



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, CFM, Senior Planner
Michael Roberts, CEP, PWS, Assistant Director/Environmental Resources

Date: April 5, 2021

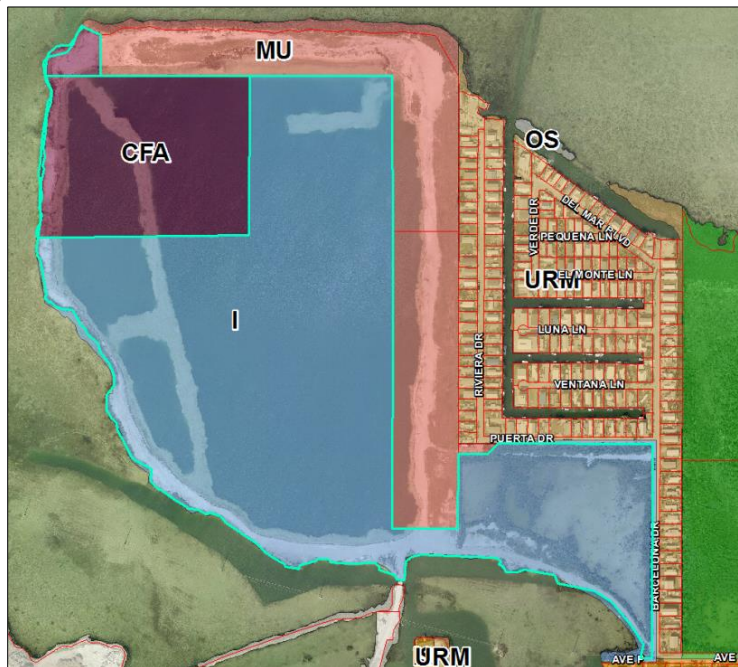
Subject: *A REQUEST FOR A MINOR CONDITIONAL USE PERMIT BY DICKERSON GROUP, INC. FOR THE DEVELOPMENT OF TWENTY (20) MULTIFAMILY DEED-RESTRICTED AFFORDABLE DWELLING UNITS. THE SUBJECT PROPERTY IS DESCRIBED AS TWO PARCELS OF LAND WITHIN SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, ROCKLAND KEY, MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBERS 00120940-000000 AND 00120940-000301 (FILE # 2020-056).*

Meeting: April 27, 2021

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I REQUEST

The applicant is requesting approval of a minor conditional use permit which would allow for the development of 20 attached dwelling units, designated as employee housing as provided for in LDC Section 139-1, located within the Industrial (I) Land Use District (LUD) on the subject property.



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Subject Property (highlighted in blue) with Land Use District Map (2018 Aerial)

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

5
 6 (a) *The conditional use is consistent with the purposes, goals, objectives and standards of the*
 7 *Comprehensive Plan and the Land Development Code: **In compliance.***
 8

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

11 **Policy 101.5.7**

12 The principal purpose of the Mixed Use/Commercial Fishing (MCF) future land use
 13 category is to provide for the maintenance and enhancement of commercial fishing and
 14 related traditional water-dependent and water-related uses such as retail, storage, and repair
 15 and maintenance which support the commercial fishing, sport fishing, and charter boats
 16 industry. Residential uses are also permitted. In order to protect environmentally sensitive
 17 lands, the following development controls shall apply to all hammocks, pinelands, and
 18 disturbed wetlands within this land use category:
 19

- 20
 21 1. only low intensity commercial uses shall be allowed;
 22 2. a maximum floor area ratio of 0.10 shall apply to nonresidential development; and
 23 3. maximum net residential density shall be zero.
 24

25 **Policy 101.5.9**

26 The principal purpose of the Industrial (I) future land use category is to provide for the
 27 development of industrial, manufacturing, and warehouse and distribution uses. Other
 28 commercial, public, residential, and commercial fishing-related uses are also allowed.
 29 Residential uses are limited to employee housing or commercial apartments.
 30

31 **Policy 101.5.25**

32 Monroe County hereby adopts the following density and intensity standards for the future
 33 land use categories, which are shown on the FLUM and described in Policies 101.5.1—
 34 101.5.20.
 35

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

Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25—0.60	0.20

Mixed Use/Commercial Fishing (MCF) ^(f) (CFA, CFV, CFSD zoning)	1 du (CFSD-20) ⁽ⁱ⁾ 3 du (CFA, all other CFSD) 1 du/lot (CFV) 0 rooms/spaces	12 du (CFA, CFSD) N/A (CFV) N/A	0.25—0.40	0.20

(f) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing future land use categories, the maximum floor area ratio shall be 0.10 and the maximum net density bonuses shall not be available.				

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

The proposed 20 attached, deed-restricted affordable, employee housing dwelling units are consistent with the community character of the immediate vicinity of the parcel proposed for development. The subject property is immediately adjacent a 208-unit multifamily housing development known as The Quarry (I & II) to the north and a 57 multifamily housing development and light industrial storage to the south, known as The Quarry III. To the east and south east the property is adjacent a mix of single family residential and mobile home subdivisions. Further to the south and southwest, the property is surrounded by industrial and light industrial uses.

(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 of five attached two-story modular building(s) in a single phase 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.

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

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

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

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

*Transportation/Roadways: **Compliance to be determined at time of building permit.***

1 Localized Impacts & Access Management: The County Engineering Department has
2 reviewed the development proposal and provided comments (located in application
3 file).

4
5 Access to the development is proposed by means of a roadway that has been built and
6 is anticipated to be dedicated to Monroe County in the near future, known as ‘Betty
7 Rose Drive’ (per Judith Clarke, P.E., Director of Engineering Services), but referred to
8 in this application as ‘Calle Tres’. The dedication of this road is required through a
9 Development Agreement between Monroe County and Quarry Partners, LLC,
10 memorialized through BOCC Resolution No. 025A-2018 and successive agreements,
11 but has not yet taken place. A Memorandum of Interdevelopment and Operating
12 Agreement, filed and recorded in the official records of Monroe County, Book #2835,
13 Page #371, between Rockland Operations, LLC and The Dickerson Group, Inc. allows
14 for non-exclusive easements to be used for ingress and egress to the subject property
15 from U.S.1 via this roadway. No access to the site from the east is proposed.

16
17 Level of Service (LOS): Based on preliminary traffic concurrency review, the proposed
18 development is currently within 5% below LOS C, but does exceed the LOS C capacity
19 of Segment 1 by 62 daily trips.

20
21 **The traffic statement submitted by the applicant, dated November 2020, shows a total**
22 **of 146 gross daily trips generated by the proposed development. Broken down by**
23 **impacts to individual segments of US1, the number of trips impacting Segment 1 (Stock**
24 **Island) will be 76 daily trips. According to the County’s database of remaining**
25 **capacity, by segment, as of April 15, 2021, the number of trips remaining on Segment**
26 **1 is only 14; any trips beyond 14 will reduce the LOS below C and require mitigation.**
27 **This is a preliminary concurrency review. A final concurrency determination will**
28 **be made at the time of building permit.**

29
30 In order to be in compliance with Monroe County Comprehensive Plan Policies
31 301.1.1, 301.1.2, 301.2.2, 301.2.3 and 301.2.4 as well as Land Development Code
32 Sections 114-2(a)(1)a., b., and c., **mitigation, or sufficient evidence acceptable to**
33 **Monroe County that the potential trip generation does not exceed LOS C, must**
34 **be provided prior to issuance of a building permit for the proposed development.**

35
36 Mitigation may be in the form of specific improvements or proportioned shared
37 contribution towards improvements and strategies identified by the County, and/or
38 FDOT to address any level of service degradation beyond LOS C and/or deficiencies.
39 The applicant shall submit evidence of an agreement between the applicant and the
40 FDOT for inclusion in any contract or agreement for improvements to US 1. For
41 roadway improvements required, the applicant/owner may utilize the following,
42 pursuant to Land Development Code Section 114-2(b)(5)c.:

- 43
44 a. The necessary facilities and services are in place at the time a development permit
45 is issued; or

- b. The necessary facilities and services are in place at the time a certificate of occupancy, or its functional equivalent is issued. Prior to commencement of construction, the applicant shall enter into a binding and legally enforceable commitment to the County to assure construction or improvement of the facility; or
- c. A binding executed contract in place at the time a permit is issued which provides for the commencement of the actual construction of the required facilities or provision of services; or
- d. An enforceable development agreement guaranteeing that the necessary facilities and services will be in place with the issuance of a permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S.; or
- e. A proportionate share contribution or construction that is sufficient to accomplish one or more mobility improvement(s) that will benefit a regionally significant transportation facility. A proposed proportionate fair-share mitigation shall be reviewed pursuant to LDC Section 126-2.

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 Florida Keys Aqueduct Authority to determine compliance with the applicable regulations.

Drainage/Stormwater: The revised drainage plans (3/3/21) meet the water quality and water quantity criteria of the Land Development Code. See stormwater review later in this report.

Schools: Sufficient school classroom capacity is available to accommodate the proposed uses, according to the 2018-2019 Monroe County Public Facilities Capacity Assessment Report.

Recreation and Open Space: Sufficient recreation and open space capacity is available to accommodate the proposed uses, according to the 2018-2019 Monroe County Public Facilities Capacity Assessment Report.

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

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

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

3
4 The proposed development would not adversely affect a known archaeological, historical,
5 or cultural resource.

6
7 (h) *Public access to public beaches and other waterfront areas is preserved as part of the*
8 *proposed development:*

9
10 The proposed development would have no impact on the preservation of public access to
11 public beaches and other waterfront areas.

12
13 (i) *The proposed use complies with all additional standards imposed on it by the particular*
14 *provision of this Land Development Code authorizing such use and by all other applicable*
15 *requirements:*

16
17 1. Residential Rate of Growth Ordinance (ROGO) (LDC Chapter 138, Article II):
18 ***Compliance to be determined.***

19
20 Residential ROGO allocation awards would be required for the proposed 20 new deed-
21 restricted affordable residential dwelling units.

22
23 Pursuant to LDC Section 138-21, “The residential ROGO shall apply to all residential
24 dwelling units, including institutional residential uses, such as nursing homes and
25 rehabilitation centers, for which a building permit is required and for which building
26 permits have not been issued prior to July 13, 1992.”

27
28 Affordable housing allocations must meet the eligibility criteria set-forth in LDC
29 Section 138-24(c).

30
31 The applicant has submitted a request for the BOCC to reserve 20 affordable ROGO
32 allocations for this project, which will be considered at a public meeting of the BOCC
33 at a future date.

34
35 2. Nonresidential Rate of Growth Ordinance (NROGO) (LDC Chapter 138, Article III):
36 ***Not applicable.***

37
38 3. District Purpose (LDC Section 130-31 and 130-35): ***In compliance.***

39
40 *The purpose of the CFA district is to establish areas suitable for uses that are essential*
41 *to the commercial fishing industry, including sales and service of fishing equipment*
42 *and supplies, seafood processing, fishing equipment manufacture and treatment, boat*
43 *storage and residential uses.*

44
45 *The purpose of the I district is to establish areas that are suitable for the development*
46 *of industrial, manufacturing, warehousing, and distribution uses.*

The proposed development is solely located within the area of the property that is within the I zoning district. No development is proposed within the boundaries of the CFA district on the subject property.

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 130-82 (b)(3), the 20 proposed attached dwelling units, designated as employee housing as provided for in section 139-1 are permitted as a Minor Conditional Use in the I District, subject to the standards and procedures set forth in LDC Chapter 110, Article III, which are being analyzed throughout this report.

No development is proposed within the boundaries of the CFA district on the subject property.

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

Zoning	Habitat Classification	Sum of Areas per Survey (sf)	Gross Acres Upland	Net Buildable Acre	Max. Density	Max. Permitted Density
CFA	Disturbed Upland	29217	0.67	0.54	12 DU/ buildable acre	6.48
CFA	Disturbed Wetland	29023	0.67	n/a	3 DU/ gross acre	2.01
CFA	Mangrove	10259.56	0.24	n/a	0	0
I	Upland	67983.98	1.56	1.25	2 DU/ buildable acre	2.5
I	Disturbed Upland	128857.93	2.96	2.37	2 DU/buildable acre	4.74
I	Disturbed Wetland	125434.84	2.88	2.30	2 DU/buildable acre	4.6
I	Mangrove	142171.08	3.26	n/a	0	0
I	Submerged Lands	298447.72	6.85	n/a	0	0
TOTAL						20.33

The disturbed wetlands located within the CFA district as depicted by the submitted survey and Existing Conditions Report shall not be eligible for the maximum net density bonuses in accordance with LDC Section 130-157(e).

Though the density table provided on the submitted site plan demonstrates compliance with the maximum density permitted, it does not accurately reflect the maximum densities permitted on this property as evidenced by the most recently submitted

1 boundary survey, dated March 30, 2021. **The density calculation table on the**
2 **proposed site plan, Sheet C-1, must be revised prior to approval of the conditional**
3 **use permit.**

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

7
8 In the CFA and I Districts, there is a general required open space ratio (OSR) of at least
9 0.20 or 20%. Based on a total upland/ disturbed wetland area of 380,257 square feet,
10 the minimum OSR is 76,051.4 square feet. According to Conceptual Site Plan Sheet C-
11 100, the proposed open space of upland disturbed wetlands on the subject property is
12 345,685.8 square feet of upland or 90.9%.

13
14 It should be noted that the OSR calculations on Sheet C-1 take into account the entire
15 subject property including submerged lands and mangroves, which do not count
16 towards the overall OSR pursuant to LDC Section 101-2, though the proposal is in
17 compliance with this requirement.

18
19 It should also be noted that the lot areas described on Sheet C-1 are not consistent with
20 the lot areas described on the submitted boundary survey. The Lot Area Summary table
21 should be revised so as to accurately total all figures and revise open space calculations
22 as necessary.

- 23
24 7. Required Setbacks (LDC Sections 118-12, 131-1 & 131-3): *Not in compliance.*

25
26 The required non-shoreline setbacks in the I District are as follows:

27

<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>
I	25	15	10	5	25

28
29 No structures are proposed on the portion of the subject property that is located within
30 the CFA District.

31
32 Pursuant to LDC Section 131-3, a front yard is a required setback on a parcel of land
33 that is located along the full length of the front property line of the parcel, is generally
34 the property frontage to which development on the parcel is oriented and is generally
35 adjacent a road. On parcels fronting more than one road, such as corner lots and double
36 frontage parcels, each yard along a road shall be a front yard.

37
38 The configuration of this property does not present an obvious front yard due to the
39 shoreline that borders most of the property and the proposed development. For the
40 purpose of demonstrating compliance with the required setbacks, the required primary
41 front yard property line for this property shall be the line which is adjacent to the road

1 to be known as Betty Rose Drive, also referred to in this application as Calle Tres,
2 which provides access to the subject property.

3
4 The proposed development includes coverage within the 25 foot primary front yard
5 setback with an access driveway. Pursuant to LDC Section 131-3, Accessory structures,
6 limited to driveways and walkways, may be permitted within a required front yard
7 setback provided they do not exceed six (6) inches in height as measured from grade.
8 In no event shall the total combined area of all accessory structures occupy more than
9 60 percent of the required front yard setback area.

10
11 **It should be noted that the proposed site plan appears to inadvertently label the**
12 **entire southern shoreline the front property line, which must be revised prior to**
13 **issuance of the development order.** The proposed development is in compliance with
14 the required non-shoreline setbacks.

15
16 In accordance with Section 118-12(b)(1), the shoreline setback for principal structures
17 is at least 20' as measured from the Mean High Water Line (MHWL). The site plan is
18 in compliance with the shoreline setback criteria for principal structures.

19
20 Section 118-12(c)(1) requires that the total, combined area of all accessory structures
21 occupy less than 60 percent (60%) of the upland area of the required 20-foot shoreline
22 setback. In addition, accessory structures, including, but not limited to, pools, spas, and
23 any screen enclosure over pools or spas shall be set back a minimum of ten (10) feet,
24 as measured from the MHW line. The access road is considered an accessory structure,
25 and as such must be located a minimum of 10' from the MHWL. **It appears that**
26 **portions of the access road encroach into the 10' minimum setback area.**

27
28 **Prior to approval of the requested minor conditional use permit, the applicant**
29 **must submit revised plans that show compliance with the shoreline setback for the**
30 **access road.**

31
32 8. Maximum Height (LDC Sections 101-1 & 131-2): ***In Compliance.***

33
34 According to the boundary survey submitted, the area of the proposed development has
35 grade elevations that vary from approximately 1.9 NGVD 29 to 3.4 NGVD 29. The
36 maximum height of the proposed structures is 35.25 NGVD 29.

37
38 The proposed development is in compliance with the maximum height restriction of 35
39 feet pursuant to LDC Section 131-2.

40
41 It should be noted that the grade elevation on the elevation pages should be revised at
42 the time of building permit application to reflect the grade that is in the relative location
43 of the proposed development in accordance with LDC Section 101-1, definition of
44 grade.

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

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

11 The revised concept drainage plan dated February 3, 2021 by Weiler Engineering
12 Corporation meets the water quality and water quantity criteria of Chapter 114-3.
13

14 10. Wastewater Treatment Criteria (LDC Section 114-4): ***Compliance to be determined by***
15 ***the Florida Keys Aqueduct Authority prior to the issuance of a building permit.***
16

17 11. Fences (LDC Section 114-13): ***Not applicable.***
18

19 The proposed development does not include fencing. Fencing will require a Building
20 Permit in accordance with LDC Section 114-13
21

22 12. Floodplain Management (LDC Chapter 122): ***Compliance to be determined upon***
23 ***submission to Building Department***
24

25 All new structures must be built to floodplain management standards that meet those
26 for flood protection.
27

28 13. Energy Conservation Standards (LDC Section 114-45): ***Full compliance to be***
29 ***determined upon building permit application review.***
30

31 14. Potable Water Conservation Standards (LDC Section 114-46): ***Full compliance to be***
32 ***determined upon building permit application review.***
33

34 15. Environmental Design Criteria and Mitigation Standards (LDC Sections 118-6, 118-7
35 & 118-8): ***In compliance.***
36

37 During site inspection on Thursday, July 16, 2020 to verify survey submitted showing
38 different habitat and vegetation types around the site. There were a few inconsistencies
39 between what is shown on the survey and on-site observations.
40

41 The revised specific purpose survey by Florida Keys Land Surveying (revision dated
42 03/30/2021) appears to accurately reflect the areas and habitats on the subject site.
43

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

46 The proposed development is subject to the following off-street parking requirements:
47

<i>Specific Use</i>	<i>Multiplier</i>	<i>Required Spaces</i>	<i>Proposed Spaces</i>
Multifamily Residential Developments	2.0 spaces per each 2-bedroom dwelling unit	40	40
Total			40 spaces

1
2 17. Required Loading and Unloading Spaces (LDC Section 114-69): ***Not applicable.***

3
4 18. Bicycle Parking (LDC Section 114-71): ***Not applicable.***

5
6 19. Required Landscaping (LDC Chapter 114, Article IV): ***In compliance.***

7
8 The revised plans (dated 02/03/2021) meet Code requirements.

	Required	Provided
Square feet of landscaping	1781	1797
Canopy Trees	5	5
Understory	3	3
Shrubs	35	35

9
10 20. Scenic Corridor & Bufferyards (LDC Chapter 114, Article V): ***In compliance.***

11
12 The required I/MU Class A Land Use District boundary buffer is provided on the
13 revised plans dated 02/03/21 and meet the criteria of Chapter 114-126.

14
15 21. Outdoor Lighting (LDC Chapter 114, Article VI): ***Full compliance to be determined***
16 ***upon building permit application review.***

17
18 The site plan does not indicate outdoor lighting.

19
20 No structure or land shall be developed, used or occupied unless all outdoor lighting
21 conforms to the requirements of LDC Chapter 114, Article VI and the sea turtle
22 protection provisions of Chapter 12, Article V of the County Code of Ordinances,
23 unless otherwise specified within the LDC.

24
25 22. Signs (LDC Chapter 142): ***Full compliance to be determined upon building permit***
26 ***application review.***

27
28 Signage is not being reviewed as part of this application. Signs shall be reviewed
29 independently for compliance as an accessory use under a building permit application.

30
31 23. Access Standards (LDC Chapter 114, Article VII): ***In compliance.***

32
33 Access to the development is proposed by means of a roadway that is anticipated to be
34 dedicated to Monroe County, known as 'Betty Rose Drive' (per Judith Clarke, P.E.,
35 Director of Engineering Services), but referred to in this application as 'Calle Tres'. A

1 Memorandum of Interdevelopment and Operating Agreement, filed and recorded in the
2 official records of Monroe County, Book #2835, Page #371, between Rockland
3 Operations, LLC and The Dickerson Group, Inc. allows for non-exclusive easements
4 to be used for ingress and egress to the subject property from U.S.1. No access to the
5 site is proposed to/from the East (Barcelona Drive/Avenue F).
6

7 24. Recycling and Solid Waste Collection Areas (LDC Section 114-14): ***In compliance.***
8

9 Pursuant to LDC Section 114-14(b), multi-family residential developments shall make
10 adequate provision for a solid waste and recycling collection area. For 16 to 30 dwelling
11 units, the minimum collection area is 240 square feet. The site plan shows two
12 collection areas that are screened on three sides measuring 240 square feet and 60
13 square feet (300 square feet total).
14

15 25. Accessibility (Chapter 533, Florida Statutes): ***Full compliance to be determined upon***
16 ***submittal to Building Department.***
17

18 All standards and requirements of the American with Disabilities Act (ADA) must be
19 met.
20

21 26. Inclusionary Housing Requirements (LDC Section 139-1): ***Not applicable.***
22

23 V **RECOMMENDED ACTION:**
24

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

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

- 37 1. The density calculation table on the proposed site plan, Sheet C-1, must be revised to
38 accurately reflect the maximum densities permitted on the property as evidenced by the
39 most recently submitted boundary survey, dated March 30, 2021.
- 40 2. The site plan must be revised to accurately label the types of setbacks required on the
41 site.
- 42 3. The site plan must be revised to show the access road relocated so as to be at least 10
43 feet from the MHW in accordance with Section 118-12(c)(1).
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45 **Pending submittal of the above corrections, staff recommends APPROVAL of the**
46 **requested Minor Conditional Use Permit, with the following conditions:**

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1. Prior to issuance of a building permit for any of the proposed affordable employee housing dwelling units on the site, the applicant must submit an approved, recorded, affordable employee housing deed restriction, as required by LDC Section 139-1.
2. The applicant must obtain a ROGO allocation award for each proposed dwelling unit prior to the issuance of a building permit, pursuant to LDC Chapter 138-20.
3. The applicant/owner hereby acknowledges and agrees that any traffic level of service conditions in this order are preliminary, and only represents a conditional concurrency determination. **A final concurrency review shall completed during building permit review** to ensure adequate roadway capacity is confirmed and the adopted level of service is maintained.
4. All access drives must be constructed to Monroe County standards and will require a right-of-way permit from Monroe County Engineering Department.
5. Prior to issuance of a building permit for any lighting on the site, lighting details and a photometric plan shall be provided demonstrating compliance with Chapter 114, Article VI.
6. Prior to the issuance of a building permit that includes fencing, the fencing must be shown to comply with LDC Section 114-13.
7. Prior to issuance of a Certificate of Occupancy for any of the proposed new multifamily dwelling units, all site work must be complete and pass a final inspection, unless a phasing plan is submitted and approved by Planning and the County Biologist at the time of building permit.
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. Conceptual Site Plan by Weiler Engineering Corporation, signed and sealed on 02/03/2021 by Michael J. Giardullo, Professional Engineer.

- 1 2. Conceptual BMP Plan by Weiler Engineering Corporation, signed and sealed on
2 02/03/2021 by Michael J. Giardullo, Professional Engineer.
- 3 3. Conceptual Drainage Plan by Weiler Engineering Corporation, signed and sealed on
4 02/03/2021 by Michael J. Giardullo, Professional Engineer.
- 5 4. Front and Rear Elevations Plan by Weiler Engineering Corporation, signed and sealed on
6 02/03/2021 by Michael J. Giardullo, Professional Engineer.
- 7 5. Side Elevations Plan by Weiler Engineering Corporation, signed and sealed on 02/03/2021
8 by Michael J. Giardullo, Professional Engineer.
- 9 6. Floor Plan by Weiler Engineering Corporation, signed and sealed on 02/03/2021 by
10 Michael J. Giardullo, Professional Engineer.
- 11 7. Map of Specific Purpose Survey by Florida Keys Land Surveying, prepared by Eric A.
12 Isaacs, Professional Surveyor and Mapper, dated on 06/07/2019 and revised on
13 03/30/2021.
- 14 8. Existing Conditions Report for the subject property prepared by Teramar Environmental
15 Services, Inc., dated June 6, 2020
- 16 9. Traffic Statement prepared by KBP Consulting, Inc. signed by Karl B. Peterson, P.E., dated
17 June 15, 2020