

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: May 23, 2008 Division: Growth Management

Bulk Item: Yes ___ No X Department: Planning & Environmental Resource

Staff Contact Person: Kathy Grasser, Comprehensive Planner

AGENDA ITEM WORDING:

A public hearing to consider transmittal of a resolution to the DCA at the request of Seafarer Resort, LLC proposing an ordinance to amend the subject property's Future Land Use Map (FLUM) designation from Residential Low (RL) to Mixed Use / Commercial (MC).

ITEM BACKGROUND:

The Planning Commission held a public hearing in Marathon on May 6, 2008 and based on the facts presented at the meeting, the Planning Commission recommended approval of the Future Land Use Map amendment application to the Board of County Commissioners.

PREVIOUS RELEVANT COMMISSION ACTION: N/A

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATION: Approval

TOTAL COST: N/A

BUDGETED: Yes ___ No N/A

COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes ___ No N/A **AMOUNT PER MONTH:** N/A **Year** ___

APPROVED BY: County Attorney ___ OMB / Purchasing ___ Risk Management ___

DOCUMENTATION: Included X Not Required ___

DISPOSITION: _____ **AGENDA ITEM #** _____

BOCC TRANSMITTAL RESOLUTION

RESOLUTION NO. -2008

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TRANSMITTING TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING THE REQUEST BY SEAFARER RESORT, LLC TO AMEND THE FUTURE LAND USE MAP (FLUM) DESIGNATION FROM RESIDENTIAL LOW (RL) TO MIXED USE / COMMERCIAL (MC) FOR PROPERTY LEGALLY DESCRIBED AS ISLAND OF KEY LARGO, PART LOT 10, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00091010.000000.

WHEREAS, the Monroe County Board of County Commissioners held a public hearing for the purpose of considering the transmittal to the Florida Department of Community Affairs for review and comment of a proposed amendment to the Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, changing the future land use designation of the properties described above; and

WHEREAS, the Monroe County Planning Commission and the Monroe County Board of County Commissioners support the requested future land use map designation change; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The Board of County Commissioners does hereby adopt the recommendation of the Planning Commission to transmit the draft ordinance for adoption of the proposed Future Land Use Map amendment.

Section 2. The Board of County Commissioners does hereby transmit the proposed amendment as part of the second (2nd) set of comprehensive plan amendments for 2008 to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Chapter 163.3184, Florida Statutes; and

Section 3. The Monroe County staff is given authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirements of 9J-11.006 of the Florida Administrative Code; and

Section 4. The Clerk of the Board is hereby directed to forward a certified copy of this resolution to the Director of Planning.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a special meeting held on the 23rd day of May, A.D., 2008.

Mayor Charles "Sonny" McCoy _____
Mayor Pro Tem Mario Di Gennaro _____
Commissioner Dixie Spehar _____
Commissioner George Neugent _____
Commissioner Sylvia Murphy _____

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY _____
Mayor McCoy

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK



BOCC ORDINANCE

ORDINANCE NO. -2008

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST BY SEAFARER RESORT, LLC TO AMEND THE FUTURE LAND USE MAP (FLUM) DESIGNATION FROM RESIDENTIAL LOW (RL) TO MIXED USE / COMMERCIAL (MC) FOR PROPERTY LEGALLY DESCRIBED AS ISLAND OF KEY LARGO, PART LOT 10, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00091010.000000.

WHEREAS, during a special scheduled public meeting held on May 23, 2008, the Monroe County Board of County Commissioners conducted a review and consideration of a request filed by The Craig Company on behalf of Seafarer Resort, LLC, to amend the subject property's Future Land Use Map (FLUM) designation from Residential Low (RL) to Mixed Use / Commercial (MC) in accordance with Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan and §9.5-511 of the Monroe County Code; and

WHEREAS, the subject property is located at 97684 Overseas Highway, Key Largo, approximate Mile Marker 97.6, and is legally described as ISLAND OF KEY LARGO PT LOTS 10, Monroe County, Florida, having Real Estate Number 00091010.000000; and

WHEREAS, in the map amendment application to the Planning & Environmental Resources Department, received April 3, 2008, the Applicant requested that the Future Land Use Map (FLUM) designation of one (1) parcel identified as Real Estate Number 00091010.000000, be amended from Residential Low (RL) to Mixed Use / Commercial (MC); and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Findings of Fact:

1. The proposed Future Land Use Map (FLUM) designation of the subject property is Mixed Use / Commercial (MC). Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan states that the principal purpose of the Mixed Use / Commercial (MC) land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment.

Employee housing and commercial apartments are also permitted. This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited; and

2. §9.5-511(a) of the Monroe County Code maintains that map amendments are not intended to relieve particular hardships, nor to confer special privileges or rights on any person, nor to permit a change in community character, as analyzed in Monroe County Year 2010 Comprehensive Plan, but only to make necessary adjustments in light of changed conditions; and
3. Pursuant to §9.5-511(d)(5)b of the Monroe County Code, the Monroe County Board of County Commissioners may consider the adoption of an ordinance enacting the proposed change based on one (1) or more of the following factors: (i) Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based; (ii) Changed assumptions (e.g., regarding demographic trends); (iii) Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan; (iv) New issues; (v) Recognition of a need for additional detail or comprehensiveness; or (vi) Data updates; and
4. Map amendments shall be consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Conclusions of Law:

1. The proposed FLUM amendment is consistent with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan:
 - a. Objective 101.4 of the Monroe County Year 2010 Comprehensive Plan shall regulate future development and redevelopment to maintain the character of the community and protect the natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map.
 - b. Policy 101.4.2: The principal purpose of the Residential Low land use category is to provide for low-density residential development in partially developed areas with substantial native vegetation. Low intensity public and low intensity institutional uses are also allowed. In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop,

reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted.

- c. Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan states the principal purpose of the Mixed Use / Commercial land use district is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.
 - d. Goal 102 of the Monroe County Year 2010 Comprehensive Plan maintains that Monroe County "shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. Future development would be required to comply with all Monroe County Code, State and Federal environmental regulations.
 - e. Objective 102.3.1 of the Monroe County Year 2010 Comprehensive Plan directs the County to encourage infill development where existing lands are already substantially developed, served by complete infrastructure facilities and within close proximity to established commercial areas and have few sensitive or significant environmental features.
 - f. Objective 101.11 of the Monroe County Year 2010 Comprehensive Plan, directs future growth away from environmentally sensitive land and towards established development areas served by existing public facilities.
 - g. Policy 701.1.1 of the Monroe County Year 2010 Comprehensive Plan maintains the overall Level of Service for potable water is 100 gallons per person per day.
2. The map amendment is consistent with the provisions and intent of Chapter 9.5 of the Monroe County Code:
- a. MCC Section 9.5-511 prohibits any map amendments that would negatively impact community character.
 - b. MCC Section 9.5-511(a) maintains the map amendment is not intended to relieve particular hardships, nor to confer special privileges or rights on any person, nor to permit a change in community character, as analyzed in Monroe County Year 2010 Comprehensive Plan, but only to make necessary adjustments in light of changed conditions.

- c. Changing the FLUM designation will not adversely affect natural resources.
 - d. The proposed FLUM amendment may have an insignificant effect on traffic circulation.
 - e. The proposed FLUM amendment may have an insignificant effect on affect solid waste.
 - f. The proposed FLUM amendment may have an insignificant effect on potable water.
 - g. Staff has determined that the proposed map FLUM amendment is consistent with MCC Sec. 9.5-511(d)(5)b: (i) Changed projections, (ii) Changed assumptions (vi) Recognition of a need for additional detail or comprehensiveness.
3. The proposed map amendment shall not relieve particular hardships, nor confer special privileges or rights on any person, nor permit a change in community character, as analyzed in the Monroe County Year 2010 Comprehensive Plan as directed by §9.5-511(a) of the Monroe County Code; and
4. The proposed map amendment is consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

WHEREAS, Planning & Environmental Resources Department Staff has found that all of the required standards are met and recommends approval of the application; and

WHEREAS, the Monroe County Planning Commission held a public hearing in Marathon on May 6, 2008 and based on the facts presented at the meeting, the Planning Commission recommended approval of the request;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. The Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The previously described properties, which are currently designated Residential Low (RL) shall be designated Mixed Use / Commercial (MC) as shown on the attached maps, which are hereby incorporated by reference and attached as Exhibit 1 and 2.

Section 3. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shall be amended as delineated in Section 2 above.

Section 4. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 6. This ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this ordinance; does not waive any fee or penalty due or unpaid on the effective date of this ordinance; and does not waive any fee or penalty due or unpaid on the effective date of this ordinance; and does not affect the validity of any bond or cash deposit posted, filed, or deposited pursuant to the requirements of any ordinance.

Section 7. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a special meeting held on the 23rd day of May A.D., 2008.

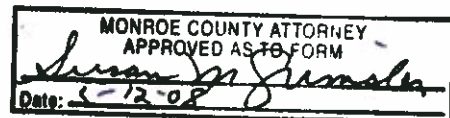
Mayor Charles "Sonny" McCoy _____
Mayor Pro Tem Mario Di Gennaro _____
Commissioner Dixie Spehar _____
Commissioner George Neugent _____
Commissioner Sylvia Murphy _____

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

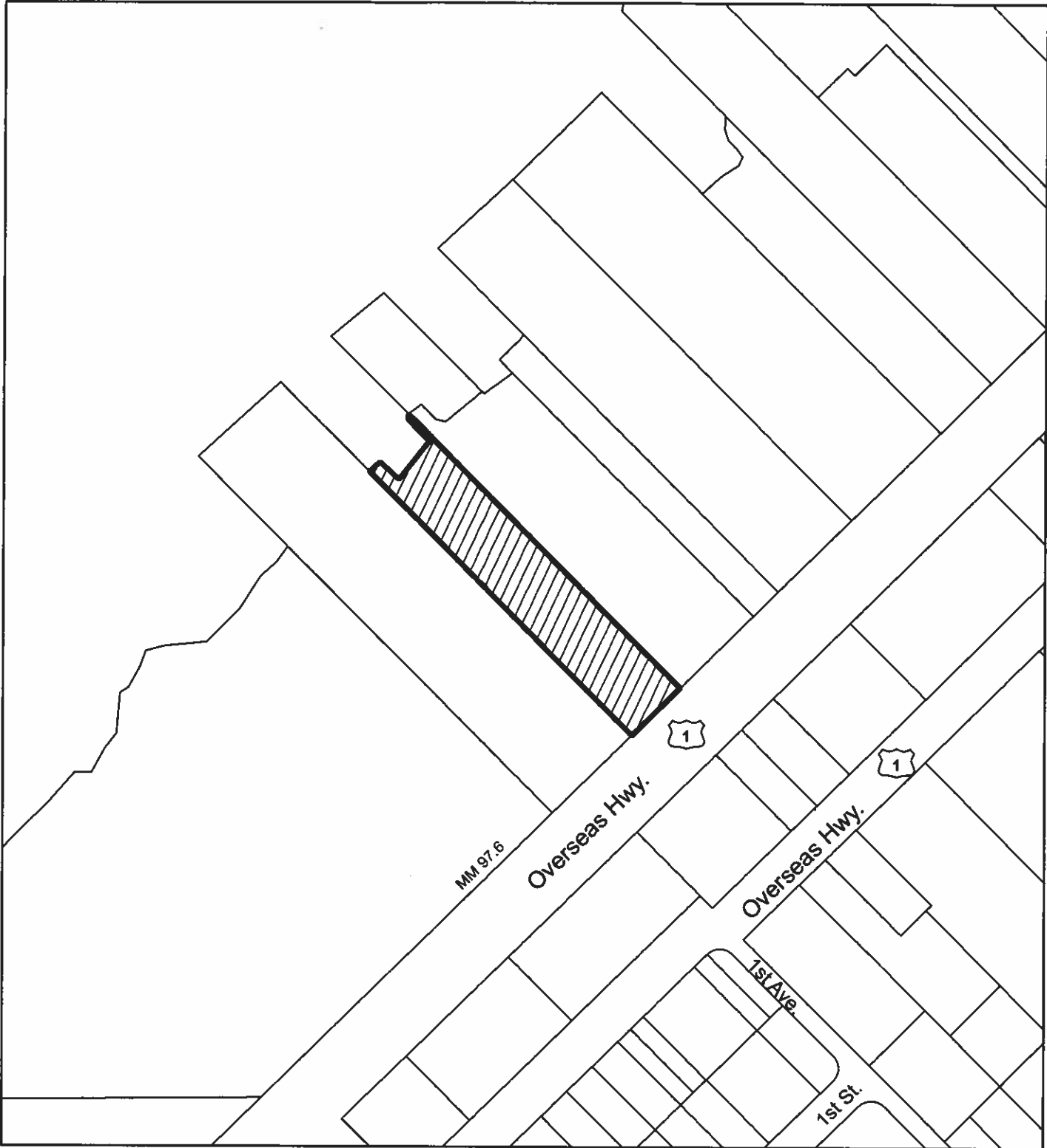
BY _____
Mayor McCoy

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK



DEPUTY CLERK

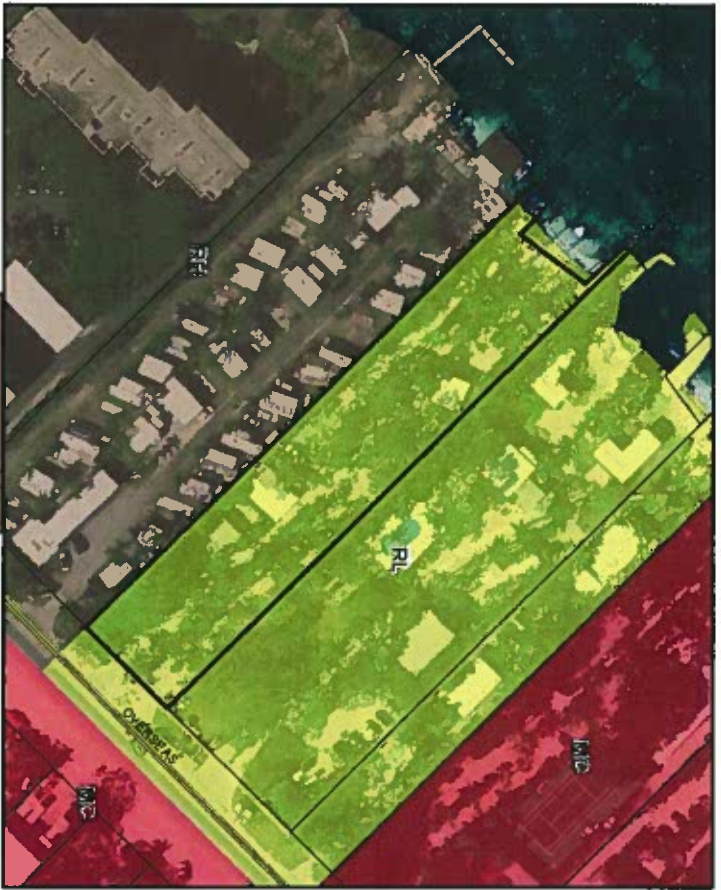


The Monroe County Future Land Use District Map is amended as indicated above.

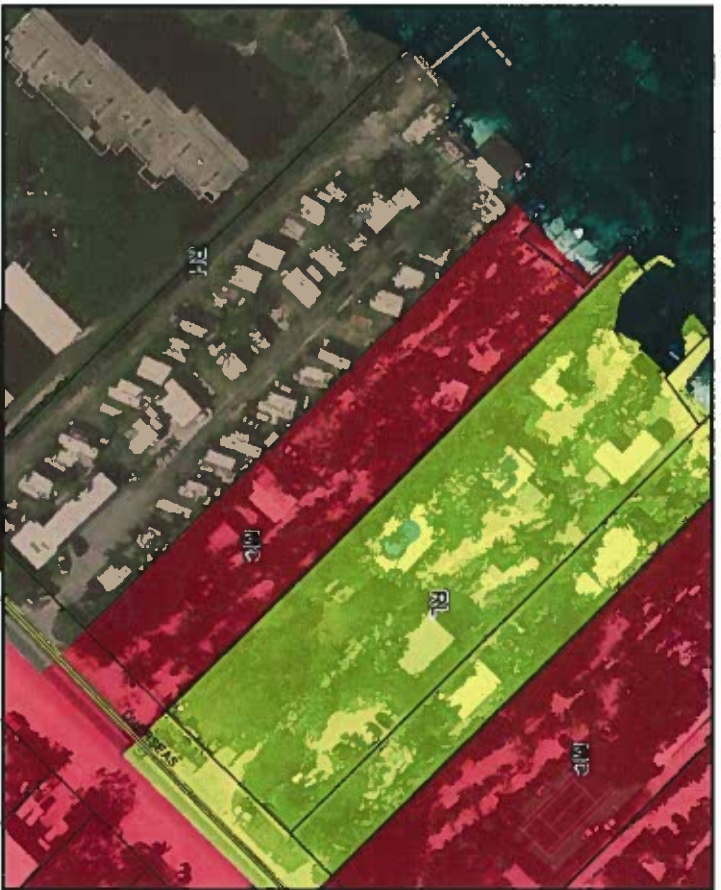
RE 00091010-000000 - Change Future Land Use Map Designation from Residential Low (RL) to Mixed Use/Commercial (MC).



Monroe County Future Land Use Map Amendment

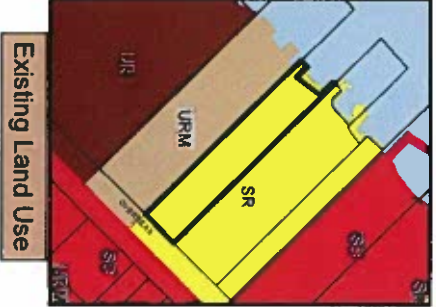


Existing Conditions



Proposed Conditions

Future Land Use Designation: RE = Residential Medium Density, RL = Residential Low Density, RR = Residential Single-Family, RT = Residential Medium Density, RU = Residential Single-Family, RUM = Residential Medium Density, SR = Single Residential, URM = Urban Residential, URS = Urban Residential Single-Family, M/C = Mixed Use/Commercial, MCF = Mixed Use/Commercial Parking, I = Industrial, R = Recreation, IRE = Industrial Recreation, E = Educational, P = Public, B = Business, P = Public, P = Public, M = Military



Growth Management Division
We strive to be caring, professional, and fair.

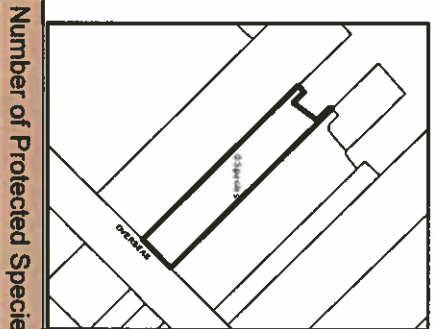
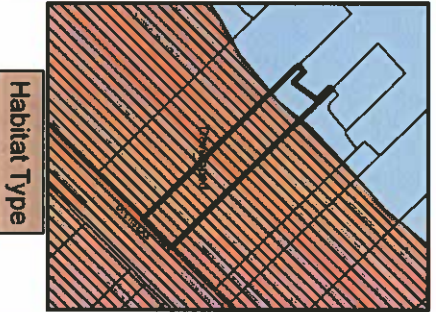
The Monroe County Future Land Use Map is proposed to be amended as indicated above and briefly described as:

Key: Key Largo Mile Marker: 98 Map Amendment #: M20095
Land Use District Map #: 139

Proposal: Future Land Use change of one parcel from Residential Low (RL) to Mixed Use/Commercial (M/C).

Property Description: RE 00091010-000000

Map Date: 11/10/2009. Source: County Development Department, GIS. The information on this map is for informational purposes only. It is not intended to be used for any other purpose.





MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT
We strive to be caring, professional and fair

To: Monroe County Board of County Commissioners

Through: Townsley Schwab, Acting Director of Environmental and Planning Resources *TS*

From: Kathy Grasser, Comprehensive Planner *Kg*

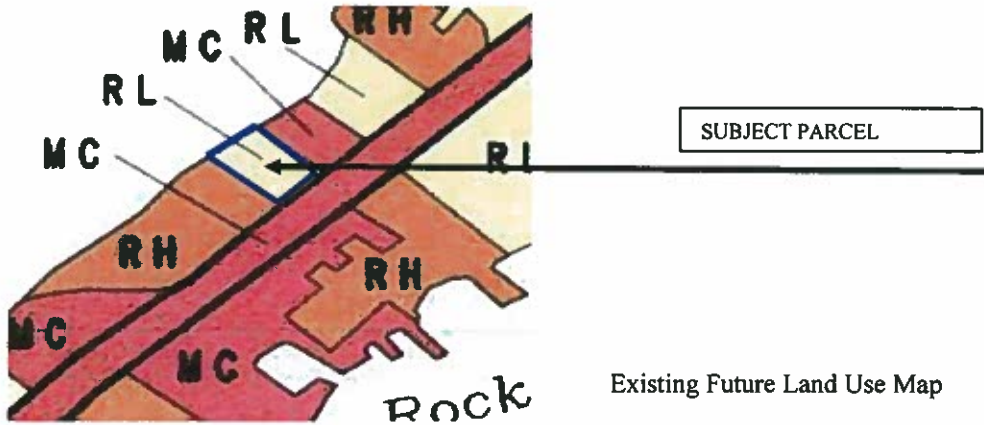
Date: May 7, 2008

Subject: *Request for an Amendment to the Future Land Use Map for Seafarer Resort, LLC., Key Largo, Mile Marker 97.6, Real Estate Number 00091010.000000*

Meeting Date: May 23, 2008

I REQUEST

A request by the Craig Company for Seafarer Resort, LLC., to amend the Future Land Use Map (FLUM) designation from Residential Low (RL) to Mixed Use / Commercial (MC).



- A. Address: 97684 Overseas Highway, Key Largo, Mile Marker 97.6
- B. Legal Description: Part Lot 10, Key Largo
- C. Real Estate Number(s): 00091010.000000
- D. Applicant/Petitioner: Craig Company
- E. Property Owner: Seafarer Resort, LLC.

1 II PROCESS

2
3 Amendments to the FLUM may be proposed by the Board of County Commissioners
4 (BOCC), the Planning Commission, the Director of Planning, or the owner or other person
5 having a contractual interest in property to be affected by a proposed amendment. The
6 Director of Planning shall review and process map amendment applications as they are
7 received and pass them on to the Development Review Committee and the Planning
8 Commission for recommendation and final approval by the BOCC.

9
10 The Planning Commission and the BOCC shall each hold at least one public hearing on a
11 proposed amendment. The Planning Commission shall review the application, the reports
12 and recommendations of the Department of Planning & Environmental Resources and the
13 Development Review Committee, and the testimony given at the public hearing, and shall
14 submit its recommendations and findings to the BOCC. The BOCC shall consider the report
15 and recommendation of and the testimony given at the public hearings and may either deny
16 the application or adopt a resolution transmitting the proposed amendment. Ordinances are
17 then reviewed by the Florida Department of Community Affairs and returned to the County
18 with objections, rejections and comments to be considered prior to adoption of the ordinance.
19 Then, an adoption hearing is scheduled for the BOCC.

20
21 III RELEVANT PRIOR COUNTY ACTIONS

22
23 This property is not platted. The property was given a Future Land Use Map (FLUM)
24 designation of Residential Low (RL) in 1997 when the FLUM was adopted.

25
26 IV BACKGROUND INFORMATION

- 27
28 A. Size of Site:
29 RE: # 00091010.000000: 46,174 Ft²
30 B. Tier Designation: Tier III
31 C. Flood Zone: X, AE & VE
32 D. Existing Use: Developed (Seafarer Resort Motel and Dive Center)
33 E. Existing Vegetation / Habitat: Cleared
34 F. Community Character of Immediate Vicinity: Mixed use: Residential and
35 Commercial Retail

36
37
38
39 V REVIEW OF APPLICATION

- 40
41 A. *Consistency of the proposed amendment with the provisions and intent of the Monroe*
42 *County Year 2010 Comprehensive Plan:*

43
44 Goals, Objectives and Policies from the Monroe County Year 2010 Comprehensive Plan
45 that directly pertain to the proposed amendments include:
46

1 • 3.1: Future Land Use

2
3 Goal 101: Monroe County shall manage future growth to enhance the quality of life,
4 ensure the safety of County residents and visitors, and protect valuable natural
5 resources.

6
7 Objective 101.4: Monroe County shall regulate future development and
8 redevelopment to maintain the character of the community and protect the natural
9 resources by providing for the compatible distribution of land uses consistent with the
10 designations shown on the Future Land Use Map.

11
12 Policy 101.4.2: The principal purpose of the Residential Low land use category is to
13 provide for low-density residential development in partially developed areas with
14 substantial native vegetation. Low intensity public and low intensity institutional uses
15 are also allowed. In addition, Monroe County shall adopt Land Development
16 Regulations which allow any other nonresidential use that was listed as a permitted
17 use in the Land Development Regulations that were in effect immediately prior to the
18 institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully
19 existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or
20 substantially improve provided that the use is limited in intensity, floor area, density
21 and to the type of use that existed on January 4, 1996 or limit to what the pre-2010
22 LDR's allowed, whichever is more restricted.

23
24 Policy 101.4.5: The principal purpose of the Mixed Use / Commercial land use
25 category is to provide for the establishment of commercial zoning districts where
26 various types of commercial retail and office may be permitted at intensities which
27 are consistent with the community character and the natural environment. Employee
28 housing and commercial apartments are also permitted.

29
30 Staff has determined the proposed map amendment is consistent with the provisions and
31 intent of the Monroe County Year 2010 Comprehensive Plan.

32
33 B. *Consistency of the proposed amendment with the provisions and intent of Chapter 9.5 of*
34 *the Monroe County Code, Land Development Regulations:*

35
36 In accordance with MCC Sec. 9.5-511(d)(5)b., the BOCC has used criteria specified
37 therein for the adoption of an ordinance enacting the proposed change based on one (1) or
38 more of the following factors:

- 39
40 i. *Changed projections (e.g., regarding public service needs) from those on which the*
41 *text or boundary was based;*

42
43 *Applicant:* No comment.

44
45 *Staff:* The primary purpose of the Mixed Use / Commercial (MC) designation is
46 stated in the Monroe County Year 2010 Comprehensive Plan Policy 101.4.5 "to

1 provide for the establishment of commercial zoning districts where various types of
2 commercial retail and office may be permitted at intensities which are consistent
3 with the community character and the natural environment.” The Seafarer Resort
4 Motel and Dive Center is listed in Table 6 of the Key Largo Livable CommuniKeys
5 Plan (KLLCP) as a “Water Related and Water Dependent Commercial Uses”. The
6 Plan also states “water-dependent uses include marinas, commercial fishing, boat
7 launching facilities and beaches.” The proposed FLUM amendment to MC will
8 allow this parcel to be developed to the highest and best use according to both the
9 Monroe County Year 2010 Comprehensive Plan and the KLLCP.

10
11 Staff has determined the proposed map amendment is in accordance with MCC
12 Section 9.5-511(d)(5)b(i) Changed Projections.

13
14 ii. *Changed assumptions (e.g., regarding demographic trends);*

15
16 *Applicant:* During the community discussion phase of the formulation of the Key
17 Largo Livable CommuniKeys Plan (KLLCP), a future land use map designation of
18 Mixed Use (MU) was supported as conforming to the existing conditions of the
19 developed area. This support is reflected in the letter of understanding issued by
20 Monroe County dated August 23, 2006 attached to the application as an exhibit,
21 which included an interim future land use map product that indicated an overlay of
22 Mixed Use, not the Residential Low (RL), which as since been confirmed, again, by
23 Monroe County.

24
25 As stated in an initial Monroe County Planning Department Staff report dated July
26 10, 2000, the Livable CommuniKeys is the local planning initiative of the Monroe
27 County Planning Commission and the Planning and Environmental Resources
28 Department. Livable CommuniKeys will allow the Planning Department to refocus
29 efforts away from making incremental changes to the Future Land Use map...”
30 Apparently as a result of the community discussion phase, a list was compiled of
31 proposed changes to the FLUM – the Riptide property was included – and the list had
32 yet to be processed by Staff and the KLLCP and accompanying maps were approved
33 by the Board of County Commissioners, and forwarded to DCA.

34
35 *Staff:*

36 The Letter of Understanding and Letter of Development Rights Determination
37 documentation, dated August 23, 2006, were not included in the application packet.
38 The property is on the list of proposed amendments, but no action has been taken.

39
40 Staff has determined that according to the KLLCP, this property was to be considered
41 for a FLUM change. The proposed map amendment is in accordance with MCC
42 Section 9.5-511(d)(5)b(ii) Changed assumptions.

43
44 iii. *Data errors, including errors in mapping, vegetative types and natural features*
45 *described in Volume 1 of the Monroe County Year 2010 Comprehensive Plan;*
46

1 *Applicant:* A FLUM overlay of Residential Low provides no support for the existing
2 uses on property.

3
4 *Staff:* Staff has determined the proposed map amendment is not in accordance with
5 MCC Section 9.5-511(d)(5)b(iii) Changed errors.

6
7 iv. *New issues;*

8
9 *Staff:* None

10
11 v. *Recognition of a need for additional detail or comprehensiveness;*

12
13 *Applicant:* Policy 101.4.5 of the Monroe County 2010 Comprehensive Plan states
14 that the principle use of the Mixed Use / Commercial (MC) land use category is to
15 provide for the establishment of commercial zoning districts which are consistent
16 with the community character and natural environment. The draft KLLCP and
17 Objective 101.11 of the Comprehensive Plan also clearly support measures to direct
18 future growth away from environmentally sensitive land and towards established
19 developed areas served by existing public facilities. The subject property is scarified,
20 with 46 transient residential unit entitlements recognized by the Monroe County
21 Planning Department, served with curb cuts directly off the US Highway 1 and
22 surrounded by commercially developed properties.

23
24 Goal One of the Master Plan states that “Existing uses on parcels that were
25 previously down-zoned are generally non-conforming. It is appropriate to re-evaluate
26 these parcels and uses on a case-by-case basis and restore commercial status where
27 appropriate...the character of the entire “block” is reviewed and analyzed when
28 reviewing Land Use Map District change requests – the entire block must be
29 commercial developed to be considered for commercial rezoning,” Furthermore,
30 Goal Six of the Master Plan “Encourages the redevelopment and infill development
31 that supports and enhances the tourist based economy of the planning area” and when
32 Goal Six speaks to recognizing water-dependent and water-related commercial uses
33 as a source of economic sustainability – The Seafarer is listed as water – related /
34 economically enhanced.

35
36 *Staff:* As stated in Goal One of the KLLCP “due to some interim changes in the Land
37 Use District Map during adoption of the Comprehensive Plan, that map was reviewed
38 for consistency with the FLUM.” Requests were received for the county to
39 recommend changes in the land use districts using the criteria found in Goal One
40 including:

- 41 • Site must comply with minimum district requirements to rezone new
42 designation;
- 43 • The character of the entire block is reviewed and analyzed when reviewing
44 Land Use Map District changes. The entire block must be commercially
45 developed to be considered for a commercial rezoning.
- 46

1 The applicant is proposing a FLUM change from RL future land use designation to
2 MC future land use designation. The parcels surrounding the subject parcel have
3 FLUM designations of RH, RL and MC. This change will allow the parcel to better
4 conform to neighboring sites.

5
6 Staff has determined the proposed amendment is in accordance with MCC Section
7 9.5-511(d)(5)b(v) Recognition of a need for additional detail or comprehensiveness.
8

9
10 vi. *Data updates:*

11
12 *Staff:* None
13

14 Staff has determined the proposed FLUM amendment is consistent with the following
15 provisions and intent of Sec. 9.5-511(d)(5)b of the Monroe County Code, Land
16 Development Regulations: (i) Changed projections, (ii) Changed assumptions and
17 (vi) Recognition of a need for additional detail or comprehensiveness.
18

19 C. *Consistency with the Principles for Guiding Development in the Florida Keys Area of*
20 *Critical State Concern:*

- 21
22 (a) To establish a land use management system that protects the natural environment
23 of the Florida Keys.

24
25 Staff finds the proposed FLUM amendment consistent.
26

- 27 (b) To establish a land use management system that conserves and promotes the
28 community character of the Florida Keys.

29
30 Staff finds the proposed FLUM amendment consistent.
31

- 32 (c) To establish a land use management system that promotes orderly and balanced
33 growth in accordance with the capacity of available and planned public facilities
34 and services.

35
36 Staff finds the proposed FLUM amendment consistent.
37

- 38 (d) To provide for affordable housing in close proximity to places of employment in
39 the Florida Keys.

40
41 Unknown.
42

- 43 (e) To establish a land use management system that promotes and supports a diverse
44 and sound economic base.

45
46 Staff finds the proposed FLUM amendment consistent.

1
2 (f) To protect the constitutional rights of property owners to own, use, and dispose of
3 their real property.

4
5 Staff finds the proposed FLUM amendment consistent.

6
7 (g) To promote coordination and efficiency among governmental agencies with
8 permitting jurisdiction over land use activities in the Florida Keys.

9
10 Staff finds the proposed FLUM amendment consistent.

11
12 **D. Goals, Strategies and Action Items from the Key Largo Master Plan that directly pertain to**
13 **the proposed FLUM amendment:**

14
15 Goal One of the KLLCP states “To direct growth to lands that are most suitable for
16 development and encourage preservation of environmental sensitive lands.”

17
18 Goal One, Strategy 1.3 states “continue to utilize the Land Use District Map and
19 supporting FLUM to regulate land use type, density and intensity on individual parcels
20 within the planning area.”

21
22 *Action Item 1.3.1* states to “continue to use the FLUM and Land Use District
23 Maps to regulate development of individual parcels with respect to density,
24 intensity, bulk regulations, and all other land development regulation.”

25
26 Goal Seven of the KLLCP states “recognize water-dependent and water-related
27 commercial uses as an important source of economic sustainability within the planning
28 area.”

29
30 The KLLCP also maintains “Water-dependent uses include marinas, commercial fishing,
31 boat launching facilities and beaches (Table 6).” The Seafarer Resort and Dive Center is
32 listed in Table 6 of the KLLCP.

33
34 *Action Item 7.1.9* states “Water-related, water-dependent and commercial
35 businesses enhanced by their location on the water are of vital economic and
36 cultural importance to Key Largo and are to be protected and enhanced through
37 amendment of the Land Development Regulations including the development and
38 adoption of flexible design standards aimed at retaining traditional waterfront
39 businesses to promote function, water access and over-water views. Flexibility in
40 nonconforming uses/structure standards, setbacks, parking, buffers, landscaping
41 and other bulk regulations may be adopted to retain waterfront character and
42 function while providing for basic safety, stormwater handling, flood protection
43 and other concerns.”

44
45 Staff has determined the proposed map amendment is consistent with Goal One (1)
46 and Goal Seven (7) of the Key Largo Livable CommuniKeys Plan (KLLCP).

1
2 E. *Impact on Community Character:*
3

4 *Applicant:* "In no event shall an amendment be approved which will result in an adverse
5 community change of the planning area in which the proposed development is located."
6

7 The proposed FLUM change will not result in an adverse community change of the
8 planning area in which the proposed development is located; conversely, it will serve to
9 augment a cohesive overlay of the existing uses in the immediate area, and clearly is being
10 requested to achieve conformance with the goals and objectives of the Key Largo
11 Community Master Plan.
12

13 *Staff:* §9.5-511(a) of the Monroe County Code maintains that map amendments are not
14 intended to permit a change in community character, as analyzed in Monroe County Year
15 2010 Comprehensive Plan. Staff has determined the proposed FLUM designation of MC
16 will not change community character based on the following analysis.
17

18 (a) *Local Use Compatibility*

19 The adjacent subject parcels have FLUM designations of RH and MC. This
20 change will allow the parcel to better conform to the neighboring sites.
21

22 Staff has determined the proposed FLUM designation of MC is compatible with
23 the surrounding land uses.
24

25 (b) *Density and Intensity*

26 The subject property is 47,174 ft² in size.
27

28 Currently, the FLUM of RL support 0.25 – 0.50 market rate dwelling units per
29 acre, a maximum net density per buildable acre of five (5) dwelling units and has
30 a floor area ratio from 0.20 to 0.25.
31

32 The proposed FLUM amendment of MC supports up to six (6) dwelling units per
33 acre and a maximum net density of eighteen (18) dwelling units per buildable
34 acre with a commercial floor area ratio of 0.10 to 0.45 and up to fifteen (15)
35 rooms per acre and up to 25 rooms per buildable acre. This is consistent with the
36 surrounding community character.
37

38 (c) *Local Traffic and Parking*

39 Local roads are already in place and have been well maintained. Adverse impacts
40 on the existing road conditions are not expected to change if the FLUM
41 designation changes from Residential Low (RL) to Mixed use / Commercial
42 (MC).
43

44 (d) *Effects on Natural Resources*

45 Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall
46 direct future growth to lands which are intrinsically most suitable for development

1 and shall encourage conservation and protection of environmentally sensitive
2 lands. Future development would be required to comply with all Monroe County
3 Code, State and Federal environmental regulations.
4

5 The property is in between two developed lots. Because the subject property
6 consists of cleared developed lots, no additional clearing is anticipated for the
7 proposed development. Effects on natural resources are not anticipated.
8

9 (e) *Effects on Public Facilities*

10 Objective 101.11 of the Monroe County Year 2010 Comprehensive Plan requires
11 the County to direct future growth away from environmentally sensitive land and
12 towards established development areas served by existing public facilities. The
13 proposed FLUM amendment will not affect Objective 101.11 and will encourage
14 commercial development to remain on disturbed lands rather than encroaching on
15 environmentally sensitive area.
16

17 (f) *Traffic Circulation*

18 U.S. Highway No. 1 is required to maintain a level of service (LOS) of "C" in
19 order to support additional development. The 2007 U. S. 1 Arterial Travel Time
20 and Delay Study for Monroe County indicates a LOS of "A" from Ocean
21 Boulevard to Atlantic Boulevard (MM 91.5 to MM 99.5).
22

23 (g) *Solid Waste*

24 Monroe County has a solid waste haul out contract with Waste Management Inc.,
25 which authorizes the use of in-state facilities through September 20, 2016, thereby
26 providing the County with approximately ten (10) years of guaranteed capacity.
27 The proposed FLUM amendment may affect solid waste, but not significantly.
28

29 (h) *Potable Water*

30 In 2002, South Florida Water Management District approved an increase in
31 Florida Keys Aqueduct Authority's Water Use Permit. Monroe County's Public
32 Facilities Capacity Assessment Report indicates there are over 100 gallons of
33 water available per person per day. The 100 gallons per person per day standard
34 is commonly accepted as appropriate and is reflected in Policy 701.1.1 of the
35 Monroe County Year 2010 Comprehensive Plan. The proposed FLUM
36 amendment may affect potable water, but not significantly.
37

38 (i) *Stormwater*

39 The subject property, although in Tier III, is scarified and has been developed.
40 MCC Section 9.5-293 requires that all developments retain stormwater on site
41 following Best Management Practices (BMP's).
42

43 (j) *Effects on Redevelopment/Infill Potential:*

44 Objective 102.3.1 of the Monroe County Year 2010 Comprehensive Plan directs
45 the County to encourage infill development where existing lands are already
46 substantially developed, served by complete infrastructure facilities and within

1 close proximity to established commercial areas and have few sensitive or
2 significant environmental features.

3
4 The proposed FLUM amendment will not adversely affect Objective 102.3.1 and
5 will encourage infill development to remain on already existing developed land.
6

7 VI FINDINGS OF FACT

- 8 1. The subject parcel is already cleared and developed.
9
10 2. The subject parcel was given the FLUM designation of RL in 1997 when the FLUM
11 was adopted. The RL designation is consistent with the current land use district of
12 SR.
13
14 3. Parcels adjacent to the subject parcel have FLUM designations of RH and MC.
15
16 4. Changing the FLUM designation from RL to MC will not constitute a change in
17 community character.
18
19 5. Changing the FLUM designation to MC is compatible with the surrounding land uses.
20
21 6. The proposed FLUM designation to MC will not be affected by the working
22 waterfront IDO.
23

24
25 VII CONCLUSIONS OF LAW

- 26 1. Based on the above analysis and findings of fact, the proposed change from RH to
27 MC is consistent with the Monroe County Year 2010 Comprehensive Plan, the
28 Principles for Guiding Development, the current Monroe County Code and the
29 KLLCP.
30

31
32 VIII RECOMMENDATION

33 Staff recommends approval.
34
35