

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: May 23, 2008 Division: Growth Management

Bulk Item: Yes No 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 the EL EL SI, LLC proposing an ordinance to amend the subject property's Future Land Use Map (FLUM) designation from Residential High (RH) 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 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 EL EL SI, LLC TO AMEND THE FUTURE LAND USE MAP (FLUM) DESIGNATION FROM RESIDENTIAL HIGH (RH) TO MIXED USE / COMMERCIAL (MC) FOR PROPERTY LEGALLY DESCRIBED AS ISLAND OF KEY LARGO PB1-59 PT LOTS 9 & 10 & .71 AC BAY BTM, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00091090.000000.

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

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Mario Di Gennaro
Date: 5-13-08

BOCC ORDINANCE

ORDINANCE NO. -2008

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST BY EL EL SI LLC TO AMEND THE FUTURE LAND USE MAP (FLUM) DESIGNATION FROM RESIDENTIAL HIGH (RH) TO MIXED USE / COMMERCIAL (MC) FOR PROPERTY LEGALLY DESCRIBED AS ISLAND OF KEY LARGO PB1-59 PT LOTS 9 & 10 & .71 AC BAY BTM, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00091090.000000.

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 / Hershoff, Lupino & Yagel, on behalf of EL EL SI, LLC, to amend the subject property's Future Land Use Map (FLUM) designation from Residential High (RH) 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 97680 Overseas Highway, Key Largo, approximate Mile Marker 97.6, and is legally described as ISLAND OF KEY LARGO PB1-59 PT LOTS 9 & 10 & .71 AC BAY BTM, Monroe County, Florida, having Real Estate Number 00091090.000000; 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 00091090.000000, be amended from Residential High (RH) to Mixed Use / Commercial (MC); and

WHEREAS, preceding the application being heard by the Development Review Committee on May 5, 2008, in an email to the Planning & Environmental Resources Department, received April 14, 2008, the Applicant followed Staffs' recommendation to change the application's future land use map designation from Residential Low to Residential High due to placement errors on the GIS software.

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 101.4.4: The principal purpose of the Residential High category is to provide for high density single-family, multi-family, and institutional

residential development, including mobile homes and manufactured housing, located near employment centers.

- 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 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 (iii) Data errors and (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 property, which is currently designated Residential High (RH) shall be designated Mixed Use / Commercial (MC) as shown on the attached maps, which are hereby incorporated by reference and attached as Exhibits 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

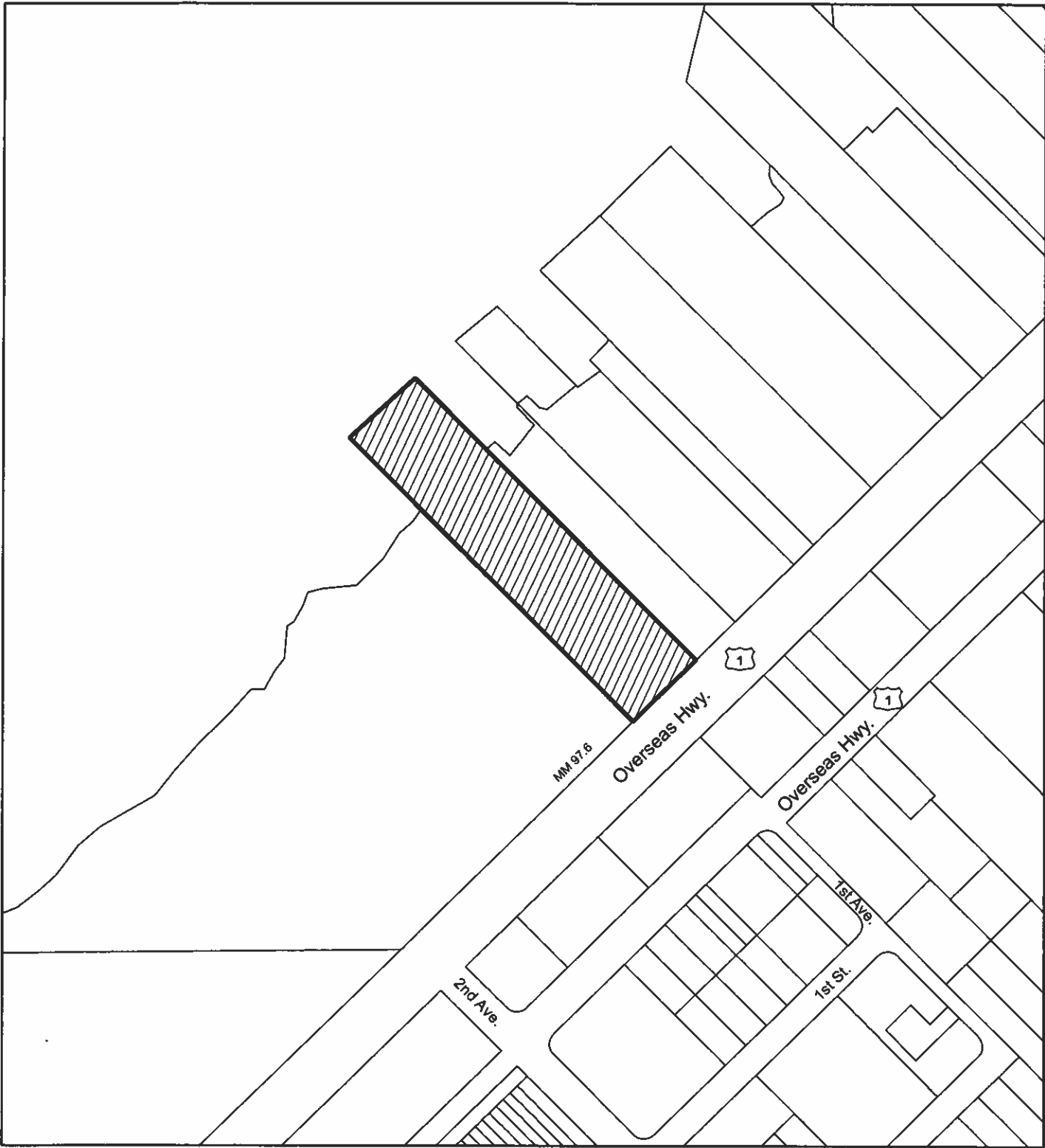
(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
DM Grawley
Date: 5-12-08

DEPUTY CLERK

Exhibit 1 to Ordinance# -2008



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

RE 00091090-000000 - Change Future Land Use Map Designation from Residential High (RH) to Mixed Use/Commercial (MC).



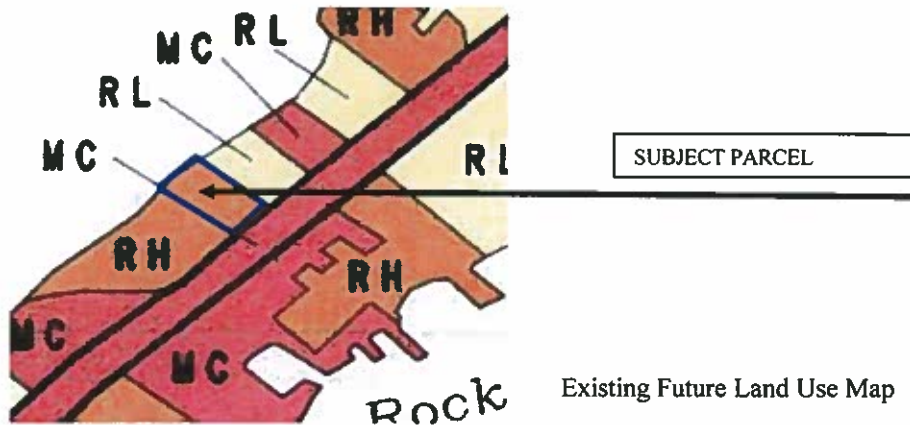


MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT
We strive to be caring, professional and fair

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 Amendments to the Future Land Use Map for El El SI, LLC, Key Largo, Mile Marker 97.6, Real Estate Number 00091090.000000*
Meeting Date: May 23, 2008

I REQUEST

A request by the Craig Company on behalf of EL EL SI, LLC, to amend the Future Land Use Map (FLUM) designation from Residential High (RH) to Mixed Use / Commercial (MC).



- A. Address: 97680 Overseas Highway, Key Largo, Mile Marker 97.6
- B. Legal Description: PB 1-59 PT Lots 9 & 10 & .71 Acres Bay Bottom, Key Largo
- C. Real Estate Number(s): 00091090.000000
- D. Applicant/Petitioner: Craig Company
- E. Property Owner: EL EL SI, LLC

1 **NOTES:** Applicant initially submitted application with a future land use map designation of
2 Residential Low (RL). Staff has analyzed the GIS maps and has confirmed real estate
3 number 00091090.000000 has a future land use map designation of Residential High (RH),
4 not Residential Low (RL). The GIS maps were not approved by the Board of County
5 Commissioners. Staff has determined the future land use map designation of Residential Low
6 (RL) was placed on the map at a scale of 1:24,000 and caused the subject property to be
7 improperly labeled. As such, Staff has determined the future land use map designation of
8 Residential High (RH) is the appropriate designation and shall be used in this report
9 accordingly.

10
11 The current property owners of the subject parcels have expressed interest in redeveloping
12 their properties and have submitted a Letter of Understanding and Letter of Development
13 Rights Determination, dated August 23, 2006 from the Monroe County Planning and
14 Environmental Resources Department. Staff cannot comment on any proposed
15 redevelopment plans as part of this or any map amendment application.

16 17 II PROCESS

18
19 Amendments may be proposed by the Board of County Commissioners (BOCC), the
20 Planning Commission, the Director of Planning, or the owner or other person having a
21 contractual interest in property to be affected by a proposed amendment. The Director of
22 Planning shall review and process map amendment applications as they are received and pass
23 them on to the Development Review Committee and the Planning Commission for
24 recommendation and final approval by the BOCC.

25
26 The Planning Commission and the BOCC shall each hold at least one public hearing on a
27 proposed amendment. The Planning Commission shall review the application, the reports
28 and recommendations of the Department of Planning & Environmental Resources and the
29 Development Review Committee, and the testimony given at the public hearing, and shall
30 submit its recommendations and findings to the BOCC. The BOCC shall consider the report
31 and recommendation of and the testimony given at the public hearings and may either deny
32 the application or adopt a resolution upon transmitting the proposed amendment to the DCA.
33 Ordinances are then reviewed by the Florida Department of Community Affairs and returned
34 to the County with objections, rejections and comments to be considered prior to adoption of
35 the ordinance. Then, an adoption hearing is scheduled for the BOCC.

36 37 III RELEVANT PRIOR COUNTY ACTIONS

38
39 This property is not platted. The property was given the Future Land Use Map (FLUM)
40 designation of Residential High (RH) in 1997 when the FLUM was adopted.

41 42 IV BACKGROUND INFORMATION

43 44 A. Size of Site:

45 Upland: 82,764 Ft² (1.9 acres)

- 1 Bay Bottom: 30,928 Ft² (.71 acres)
2 B. Tier Designation: Tier III
3 C. Flood Zone: X, AE & VE
4 D. Existing Use: Developed (Riptide, RV Park and Marina)
5 E. Existing Vegetation / Habitat: Cleared
6 F. Community Character of Immediate Vicinity: Mixed Use: Residential and
7 Commercial Retail
8

9 V REVIEW OF APPLICATION

10
11 A. *Consistency of the proposed amendment with the provisions and intent of the Monroe*
12 *County Year 2010 Comprehensive Plan:*

13
14 Goals, Objectives and Policies from the Monroe County Year 2010 Comprehensive Plan
15 that directly pertain to the proposed amendments include:
16

17 • 3.1: Future Land Use

18
19 Goal 101: Monroe County shall manage future growth to enhance the quality of life,
20 ensure the safety of County residents and visitors, and protect valuable natural
21 resources.
22

23 Objective 101.4: Monroe County shall regulate future development and
24 redevelopment to maintain the character of the community and protect the natural
25 resources by providing for the compatible distribution of land uses consistent with the
26 designations shown on the Future Land Use Map.
27

28 Policy 101.4.4: The principal purpose of the Residential High category is to provide
29 for high density single-family, multi-family, and institutional residential
30 development, including mobile homes and manufactured housing, located near
31 employment centers. In addition, Monroe County shall adopt Land Development
32 Regulations which allow nonresidential uses that were listed as a permitted use in the
33 Land Development Regulations that were in effect immediately prior to the institution
34 of the 2010 Comprehensive Plan, and that lawfully existed on such lands on January
35 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that
36 the use is limited in intensity, floor area, density and to the type of use that existed on
37 January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is more
38 restricted.
39

40 Policy 101.4.5: The principal purpose of the Mixed Use / Commercial land use
41 category is to provide for the establishment of commercial zoning districts where
42 various types of commercial retail and office may be permitted at intensities which
43 are consistent with the community character and the natural environment. Employee
44 housing and commercial apartments are also permitted.
45

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

3
4 B. *Consistency of the proposed amendment with the provisions and intent of Chapter 9.5 of*
5 *the Monroe County Code, Land Development Regulations:*

6
7 In accordance with MCC Sec. 9.5-511(d)(5)b., the BOCC has used criteria specified
8 therein for the adoption of an ordinance enacting the proposed change based on one (1) or
9 more of the following factors:

10
11 i. *Changed projections (e.g., regarding public service needs) from those on which the*
12 *text or boundary was based;*

13
14 *Applicant:* In the 1988 Mobile Home and Recreational Vehicle study compiled by
15 Monroe County, Riptide was listed as supporting 30 RV's, and 2 mobile homes. A
16 subsequently study conducted by Monroe County in 1992, no longer listed Riptide
17 as a mobile home park.

18
19 The historical use of the property has never met the true intent of the URM zoning
20 designation.

21
22 *Staff:* The primary purpose of the Mixed Use / Commercial (MC) designation is
23 stated in the Monroe County Year 2010 Comprehensive Plan Policy 101.4.5 "to
24 provide for the establishment of commercial zoning districts where various types of
25 commercial retail and office may be permitted at intensities which are consistent
26 with the community character and the natural environment." The Riptide RV Park
27 & Marina is listed in Table 7 of the Key Largo Livable CommuniKeys Plan
28 (KLLCP) as a 'Water Related / Economically Enhanced by Location on the Water".
29 The Plan also states "hotels and restaurants that are located on the water while not
30 water dependent or related as in the traditional definition are economically enhanced
31 by the location on the water." The proposed FLUM amendment to MC will allow
32 this parcel to be developed to the highest and best use according to both the Monroe
33 County Year 2010 Comprehensive Plan and the KLLCP.

34
35 Staff has determined that the proposed map amendment is in accordance with MCC
36 Section 9.5-511(d)(5)b(i) Changed projections.

37
38 ii. *Changed assumptions (e.g., regarding demographic trends);*

39
40 *Applicant:* During the community discussion phase of the formulation of the
41 KLLCP, the future land use map designation of Mixed Use (MU) was supported as
42 conforming to the existing conditions of the developed area. This support is
43 reflected in the letter of understanding issued by Monroe County dated August 23,
44 2006 attached to the application as an exhibit, which included an interim future land

1 use map product that indicated an overlay of Mixed Use, not the RL, which as since
2 been confirmed, again, by Monroe County.
3

4 Policy 101.4.2 of the 2010 Comprehensive Plan states “The principal purpose of the
5 Residential Low land use category is to provide for low-density residential
6 development in partially developed areas with substantial native vegetation. Low
7 intensity public and low intensity institutional uses are also allowed.”
8

9 As stated in an initial Monroe County Planning Department Staff report dated July
10 10, 2000, the Livable CommuniKeys is the local planning initiative of the Monroe
11 County Planning Commission and the Planning and Environmental Resources
12 Department. Liveable CommuniKeys will allow the Planning Department to
13 refocus efforts away from making incremental changes to the Future Land Use
14 map...” Apparently as a result of the community discussion phase, a list was
15 compiled of proposed changes to the FLUM – the Riptide property was included –
16 and the list had yet to be processed by Staff and the KLLCP and accompanying
17 maps were approved by the Board of County Commissioners, and forwarded to
18 DCA.
19

20 *Staff:* The Letter of Understanding and Letter of Development Rights
21 Determination letter dated August 23, 2006 from the Planning and Environmental
22 Resources Department states on Page Two (2) of Seven (7), #4: ”The FLUM will
23 remain MC.” This was an item to be discussed and an assumption made in 2006,
24 however the FLUM was not changed and is still RH. The property is on the list of
25 proposed amendments, but no action has been taken.
26

27 Staff has determined that according to the KLLCP, this property was to be
28 considered for a FLUM change. The proposed map amendment is in accordance
29 with MCC Section 9.5-511(d)(5)b(ii) Changed assumptions.
30

- 31 iii. *Data errors, including errors in mapping, vegetative types and natural features*
32 *described in Volume 1 of the Monroe County Year 2010 Comprehensive Plan;*
33

34 *Applicant:* A FLUM overlay of Residential Low does not provide support for or
35 recognition of the existing uses on property.
36

37 *Staff:* Applicant submitted application with a future land use map designation of
38 Residential Low (RL). Staff has analyzed the GIS maps and has confirmed real estate
39 number 00091090.000000 has a future land use map designation of Residential High
40 (RH), not Residential Low (RL). The GIS maps were not approved by the Board of
41 County Commissioners. Staff has determined the future land use map designation of
42 Residential Low (RL) was placed on the map at a scale of 1:24,000 and caused the
43 subject property to be improperly labeled. As such, Staff has determined the future
44 land use map designation of Residential High (RH) is the appropriate designation and
45 shall be used in this report accordingly.

1
2 Staff has determined that the proposed map amendment is in accordance with MCC
3 Section 9.5-511(d)(5)b(iii) Data errors.
4

5 iv. *New issues:*

6
7 *Staff:* None
8

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

10
11 *Applicant:* Policy 101.4.5 of the Monroe County 2010 Comprehensive Plan states
12 that the principle use of the Mixed Use / Commercial (MC) land use category is to
13 provide for the establishment of commercial zoning districts which are consistent
14 with the community character and natural environment. The draft KLLCP and
15 Objective 101.11 of the Comprehensive Plan also clearly support measures to direct
16 future growth away from environmentally sensitive land and towards established
17 developed areas served by existing public facilities. The subject property is
18 scarified, with 46 transient residential unit entitlements recognized by the Monroe
19 County Planning Department, served with curb cuts directly off the US Highway 1,
20 and surrounded by commercially developed properties.
21

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

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

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

1 The applicant is proposing a FLUM change from RH future land use designation to
2 MC future land use designation. Parcels surrounding the subject parcel have FLUM
3 designations of RH, RL and MC. This change will allow the parcel to better conform
4 to the neighboring sites.
5

6 Staff has determined that the proposed map amendment is in accordance with MCC
7 Section 9.5-511(d)(5)b(v) Recognition of a need for additional detail or
8 comprehensiveness.
9

10 vi. *Data updates:*

11 *Staff:* None
12
13

14 Staff has determined that the proposed FLUM amendment is consistent with the
15 following 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, (iii) Data
17 errors and (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

1 Staff finds the proposed FLUM amendment consistent.

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

5
6 Staff finds the proposed FLUM amendment consistent.

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

10
11 Staff finds the proposed FLUM amendment consistent.

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

15
16 Goals and Action Items from the KLLCP that directly pertain to the proposed map
17 amendment include:

18
19 Goal One of the Key Largo Livable CommuniKeys Plan states “To direct growth
20 to lands that are most suitable for development and encourage preservation of
21 environmental sensitive lands.”

22
23 Goal One, Strategy 1.3 states “continue to utilize the Land Use District Map and
24 supporting FLUM to regulate land use type, density and intensity on individual
25 parcels within the planning area.”

26
27 *Action Item 1.3.1* states to “continue to use the FLUM and Land Use
28 District Maps to regulate development of individual parcels with respect to
29 density, intensity, bulk regulations, and all other land development
30 regulation.”

31
32 Goal Seven of the KLLCP states “recognize water-dependent and water-related
33 commercial uses as an important source of economic sustainability within the
34 planning area”.

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

1 function while providing for basic safety, stormwater handling, flood
2 protection and other concerns.”

3
4 Staff has determined that the proposed map amendment is consistent with Goal One
5 (1) and Goal Seven (7) of the Key Largo Livable CommuniKeys Plan (KLLCP).
6

7 **E. Impact on Community Character:**

8
9 *Applicant:* “In no event shall an amendment be approved which will result in an adverse
10 community change of the planning area in which the proposed development is located.”
11

12 The proposed map amendment and FLUM change will not result in an adverse
13 community change of the planning area in which the proposed development is located;
14 conversely, it will serve to augment a cohesive overlay of the existing uses in the
15 immediate area, and clearly is being requested to achieve conformance with the goals and
16 objectives of the Key Largo Community Master Plan.
17

18 *Staff:* MCC Section 9.5-511 maintains the proposed FLUM amendment may not permit
19 an adverse change in community character. Staff has determined the proposed FLUM
20 designation of MC will not adversely change community character based on the
21 following analysis.
22

23 **(a) Local Use Compatibility**

24 Parcels surrounding the subject parcel have FLUM designations of RL, RH and
25 MC. This change will allow the parcel to better conform to the neighboring sites.
26

27 Staff has determined the proposed FLUM designation of MC is compatible with
28 the surrounding land uses.
29

30 **(b) Density and Intensity**

31 The subject property is 82,764 ft² (1.9 acres) with 30,928 Ft² (.71 acres) of bay
32 bottom.
33

34 Currently, the FLUM of RH supports one (1) market rate or affordable housing
35 dwelling unit per lot.
36

37 The proposed FLUM amendment of MC supports up to six (6) dwelling units per
38 acre and a maximum net density of eighteen (18) dwelling units per acre with a
39 commercial floor area ratio of 0.10 to 0.45 and up to fifteen (15) rooms per acre
40 and up to 25 rooms per buildable acre. This is consistent with the surrounding
41 community character.
42

43 **(c) Local Traffic and Parking**

44 Local roads are already in place and have been well maintained. Adverse impacts
45 on the existing road conditions are not expected to change if the FLUM

1 designation changes from Residential High (RH) to Mixed Use / Commercial
2 (MC).

3
4 (d) *Effects on Natural Resources*

5 Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall
6 direct future growth to lands which are intrinsically most suitable for development
7 and shall encourage conservation and protection of environmentally sensitive
8 lands. Future development would be required to comply with all Monroe County
9 Code, State and Federal environmental regulations.

10
11 The property is in between two developed lots. Because the subject property
12 consists of cleared developed lots, no additional clearing is anticipated for the
13 proposed development. Effects on natural resources are not anticipated.

14
15 (e) *Effects on Public Facilities*

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

22
23 (f) *Traffic Circulation*

24 U.S. Highway No. 1 is required to maintain a level of service (LOS) of "C" in
25 order to support additional development. The 2007 U. S. 1 Arterial Travel Time
26 and Delay Study for Monroe County indicates a LOS of "A" from Ocean
27 Boulevard to Atlantic Boulevard (MM 91.5 to MM 99.5). The proposed FLUM
28 amendment may affect traffic circulation, but not significantly.

29
30 (g) *Solid Waste*

31 Monroe County has a solid waste haul out contract with Waste Management LLC,
32 which authorizes the use of in-state facilities through September 20, 2016, thereby
33 providing the County with approximately ten (10) years of guaranteed capacity.
34 The FLUM amendment may affect solid waste, but not significantly.

35
36 (h) *Potable Water*

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

44
45 (i) *Stormwater*

1 The subject property, located in Tier III is scarified and developed. MCC Section
2 9.5-293 requires that all developments retain stormwater on site following Best
3 Management Practices (BMP's).
4

5 (j) *Effects on Redevelopment/Infill Potential:*
6 Objective 102.3.1 of the Monroe County Year 2010 Comprehensive Plan directs
7 the County to encourage infill development where existing lands are already
8 substantially developed, served by complete infrastructure facilities and within
9 close proximity to established commercial areas and have few sensitive or
10 significant environmental features.
11

12 The proposed FLUM amendment will not adversely affect Objective 102.3.1 and
13 will encourage infill development to remain on already existing developed land.
14

15 VI FINDINGS OF FACT

- 16 1. The subject parcel is already cleared and developed.
- 17 18
- 19 2. The subject parcel was given the FLUM designation of RH in 1997 when the FLUM was
20 adopted. The RH designation is consistent with the current land use district of URM.
21
- 22 3. Parcels surrounding the subject parcel have FLUM designations of RH and MC.
23
- 24 4. Changing the FLUM designation from RH to will not constitute a change in community
25 character.
26
- 27 5. The proposed FLUM designation to MC is compatible with the surrounding land uses.
28
- 29 6. The proposed FLUM designation to MC will not be affected by the working waterfront
30 IDO.
31
32

33 VII CONCLUSIONS OF LAW

- 34 1. Based on the above analysis and findings of fact, the proposed change from RH to MC
35 is consistent with the Monroe County Year 2010 Comprehensive Plan, the Principles for
36 Guiding Development, the current Monroe County Code and the KLLCP.
37
38

39 VIII RECOMMENDATION

40
41 Staff recommends approval.
42