



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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

From: Brad Stein, AICP, Planning and Development Review Manager

Date: April 26, 2021

Subject: An Amendment to *Major Conditional Use Permit, Florigan Group, LLC, Big Pine
Key, Mile Marker 29.7, Bayside, Parcel ID# 00111720-000000 (File# 2019-223)*

Meeting: April 27, 2021

1
2 I REQUEST:
3

4 The applicant is requesting approval of an Amendment to a Major Conditional Use Permit, in order
5 to sell fuel, expand the fuel tank size from 500 gallons to 5,000 gallons, and to allow the use of
6 1,737 sf of permitted marina/retail storage floor area to be used as retail sales floor. An Amendment
7 is required due to the conditions of previous approvals and a Settlement Agreement that requires
8 any change to the site be applied for through an Amendment to a Major Conditional Use Permit.
9



10
11 Subject Property in Blue with Land Use District Overlaid (Aerial dated 2018)
12
13
14
15

1 BACKGROUND INFORMATION:

2
3 **Address:** 29675 Overseas Hwy, Big Pine Key at Approximate Mile Marker 29.7, bayside

4 **Legal Description:** Described as a Parcels of Land in a part of Government Lot 1, Section 27,
5 Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida (see warranty
6 deed for full legal)

7 **Parcel ID Number:** 00111720-000000

8 **Property Owner/Applicant:** Florigan Group, LLC

9 **Agent:** Chelsea Vanadia, Esq., Smith/Hawks

10 **Size of Site:** 36,649 square feet, 0.84 acres

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

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

13 **Tier Designation:** III Infill Area

14 **Existing Use:** Marina with charter, dive boat and retail sales

15 **Existing Vegetation / Habitat:** Developed Land and manmade canal

16 **Community Character of Immediate Vicinity:** Residential across canal to north, vacant land
17 west and south, shops and offices to the east, and a boat storage, repair and marine store to
18 southeast

19 **FEMA Flood Zone:** AE 8 (per County GIS)

20
21 **Community Meeting and Public Participation**

22 In accordance with LDC Section 110-3(b), a Community Meeting for the proposed
23 Amendment to the Major Conditional Use was held on February 5, 2020 at the Big Pine Key
24 Community Park Meeting Room, 31009 Atlantis Road, Big Pine Key, FL 33043 and provided
25 for public input. There were approximately 65 members of the public in attendance. Comments
26 from the public were mixed with attendees opposing the changes and attendees in favor of the
27 changes. The required window of no sooner than 45 days and no later than 120 days pursuant
28 to LDC Section 110-3(b), had expired, a second community meeting was held.

29
30 In accordance with LDC Section 110-3(b), a second Community Meeting for the proposed
31 Major Conditional Use was held on April 5, 2021 by Communications Media Technology
32 (CMT) Zoom® Meeting. At this meeting there were approximately 45 members of the public
33 in attendance. Comments from the public were mixed with attendees opposing the amendment
34 and attendees in favor of the amendment.

35
36 II RELEVANT PRIOR COUNTY ACTIONS:

37
38 The Planning Commission reviewed and approved a Major Conditional Use approval via
39 Planning Commission Resolution P70-94 on December 13, 1994. The major conditional use
40 approval was for a marina use with charter and dive boat operation, limited to four vessels,
41 limiting the capacity of the charters and allowing for 700 square feet of retail space.

42
43 Department of Community Affairs (DCA) settlement agreement (Case No. 95-3502DRI)
44 recorded in Monroe County's Official Records October 2, 1996.

1
2 A Letter of Understanding (LOU), dated August 18, 2003, with File No. 20030818.
3

4 An Amendment to the Major Conditional Use was approved by the Planning Commission on
5 September 8, 2004, by Resolution P43-04. The amendment to Major Conditional use was for
6 the addition of 2,147 square feet of Nonresidential Floor Area.
7

8
9 **III REVIEW OF APPLICATION:**

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

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

16
17 Policies from the *Monroe County Year 2030 Comprehensive Plan* that directly pertain to
18 the proposed conditional use include:
19

20 **Policy 101.5.6**

21 The principal purpose of the Mixed Use/Commercial (MC) future land use category is to
22 provide for the establishment of mixed use commercial land use (zoning) districts where
23 various types of commercial retail and office may be permitted at intensities which are
24 consistent with the community character and the natural environment. Employee housing
25 and commercial apartments are also permitted. In addition, Mixed Use/Commercial land
26 use districts are to establish and conserve areas of mixed uses, which may include maritime
27 industry, light industrial uses, commercial fishing, transient and permanent residential,
28 institutional, public, and commercial retail uses.
29

30 This future land use category is also intended to allow for the establishment of mixed use
31 development patterns, where appropriate. Various types of residential and nonresidential
32 uses may be permitted; however, heavy industrial uses and similarly incompatible uses
33 shall be prohibited. The County shall continue to take a proactive role in encouraging the
34 preservation and enhancement of community character and recreational and commercial
35 working waterfronts.
36

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

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

43
44 ... Maritime Industry (MI) land use (zoning) district information omitted.
45

46 **Policy 101.5.25**

1 Monroe County hereby adopts the following density and intensity standards for the future
 2 land use categories, which are shown on the FLUM and described in Policies 101.5.1 -
 3 101.5.20.
 4

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)	

Mixed Use/Commercial (MC) ^{(f)(g)} (SC, UC, DR, RV, MU and MI zoning)	1 du (DR, MU, MI) 3 du (SC) 6 du (UC) Commercial Apartments (RV) (h) 5—15 rooms/spaces	2 du (MI) 6-18 du (SC) ^(k) 12 du (UC) 12—18 du (MU) ^(k) 18 du (DR) 10—25 rooms/spaces	0.10—0.45 (SC, UC, DR, MU) <2,500 SF (RV) 0.30—0.60 (MI)	0.20

5
 6 **Objective 217.1**

7 Monroe County shall adopt and implement incentives and criteria to encourage the
 8 preservation of 1) public access to the navigable waters of the State, 2) commercial fishing
 9 uses and 3) recreational and commercial working waterfront uses, as defined by Section
 10 342.07, F.S., excluding transient uses. [F.S. § 163.3178(2)(g)]

11 **Policy 217.1.1**

12 The strategy to preserve and protect commercial fishing and recreational and
 13 commercial working waterfront uses shall include the following:

- 14 1. Exemptions from the requirements of the Permit Allocation System for new
 15 nonresidential development, pursuant to Policy 101.4.5;
- 16 2. Providing for the preservation of recreational and commercial working waterfront
 17 uses within the Mixed Use Commercial and Mixed Use Commercial Fishing Future
 18 Land Use categories, pursuant to Policy 101.5.6 and Policy 101.5.7;
- 19 3. Maintaining land development regulations to allow lawfully established water-
 20 dependent and water-related commercial uses which are identified as a source of
 21 economic sustainability within a Livable CommuniKeys Plan to be rebuilt, even if
 22 100% destroyed, providing they meet the replacement criteria established in the
 23 adopted LCP, are rebuilt to the preexisting use, and are registered and recognized by
 24 the Planning & Environmental Resources Department as lawful nonconforming uses
 25 and structures; and
- 26 4. Implementation of marina siting criteria for new marinas. [F.S. § 163.3178(2)(g)]

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

3
4 The design and layout for the site is minimally changing with the exception of the fuel tank
5 enlargement in regards to what was previously approved and existing. The increase in
6 existing (previously approved for storage) floor area to now be used as additional
7 commercial retail that was limited 700 square feet pursuant the approved Major
8 Conditional Use Permit (CUP) and included as condition as Exhibit A in the Settlement
9 Agreement.

10
11 The building where retail sales occurs was approved through an Amendment to the Major
12 CUP per Resolution P43-04. This building will not be changed from the exterior. The
13 request is to expand the use of the internal area that was previously permitted to be storage
14 to now be a retail sales, the area would be a total of 2,437 sf of retail sales floor.

15
16 The proposed changes also include opening fuel sales to members of the public (rather than
17 being restricted for use in the charter boats on site only). No analysis of how this will
18 impact boat traffic was provided by the applicant. Based on public comment and concerns,
19 Staff is requesting additional information and analysis regarding how the change to fuel
20 sales will impact the community character, specifically along the canal.

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 site has minimal modifications, the design of the development is predominantly
26 unchanged, and it is with the addition of fuel sales in the sixty (60) foot canal and the
27 requested enlargement of the fuel tank that make up the most significant change.

28
29 The impact can be minimized by screening the fuel tank in a manner so as to not be seen
30 by neighboring properties and limiting the hours of fuel sales. Fuel sales is currently
31 prohibited by the previously approved Major CUP and included as a condition in Exhibit
32 A in the Settlement Agreement.

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

36
37 Staff has no evidence to support or disprove that the proposed development will have an
38 adverse impact on the value of the surrounding properties.

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

41
42 1. *Transportation/Roadways:* According to the adopted 2017 US1 Arterial Travel Time
43 and Delay Study (ATTDS), the Level of Service (LOS) for Segment 10 is at a LOS C,
44 with a reserve capacity of 1,294 trips. Based on permits that have been issued since the
45 time of the 2017 ATTDS, there are 1025 trips of **Actual Capacity** remaining as of the
46 date of this staff report. A Traffic Impact Statement (letter) was provided with the

1 application dated October 21, 2019, and it states zero (0) gross daily trips generated by
2 the biweekly fuel truck delivery. The trips generated by the increase of the allowable
3 area to do retail sales does not exceed 249 gross daily trips, a traffic study is not required
4 for a segment of US-1 that is not designated as inadequate or marginally adequate
5 pursuant to Section 114-200. A final concurrency determination will be made at the
6 time of building permit review.

7
8 2. *Solid Waste*: No change

9
10 3. *Potable Water*: No change

11
12 4. *Sanitary Sewer*: No change

13
14 5. *Drainage/Stormwater*: No change

15
16 6. *Schools*: According to the latest County Public Facilities Capacity Report, the capacity
17 for schools is adequate for the Lower Keys.

18
19 7. *Recreation and Open Space*: According to the latest County Public Facilities Capacity
20 Report, the other requirements of the County Public Facilities Capacity Report for
21 recreation and open space is adequate for the Lower Keys.

22
23 (f) *The applicant for conditional use approval has the financial and technical capacity to*
24 *complete the development as proposed and has made adequate legal provision to*
25 *guarantee the provision and development of any improvements associated with the*
26 *proposed development: **In compliance***

27
28 Staff has no evidence to support or disprove the applicant's financial and technical
29 capacity.

30
31 (g) *The development will adversely affect a known archaeological, historical, or cultural*
32 *resource: **In compliance***

33
34 The proposed redevelopment will not adversely affect a known archaeological, historical,
35 or cultural resource.

36
37 (h) *Public access to public beaches and other waterfront areas is preserved as part of the*
38 *proposed development: **In compliance***

39
40 Public access to public beaches and other waterfront areas will not be affected by this
41 project.

42
43 (i) *The proposed use complies with all additional standards imposed on it by the particular*
44 *provision of this Land Development Code authorizing such use and by all other applicable*
45 *requirements:*

1 1. Residential Rate of Growth Ordinance (ROGO) (LDC Chapter 138, Article II): *Not*
2 *applicable*

3
4 2. NonResidential Rate of Growth Ordinance (NROGO) (LDC Chapter 138, Article III):
5 *In compliance*

6
7 The existing NROGO on the property has been determined to be lawfully established
8 and no increase is proposed.

9
10 3. District Purpose (LDC Section 130-35): *In compliance*

11
12 The purpose of the SC district is to establish areas for commercial uses designed and
13 intended primarily to serve the needs of the immediate planning area in which they are
14 located. This district should be established at locations convenient and accessible to
15 residential areas to reduce trips on U.S. 1.

16
17 The existing use has a commercial retail component as part of a previously approved
18 marina through a Major CUP. The use will not be changed but an increase in the
19 permitted amount of area for retail and sales of fuel are being proposed.

20
21 4. Permitted and Conditional Uses (LDC Section 130-82): *In compliance*

22
23 Pursuant to Section 130-93(c)

24 (5) Marinas, provided that:

- 25 a. The parcel proposed for development has access to water at least four feet
26 below mean sea level at mean low tide;
- 27 b. The sale of goods and services is limited to fuel, food, boating, diving and
28 sport fishing products;
- 29 c. All outside storage areas are screened from adjacent uses by a fence, wall
30 or hedge of at least six feet in height;
- 31 d. Any commercial fishing activities are limited to the landing of catch,
32 mooring and docking of boats and storage of traps and other fishing
33 equipment; and
- 34 e. Each nonwaterside perimeter setback of the parcel proposed for
35 development must have a class C bufferyard within a side yard setback of
36 ten feet;

37
38 The property is requesting an Amendment to Major CUP to modify previously
39 approved conditions that limit the sale for fuel and the area permitted to be used as
40 retail sales for the marina.

41
42 The side yard that applies to this property is owned by the State, pursuant to the
43 previous approvals a buffer of 10 feet is required to be in the south side of the easement
44 with no reduction of plants for the required buffer.

45
46 5. Land Use Intensities (LDC Chapter 130, Article V): *In compliance*

1
2 Residential Density Analysis

3
4 No residential density is proposed.

5
6 Nonresidential Intensity Analysis

7
8 In the SC district, the maximum nonresidential land use intensities for the existing uses
9 is as follows:

<i>Type of Use</i>	<i>Maximum FAR</i>	<i>Total Upland (S.F.)</i>	<i>Maximum allowed (S.F.)</i>	<i>Existing S.F.</i>	<i>Proposed S.F.</i>	<i>Used (%)</i>
Medium Intensity Commercial retail	0.25	36,649	9,162	3,566	0	38.9%
			Total		0	38.9%

- 10
11 6. Required Open Space (LDC Sections 118-4; 118-12; 130-157; 130-162; & 130-164):
12 ***In compliance***

13
14 In the SC district, the required open space ratio (OSR) is a minimum of 0.20 or 20%.
15 According to the site plan submitted with this application and previous approval of an
16 Amendment to Major CUP, the property consists of 36,649 square feet of area.
17 Therefore, 7,330 square feet is required to remain as open space. Currently, 19,945
18 square feet or 54% percent open space is provided.

19
20 LDC Section 101-1 defines the following relevant term:

21
22 *Open space* means (in relation to open space ratio calculations) that portion of any
23 parcel or area of land or water that is required to be maintained such that the area within
24 its boundaries is open and unobstructed from the ground to the sky (This definition is
25 not intended to exclude vegetation from required open space).

- 26
27 7. Required Setbacks (LDC Sections 118-12, 131-1 & 131-3): ***In Compliance.***

28
29 In the SC District, the required non-shoreline setbacks are as follows:

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

30
31 The existing site plan appears to be in compliance with the required non-shoreline
32 setbacks. The area includes a 50 feet wide access easement and is still set back at least
33 10 feet. The area to the south is the only nonshoreline side yard setback, it is required
34 to include a 10 foot buffer as a condition of the previously approved Major CUP.
35

1 There are no proposed changes to the previously approved shoreline setback.

2
3 Pursuant to 130-93(c)(5)e. each nonwaterside perimeter setback of the parcel proposed
4 for development must have a class C bufferyard within a side yard setback of ten feet
5

6 8. Wetland Setback (LDC Section 118-10): ***Not Applicable***
7

8 There are no wetlands on the property.
9

10 9. Maximum Height (LDC Section 130-187): ***In compliance***
11

12 No structure or building shall be developed that exceeds a maximum height of 35 feet.
13 There are no proposed changes to any buildings elevation submitted with the
14 application.
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 10. Surface Water Management Criteria (LDC Section 114-3): ***In compliance***
28

29 There is no proposed change to the previously approved plans and no additional
30 impervious area is proposed on the site.
31

32 11. Wastewater Treatment Criteria (LDC Section 114-4): ***In Compliance***
33

34 The development is connected to central sewer.
35

36 12. Fences (LDC Section 114-13): ***Compliance to be Determined***
37

38 All fencing must comply with LDC Section 114-13 and requires a separate building
39 permit.
40

41 13. Floodplain Management (LDC Chapter 122): ***Compliance to be determined.***
42

43 At the time of building permit review, Floodplain Management staff will determine
44 compliance.
45

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

- 1
2 15. Potable Water Conservation Standards (LDC Section 114-46): *In compliance.*
3
4 16. Environmental Design Criteria and Mitigation Standards (LDC Sections 118-6, 118-7
5 & 118-8): *In compliance*
6
7 17. Required Off-Street Parking (LDC Section 114-67): *Compliance to be determined.*
8
9

Under the Current LDC the following off-street parking requirements would apply:

<i>Specific Use</i>	<i>Minimum Required Number of Parking Spaces</i>	<i>Existing/Proposed Use</i>	<i>Required Spaces</i>
Commercial retail	3.0 spaces per 1,000 sq. ft. of nonresidential floor area within the building and 1.5 spaces per 1,000 sq. ft. of area devoted to outdoor retail sales	3,566 Square feet	11
Party and charter/guide boats, more than six passengers capacity	0.3 space per passenger capacity of vessel	110 passenger capacity	33
Total spaces required under current LDC:			44

10
11 The previously approved Major CUP limited the parking to 32 spaces, there has been
12 no request to increase the parking. At the time of approval the parking regulations
13 would have required sixty parking spaces.
14

15 Clip from the approved Major CUP Resolution P70-94:

1. The applicable parking standards of Section 9.5-351 (c) for party boats shall be waived, and instead the applicant shall reduce the parking on site from the proposed sixty spaces to a total of thirty two parking spaces (of which two shall be handicapped accessible), pursuant to Section 9.5-67; and
2. The area which was originally proposed to include approximately thirty excess parking spaces, including eight in the side yard facing U.S. 1, shall be replaced by landscaping. The remaining parking spaces shall be clearly delineated with curb stops; and

16
17
18 Section 114-67(k) **Nonconforming parking and loading.** All lawfully existing
19 multifamily (3 or more units) residential or nonresidential development that is
20 nonconforming to the parking and/or loading requirements of this article shall be
21 brought into compliance as follows:

- 22 (1) When any change of use or expansion of the use occurs, the site shall come into
23 compliance with the parking and loading requirements of this article to the
24 greatest extent practicable (considering sufficient land is available on the site to

1 accommodate some or all of the parking deficiencies), as determined by the
2 Planning Director on a case-by-case basis.

- 3
4 (2) When any substantial improvement occurs, the property shall come into full
5 compliance with the parking and loading requirements of this article
6

7 Under the current LDC for 110 passenger capacity and 3,566 square feet of combined
8 floor area 44 parking spaces would be required. It is recommended that with the
9 addition of 1,737 square feet of retail area at least 5 parking spaces be provided to
10 accommodate the increased use of the floor area.

11
12 18. Required Loading and Unloading Spaces (LDC Section 114-69): ***Compliance to be***
13 ***determined.***

14
15 Only one loading space 25’x10’ was previously approved under the amendment to
16 Major CUP (P43-04), in front of the storage building. Per Section 114-69, for
17 nonresidential uses between 2,500-19,999 sf, one space of 11’x55’ is required.
18

19 The nonconforming section of the parking code Section 114-67(k)...” loading
20 requirements of this article to the greatest extent practicable (considering sufficient land
21 is available on the site to accommodate some or all of the parking deficiencies), as
22 determined by the Planning Director on a case-by-case basis.”
23

24 It appears that the site could accommodate an 11’x55’ loading space. Staff requests that
25 a conforming loading space be added to the site plan to conform.
26

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

28
29 The site shows the minimum required bicycle parking.

30
31 Sec. 114-71. - Bicycle Parking.

32 ...

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

35 (c) Bicycle parking rack criteria:

36 (1) Bicycle parking racks must be designed to accommodate a minimum of four
37 (4) bicycles;

38 (2) All bicycle parking racks shall be separated from vehicular traffic by at least
39 five feet or a physical barrier;

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

42 (4) The minimum dimensions for a bicycle parking rack shall be two-foot-wide
43 by six-foot-long stalls with a minimum aisle width of five feet. Location criteria
44 can be modified by the Planning Director if he or she determines that a superior
45 alternative exists.
46

1 20. Required Landscaping (LDC Sections 114-99–114-105): ***Compliance to be***
2 ***determined.***

3
4 There is no proposed change to the previously approved plans.

5
6 Sec. 114-109. - *Nonconforming Landscaping.*

7 All lawfully existing multi-family (3 or more units) and nonresidential development
8 that is *nonconforming* to the landscaping standards of this article shall be brought into
9 compliance as follows:

10 (a) When any change of use or expansion of the use occurs, the site shall come into
11 compliance with the landscaping requirements of this article to the greatest extent
12 practicable, as approved by the Planning Director on a case-by-case basis.

13 (b) When any substantial improvement occurs, the property shall come into full
14 compliance with the landscaping requirements of this article.

15
16 No landscaping plan has been provided with this submittal for review. Staff requests
17 an updated landscaping plan to show compliance to the maximum extent practicable.

18
19 21. Scenic Corridors & Bufferyards (LDC Sections 114-124 –114-130, 130-93): ***In***
20 ***compliance from the previous approval***

21
22 Sec. 114-130. - *Nonconforming Buffers.*

23 (a) Where existing uses occupy both sides of a district boundary, a buffer shall be
24 established as a condition of any permit issued for a change in use, reconstruction
25 or addition for any nonresidential use or hotel or destination resort. The maximum
26 buffer that can be established, given the existing buildings and drives, shall be
27 established. If the width available is less than fifty percent (50%) of the minimum
28 required buffer width, then a six (6) foot solid fence shall be located at the inner
29 side of the buffer.

30 (b) Where street buffers are *nonconforming*, the maximum buffer that can be
31 established shall be required as a condition of the issuance of any permit for change
32 of use, expansion or reconstruction

33
34 Pursuant to the previous approvals a buffer of 10 feet is required to be in the south side
35 of the easement with no reduction of plants for the required buffer.

36
37
38 22. Outdoor Lighting (LDC Chapter 114, Article VI): ***In compliance from the previous***
39 ***approval***

40
41 Pursuant to the previous condition of approval of the Major CUP, the use of lighting
42 on site shall be restricted to business related uses only, and will not be directed towards
43 the residential uses.

44
45 Sec. 114-161. Maximum Illumination.

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

7 23. Signs (LDC Chapter 142): ***No signage proposed, separate building permit required***
8

9 Signage is not being proposed as part of this application.
10

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

12 The site has access from US1 via Ships Way and an easement through land owned by
13 the Florida Department of Environmental Protection.
14

15 25. Recycling and Solid Waste Collection Areas (LDC Section 114-14): ***Compliance to***
16 ***be determined.***
17

18 No calculation was provided or shown on proposed site plan for recycling and solid
19 waste collection areas, no areas are designated on the previous approved Major CUP
20 or Amendment to CUP plan as recycling and solid waste collection areas.
21

22 Staff requests that the site plan show proposed recycling and solid waste collection
23 areas in order to evaluate compliance with LDC Section 114-14.
24

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

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

29 In accordance with LDC Section 110-3(b), a Community Meeting for the proposed
30 Amendment to the Major Conditional Use was held on February 5, 2020 at the Big
31 Pine Key Community Park Meeting Room, 31009 Atlantis Road, Big Pine Key, FL
32 33043 and provided for public input. There were approximately 65 members of the
33 public in attendance. Comments from the public were mixed with attendees opposing
34 the changes and attendees in favor of the changes. The required window of no sooner
35 than 45 days and no later than 120 days pursuant to LDC Section 110-3(b), had
36 expired, a second community meeting was held.
37

38 In accordance with LDC Section 110-3(b), a Community Meeting for the proposed
39 Major Conditional Use was held on April 5, 2021 by Communications Media
40 Technology (CMT) Zoom® Meeting. At this meeting there were approximately 45
41 members of the public in attendance. Comments from the public were mixed with
42 attendees opposing the amendment and attendees in favor of the amendment.
43

44 **IV RECOMMENDED ACTION:**
45

1 Pursuant to LDC Section 110-70(b), an application for an Amendment to Major Conditional
2 Use Permit shall be reviewed by the Development Review Committee (DRC). The DRC shall
3 give comments to the applicant, responsible staff and the Planning Director. Within 60 days of
4 the meeting or within 60 days after any additional information required from the applicant is
5 furnished or within 60 days after a required community meeting, the Department shall provide
6 for advertisement of the required public hearing by the Planning Commission.
7

8 Pursuant to LDC Section 110-70(b), Staff requests that prior to making a recommendation
9 and/or the scheduling of the Planning Commission hearing, the comments and required
10 information as stated in this staff report be addressed. Pending review of what is submitted,
11 staff reserves the right to schedule a second DRC meeting if necessity for further review of the
12 application.
13

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15 V PLANS REVIEWED:
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- 17 1. Site Plan: prepared by Douglas J. Ruggiano, signed and sealed by Douglas J. Ruggiano
18 P.E. dated October 14, 2018
- 19 2. Site Plan from previous Amendment to Major CUP: prepared by Glenn Gray &
20 associates, signed and sealed by Illegible Signature, P.E. #36054 dated November 7,
21 2004
- 22 3. Survey: prepared by Reece & Associates, signed and sealed by Robert E. Reece PSM,
23 with revision dated October 25, 2019