



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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

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

Date: May 10, 2021

Subject: *Request for a Minor Conditional Use Permit. The requested approval is for the transfer of eighty (80) permanent market rate and eighteen (18) transient transferrable Rate of Growth Ordinance (ROGO) Exemptions (TREs) from the Sender Site property, described as a parcel of land in Section 35, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida, having Parcel Identification Numbers 00124540-000000, 00124550-000000 and 00124560-000000. This request is for the transfer of the TREs from the sender site, to be held in paper certificate form; it does not transfer the TREs to a designated receiver site. An additional Minor Conditional Use Permit will be required to complete the transfer of the TREs to a designated received site.*

Meeting: May 25, 2021

I REQUEST:

The applicant is requesting approval of a minor conditional use permit in order to transfer eighty (80) permanent market rate and eighteen (18) transient Market Rate of Growth Ordinance (ROGO) exemptions – known as a TREs from the sender site, to be held in paper certificate form. The sender site is currently using an address of 6125 Second St. The site is made up of three parcels having Parcel Identification Numbers 00124540-000000, 00124550-000000 and 00124560-000000. The site was formerly known as Water's Edge Colony Trailer Park (Water's Edge") at 5700 Laurel Avenue, Tropic Palms Mobile Home Park which was historically known as Rolf's Trailer Park ("Tropic Palms") at 6125 Second Street, and Woodson's Trailer Park ("Woodson") at 6325 First Street, Stock Island, Florida. Mile Marker 5. The sender site was approved to transfer the subject TREs by a Development Agreement between Monroe County and Wreckers Cay Apartments at Stock Island, LLC that has an effective date of August 19, 2020. There is no proposed receiver site associated at the time of this request. An additional Minor conditional Use Permit shall be required and approved to transfer the TREs to a specific receiver site. In addition, the permanent market rate TREs cannot be transferred to a receiver site until development of an equivalent amount of affordable dwelling units associated with the sender site have commenced construction of the units and passed the first structural inspection pursuant to Section II. Purpose, D. through I. of the Development Agreement (clip of sections below).

- D. Wrecker's Cay desires to transfer the TREs associated with Tropic Palms attributable to fifteen (15) lawfully-established and recognized market-rate, permanent residential dwelling units (the "Tropic Palms Market Rate TREs") and ten (10) lawfully-established and recognized transient residential dwelling units (the "Tropic Palms Transient TREs") from Tropic Palms to Wrecker's Cay for future transfer to and development upon an eligible receiver site(s). The Parties hereto recognize that no transfer to a receiver site(s) or development of the TREs may occur until fifteen (15) affordable residential dwelling units have commenced development including, at a passing the first structural inspection.
- E. This Agreement will allow for a reasonable use of Tropic Palms by allowing the transfer of market rate TREs and transient TREs to an eligible receiver site(s), while assuring preservation on the Wrecker's Cay Property of a number of residential dwelling units equivalent to the number of Tropic Palms Market Rate TREs as employee housing.
- F. Wrecker's Cay desires to transfer the TREs associated with Water's Edge attributable to fifty-three (53) lawfully-established and recognized market-rate, permanent residential dwelling units (the "Water's Edge Market Rate TREs"), eight (8) lawfully-established and recognized transient residential dwelling units (the "Water's Edge Transient TREs") to an eligible receiver site. The Parties hereto recognize that no transfer to a receiver site(s) or development of the Water's Edge Market Rate TREs may occur until fifty-three (53) affordable residential dwelling units have commenced development including, at a passing the first structural inspection. Water's Edge six hundred seventy-two (672) NROGO-exempt square feet (the "Water's Edge NROGO") from Water's Edge shall be held by Wrecker's Cay for future transfer to and development upon eligible receiver site(s). Transfer of the Water's Edge NROGO shall be governed by Monroe County Code Section 138-50(j).
- G. This Agreement will allow for a reasonable use of Water's Edge by allowing the transfer of market-rate TREs, transient TREs, and NROGO to eligible receiver site(s), while assuring preservation on the Wrecker's Cay Property of a number of residential dwelling units equivalent to the number of Water's Edge Market Rate TREs as employee housing.
- H. Wrecker's Cay desires to transfer the TREs attributable to twelve (12) lawfully-established and recognized market-rate, permanent residential dwelling units from Woodson to an eligible receiver site. The Parties hereto recognize that no transfer to a receiver site(s) or development of the TREs or TDRs may occur until twelve (12) affordable residential dwelling units have commenced development including, at a passing the first structural inspection.
- I. This Agreement will allow for a reasonable use of Woodson by allowing the transfer of market-rate TREs to an eligible receiver site, while assuring preservation on the Wrecker's Cay Property of an equivalent number of residential dwelling units as affordable housing.

The lifted TREs are to be held under the ownership of Wrecker's ROGOCO, LLC

II BACKGROUND INFORMATION:

Sender Site (6125 Second Street, 5700 Laurel Avenue and 6325 First Street, Stock Island):

Location: Stock Island, Mile Marker 5

Address: The current address used for the site is 6125 Second St. The site is made up of three parcels and was formerly known as Water's Edge Colony Trailer Park (Water's Edge") at 5700 Laurel Avenue, Tropic Palms Mobile Home Park which was historically known as Rolf's

Trailer Park (“Tropic Palms”) at 6125 Second Street, and Woodson’s Trailer Park (“Woodson”) at 6325 First Street, Stock Island, Florida.

Description: Section 35, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida.

Sender Parcel ID Numbers: 00124540-000000, 00124550-000000 and 00124560-000000

Owner/Applicant: Wreckers Cay Apartments of Stock Island, LLC

Agent: Jess Goodall, Esq./Smith Hawks

Size of Site: 9.1 acres

Land Use District (LUD): Urban Residential (UR)

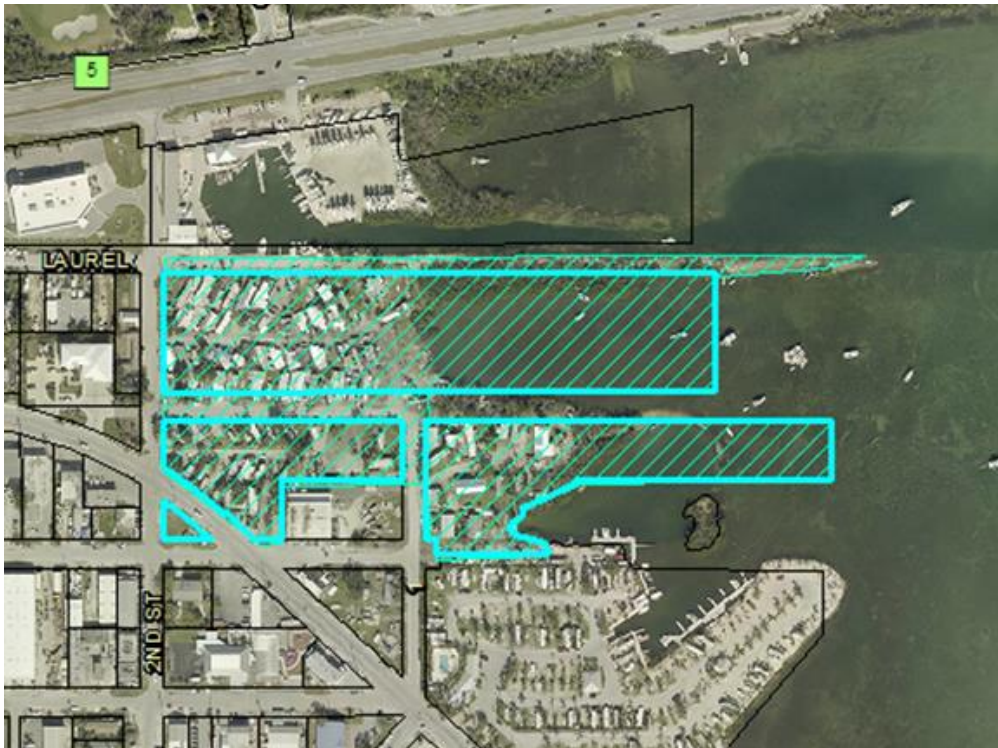
Future Land Use Map (FLUM) Designation: Residential High (RH)

Tier Designation: III Infill Area

Flood Zone: AE 9 and AE 10

Existing Use: Affordable Housing Development

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



Sender Site with Parcel Identification Numbers 00124540-000000, 00124550-000000 and 00124560-000000 Aerial dated 2018

Receiver Entity

To be held on paper by Wrecker’s ROGOCO, LLC

Agent: Jess Goodall, Esq./Smith Hawks

III RELEVANT PRIOR COUNTY ACTIONS:

Sender Site (6125 Second Street, 5700 Laurel Avenue and 6325 First Street, Stock Island):

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

At a regularly scheduled meeting of the BOCC on January 22, 202, the BOCC adopted Ordinance 003-2020 that amended Section 130-157 of the Land Development Code to allow for increased density for properties with UR zoning districts within Stock Island that apply for an receive a site specific subarea policy as established in the Comprehensive Plan.

At a regularly scheduled meeting of the BOCC on January 22, 2020, the BOCC adopted Ordinance 004-2020, an amendment to the Official Zoning Map for a portion of the Property from Urban Residential Mobile Home (URM) to Urban Residential (UR).

At a regularly scheduled meeting of the BOCC on January 22, 2020, the BOCC adopted Resolution 031A-2020 approving a **Development Agreement** between Monroe County and Wreckers Cay Apartments at Stock Island, LLC; **and became effective August 19, 2020.**

At a regularly scheduled meeting of the BOCC on January 22, 2020, The BOCC adopted Resolution 031-2020 to reserve 280 ROGO affordable units consisting of seventy (70) low income, ninety-eight (98) median and one hundred twelve (112) moderate income Affordable housing allocations pursuant to Monroe County Code Section 138-24(b)4, for the Property.

At a regularly scheduled meeting of the BOCC on July 15, 2020, the BOCC approved two road abandonment requests: a portion of Laurel Avenue (File 2010-130); and portions of Macdonald Avenue and First Street (File 2018-179).

IV REVIEW OF APPLICATION:

Pursuant to Monroe County Land Development Code Sec.138-22(b), the following criteria must be met to transfer permanent market rate ROGO exemptions:

(b) Transfer off-site. Residential dwelling units and transient units may be transferred to another site in the same ROGO subarea, provided that the units lawfully exist and can be accounted for in the County's hurricane evacuation model.

(1) ROGO exemptions may be transferred as follows:

- a. between sites within the Upper Keys ROGO subarea;
- b. between sites within the Lower Keys ROGO subarea;
- c. between sites within the Big Pine Key and No Name Key ROGO subarea;
- d. from the Big Pine Key and No Name Key ROGO subarea to the Lower Keys ROGO subarea.

In Compliance. The sender site is located within the Lower Keys ROGO Subarea. No received site is identified at this time. Receiver site compliance will be determined at the time of review of an additional minor conditional use permit for transfer to a specific received site.

(2) No sender units may be transferred to an area where there are inadequate facilities and services.

In Compliance. There is no proposed receiver site associated at the time of this request, an additional Minor conditional Use Permit will be required to be approved to transfer the TREs to a specific receiver site.

(3) Transfer off-site shall consist of either the demolition of a dwelling unit on a sender site or a change of use of the floor area of dwelling unit on a sender site to another permitted use in the applicable land use (zoning) district that does not require the ROGO exemption and the development of a new dwelling unit, transient unit or affordable housing unit on a receiver site.

In Compliance. All demolition permits (# 19103137, 19103139 and 19103138) have been issued, closed and all structures removed on the sender sites. Proposed redevelopment of the site will utilize affordable ROGO allocations granted to the sender site owner on January 22, 2020, by the BOCC (Resolution 031-2020).

(4) Transfer of Lawfully Established Unit Types:

- a. *Transfer of a transient unit.* A lawfully established hotel room, motel room, campground space, or recreational vehicle space may be transferred off-site to another hotel, motel, campground or recreational vehicle park.

...

- c. *Transfer of a market rate unit.* A lawfully established permanent market rate dwelling unit may be transferred to a receiver site and developed as a single family detached market rate dwelling unit, subject to the following:

- 1. The transfer of market rate ROGO exemptions may be allowed provided that one of the following is satisfied:

- i. A 99 year deed-restricted affordable housing unit, pursuant to Sections 101-1 and 139-1, is retained or redeveloped on the sender site. If the existing dwelling unit is proposed as the deed-restricted affordable housing unit, the unit shall pass a life safety inspection conducted in a manner prescribed by the Monroe County Building Department, comply with hurricane standards established by the Florida Building Code, and habitability standards established under the Florida Landlord and Tenant Act; or
 - ii. The sender site is dedicated to Monroe County for the development of affordable housing and an in-lieu fee per unit, based on the current maximum sales price for a one-bedroom affordable unit as established under Section 139-1(a), is paid to the affordable housing trust fund; or
 - iii. A 99 year deed-restricted affordable housing unit, pursuant to Sections 101-1 and 139-1, is developed on a Tier III property (single-family residential lots or parcels) and the dwelling unit on the sender site is demolished and the sender site is restored.
- 2. The receiver site for the market rate ROGO exemption must meet the criteria of subsection (6) and the following:
 - i. Receiver site is a legally platted lot; and
 - ii. Receiver site is within the Improved Subdivision (IS) Land Use District or the Urban Residential Mobile Home (URM) Land Use District; and
 - iii. Receiver site is located within the same ROGO subarea as the sender site, except exemptions may be transferred from the Big Pine Key and No Name Key ROGO subarea to the Lower Keys ROGO subarea; and
 - iv. Receiver site property is not a recreational and commercial working waterfront.

Compliance to be determined with addition Minor Conditional Use Permit to approve receiver site. There is no proposed receiver site associated at the time of this request, an additional Minor Conditional Use Permit will be required for transfer of the TREs to a specific receiver site.

(5) Sender Site Criteria:

- a. Contains a documented lawfully-established sender dwelling unit pursuant to subsection (a) and recognized by the County; and

In Compliance. On February 21, 2008, the Acting Monroe County Senior Director of Planning and Environmental Resources issued a Letter of Development Rights Determination providing that Tropic Palms located at 6125 Second Street, Stock Island,

Florida, with Parcel Id 00124560-000000. Tropic Palms is lawfully recognized with fifteen (15) permanent residential units in the form of mobile homes, and ten (10) transient residential ROGO exemptions.

On September 12, 2016, the Monroe County Senior Director of Planning and Environmental Resources issued a Letter of Development Rights Determination providing that Water's Edge property located at 5700 Laurel Avenue, Stock Island, Florida, with Parcel Id 00124540-000000 is entitled to fifty-three (53) market rate residential ROGO exemptions; eight (8) transient ROGO exemptions, and six hundred seventy-two (672) square feet of NROGO exempt nonresidential floor area.

On March 13, 2012, the Monroe County Director of Planning and Environmental Resources issued a Letter of Understanding providing that the Woodson Property, located at 6325 First Street, Stock Island, Florida, with Parcel Id 00124550-000000 is entitled to twelve (12) ROGO exemptions.

- b. Located in a Tier I, II, III-A, or III designated area; including any tier within the County's Military Installation Area of Impact (MIAI) Overlay.

In Compliance. The properties are located within a Tier III designated area and within the County's Military Installation Area of Impact (MIAI) Overlay.

- (6) Receiver Site Criteria:
 - a. The Future Land Use category and Land Use (Zoning) District must allow the requested use;
 - b. Must meet the adopted density standards;
 - c. Includes all infrastructure (potable water, adequate wastewater treatment and disposal wastewater meeting adopted LOS, paved roads, etc.);
 - d. Located within a Tier III designated area; and
 - e. Structures are not located in a velocity (V) zone or within a CBRS unit.

Compliance to be determined with additional Minor Conditional Use Permit to approve receiver site. There is no proposed receiver site associated at the time of this request, an additional Minor Conditional Use Permit will be required to transfer the TREs to a specific receiver site.

V RECOMMENDATION:

Staff recommends APPROVAL to the Director of Planning & Environmental Resources of a minor conditional use permit to transfer eighty (80) permanent market rate and eighteen (18) transient ROGO exemptions from the sender site to be held in paper certificate form, subject to the following condition:

1. A new minor conditional use permit application and development order will be required for each receiver site proposed in the future. Receiver site(s) shall be reviewed for eligibility and compliance with the Monroe County Comprehensive Plan and Land Development Code at that time.