uses and to create areas to provide for vacation rental use of detached
33 dwellings, duplexes, and multifamily dwellings. This district should be established at
34 or near employment centers.
35

36 The proposed 280 attached dwelling units would be considered high-density residential
37 and the projects location in relation to an employment center meet the district purpose.
38

- 39 4. Permitted and Conditional Uses (LDC Section 130-98 Urban Residential District): ***In***
40 ***compliance, subject to approval of the requested Major CUP as required pursuant to***
41 ***the Development Agreement.***

42
43 Section III.K. of the Development Agreement requires the developer to provide for the
44 approval of a major conditional use permit by the Planning Commission.
45

46 “K. Site Plan Approval: The conceptual site plan is attached as Exhibit 17. The
47 development shall be consistent with all applicable codes, including but not limited to
48 the Monroe County Comprehensive Plan and Monroe County Land Development
49 Code. Following a review of compliance with such codes, the final site plan must be

1 approved by the Monroe County Planning Commission as a major conditional use
2 permit. The Planning Commission has final authority over the site plan and the site plan
3 may be amended by the Planning Commission.”
4

5 Pursuant to Section 130-98(b)(1) Attached dwelling units, provided that:

- 6 a. Sufficient common areas for recreation are provided to serve the number of
7 dwelling units proposed to be developed;
- 8 b. All entryways are designed and lighted to allow safe and secure access to all
9 structures from walks and parking areas; and

10 ...

11 Although a major conditional use is being applied for the applicant has provided for
12 common areas and recreation with a proposed pool with restrooms and area designated
13 for playground, which meet the requirements of Section 130-98(b)(1)a.
14

15 No lighting plan with photometrics has been provided to confirm the requirements of
16 Section 130-98(b)(1)b.
17

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

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 25 dwelling units per buildable acre pursuant
26 to LDC Sections 130-157 and 139-1.
27

28 The BOCC adopted Ordinance 003-2020 that amended Section 130-157 of the Land
29 Development Code to allow for increased density for properties with UR zoning
30 districts within Stock Island that apply for an receive a site specific subarea policy as
31 established in the Comprehensive Plan.

32 Policy 111.1.1 Stock Island Workforce Subarea 1, allows the Maximum Net Density
33 of 40 dwelling units per buildable acre for property within the UR zoning district and
34 shall not require transferable development rights. The Maximum amount of units for
35 this proposed site is capped at 280.
36

37 LDC Section 101-1 defines the following relevant terms:
38

39 *Density, maximum net* means the maximum number of dwelling units or
40 rooms/spaces which may be permitted to be developed per buildable acre, with the
41 use of Transferable Development Rights (TDRs) or for affordable housing.
42

43 *Net buildable area* means that portion of a parcel of land that is developable and is
44 not required open space.
45

46 Given the land area and open space required (*as outlined above*), the net buildable area
47 of the property would be 305,286 square feet or 7.01 acres. The maximum residential
48 density of the subject property, pursuant to comprehensive Plan Policy 111.1.1, LDC
49 Sections 130-157 and 139-1, shall be in accordance with the following table:

<i>Land Use District</i>	<i>Maximum Net Density Standard Per Policy 111.1.1</i>	<i>Net Buildable Area</i>	<i>Maximum DUs</i>	<i>Proposed DUs</i>	<i>Development Potential Used</i>
Urban Residential (UR):					
Affordable & Employee Housing per LDC Section 139-1	40 DU / Buildable Area	7.01 acres	280.32 DU	280 DU	99.9%

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 592,782 square feet of gross area. Therefore, 118,556 square feet is required to remain as open space. According to the site plan submitted with this application, Sheet AS100, 60% or 356,569 square feet of open space is being 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***

In the UR 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>
Urban Residential (UR)	15	15	10	5	10

The proposed site plan is shown to be in compliance with the required non-shoreline setbacks.

8. Wetland Setback (LDC Section 118-10): ***Not Applicable***

There are no wetlands (other than fringing mangroves along the shoreline) within the proposed development footprint.

10. Shoreline Setback (LDC Section 118-12): ***In compliance***

The shoreline of the project is an open water (Atlantic Ocean) shoreline not adjacent to manmade canals, channels, or basins, and which have been altered by the legal placement of fill. Therefore, in accordance with Section 118-12(b)(4)a, the principal

1 shoreline setback for the project is at least 30 feet as measured from the MHW line or
2 the landward extent of the mangroves, whichever is farther inland. The site plan (Sheet
3 AS100) depicts a shoreline setback of 30' from the mangrove line and is consistent
4 with the referenced Code.
5

6 11. Maximum Height (LDC Section 130-187): ***In compliance***
7

8 Pursuant to the Development Agreement the height of any new structure associated
9 with the redevelopment of the Wrecker's Cay Property shall not have any habitable
10 floor area above 38 feet from grade, mechanical equipment and architectural features
11 utilized to hide mechanical equipment, including parapets, may be up to 44 feet above
12 grade, and such structures may contain three (3) habitable floors. For purposes of
13 measuring height, grade shall be 6.12 feet as depicted in the topographic survey
14 attached as Exhibit 16 to the Development agreement.
15

16 Per LDC Sec. 101-1 Height means "the vertical distance between grade and the highest
17 part of any structure, including mechanical equipment, but excluding the following:
18 chimneys; spires and/or steeples on structures used for institutional and/or public uses
19 only; radio and/or television antenna, flagpoles; solar apparatus; utility poles and/or
20 transmission towers; and certain antenna supporting structures with attached antenna
21 and/or collocations as permitted in Chapter 146. However, in no event shall any of the
22 exclusions enumerated in this definition be construed to permit any habitable or usable
23 space to exceed the applicable height limitations. In the case of airport districts, the
24 height limitations therein shall be absolute and the exclusions enumerated in this
25 definition shall not apply.
26
27

28 12. Surface Water Management Criteria (LDC Section 114-3): ***Compliance to be***
29 ***determined prior to signing of Development Order***
30

31 The plans will need to be modified to reflect the current layout of the site, prior to the
32 Development Order of the major conditional use permit being signed.
33

34 13. Wastewater Treatment Criteria (LDC Section 114-4): ***In compliance***
35

36 The development is required to connect to central sewer.
37

38 14. Fences (LDC Section 114-13): ***Compliance to be Determined at building permit***
39

40 All fencing must comply with LDC Section 114-13. Fencing location is shown on the
41 site plan, no detail was provided to determine the height and type of fencing.
42

43 15. Floodplain Management (LDC Chapter 122): ***Compliance to be Determined at***
44 ***building permit***
45

46 The site is designated within AE-9 and AE-10 flood zone on the Federal Emergency
47 Management Agency (FEMA) flood insurance rate maps.
48

49 16. Energy Conservation Standards (LDC Section 114-45): ***In compliance***

1
2 17. Potable Water Conservation Standards (LDC Section 114-46): ***In compliance***

3
4 18. Environmental Design Criteria and Mitigation Standards (LDC Sections 118-6, 118-7
5 & 118-8): ***In compliance***

6
7 The proposed development does not impact native plant communities and meets the
8 design criteria of Section 118-6.

9
10 19. Required Off-Street Parking (LDC Section 114-67): ***In compliance***

11
12 The proposed development is subject to the following off-street parking requirements:

13

<i>Specific Use</i>	<i>Minimum Required Number of Parking Spaces</i>	<i>Existing/Proposed Use</i>	<i>Required Spaces</i>
Multifamily residential developments	1 parking space per bedroom as required by the Development Agreement approved by Resolution 031A-2020	96/1 bed = 96 160/2 bed = 320 24/3 bed = 72 Total = 280/488	488
Total spaces required:			488

14
15 The revised plans submitted indicate 502 total parking spaces in the table provided
16 labeled “Units Types per Building/Total” on Sheet AS100.

17
18 The total parking spaces shown on the site plan are a mix of ADA, compact, surface,
19 garage and scooter spaces. The table on Sheet AS100 titled “Parking Breakdown”
20 provides the following types of parking spaces shown on the plan. There are 8 scooter,
21 8 compact car spaces, 217 regular surfaces spaces and 32 accessible parking spaces,
22 for a total of 257 surface spaces and 237 space located under the buildings. **There is a**
23 **total of 494 automobile spaces shown on the plan.**

24
25 20. Required Loading and Unloading Spaces (LDC Section 114-69): ***In compliance***

26
27 Loading spaces are not required as part of this development proposal.

28
29 21. Bicycle Parking (LDC Section 114-71): ***In compliance***

30
31 The site plan sheet AS100 shows 81 bicycle racks with 4 spaces per rack.

32
33 Sec. 114-71. - Bicycle Parking.

34 ...

35 (b) All nonresidential development within 200 feet of an existing or programmed
36 state or county bikeway shall provide a bicycle parking rack.

37 (c) Bicycle parking rack criteria:

- 38 (1) Bicycle parking racks must be designed to accommodate a minimum of four
39 (4) bicycles;
40 (2) All bicycle parking racks shall be separated from vehicular traffic by at least
41 five feet or a physical barrier;

1 (3) Bicycle racks shall be located within 100 feet of the building entrance at a
2 location that does not interfere with pedestrian traffic; and

3 (4) The minimum dimensions for a bicycle parking rack shall be two-foot-wide
4 by six-foot-long stalls with a minimum aisle width of five feet. Location criteria
5 can be modified by the Planning Director if he or she determines that a superior
6 alternative exists.
7

8 22. Required Landscaping (LDC Sections 114-99–114-105): ***Compliance to be***
9 ***determined prior to signing of Development Order***

10
11 The plans will need to be modified to reflect the current layout of the site, prior to the
12 Development Order of the major conditional use permit being signed.
13

14 23. Scenic Corridors & Bufferyards (LDC Sections 114-124 –114-130, 130-93):
15 ***Compliance to be determined prior to signing of Development Order***

16
17 The plans will need to be modified to reflect the current layout of the site, prior to the
18 Development Order of the major conditional use permit being signed.
19

20 24. Outdoor Lighting (LDC Chapter 114, Article VI): ***Compliance to be determined at***
21 ***building permit***

22
23 No lighting plan submitted to determine compliance.
24

25 Sec. 114-161. Maximum Illumination.

26 Outdoor lighting shall be designed and located such that the maximum illumination
27 measured in footcandles at the property line shall not exceed 0.3 footcandles for
28 noncutoff lights and 1.5 footcandles for cutoff lights. If illumination is desired or
29 required for nonresidential or multifamily (3 or more units) residential development,
30 site plans shall include photometric lighting plans.
31

32 25. Signs (LDC Chapter 142): ***Compliance to be determined, separate building permit***
33 ***required***

34
35 According to the site plan submitted, it appears that two (2) structures labeled “SIGN
36 WALL” are located within the primary front yard setback. Pursuant to LDC [Section](#)
37 [142-2](#), these appear to be ground mounted signs. LDC [Section 142-4\(b\)\(2\)](#) only allows
38 for one permanent wall-mounted or ground-mounted sign (subject to limitations).
39 Pursuant to LDC [Section 142-5\(c\)](#), (1) no sign shall be erected that would impair
40 visibility at a street intersection or driveway entrance and (3) the minimum setback for
41 signs shall be five feet.
42

43 26. Access Standards (LDC Chapter 114, Article VII): ***In compliance***

44
45 The property does not take access from US-1 and that any connection to County roads
46 will require permitting approval from Engineering Services.
47

48 27. Recycling and Solid Waste Collection Areas (LDC Section 114-14): ***In compliance***
49

1 In accordance with LDC Section 114-14(b), a total area of 2,640 recycling and solid
2 waste collection area for 280 dwelling units. The proposed development does include
3 the minimum required recycling and solid waste collection total area. The plan shows
4 Four (3) 14' x 24', one (1) 18' x 24', one (1) 18' x 32' and one (1) 18' x 36' Trash
5 Enclosures (2,664 square feet in total). Pursuant to LDC Section 114-14(b), for multi-
6 family residential developments consisting of more than 50 dwelling units, there shall
7 at least one collection area per 25 dwelling units, with each area consisting of at least
8 240 square feet. Combinations of collection areas that, in total, meet the standards are
9 acceptable if approved by the Planning Director. The plans should also specify that the
10 solid waste collection areas will meet the screening requirements set forth in LDC
11 Section 114-14(e), no detail was provided.

12
13 **Sec. 114-14. - Recycling and Solid Waste Collection Areas.**

14 Any nonresidential, mixed use or multi-family residential development shall make
15 adequate provision for a recycling collection area in accordance with the following
16 standards:

17 ...

18 (b) **Multi-family residential developments.** The following are minimum space
19 configurations per solid waste/recycling collection area:

Dwelling Units	Minimum Collection Area (square feet)
3 to 10	144
11 to 15	216
16 to 30	240
31 to 35	264

20
21 ...

22 For multi-family residential developments consisting of more than 50 dwelling units,
23 there shall at least one collection area per 25 dwelling units, with each area consisting
24 of at least 240 square feet.

25 Combinations of collection areas that, in total, meet the standards are acceptable if
26 approved by the Planning Director.

27 (c) **Additional solid waste containers.** Generally, the minimum collection areas
28 shown above provide enough area for a typical solid waste container (i.e. dumpster)
29 and recycling containers.

30 If the collection area requires more than one solid waste container, then an additional
31 area of six feet by ten feet (60 square feet) is required per each additional solid waste
32 container.

33 (d) **Setback.** Notwithstanding the provisions of [Chapter 131](#), a collection area may be
34 set back five feet from any rear or side yard property line.

35 (e) **Screening.** Notwithstanding the provisions of Sections [114-13](#) and [131-1](#),
36 collection areas shall be screened on at least three sides. Screening shall consist of a
37 solid or semi-opaque enclosure that shall not exceed six feet in height. The enclosure
38 shall provide a minimum of one foot six inch clearance on each side of the container.

39 (f) **Enclosure design.** Area required is measured from the interior dimensions of the
40 enclosure. Enough room should be provided to move and lift containers. The design of
41 the enclosure should make it easy to keep container lids shut at all times.

42 (g) **Location.** Exterior collection areas should be located in an area accessible and
43 convenient to the intended users (typically no more than 200 feet from the farthest
44 user). The location of the collection area should not interfere with the primary use of

1 the site. It should be located in areas that can tolerate noise, odor and increased
2 pedestrian and vehicle traffic. The collection area should be designed to be easily
3 accessible by all collection vehicles.
4

5 28. Accessibility (Chapter 533, Florida Statutes): ***Compliance to be determined at***
6 ***building permit review***
7

8 All standards and requirements of the American with Disabilities Act (ADA) must be
9 met.
10

11 29. Inclusionary Housing Requirements (LDC Section 139-1): ***Not applicable***
12

13 30. Community Participation Meeting (LDC Section 110-3): ***In compliance***
14

15 The meeting was held June 5, 2020 at 5:05 PM, via communications media technology
16 (CMT) through Zoom® Meeting.
17

18 31. Other Issues – Potential Shoreside Facilities for Boca Chica Mooring Field
19

20 The applicant has proposed providing limited area for the provision of shoreside
21 support facilities for the potential development of a mooring field at the Boca Chica
22 anchorage. The Florida Department of Environmental Protection (FDEP) requires that
23 a land-based support facility be operational prior to occupation of the mooring field.
24 The land-based support facility is required to provide amenities and conveniences for
25 the number of occupants that are using the mooring field. At a minimum, DEP requires
26 the following amenities/services:

- 27 • Dinghy Dockage (with no specifics on number of dinghy slips)
- 28 • Waste/Recycling Receptacles
- 29 • Pumpout Service (via vessel or shoreside facility)
30

31 Due to depth limitations within the basin, staff is recommending a proposed design that
32 would

- 33 • Extend a pedestrian pathway to the north of the facility site along the eastern
34 shoreline of the property
- 35 • Originating the dock through the narrowest section of the shoreline mangroves

36 Extending the dock approximately 125' into the basin to accommodate a 4' wide dock
37 for a total of 500 square feet as shown below.
38

39 **V RECOMMENDED ACTION:**
40

41 Staff recommends **approval** of the proposed conditional use permit IF the outstanding traffic
42 mitigation requirements can be met. Staff recommends that the Planning Commission
43 **CONTINUE the request for Major Conditional Use Permit approval to a date certain if**
44 **the applicant does not provide a revised traffic study with a proposed mitigation strategy**
45 **that is acceptable to the County's traffic consulting Engineer and staff prior to the July**
46 **22 hearing.**
47

48 Pursuant to LDC Section 110-70(c), ...The Planning Commission shall hold a public hearing
49 on the application for a major conditional use permit and shall issue a development order

1 granting, granting with conditions or denying the application for a major conditional use permit
2 within 60 days of the public hearing by the Planning Commission, with the exception of any
3 application where a condition has been imposed that must be satisfied prior to the issuance of
4 a development order approving the major conditional use permit, in which case the
5 development order shall be issued within 30 days after receipt of proof of satisfaction of the
6 condition. The applicant shall provide any additional information to satisfy a condition
7 required by the Planning Commission within one (1) year of the date of the Planning
8 Commission meeting when the application was considered. If such information is not received
9 within this timeframe, the application will be deemed withdrawn.

10
11 Pursuant to LDC Section 110-70(c), Staff recommends that **prior to the signing of the**
12 **Development Order** all of the following corrections be addressed, including but not limited
13 to:

- 14
15 1. The traffic study mitigation must be addressed with the County’s traffic consultant and
16 satisfied.

17 Based on preliminary traffic concurrency review of all approved projects with in this
18 segment, the proposed development is currently not in compliance with Monroe
19 County Comprehensive Plan Policies 301.1.1, 301.1.2, 301.2.2, 301.2.3 and 301.2.4 as
20 well as Land Development Code Sections 114-2(a)(1)a., b. and c. There is currently
21 not adequate roadway capacity available at the time. In areas of the County that are
22 served by marginal or inadequate facilities, developments may be approved, provided
23 that the development in combination with all other permitted development will not
24 decrease travel speed by more than five percent (5%) below LOS C, and mitigation is
25 provided. Mitigation may be in the form of specific improvements or proportioned
26 shared contribution towards improvements and strategies identified by the County,
27 and/or FDOT to address any level of service degradation beyond LOS C and/or
28 deficiencies. The applicant shall submit evidence of an agreement between the
29 applicant and the FDOT for inclusion in any contract or agreement for improvements
30 to US 1. For roadway improvements required, the applicant/owner may utilize the
31 following, pursuant to Land Development Code Section 114-2(b)(5)c.:

- 32 a. The necessary facilities and services are in place at the time a development permit
33 is issued; or
34 b. The necessary facilities and services are in place at the time a certificate of
35 occupancy, or its functional equivalent is issued. Prior to commencement of
36 construction, the applicant shall enter into a binding and legally enforceable
37 commitment to the County to assure construction or improvement of the facility; or
38 c. A binding executed contract in place at the time a permit is issued which provides
39 for the commencement of the actual construction of the required facilities or
40 provision of services; or
41 d. An enforceable development agreement guaranteeing that the necessary facilities
42 and services will be in place with the issuance of a permit. An enforceable
43 development agreement may include, but is not limited to, development agreements
44 pursuant to section 163.3220, F.S., or an agreement or development order issued
45 pursuant to Chapter 380, F.S., or
46 e. A proportionate share contribution or construction that is sufficient to accomplish
47 one or more mobility improvement(s) that will benefit a regionally significant

1 transportation facility. A proposed proportionate fair-share mitigation shall be
2 reviewed pursuant to LDC Section 126-2.
3

- 4 2. Prior to signing of the Development Order approval of the Major Conditional Use
5 Permit, the two requested right of way abandonments: a portion of Laurel Avenue
6 (File 2010-130); and portions of Macdonald Avenue and First Street (File 2018-179),
7 must be signed and effective.
8
- 9 3. Prior to signing of the Development Order approval of the Major Conditional Use
10 Permit the applicant shall submit signed and sealed copies of the site plan.
11
- 12 4. Prior to signing of the Development Order approval of the Major Conditional Use
13 Permit, all plans to include landscaping, drainage plan, and water and sewer plan,
14 must be revised to match the latest layout of the site plan with updated data and
15 calculations and submitted as signed and sealed documents.
16

17 Staff recommends the following **conditions of approval** for the requested Major CUP:
18

- 19 1. Prior to issuance of a building permit for any lighting on the site, lighting details and a
20 photometric plan shall be provided demonstrating compliance with Chapter 114,
21 Article VI.
22
- 23 2. Prior to the issuance of a building permit the fencing must comply with LDC Section
24 114-13.
25
- 26 3. Prior to the issuance of a building permit all standards and requirements of the
27 American with Disabilities Act (ADA) must be met.
28
- 29 4. 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
31 found in compliance by the Monroe County Building Department, Floodplain
32 Administrator, and the Office of the Fire Marshal.
33

34 VI PLANS REVIEWED:
35

- 36 1. Site Plan: prepared by PQH Group, received from the applicant July 10, 2020 as of this
37 date the plan has not been signed and sealed.
38 2. Building Elevations: prepared by POH Group, signed and sealed by Aldo Minozzi R.A. on
39 May 13, 2020 and May 27, 2020
40 3. Building Floor Plans: prepared by POH Group, signed and sealed by Aldo Minozzi R.A.
41 on May 13, 2020 and May 27, 2020
42 4. Drainage Plan: prepared by Perez Engineering & Development, Inc., signed and sealed by
43 Allen E. Perez, P.E., dated May 18, 2020
44 5. Water and Sewer Plan: prepared by Perez Engineering & Development, Inc., signed and
45 sealed by Allen E. Perez, P.E., dated May 18, 2020
46
47
48
49

- 1 6. Construction Management Plan: prepared by Perez Engineering & Development, Inc.,
- 2 signed and sealed by Allen E. Perez, P.E., dated May 18, 2020
- 3 7. Landscape Plan: signed and sealed by Michael Flaugh, Landscape Architect, dated May
- 4 20, 2020
- 5 8. Boundary Survey by Reece & Associates, signed and sealed Robert E. Reece, P.S.M. May
- 6 4, 2020
- 7 9. Traffic Study by KBP Consulting, Inc., signed and sealed by Karl B. Peterson P. E. dated
- 8 December 2019 and updated May 2020