



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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

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

Date: August 18, 2022

Subject: *A REQUEST FOR A MINOR CONDITIONAL USE PERMIT FOR THE  
DEVELOPMENT OF A MINI STORAGE FACILITY WITH AN ATTACHED  
DWELLING UNIT DESIGNATED AS EMPLOYEE HOUSING LOCATED AT  
92425 OVERSEAS HIGHWAY, TAVERNIER, MILE MARKER 92, AND  
DESCRIBED AS A PARCEL OF LAND IN SECTION 27, TOWNSHIP 62 SOUTH,  
RANGE 38 EAST, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING  
PARCEL IDENTIFICATION NUMBER 00490270-000000 (FILE # 2021-055).*

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**Meeting: September 27, 2022**

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#### I REQUEST

The applicant is requesting approval of a minor conditional use permit which would allow for the development of a mini storage facility with an attached dwelling unit designated as employee housing as provided in LDC Section 139-1, located within the Suburban Commercial (SC) Land Use District (LUD), on the subject property. Two phases of development are proposed; Phase 1 consists of the construction of the first floor storage units, with Phase 2 commencing immediately after Phase 1, and includes the second floor of storage units and the affordable dwelling unit.



*Subject Property (outlined in blue) with Land Use District Map (2022 Aerial)*

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1 **II BACKGROUND INFORMATION:**

2 **Location:** Tavernier near U.S. 1 Mile Marker 92, median of US1

3 **Address:** 92425 Overseas Highway

4 **Legal Description:** South 100 feet of that portion of Tract 2, according to the “Plat of Survey  
5 of Ellis Property,” in Section 27, Township 62 South, Range 38 East, Key Largo, recorded in  
6 Plat Book 2, Page 99 of the Public Records of Monroe County, Florida, which lies between  
7 the Easterly Right-of-Way line of State Road No. 5, and the Westerly Right-of-Way line of  
8 State Road No. 4-A; and Tract “B” in Tavernier Ocean Shores, a subdivision on the Island of  
9 Key Largo, according to a Plat thereof, recorded in Plat Land Records of Monroe County,  
10 Florida, in Plat book 4, at Page 112; and a portion of Lot 7, according to the Plat of Absolom  
11 Albury Property, as recorded in Plat Book 1, at Page 64, of the Public Records of Monroe  
12 County, Florida

13 **Parcel Identification Number:** 00490270-000000

14 **Property Owner/Applicant:** Chris Sante

15 **Agent:** Barbara Bauman

16 **Size of Site:** 30,546.4 square feet / 0.7 acres (per submitted plans)

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

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

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

20 **Flood Zone:** AE9, AE10

21 **Existing Uses:** Office and dwelling unit

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

23 **Community Character of Immediate Vicinity:** Restaurant, commercial retail, office, single  
24 family residences

25  
26 **III RELEVANT PRIOR COUNTY ACTIONS:**

27  
28 On May 18, 2011, Administrative Variance No. AV11-03 was issued by the Planning &  
29 Environmental Resources Department, conditionally approving an Administrative Variance  
30 for a reduction of 10 feet from the required 25 foot front yard setback from the right of way  
31 adjacent southbound US 1 for the placement of an ice machine.

32  
33 On January 27, 2021, a Letter of Development Rights Determination (LDRD) was issued by  
34 the Senior Director of Planning and Environmental Resources for the subject property. This  
35 LDRD documented that one (1) dwelling unit was lawfully established on the subject property  
36 on or about July 13, 1992 and is exempt from the residential ROGO permit allocation system  
37 pursuant to LDC Section 138-22 and Comprehensive Plan Policy 103.5 and that a total of 1,591  
38 square feet of nonresidential floor area was lawfully established on or about 2001 and is exempt  
39 from the NROGO permit allocation system pursuant to LDC Section 138-50.

40  
41 On November 18, 2021, Planning Commission Resolution No. P32-20 was signed approving  
42 the request for a variance to access standards set forth in Chapter 114, Article VII and a request  
43 for a variance of 5 feet to the required 25 foot front yard setback requirement set forth in  
44 Chapter 131 of the Land Development Code.

1 **IV REVIEW OF APPLICATION:**

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

- 6  
7 (a) *The conditional use is consistent with the purposes, goals, objectives and standards of the*  
8 *Comprehensive Plan and the Land Development Code: **Compliance to be determined***

9  
10 Specific policies from the *Monroe County Year 2030 Comprehensive Plan* that directly  
11 pertain to the proposed conditional use include:

12  
13 **Policy 101.5.6**

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

22  
23 This future land use category is also intended to allow for the establishment of mixed use  
24 development patterns, where appropriate. Various types of residential and nonresidential  
25 uses may be permitted; however, heavy industrial uses and similarly incompatible uses  
26 shall be prohibited. The County shall continue to take a proactive role in encouraging the  
27 preservation and enhancement of community character and recreational and commercial  
28 working waterfronts.

29  
30 In order to protect environmentally sensitive lands, the following development controls  
31 shall apply to all hammocks, pinelands, and disturbed wetlands within this land use  
32 category:

- 33  
34 1. only low intensity commercial uses shall be allowed;  
35 2. a maximum floor area ratio of 0.10 shall apply to nonresidential development; and  
36 3. maximum net residential density shall be zero.

37  
38 *The subject property is located within the Tavernier Livable CommuniKeys Plan (LCP)*  
39 *which is adopted as part of the Comprehensive Plan and implemented as objectives and*  
40 *policies of the Comprehensive Plan. The following LCP Strategies and Action Items are*  
41 *specifically applicable to the property and the proposed development:*

42 **Action Item 3.1.2** Require that any new development or redevelopment approved within  
43 the designated US Highway 1 Community Center, meeting the following criteria, be  
44 consistent with design standards established pursuant to Action Items 3.2.3 and 3.3.3:

- 45 1. Any new or expanded non-residential structures of greater than 2,500 square feet in  
46 floor area;  
47 2. Any new or expanded outdoor retail sales;

- 1           3. Any new residential structures containing more than three units or redeveloped  
2 residential structure containing more than three units that involves a change in floor  
3 area, , building height, or configuration of building footprint;  
4           4. Any new transient residential structure or redeveloped existing transient residential  
5 structure that involves a change of floor area, building height, or configuration of  
6 building footprint.  
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8           **Action Item 3.1.4:** Prohibit the following new uses or change of uses within the Tavernier  
9 Creek Bridge to Mile Marker 97 Planning Area: 1) Commercial retail high-intensity uses  
10 that generate above one hundred and fifty (150) average daily trips per one thousand  
11 (1,000) square feet; 2) Storage areas as a principal use; 3) Outdoor retail sales on a vacant  
12 lot and any new or expanded outdoor retail sales associated with structures of less than five  
13 hundred (500) square feet of floor area.  
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15           **Action Item 3.3.4:** Prohibit new storage lots on U.S.1 within the planning area in order to  
16 enhance the community character of the U.S.1 Corridor Area.  
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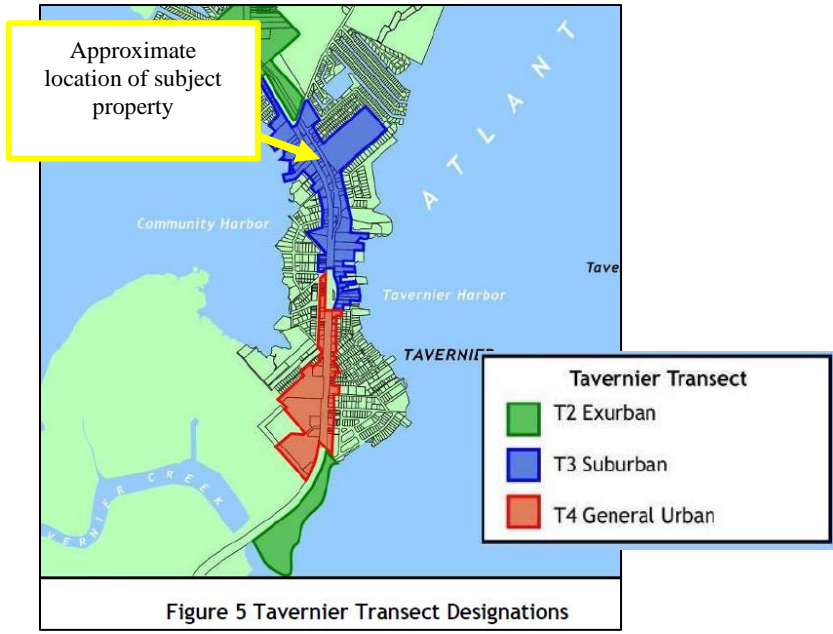
18           *It should be noted that the subject development proposal is for an indoor storage facility,*  
19 *which is not prohibited through Action Items 3.1.4 and 3.3.4.*  
20

21           **Action Item 3.3.6:** Encourage small businesses, that are not of historic quality, on U.S. 1  
22 to add employee apartments; either attached or on the property if construction can be  
23 accomplished within the design guidelines for the commercial corridor.  
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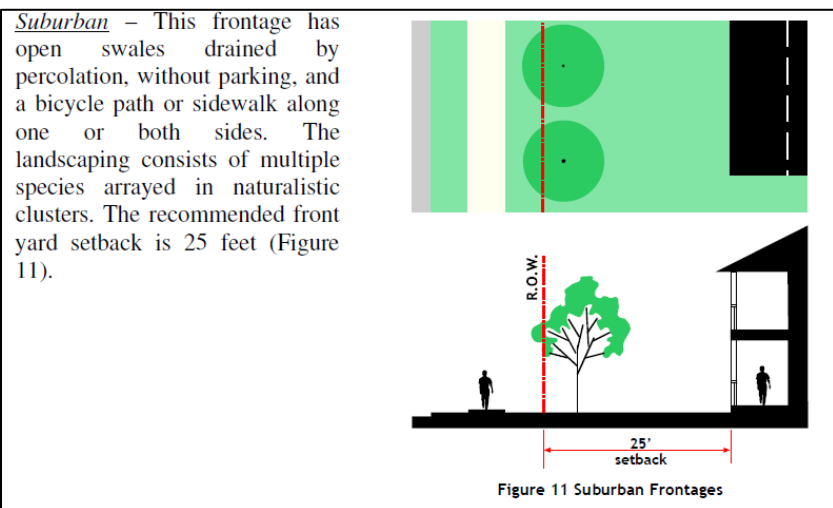
25           **Strategy 5.1** Promote employee housing above and in conjunction with commercial  
26 buildings in the Community Center Overlay district, as this planning area has capacity to  
27 add some employee-housing units based on the commercial floor area ratio of the different  
28 commercial parcels.  
29

30           **Action Item 5.1.2:** Redevelopment projects will come into compliance with landscaping  
31 and bulk regulations so far as practicable.  
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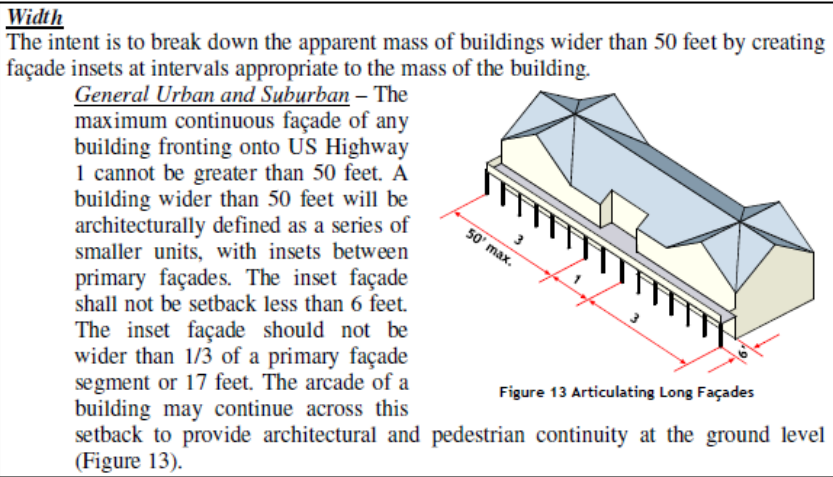
33           *The subject property is within the Tavernier Creek to Mile Marker 97 U.S. Highway 1*  
34 *Corridor District Overlay (TC), established by LDC Section 130-128. The proposed*  
35 *development must comply with the Mile Marker 97 U.S. Highway 1 Corridor Development*  
36 *Standards and Guidelines as described below:*  
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**Depth**

The intent is to break down the apparent mass of buildings deeper than 50 feet by creating façade insets at intervals appropriate to the mass of the building. This guideline applies particularly to buildings whose main entrance or whose primary parking area fronts a side façade.

**General Urban and Suburban** –

Buildings deeper than 50 feet should show architectural insets defined as a series of smaller units. The minimum façade inset setback should be 3 feet (Figure 14).

**Exurban** – No guideline applies. However, it is recommended that large footprint buildings follow the guideline above.

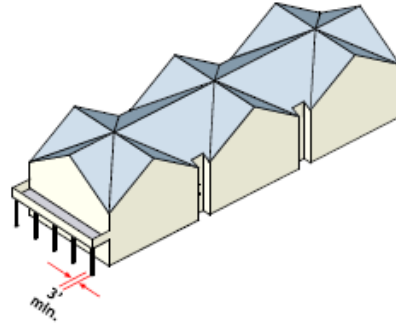


Figure 14 Articulating Long Depths

**Roofing**

**Suburban and Exurban** – Materials include standing seam metal, stamped metal, V-crimp metal, and composition tile for residential buildings. Commercial buildings may have flat roofs.

**Exterior Walls**

The intent is to have a unified palette of materials characteristic of Tavernier.

**General Urban, Suburban and Exurban** – Materials include clapboard siding and novelty or drop siding. Masonry exterior finishes, such as stucco and textured stucco as well as exposed and painted brick, are recommended for commercial structures. Materials resembling wood siding may be acceptable if the building technique is properly applied.

Fish scale siding is acceptable (Figure 19). The use of board and batten siding should be allowable only for residential use in the Suburban and Exurban zones.



Figure 19 Fish Scale Siding

**Doors**

The intent is to have doors that are compatible with Tavernier architecture.

**General Urban and Suburban** – All commercial buildings should have panel or flush doors with clear glass insets (Figure 20). Doors should be hinged; pivot or sliding doors are not acceptable.

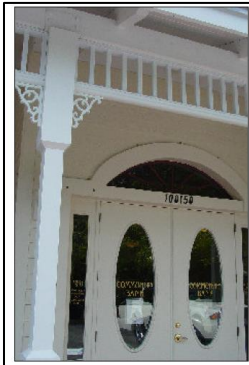


Figure 20 Commercial Door

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**Windows**

The intent is to have windows that are compatible with Tavernier architecture.

**General Urban and Suburban -**

Window types should include bay, casement, single hung, and double hung. Single-pane and awning windows are permissible if the window has imbedded mullions. The minimum vertical proportion of a window should be 1.5 times its width (Figure 21). Windows may be grouped in bands of two or more when separated by a visible wider mullion. The use of a window lintel (or cap) is optional; however, all windows should have sills. The glazing in all windows should be clear and non-reflective; stained glass may be used for accents.

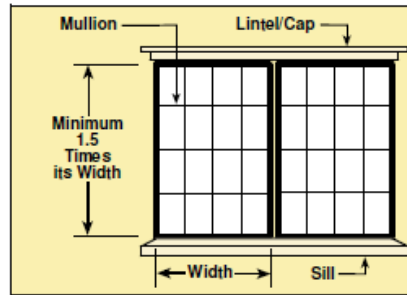


Figure 21 Window Proportions

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Staff would like to note that the submitted elevation plans do not clearly demonstrate consistency with the maximum building façade as described in the development guidelines; however the submitted site and floor plans do. The rear façade of the building does not include the required insets as referenced above, however this side is screened from US1 by means of a 20 foot wide Class C buffer yard which aids in meeting the intent to break down the apparent massing of buildings greater than 50 feet wide. **Staff is recommending additional plantings be included in this buffer yard to ensure the structure is fully screened from US1.**

The metal doors, providing internal and external access to the storage units, do not appear to meet the development guidelines regarding compatibility with Tavernier architecture based on Figure 20 from the Design Guidelines. **Staff is recommending that prior to issuance of the development order, the applicant must submit details of both roll up and hinged doors that are consistent with the architecture common in the Tavernier design corridor and demonstrate less of an industrial appearance.**

(b) *The conditional use is consistent with the community character of the immediate vicinity of the parcel proposed for development: **Compliance to be determined***

The proposed storage unit facility with attached, deed restricted affordable, dwelling unit is generally consistent with the community character of the immediate vicinity of the parcel proposed for development. It is anticipated that the recommended extra buffer plantings and revised door fixtures will result in the proposed development as being compatible with the community character of the immediate vicinity.

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

The applicant is proposing to complete construction in two phases of development. The development proposal is in compliance with the County LDC, including landscaping, bufferyards, off-street parking and loading, stormwater management, outdoor lighting and solid waste/recycling collection. Staff is also recommending additional plantings be added

1 to the bufferyard adjacent the rear of the building to aid in screening the building from  
2 US1.

3  
4 The design of the proposed development and use minimizes adverse effects, including  
5 visual impacts, on adjacent properties.

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

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

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13 (e) *The adequacy of public facilities and services:*

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15 *Transportation/Roadways: **Not in compliance***

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17 Localized Impacts & Access Management: The County Engineering Department has  
18 reviewed the development proposal and provided comments on May 24, 2022. These  
19 comments do not appear to have been addressed. See a snapshot of the comments  
20 below:  
21



**Engineering Department  
MEMORANDUM**



**To:** Bradley Stein, Development Review Manager  
Ize Aguilu, Sr. Planning Commission Coordinator

**From:** Judy Clarke, P.E., Director of Engineering Services

**Date:** May 24, 2022

**Re:** 2021-055 Mini Storage Facility Minor Conditional Use

I have reviewed the revised plans for the referenced proposed project. As noted previously, the entrance to the site from Julep Drive does not meet the County's standard for driveway spacing distance from an intersection. Driveways are not to be constructed within 25 ft. of the point of intersection of two right of way lines at an intersection; on the west side (southbound side of US 1) the driveway is only approximately 15 ft. from the point of intersection. The applicant should maximize the distance from the point of intersection on the west side to the extent possible.

The maximum width for an access drive is 24 ft.; the detail on Sheet C-5 still shows the Julep Drive access with a width of 26 ft. at the property line. This needs to be reduced to a maximum of 24 ft. or less if possible. Reducing the width of this one way access road may facilitate meeting the minimum distance from the intersection of 25 ft. noted above. A right-of-way permit to construct the access drive on Julep will be required from Monroe County Engineering Department.

In addition, Sheet C-3(a) Bufferyard Landscaping shows proposed landscaping on and in front of the ice machine that will be located adjacent to the access drive. Actual placement should be clarified to confirm that it will not impact the site drive.

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Level of Service (LOS): According to the 2021 US1 Arterial Travel Time and Delay Study, Segment 22, Tavernier (MM 91.5 through 99.5) currently operates at a LOS A.

The submitted Traffic Statement, prepared by Karl Peterson, P.E., KBP Consulting, Inc., indicates that the proposed development is projected to generate 79 daily vehicular trips on Segment 22 in Tavernier. It has been determined that there is adequate roadway capacity for the proposed development.

*Solid Waste:* The applicant is coordinating with Monroe County Solid Waste Management.

*Potable Water:* The applicant is coordinating with the Florida Keys Aqueduct Authority.

*Sanitary Sewer:* The applicant is coordinating with the Florida Department of Health and Key Largo Wastewater Treatment District to comply with the applicable regulations.

1 *Drainage/Stormwater:* The revised drainage plans (7/29/22) meet the water quality and  
2 water quantity criteria of the Land Development Code. See stormwater review later in  
3 this report.

4  
5 *Schools:* Sufficient school classroom capacity is available to accommodate the proposed  
6 uses, according to the 2021-2023 Monroe County Public Facilities Capacity  
7 Assessment Report.

8  
9 *Recreation and Open Space:* Sufficient recreation and open space capacity is available to  
10 accommodate the proposed uses, according to the 2021-2023 Monroe County Public  
11 Facilities Capacity Assessment Report.

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

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

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

23  
24 The proposed development would 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 proposed development would have no impact on the preservation of public access to  
31 public beaches and other waterfront areas.

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

36  
37 1. Residential Rate of Growth Ordinance (ROGO) ( LDC Chapter 138, Article II):  
38 ***Compliance to be determined***

39  
40 Pursuant to LDC Section 138-21, “The residential ROGO shall apply to all residential  
41 dwelling units, including institutional residential uses, such as nursing homes and  
42 rehabilitation centers, for which a building permit is required and for which building  
43 permits have not been issued prior to July 13, 1992.”

44  
45 As described above, the LDRD issued January 27, 2021 determined that one (1)  
46 [market rate] dwelling unit was lawfully established on the subject property on or about  
47 July 13, 1992 and is exempt from the residential ROGO permit allocation system

pursuant to LDC Section 138-22 and Comprehensive Plan Policy 103.5. This ROGO Exemption could be utilized to construct the affordable dwelling unit designated as employee housing that is proposed under Phase 2; however a 99 year affordable deed restriction would be put on the dwelling unit and it would be required to meet the affordable housing criteria set forth in LDC Chapter 139.

2. Nonresidential Rate of Growth Ordinance (NROGO) (LDC Chapter 138, Article III): ***Compliance to be determined***

On January 27, 2021, a Letter of Development Rights Determination (LDRD) was issued by the Senior Director of Planning and Environmental Resources for the subject property. This LDRD documented that a total of 1,591 square feet of nonresidential floor area was lawfully established on or about 2001 and is exempt from the NROGO permit allocation system pursuant to LDC Section 138-50.

***According to Sheet C-3, the proposed structure has a total nonresidential floor area of 8,760 square feet. An NROGO Allocation for the balance of 7,169 square feet will be required.***

3. District Purpose (LDC Section 130-46): ***In compliance***

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

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

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

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

Zoning	Proposed Use	Site Area	Maximum FAR	Max. Density	Max. Permitted Density	% of Use
SC	Light Industrial	30, 546.4 SF Upland	0.3	9,163.92	8,760	95.59%
SC	Affordable Dwelling Unit	0.56 Buildable Acre	n/a	18 DU/ Buildable Acre	10.08	9.92%

In accordance with LDC Section 139-1(b)(5), when calculating density, any existing lawfully established or proposed affordable or employee housing on a parcel and the floor area thereof shall be excluded from the calculation of the total gross nonresidential floor area and hotel/motel density development that may be lawfully established on the parcel, provided, however, that the total residential density allowed on the site shall not exceed the maximum net density for affordable and employee housing.

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

In the SC District, there is a general required open space ratio (OSR) of at least 0.20 or 20%. Based on a total upland area of 30,546.04 square feet, the minimum open space requirement is 6, 109.28 square feet. According to the submitted site plan, the proposed open space on the subject property is 23, 267 square feet of upland or 76.17%.

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

The required setbacks in the SC District 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>
SC	25	15	10	5	10

This property is located within the median of US1 and is subject to two primary front yards, a secondary front yard, and a secondary side yard in accordance with LDC Section 131-3.

Administrative Variance No. AV11-03 conditionally approved an Administrative Variance for a reduction of 10 feet from the required 25 foot front yard setback from the right of way adjacent southbound US 1 for the placement of an ice machine, which is proposed to remain.

Planning Commission Resolution No. P32-20 was signed approving the request for a variance to access standards set forth in Chapter 114, Article VII and a request for a variance of 5 feet to the required 25 foot front yard setback requirement set forth in Chapter 131 of the Land Development Code.

It should be noted that front yard open space calculations were not provided on the submitted site plan. In accordance with LDC Section 131-3(c)(3), accessory structures, limited to driveways and walkways, may be permitted within a required front yard setback provided they do not exceed six (6) inches in height as measured from grade. In no event shall the total combined area of all accessory structures occupy more than 60 percent of the required front yard setback area. This property shall be required to comply with the front yard setback open space requirements.

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

2  
3 According to the boundary survey submitted, the area of the proposed development has  
4 a grade elevation (at crown of road) of 10 feet NGVD 29. The proposed structure has  
5 a total height of 21.2 feet.

6  
7 The proposed development is in compliance with the maximum height restriction of 35  
8 feet pursuant to LDC Section 131-2.

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

18  
19 9. Surface Water Management Criteria (LDC Section 114-3): ***In Compliance***

20 The revised plans (signed and sealed 7/29/21) meet the water storage and treatment  
21 criteria of Chapter 114-3.

22  
23 10. Wastewater Treatment Criteria (LDC Section 114-4): ***Compliance to be determined by***  
24 ***the Florida Keys Aqueduct Authority prior to the issuance of a building permit.***

25  
26 11. Fences (LDC Section 114-13): ***Not applicable***

27  
28 The proposed development does not include fencing. Fencing will require a Building  
29 Permit in accordance with LDC Section 114-13

30  
31 12. Floodplain Management (LDC Chapter 122): ***Compliance to be determined upon***  
32 ***submittal to Building Department***

33  
34 All new structures must be built to floodplain management standards that meet those  
35 for flood protection.

36  
37 13. Energy Conservation Standards (LDC Section 114-45): ***Full compliance to be***  
38 ***determined upon building permit application review***

39  
40 14. Potable Water Conservation Standards (LDC Section 114-46): ***Full compliance to be***  
41 ***determined upon building permit application review***

42  
43 15. Environmental Design Criteria and Mitigation Standards (LDC Sections 118-6, 118-7  
44 & 118-8): ***In compliance, no native plant communities on site***

45  
46 16. Required Off-Street Parking (LDC Section 114-67): ***In compliance***

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

<i>Specific Use</i>	<i>Multiplier</i>	<i>Required Spaces</i>	<i>Proposed Spaces</i>
Mini-warehouses/self-storage center	3.0 spaces for the office use plus a parking aisle of 10 feet in width adjacent the storage unit access doors if outside access to the storage units is provided	0	3
Multifamily residential developments	2.0 spaces per each 1-bedroom dwelling unit; 2.0 spaces per each 2-bedroom dwelling unit; and 3.0 spaces per each 3 or more bedroom dwelling unit	2	2
Ice Machine	2 as require through Permit #11302935	2	2

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The subject development proposal is in compliance with the off street parking requirements; however there appears to be an additional parking space within the required 10 foot parking aisle. It should be noted that this area shall still be considered to be a part of the parking aisle and not an additional parking space.

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

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

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In accordance with LDC Section 114-71, All nonresidential development within 200 feet of an existing or programmed state or county bikeway shall provide a bicycle parking rack. The development proposal includes a bike rack that meeting the bicycle parking rack criteria.

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19. Required Landscaping (LDC Chapter 114, Article IV): ***Not in compliance***

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In accordance with the parking lot landscaping requirements of Section 114-100, all off-street parking areas containing more than six (6) spaces shall be landscaped in accordance with the following standards:

- Interior landscaping shall be installed in landscape areas designated for the purposes of controlling traffic, providing shade, screening unnecessary views into and within the vehicular use areas, and separating parking circulation and service areas.
- Parking lots shall be designed to be sustainable and to function as part of the development's stormwater management system, utilizing vegetated islands as bioretention/swale areas, at/or below grade and with curb cuts. Existing natural drainage ways and vegetated channels shall be incorporated into the design, rather than the standard soil mounding, continuous concrete curb and gutter configuration, to decrease flow velocity and allow for stormwater infiltration.
- Landscaping shall be provided in a square footage area equal to a minimum of twenty percent (20%) of the gross parking lot area (includes both parking and

1 vehicular use area). Calculations to verify these requirements shall be shown on  
2 the landscape plan per Section 114-108. Such required parking lot landscaping  
3 area shall be in addition to other required bufferyards.

- 4 ■ No required parking lot landscaping area shall have any dimension less than five  
5 (5) feet.
- 6 ■ For all off-street parking areas containing twenty (20) or more spaces a terminal  
7 island shall be provided at the end of each row of parking adjacent to the travel  
8 lanes or parking aisle serving the parking.
- 9 ■ Island landscape areas shall be provided for at least every ten (10) parking  
10 spaces in a row.
- 11 ■ One (1) tree shall be required for every one thousand (1,000) square feet, or  
12 fraction thereof, of gross parking lot area (includes both parking and vehicular  
13 use area). Every island shall have a minimum one (1) canopy tree.
- 14 ■ Four (4) shrubs shall be required for every one thousand (1,000) square feet, or  
15 fraction thereof, of gross parking lot area (includes both parking and vehicular  
16 use area).
- 17 ■ 100% of required parking lot landscaping material shall be native species, as  
18 defined in Section 114-105.
- 19 ■ A minimum of fifty percent (50%) of the required trees shall be native canopy  
20 species, as defined in Section 114-105, and shall have a minimum of twenty  
21 (20) feet on-center spacing.
- 22 ■ A minimum of forty percent (40%) of the required trees shall be native  
23 understory species, as defined in Section 114-105.
- 24 ■ A maximum of ten percent (10%) of the required trees may be native palm  
25 species, as defined in Section 114-105.
- 26 ■ Existing native plant material that is retained and meets the planting  
27 requirements relative to location, size and species may be counted toward the  
28 total planting requirement of this section.
- 29 ■ Landscaping on each island shall be located so as not to cause a traffic hazard.  
30 Visibility must be maintained for traffic movements. Shrubs shall not exceed  
31 thirty (30) inches in height, and trees shall be kept with at least four (4) feet of  
32 clear trunk.

33  
34 20. Scenic Corridor & Bufferyards (LDC Chapter 114, Article V): ***In compliance***  
35

36 The Landscape plans (sheet C-3(a)) dated 3/1/21 meet the bufferyard standards of 114-  
37 128. As noted previously, the rear façade of the building as it is proposed does not  
38 include the required 6' deep insets. In order to provide additional screening from US1  
39 to meet the intent of Mile Marker 97 U.S. Highway 1 Corridor Development Standards  
40 and Guidelines, staff recommends increasing the density of the Class C Buffer by an  
41 additional six (6) canopy, three (3) understory, and 24, shrubs across the rear façade of  
42 the structure. Also, note that Sheet C-3 depicts swales and trench drains in the buffer.  
43 Applicant is referred to Section 114-105 for a List of Trees/Shrubs/Ground Covers that  
44 are Appropriate for Stormwater Landscaped Areas  
45

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



1  
2 The site plan does not indicate outdoor lighting.

3  
4 No structure or land shall be developed, used or occupied unless all outdoor lighting  
5 conforms to the requirements of LDC Chapter 114, Article VI and the sea turtle  
6 protection provisions of Chapter 12, Article V of the County Code of Ordinances,  
7 unless otherwise specified within the LDC.  
8

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

11 Signage is not being reviewed as part of this application. Signs shall be reviewed  
12 independently for compliance as an accessory use under a building permit application.  
13  
14

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

16  
17 On November 18, 2021, Planning Commission Resolution No. P32-20 was signed  
18 approving the request for a variance to access standards set forth in Chapter 114, Article  
19 VII.  
20

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

22  
23 Pursuant to LDC Section 114-14(b), mixed use developments shall make adequate  
24 provision for a solid waste and recycling collection area. For 5,001 to 15,000 square  
25 feet of floor area, the minimum collection area is 125 square feet. The site plan shows  
26 one 320 square foot collection area.  
27

28 25. Accessibility (Chapter 533, Florida Statutes): *Full compliance to be determined upon*  
29 *submittal to Building Department*

30  
31 All standards and requirements of the American with Disabilities Act (ADA) must be  
32 met.  
33

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

36  
37 Nonresidential and transient use development or redevelopment generates a direct  
38 impact on housing for the workforce. LDC Section 139-1(3) requires workforce  
39 housing be provided for all new development and expansions in an amount  
40 proportionate to the need for affordable workforce housing that the nonresidential and  
41 transient uses create. Per LDC Section 139-1(3)(c), **each redevelopment project with**  
42 **a change of use increasing housing demand, not exempted by subsection (4), shall**  
43 **mitigate 50% of the workforce housing demand created by the proposed**  
44 **redevelopment by one or a combination of the methods identified in subsection**  
45 **(5).** The workforce housing required for nonresidential development when a new use  
46 replaces an existing use and increasing housing demand (for example from an industrial  
47 use to an office use) **shall be calculated based on the square footage proposed for**

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conversion and/or based on the incremental increase in size of the new uses (if any).

The table below indicates the number of workforce housing units or in-lieu fee needed for the 8,760 square feet of new storage facility:

TOTAL NEED CREATED BY NONRESIDENTIAL DEVELOPMENT (for construction and post-construction employees)				
			50% Mitigation	
Land Use Category	Total Housing Need per sf (units/sf)	Total In-Lieu Fee per sf (monetary fee/sf)	Units	In-Lieu Fees
<b>Industrial</b> (Light manufacturing, lumber yards, warehousing, storage facilities, etc.)	0.000226	\$24.39	<b>0.98988</b>	<b>\$106,828.2</b>
e. If the workforce housing requirement results in less than one (1) affordable dwelling unit, then the applicant may choose to build one (1) affordable dwelling unit or pay the in-lieu amount.				

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As recognized in the aforementioned LDRD, there is currently a 1,591 square foot commercial structure, to be demolished on the subject property. This commercial structure is currently used as an office.

The table below indicates the number of workforce housing units or in-lieu fee needed for the 1,591 square feet of existing office space, to be compared to the equivalent of industrial area, in order to determine a “credit” for the pre-existing development.

TOTAL NEED CREATED BY NONRESIDENTIAL DEVELOPMENT (for construction and post-construction employees)				
			50% Mitigation	
Land Use Category	Total Housing Need per sf (units/sf)	Total In-Lieu Fee per sf (monetary fee/sf)	Units	In-Lieu Fees
<b>Office</b> (Professional and non-professional office buildings, etc.)	0.000704	\$78.49	<b>0.56</b>	<b>\$62, 438.80</b>

1  
2 *Standards.* Workforce housing provided pursuant to subsection (f) shall comply with  
3 the standards set forth in subsections (b) and (c) and below. Applications for  
4 development projects subject to these inclusionary requirements and applicants shall  
5 provide to the County information and necessary legal assurances to demonstrate  
6 current and continued compliance with these provisions, consistent with the applicable  
7 enforcement mechanisms set forth in Section 139-1(c). The County may institute any  
8 appropriate legal action necessary to ensure compliance with this subsection.

- 9
- 10 1. Workforce housing units required pursuant to this subsection are restricted  
11 to either units for the owner of the nonresidential use that meets the sales  
12 price and annual income limits for owner-occupied housing, as defined in  
13 Section 101-1 or rental units that meet the rental amounts and annual  
14 income limits for rental housing, as defined in Section 101-1;
  - 15 2. Workforce housing units provided pursuant to subsection (f) may be  
16 provided on-site, off-site as provided in subsection (f)(5); or through  
17 linkage with another off-site project as provided in subsection (g) of this  
18 section;
  - 19 3. Each workforce unit provided pursuant to this subsection shall contain a  
20 minimum of 350 square feet of habitable floor area;
  - 21 4. The County will not issue certificates of occupancy for the nonresidential  
22 and transient development or redevelopment projects subject to the  
23 provisions of this subsection (f) unless and until:
    - 24 1) the required number of inclusionary affordable workforce  
25 housing units have an approved and recorded deed  
26 restriction, and certificates of occupancy have been issued  
27 for the workforce housing units; and/or
    - 28 2) the required number of existing dwelling units must have an  
29 approved and recorded deed-restriction; and/or
    - 30 3) the donation of parcels to the County is completed.
  - 31 5. Prior to the issuance of a building permit for the nonresidential and transient  
32 development or redevelopment projects, any in-lieu fees must be paid.  
33

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36  
37 Phase 1 of the proposed development does not trigger the inclusionary housing requirement  
38 due to the fact that the existing office building (to be demolished) has a higher demand for  
39 affordable housing. An overall increase is created with Phase 2, but will be mitigated by  
40 the proposed dwelling unit.

41  
42 **V RECOMMENDED ACTION:**

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44 Pursuant to LDC Section 110-69(b), an application for a minor conditional use permit shall be  
45 reviewed by the Development Review Committee (DRC). At the meeting, DRC members shall  
46 make comment on the application and responsible Planning and Environmental Resources  
47 Department staff shall provide their staff report(s) to the Planning Director. The applicant shall

1 provide any additional information requested by the DRC within 6 months of the date of the  
2 DRC meeting when the application was considered. If such information is not received within  
3 this timeframe, the application will be deemed withdrawn.  
4

5 Pursuant to LDC Section 110-69(b), Staff requires that prior to the issuance of a development  
6 order, the applicant shall revise the site plan so as to demonstrate compliance with the  
7 following:  
8

- 9 1. The applicant must receive and submit a letter of coordination demonstrating approval  
10 of the site plan from Monroe County Engineering.
- 11 2. The applicant must submit details of both roll up and hinged doors that are consistent  
12 with the architecture common in the Tavernier design corridor and demonstrate less of  
13 an industrial appearance  
14
- 15 3. The applicant must submit a revised landscape plan demonstrating compliance with the  
16 Landscaping Requirements in accordance with LDC Section 114-100.  
17
- 18 4. The applicant must submit current coordination and/or Notice of Intent to permit the  
19 development from FDOT.  
20

21  
22 **Staff recommends APPROVAL of the requested Minor Conditional Use Permit, with**  
23 **the following conditions:**  
24

- 25 1. Notwithstanding the buffer yard requirements set forth in LDC Article V, the developer  
26 must plant an additional six (6) canopy, three (3) understory, and 24, shrubs across the  
27 rear façade of the structure in order to provide additional screening from US1.  
28
- 29 2. The commercial doors must be consistent with the architecture common in the  
30 Tavernier design corridor and have less of an industrial appearance in to comply with  
31 the Mile Marker 97 U.S. Highway 1 Corridor Development Standards and Guidelines.  
32
- 33 3. All access drives must be constructed to Monroe County standards and will require a  
34 right-of-way permit from Monroe County Engineering Department.  
35
- 36 4. Prior to issuance of a building permit for any lighting on the site, lighting details and a  
37 photometric plan shall be provided demonstrating compliance with Chapter 114, Article  
38 VI.  
39
- 40 5. Prior to the issuance of a building permit that includes fencing, the fencing must be  
41 shown to comply with LDC Section 114-13.  
42
- 43 6. Prior to issuance of a Certificate of Occupancy for the nonresidential structure to be  
44 constructed under Phase 1, all site work must be complete and pass a final inspection.  
45
- 46 7. Prior to issuance of a building permit for Phase 2, the inclusionary housing requirement  
47 set forth in 139-1(f)(3) must be satisfied.

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8. 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.
9. Prior to the issuance of a building permit, all standards and requirements of the American with Disabilities Act (ADA) must be met.
10. 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.

VI PLANS REVIEWED:

1. General Location Design Summary and Notes, Sheet C-1, by James Brush, P.E., signed and sealed on 07/29/2022
2. Site Plan, Phase 1, Sheet C-3, by James Brush, P.E., signed and sealed on 07/29/2022
3. Landscape Plan, Sheet C-3(a), by James Brush, P.E., signed and sealed on 08/11/2022
4. Site Plan, Phase 2, Sheet C-4, by James Brush, P.E., signed and sealed on 04/08/2022
5. Access Driveway Plan, Sheet C-5, by James Brush, P.E., signed and sealed on 08/11/2022
6. Access Driveway Plan, Sheet C-6, by James Brush, P.E., signed and sealed on 04/08/2022
7. Drainage Plan, Sheet C-8, by James Brush, P.E., signed and sealed on 04/08/2022
8. Drainage Plan, Sheet C-8(a), by James Brush, P.E., signed and sealed on 07/29/2022
9. First Floor Plan, Sheet A-1, by Dave Boerner, dated 11/15/21
10. Second Floor Plan, Sheet A-2, signed and sealed by Mike Padula, P.E., on 5/09/21
11. Exterior Elevations, Sheet A-3, by Dave Boerner (undated)
12. Boundary Survey Prepared by David S. Massey, P.S.M., dated 2/09/10,11/16
13. Traffic Statement prepared by KBP Consulting, Inc. signed by Karl B. Peterson, P.E., dated April 29, 2021
14. Traffic Statement prepared by KBP Consulting, Inc. signed by Karl B. Peterson, P.E., dated January 17, 2022