



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

Through: Emily Schemper, AICP, CFM, Senior Director of Planning & Environmental Resources

From: Brad Stein, AICP, Planning and Development Review Manager
Michael Roberts; CEP, PWS, Assistant Director/Environmental Resources

Date: May 10, 2022

Subject: *A REQUEST FOR A MAJOR CONDITIONAL USE PERMIT BY SH MARINAS 6000, LLC. AS IT RELATES TO THE REDEVELOPMENT OF A RESORT AND MARINA WITH ONE HUNDRED AND SEVEN (107) ATTACHED RESIDENTIAL DWELLING UNITS TO BE UTILIZED AS VACATION RENTALS, UP TO FORTY-ONE (41) TRANSIENT HOTEL ROOM UNITS, THREE (3) AFFORDABLE DWELLING UNITS AND ACCESSORY STRUCTURES/USES THERETO, ON THE PROPERTY. THE SUBJECT PROPERTY IS DESCRIBED AS A PARCEL OF LAND IN SECTIONS 36, TOWNSHIP 67 SOUTH, RANGE 25 EAST, STOCK ISLAND, MONROE COUNTY, FLORIDA, HAVING PARCEL ID NUMBER 00127480-000000 (FILE # 2021-195)*

Meeting: May 25, 2022

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I REQUEST:

The requested Major Conditional Use Permit involves the partial redevelopment of the Stock Island Harbor Yacht Club (SIHYC) formerly known as the Key West Harbor Yacht Club. The proposed development will include up to one hundred and seven (107) attached residential dwelling units to be utilized as vacation rentals, up to forty-one (41) transient hotel dwelling units and three (3) affordable dwelling units at 6000 Peninsular Ave, Stock Island, Florida.



Subject Property (Aerial dated 2018)

1 II BACKGROUND INFORMATION:

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3 **Address:** 6000 Peninsular Avenue, Stock Island, mile marker 5.5 (Oceanside of US 1)

4 **Property Description:** The subject property is described as a parcel of land in Section 36,
5 Township 67 East, Range 25 South, Stock Island, Monroe County, Florida

6 **Parcel ID Number:** 00127480-000000

7 **Property Owner/Applicant:** SH Marinas 6000, LLC

8 **Agent:** Bart Smith

9 **Size of Site:** 13.14 acres of upland and 18.9 acres of submerged land.

10 **Land Use District:** Destination resort (DR)

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

12 **Tier Designation:** III Infill Area

13 **Existing Use:** Marina, light industrial, commercial retail, residential and boat storage

14 **Existing Vegetation / Habitat:** Predominately developed and scarified, with mangrove fringe
15 along water on outer perimeter shorelines

16 **Community Character of Immediate Vicinity:** The property is surrounded with a mix of
17 uses including marina, commercial retail, commercial fishing, industrial use and residential
18 dwellings

19 **Flood Zone:** AE 9 and AE 10

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21 III RELEVANT PRIOR COUNTY ACTIONS:

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23 On December 1, 2006, the Planning & Environmental Resources Department issued a Letter
24 of Development Rights Determination (LDRD) providing the amount of lawfully-established
25 nonresidential floor area and dwelling units on the subject property. (Planning Department
26 File #26112)

Lawfully-Established Non-residential Floor Area:

<i>Building</i>	<i>RE Number</i>	<i>Existing Floor Area</i>	<i>Exempt Floor Area</i>
Two-Story CBS Building	00127470.000000	3,000 ft ²	3,000 ft ²
Attached Metal Buildings	00127480.000000	5,303 ft ²	5,303 ft ²
One-Story CBS Shed	00127480.000000	1,023 ft ²	1,023 ft ²
CBS Fish House	00127480.000000	4,813 ft ²	4,813 ft ²
Utility Shed	00127480.000000	240 ft ²	240 ft ²
Utility Shed	00127480.000000	240 ft ²	240 ft ²
Utility Shed	00127480.000000	216 ft ²	216 ft ²
Utility Shed	00127480.000000	336 ft ²	336 ft ²
Utility Shed	00127480.000000	200 ft ²	200 ft ²
Canopy	00127480.000000	966 ft ² (footprint)	0 ft ² *
Canopy	00127480.000000	2,809 ft ² (footprint)	0 ft ² *
total		19,146 ft²	15,371 ft²

* Pursuant to Administrative Interpretation No. 03-123 and MCC Sec. 9.5-124.2(d), canopies permitted before the adoption of NROGO may not be enclosed or converted to nonresidential floor area without a NROGO allocation. The 966 ft² and 2,809 ft² canopies may be replaced by new canopies, but not enclosed or converted to nonresidential floor area without a NROGO allocation.

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Lawfully-Established Residential Dwelling Units:

<i>Building</i>	<i>RE Number</i>	<i>Existing Dwelling Units</i>	<i>Exempt Dwelling Units</i>
Two-Story CBS Residence	00127470.000100	2 units	2 units
One-Story CBS Residence	00127470.000100	1 unit	1 unit
Mobile Home	00127480.000000	1 unit	1 unit
Mobile Home	00127480.000000	1 unit	1 unit
total		5 units	5 units
Live-Aboard Vessels	n/a	n/a	50 vessels*
total		n/a	50 vessels

* Live-aboard vessels are considered as dwelling units for density purposes. A live-aboard vessel may be deemed permanent or transient, depending on the nature of how the live-aboard vessel's wet slip has been lawfully used. However, a live-aboard vessel may only be replaced by another live-aboard vessel and thereby cannot be transferred upland.

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In 2007, Key West Marina Investments received approval for an amendment to the property's major conditional use permit in order to redevelop the existing marina. The approval was memorialized in Planning Commission in Resolution #P11-07, recorded in the official records of Monroe County on May 25, 2007. (Planning Department File #26093)

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In addition, in 2007, Key West Marina Investments concurrently received approval for a variance to the off-street parking requirements in order to carry out the scope of work for the major conditional use permit. The approval was memorialized in Planning Commission Resolution #P10-07. (Planning Department File #27009)

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On September 13, 2007, a minor deviation to the major conditional use permit was approved revising the architectural details and expanding the footprint of the ship store approved under Resolution #P11-07. The deviation increased the total nonresidential floor area of the ship store

1 by 1,809 SF to a total floor area of 3,051 SF. The ship store was completed under Building
2 Permit #071-1987 and received its Certificate of Occupancy on June 20, 2008.

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4 On April 21, 2008, a minor deviation to the major conditional use permit was approved revising
5 the site plan to install a swimming pool between the attached market rate dwelling units and
6 the clubhouse building. This swimming pool was completed under Building Permit #081-1336.

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8 On September 15, 2008, a minor deviation to the major conditional use permit was approved
9 revising the site plan to include a private 400 SF tiki hut/bar, a 355 SF bathroom facility
10 building, and associated improvements at the end of the jetty in the southern portion of the
11 parcel. The tiki bar and bathroom facilities were permitted under Building Permit #081-2671.
12 (Planning Department File #28078)

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14 On December 29, 2008, a minor deviation to the major conditional use was approved revising
15 the site plan to include 3,000 SF of automobile storage in an area previously approved for two
16 tiki structures under Resolution #P11-07 which were permitted but never built (Building
17 Permit #071-2103); and a pergola connecting the approved clubhouse building to the attached
18 market rate dwelling units, which would serve as a covered walkway on the ground level and
19 a 580 SF covered balcony outdoor seating area for the clubhouse on the second level. A
20 building permit associated with the pergola was applied for, Building Permit Application #081-
21 3730, but it was never issued (void) and the pergola was never constructed. It is unknown if
22 the 3,000 SF area approved for automobile storage continues to be used as such at this time.
23 (Planning Department File #28096)

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25 On April 30, 2014, the Planning Commission considered a proposed major conditional use
26 application to develop a new hotel building consisting of 74 transient residential units, a
27 rooftop pool, 2,500 square feet of hotel office space, 2,000 square feet of conference/meeting
28 space, a 50-seat rooftop poolside bar and modification to the clubhouse building. The Planning
29 Commission voted to approve the conditional use permit, with conditions that needed to be
30 addressed before the approval resolution was signed; however, the applicant at the time failed
31 to comply with the conditions imposed. Therefore, no development order or Planning
32 Commission resolution was issued.

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34 On February 16, 2022 the BOCC adopted the Land Use District (LUD) Amendment from
35 Mixed Use (MU) to Destination Resort (DR), Ordinance 003-2022 becoming effective March
36 30, 2022.

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38 On February 16, 2022 the BOCC voted to approve a Development Agreement between SH
39 Marinas 6000, LLC and Monroe County. **As of the date of this staff report, the development
40 agreement is not yet effective and is pending its appeal period and review by The Florida
41 Department of Economic Opportunity, as required by Chapter 380, Florida Statutes.**

42 43 IV REVIEW OF APPLICATION:

44 Section 110-67 of the Monroe County Land Development Code (LDC) provides the standards
45 which are applicable to all conditional uses. When considering applications for a conditional
46 use permit, the Planning Director and the Planning Commission shall consider the extent to
47 which:
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(a) *The conditional use is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan and this Land Development Code: **In compliance***

Policies from the *Monroe County Year 2030 Comprehensive Plan* that directly pertain to the proposed use include but are not limited to:

Policy 101.5.6

The principal purpose of the Mixed Use/Commercial (MC) future land use category is to provide for the establishment of mixed use commercial land use (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. In addition, Mixed Use/Commercial land use districts are to establish and conserve areas of mixed uses, which may include maritime industry, light industrial uses, commercial fishing, transient and permanent residential, institutional, public, and commercial retail uses.

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

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

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

...

Policy 101.5.25

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

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

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

	(RV) (h) 5—15 rooms/spaces	10—25 rooms/spaces	0.30—0.60 (MI)	

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2 **Objective 217.1**

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

8 **Policy 217.1.1**

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

- 11 1. Exemptions from the requirements of the Permit Allocation System for
12 new nonresidential development, pursuant to Policy 101.4.5;
- 13 2. Providing for the preservation of recreational and commercial working
14 waterfront uses within the Mixed Use Commercial and Mixed Use
15 Commercial Fishing Future Land Use categories, pursuant to Policy
16 101.5.6 and Policy 101.5.7;
- 17 3. Maintaining land development regulations to allow lawfully established
18 water-dependent and water-related commercial uses which are identified
19 as a source of economic sustainability within a Livable CommuniKeys
20 Plan to be rebuilt, even if 100% destroyed, providing they meet the
21 replacement criteria established in the adopted LCP, are rebuilt to the
22 preexisting use, and are registered and recognized by the Planning &
23 Environmental Resources Department as lawful nonconforming uses and
24 structures; and
- 25 4. Implementation of marina siting criteria for new marinas. [F.S. §
26 163.3178(2)(g)]
27

28 **Policy 101.4.5**

29 The NROGO allocation system shall not apply to the following nonresidential
30 developments:

31 ...

- 32 12. Recreational and commercial working waterfront uses, as defined by §
33 342.07, F.S., excluding transient uses. These exemptions shall not be
34 available on lands designated as Tier I or, if clearing is proposed,
35 designated as Tier III-A (SPA).
36

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

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40 The proposed resort and marina use is consistent with the surrounding community
41 character. The project is bordered to the west by Oceans Edge Resort and Marina, to the
42 north by a marina and commercial fishing uses, the area to the east is a channel between
43 Stock Island and Boca Chica Key and to the south is the Atlantic Ocean.
44

1 (c) *The design of the proposed development minimizes adverse effects, including visual*
2 *impacts, of the proposed use on adjacent properties: **In compliance***

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4 The elevated multifamily dwelling and transient units do not create adverse effects or a
5 visual impact to adjacent property owners.
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7 (d) *The proposed use will have an adverse impact on the value of surrounding properties: **In***
8 ***compliance***

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10 Staff has no evidence to support or disprove that the proposed development will have an
11 adverse impact on the value of the surrounding properties.
12

13 (e) *The adequacy of public facilities and services, including, but not limited to: **Preliminary***
14 ***Concurrency review in compliance. Final Concurrency Review and compliance to be***
15 ***determined at time of building permit(s)***

16
17 1. *Transportation/Roadways:*

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19 A Level 3 traffic study was provided by the applicant. According to the study, the
20 existing approved development on the site generates approximately 1,262 daily trips.
21 The proposed redevelopment of the property will generate a total of 1,249 daily trips.
22 Therefore the proposed redevelopment will result in a reduction of 13 daily trips on the
23 site. Segment 1 currently has sufficient reserve capacity and with this proposed
24 reduction of trips will continue operating at a LOS of C or better.
25

26 It should be pointed out that it was requested by staff to show what the amount of trips
27 generated would be if the permanent market rate dwelling units used as vacation rental
28 units were used as long term rentals or owner occupied. Which they would be permitted
29 to do with the permanent market rate dwelling units. The difference in trips would be
30 an increase of 272 daily trips or a gross total daily trips or a total count of 1,521.
31

32 **It is recommended that a condition be included that if the change from transient to long**
33 **term rentals does transpire that if the reserve capacity is not available then mitigation**
34 **would be required at the time of the change from short term rentals to long term rentals**
35 **or owner occupied.**

36
37 2. *Solid Waste:* A letter from Monroe County Solid Waste Management dated September
38 15, 2021 was provided and indicates no issue.
39

40 3. *Potable Water:* A letter of coordination with Florida Keys Aqueduct Authority dated
41 September 13, 2021 was submitted with the application.
42

43 4. *Sanitary Sewer:* The development is required to connect to wastewater.
44

45 5. *Drainage/Stormwater: **In compliance***

46
47 See surface water management comments under paragraph (i)11. below.
48

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

3
4 7. *Recreation and Open Space:* According to the latest County Public Facilities Capacity
5 Report, the LOS requirements for recreation and open space is adequate for the Lower
6 Keys.

7
8 (f) *The applicant for conditional use approval has the financial and technical capacity to*
9 *complete the development as proposed and has made adequate legal provision to*
10 *guarantee the provision and development of any improvements associated with the*
11 *proposed development: **In compliance***

12
13 Staff has no evidence to support or disprove the applicant’s financial and technical
14 capacity.

15
16 (g) *The development will adversely affect a known archaeological, historical, or cultural*
17 *resource: **In compliance***

18
19 The proposed redevelopment will not adversely affect a known archaeological, historical,
20 or cultural resource.

21
22 (h) *Public access to public beaches and other waterfront areas is preserved as part of the*
23 *proposed development: **In compliance***

24
25 Public access to public beaches and other waterfront areas are not affected by this project.

26
27 (i) *The proposed use complies with all additional standards imposed on it by the particular*
28 *provision of this Land Development Code authorizing such use and by all other applicable*
29 *requirements:*

30
31 1. Residential Rate of Growth Ordinance (ROGO) (LDC Chapter 138, Article II): ***In***
32 ***compliance, subject to approval of the required Major CUP, Transfer of ROGO***
33 ***Exemptions, Transfer of Developments Rights and building permits.***

34
35 2. Nonresidential Rate of Growth Ordinance (NROGO) (LDC Chapter 138, Article III):
36 ***In compliance***

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38 Consistent with the approved development agreement, the site plan includes at least
39 200 square feet of commercial retail including convenience retail, food sales, and gifts;
40 and no more that 12,113 square feet of additional commercial retail that may consist of
41 dive shops, boat rentals, gift shops, barber/beauty services, travel agencies, provided
42 that there is no extension signage advertising these amenities to the general public. Any
43 proposed nonresidential floor area subject to NROGO and beyond the 15,371 square
44 feet existing/exempt on site per LDRD dated December 1, 2006 for this project will
45 require an NROGO allocation through the NROGO allocation system.

46
47 3. District Purpose (LDC Section 130-34): ***In compliance***

1 The purpose of the DR district is to establish areas suitable for the development of
2 planned tourist centers providing on-site residential, recreational, commercial and
3 entertainment facilities of a magnitude sufficient to attract visitors and tourists for
4 tenancies of three or more days. Destination resorts are contemplated to contain:

5
6 (1) Single-family homes as of right; or

7
8 (2) One or more resort hotels as the principal use, to use the water-related natural
9 resources of the Keys, and to be located on sites of at least ten gross acres where
10 the location and character of the site and the development itself and amenities are
11 such that off-site impacts will be reduced.

12
13 The proposed resort and marina meet the district purpose.

14
15 4. Permitted and Conditional Uses (LDC Section 130-81 Destination Resort): ***In***
16 ***compliance, subject to approval of the requested Major CUP as required pursuant to***
17 ***the approved Development Agreement.***

18
19 Section III.I & J. of the associated Development Agreement requires the developer to
20 provide for the approval of a major conditional use permit.

21
22 Pursuant to Section 130-81(b) The following uses are permitted as minor conditional
23 uses in the destination resort district, subject to the standards and procedures set forth
24 in chapter 110, article III:

25 (1) Hotels, provided that:

- 26 a. The hotel has restaurant facilities on the premises that will accommodate no less
27 than one-third of all hotel guests at maximum occupancy at a single serving;
- 28 b. There are at least two satellite eating and drinking facilities, each accommodating
29 at least 25 persons;
- 30 c. A separate meeting/conference and entertainment area that can also function as a
31 banquet facility;
- 32 d. A lobby that provides 24-hour telephone and reservation service;
- 33 e. Active and passive recreation land-based activities are available, with a minimum
34 of tennis courts or racquetball courts, or a spa/exercise room, provided at the
35 standards given below and at least two additional active and one additional passive
36 recreational facility, including, but not limited to, the following:

Active Recreational Facilities	
Tennis court	1/25 units
Racquetball court	1/25 units
Spa/exercise room, of no less than 500 square feet	1/150 units
Dance floor	1/hotel
Playfield/playground	1/150 units
Miniature golf course	1/hotel

Golf course	1/hotel
Shuffleboard court, or other court games	2/50 units
Fitness course	1/hotel
Passive Recreational Facilities	
Nature trail walk	1/hotel
Game room	1/150 units
Garden area	1/hotel
Observation area	1/hotel
Other uses may be substituted for these with the written approval of the director of planning stating the standards used and the manner in which guests will be served by such facilities. The director of planning shall base his decision on generally accepted industry standards for comparable destination resorts;	

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- f. Active and passive water-oriented recreational facilities are available, a minimum of a swimming pool, or swimming areas, at the rate of seven square feet of water surface (excluding hot tubs and Jacuzzi) per hotel room (this requirement may be converted to linear feet of shoreline swimming area at a ratio of one linear foot of beach per seven square feet of required water surface);
 - g. Access to U.S. 1 is by way of:
 - 1. An existing curb cut;
 - 2. A signalized intersection; or
 - 3. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet;
 - h. Each hotel establishes and maintains shuttle transport services to airports and tourist attractions to accommodate ten percent of the approved floor area in guest rooms...;
 - i. On-site employee housing living space is provided in an amount equal to ten percent of the approved floor area in guest rooms; and such housing shall be of any of the following types: dormitory, studio, one bedroom, two bedrooms and shall be in addition to the approved hotel density and shall be used exclusively by employees qualifying under the employee housing provisions elsewhere in this chapter; and
 - j. Commercial retail is provided at a minimum of 200 square feet to include convenience retail, food sales and gifts in one or more sites, excluding restaurants as required by subsection (b)(1) of this section, and in addition one and 1.3 square feet commercial retail per each guest room greater than 150 rooms. Additional commercial retail may be provided subject to the floor area ratio limitations of this chapter. Commercial retail may consist of dive shops, boat rentals, gift shops, barber/beauty services, travel agencies, provided that there is no extension signage advertising these amenities to the general public. Water-related services and activities shall be located immediately proximate to the water unless otherwise prohibited.
- (c) The following uses are permitted as major conditional uses in the destination resort district, subject to the standards and procedures set forth in chapter 110, article III:

1 (1) Marinas, provided that:

- 2 a. There are a minimum of seven boat slips, but the total number of boats
3 stored on-site or elsewhere for guests or employees shall be no greater
4 than one per hotel room;
- 5 b. The parcel for development has access to water at least four feet below
6 mean sea level at mean low tide;
- 7 c. The sale of goods and services is limited to fuel, food, boating, and sport
8 fishing products;
- 9 d. All boat storage shall be confined to wet slips or enclosed dry storage;
- 10 e. All storage areas are screened from adjacent uses by a solid fence, wall, or
11 hedge of at least six feet in height; and elevated racks, frames, or
12 structures shall be enclosed on at least three sides from the ground to the
13 highest point of the roof;
- 14 f. Each nonwaterside perimeter setback of the parcel proposed for
15 development must have a class C bufferyard within a side yard setback of
16 ten feet; and
- 17 g. Live-aboard vessels are prohibited;

18 (2) Attached and detached dwellings, designated as employee housing as provided for
19 in section 139, provided that:

- 20 a. They are built for and occupied by employees of the destination resort
21 facilities;
- 22 b. The total area is no less than ten percent of the approved floor area in guest
23 rooms of the resort/hotels within the development;
- 24 c. The structures are designed and located so that they are visually
25 compatible with established residential development within 250 feet of the
26 parcel proposed for development; and
- 27 d. The parcel proposed for development is separated from any established
28 residential use by a class C bufferyard;

29 (3) Attached dwelling units;

30
31 The proposed resort, includes attached dwelling units and is an existing marina
32 requiring the review of the proposal as a major conditional use permit.
33

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

35
36 Density and Intensity Analysis

37
38 No structure or land in the County shall be developed, used or occupied at an intensity
39 or density greater than the standards set out in LDC Chapter 130, Article V. The County
40 LDC allows permanent market rate dwelling units for maximum net at 18 dwelling
41 units per buildable acre for DR pursuant to LDC Section 130-157. The LDC allows
42 transient density for maximum net at 25 dwelling units per acre for DR pursuant to

1 LDC Section 130-162. And, the LDC allows for a maximum floor area ratio of 0.25 for
2 commercial and marina use with DR pursuant to LDC Section 130-164.
3

4 The Development Agreement Section III. Agreement Requirements H.2.a. states the
5 following:

6 The Property is recognized as having maximum net density for permanent residential
7 uses only. The Parties agree to limit the permanent residential maximum net density
8 recognized to One Hundred Seven (107) market rate dwelling units, plus Three (3)
9 permanent affordable dwelling units. Transient density shall be limited to Forty One
10 (41) transient units, and will require a total of 62 transient TDRs, or 36 permanent
11 market rate TDRs, or a combination of both, to be transferred to the Property pursuant
12 to the TDR process per the Monroe County Code prior to development of any transient
13 units. Nonresidential uses (excluding existing boat barns) shall be limited to 12,113
14 square feet of floor area. This maximum development potential (107 permanent
15 dwelling units, 3 permanent affordable dwelling units, 41 transient units, 12,113 sf of
16 nonresidential floor area, and maintenance of existing boat barn(s)) shall be considered
17 100% of the cumulative development potential on the site.
18

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

21 *Density, maximum net* means the maximum number of dwelling units or
22 rooms/spaces which may be permitted to be developed per buildable acre, with the
23 use of Transferable Development Rights (TDRs) or for affordable housing.
24

25 *Intensity* means an objective measurement of the magnitude of nonresidential use
26 on a site. Intensity is measured and expressed as a floor area ratio (FAR) (see
27 definition of Floor Area Ratio).
28

29 *Floor area ratio (FAR)* means the total floor area of the building(s) and/or any other
30 covered and enclosed structure(s) on a site divided by the gross area of the site.
31 FAR is the measurement of the intensity of building development on a site.
32

33 *Net buildable area* means that portion of a parcel of land that is developable and is
34 not required open space.
35

36 Density and intensity permitted under DR following the current LDC for uses proposed:

Land Use	FAR / Density	Size of Site	Max Allowed	Proposed by CUP	Potential Used
Boat Barns (Light Industrial)	N/A	570,461 SF	N/A	122,064 SF Less boat barn "3"	0.0 %*
Commercial Retail (Low-intensity) Floor area from last approved deviation P11-07	0.25 FAR	570,461 SF	142,615 SF	12,113 SF	8.5%

Permanent Residential (Market-Rate)	Allocated 1 DU/acre Max Net 18 DU/ buildable acre TDRs required	13.1 acres 10.5 buildable acres	13 DU (allocated) 189 units (max net.) 107 max per D.A.	107 units	100% per D.A.
Permanent Residential (Affordable)**	Max Net 18 DU/ buildable acre	13.1 acres 10.5 buildable acres	189 units Deed restricted affordable	3 units	1.6 %***
Transient Residential (Hotel Rooms)	Allocated 10 rooms/ acre	13.1 acres	131 rooms 41 max per D.A. with TDRs	41 rooms	100%**** Requires 62 TDRs per DA Section III.H.2.a.
TOTAL					N/A – see D.A.

- 1 *
- 2 The total floor area of the existing boat barns does not exceed 50 percent of the net
- 3 buildable area. Therefore, the floor area is not considered non-residential floor area and not
- 4 subject to FAR under the regulations at the time these boat barns were approved.
- 5 **
- 6 The site may utilize maximum net density for the affordable residential dwelling units
- 7 without the use of TDRs pursuant to LDC Sec.139-1(b)(2).
- 8 ***
- 9 Affordable units do not count against nonresidential intensity, pursuant to LDC Sec.139-
- 10 1(b)(5). And the total maximum net density of any such parcel shall not exceed 25 dwelling
- 11 units per buildable acre for hotel/motel rooms or spaces and affordable or employee
- 12 housing combined. In no case shall hotel/motel rooms or spaces exceed the maximum
- 13 allocated density (without the use of TDRs) or the maximum net density (with the use of
- 14 TDRs) set forth in section 130-162. In no case shall affordable or employee housing exceed
- 15 the maximum net density as set forth in section 130-157.
- 16 ****
- 17 Requires 62 transient TDRs, or 36 permanent market rate TDRs, or a combination of both,
- 18 to be transferred to the Property pursuant to the TDR process per the Monroe County Code
- 19 prior to development of any transient units per DA Section III.H.2.a.

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

In the DR district, the required open space ratio (OSR) is a minimum of 0.20 or 20%. According to the site plan submitted with this application, the property consists of 592,782 square feet of gross area. Therefore, 118,556 square feet is required to remain as open space. According to the site plan submitted with this application, Sheet AS100, 61% or 363,853 square feet of open space is being provided.

LDC Section 101-1 defines the following relevant term:

1 *Open space* means (in relation to open space ratio calculations) that portion of any
2 parcel or area of land or water that is required to be maintained such that the area within
3 its boundaries is open and unobstructed from the ground to the sky (This definition is
4 not intended to exclude vegetation from required open space).
5

6 7. Required Setbacks (LDC Sections 118-12, 131-1 & 131-3): ***In compliance***
7

8 In the DR District, the required non-shoreline setbacks are as follows:

<i>Land Use District/ Land Use</i>	<i>Primary Front Yard (ft.)</i>	<i>Secondary Front Yard (ft.)</i>	<i>Primary Side Yard (ft.)</i>	<i>Secondary Side Yard (ft.)</i>	<i>Rear Yard (ft.)</i>
Urban Residential (UR)	50	25	20	15	30

9
10 The proposed site plan is shown to be in compliance with the required non-shoreline
11 setbacks.
12

13 8. Wetland Setback (LDC Section 118-10): ***Not Applicable***
14

15 There are no wetlands (other than fringing mangroves along the shoreline) within the
16 proposed development footprint.
17

18 9. Shoreline Setback (LDC Section 118-12): ***Not in compliance***
19

20 As noted previously, the western shoreline is an open water shoreline not adjacent to
21 manmade canals, channels, or basins, which has been altered by the legal placement of
22 fill where no mangrove fringe of at least ten feet in width exists. Therefore, in
23 accordance with Section 118-12(b)(4)b, the principal shoreline setback for the project
24 is, at least 30 feet from the MHW line, provided that native vegetation exists or is
25 planted and maintained in a ten-foot width across the entire shoreline as approved by
26 the County Biologist, and is placed under a grant of conservation easement running in
27 favor of the County; otherwise the setback shall be 50 feet as measured from the MHW
28 line.. **The required planted buffer and conservation easement are not depicted on
29 the plans.**
30

31 In addition to the principal structure setbacks above, accessory structures, other than
32 docks and erosion control structures, shall be set back at least half the distance of the
33 setback required for the principal structure, or 15 feet, whichever is greater, as
34 measured from the MHW line, and shall be located in upland areas. **Portions of the
35 parking lot encroach inside the minimum 15' setback.**
36

37 10. Maximum Height (LDC Section 130-187): ***Compliance to be determined at time of***
38 ***building permit, a topographic survey showing crown of road to be measured from***
39 ***for height is required to confirm compliance.***
40

41 Pursuant to the Development Agreement the height of any new residential structure
42 associated with the redevelopment of the SIHYC shall not exceed 40 feet from grade

1 except as allowed by Section 131-2 of the Monroe County Code. No residential
2 structure with more than 2 habitable floors is permitted to exceed 35 feet.

3
4 The height of the structures is being measured from future construction of the road with
5 a proposed crown of road grade of 9.50 NGVD.

6
7 Per LDC Sec. 101-1 Height means "the vertical distance between grade and the highest
8 part of any structure, including mechanical equipment, but excluding the following:
9 chimneys; spires and/or steeples on structures used for institutional and/or public uses
10 only; radio and/or television antenna, flagpoles; solar apparatus; utility poles and/or
11 transmission towers; and certain antenna supporting structures with attached antenna
12 and/or collocations as permitted in Chapter 146. However, in no event shall any of the
13 exclusions enumerated in this definition be construed to permit any habitable or usable
14 space to exceed the applicable height limitations. In the case of airport districts, the
15 height limitations therein shall be absolute and the exclusions enumerated in this
16 definition shall not apply.

17
18 11. Surface Water Management Criteria (LDC Section 114-3): ***In compliance***

19
20 The stormwater management plans were deemed complete in October, 2021. Therefore
21 the subject plans have been reviewed for compliance with the 2016 LDC requirements
22 for stormwater management. The calculations on the revised Conceptual Drainage
23 Plan (Sheet C-2 revision dated May 4, 2022 by Perez Engineering & Development,
24 Inc.) meet the water quantity and water quality criteria of Chapter 114-3.

25
26 12. Wastewater Treatment Criteria (LDC Section 114-4): ***In Compliance***

27
28 The development is required to connect to central sewer.

29
30 13. Fences (LDC Section 114-13): ***Compliance to be Determined***

31
32 All fencing must comply with LDC Section 114-13. Fencing location is shown on the
33 site plan, but no detail was provided to determine the height and type of fencing.

34
35 14. Floodplain Management (LDC Chapter 122): ***Compliance to be Determined***

36
37 The site is designated within AE-9 and AE-10 flood zone on the Federal Emergency
38 Management Agency (FEMA) flood insurance rate maps.

39
40 15. Energy Conservation Standards (LDC Section 114-45): ***In compliance***

41
42 16. Potable Water Conservation Standards (LDC Section 114-46): ***In compliance***

43
44 17. Environmental Design Criteria and Mitigation Standards (LDC Sections 118-6, 118-7
45 & 118-8): ***In compliance***

46
47 The proposed development does not impact native plant communities and meets the
48 design criteria of Section 118-6.

1
2 18. Required Off-Street Parking (LDC Section 114-67): **Not in compliance/PC Variance**
3 **required**
4

5 The developer has provided an application for Planning Commission variance to vary
6 the requirements of parking dimensions and drive aisles and to provide valet parking
7 to the site. The total number of required parking spaces is shown in a configuration
8 that does not meet the requirements of LDC Chapter 114, Article III.
9

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

<i>Specific Use</i>	<i>Minimum Required Number of Parking Spaces</i>	<i>Existing/Proposed Use</i>	<i>Required Spaces</i>
Multifamily residential developments	2.0 spaces per each 1-bedroom dwelling unit; 2.0 spaces per each 2-bedroom dwelling unit; and 3.0 spaces per each 3 or more bedroom dwelling unit	2 bedroom 60 1 bedroom 47 1 bedroom affordable dwelling 3	220
Hotels/destination resorts	1.0 space per each 1-bedroom transient dwelling unit and 1.0 space plus 0.5 space for each additional bedroom per each 2 or more bedroom transient dwelling unit	1 bedroom 41	41
Marinas and commercial fishing facilities	1.0 space per berth plus 1.0 space per four dry storage racks	100 Wet slips, 205 dry racks	152
Total spaces required:			413

11 The total amount of required parking spaces are counted through the use of the Shared
12 Parking Calculator pursuant to Section 114-67(i) shown on the site plan are a mix of
13 ADA, surface, under structure garage and scooter spaces. The table on Sheet A0.02
14 annotates the amount of parking per use along with the total required after the
15 calculations.
16
17

18

SHARED PARKING:	NIGHT (12-6 am)	WEEKDAY (9am - 4pm)	WEEKDAY (6pm - 12am)	WEEKEND (9am - 4pm)	WEEKEND (6pm - 12am)
Marina (100 wet slips and 205 Dry Racks) (152 Spaces)					
Multiplier	0.05		0.7	0.1	1
Spaces	7.6		106.4	15.2	152
Residential (229 Spaces)					
Multiplier	1		0.6	0.9	0.8
Spaces	229		137.4	206.1	183.2
Hotel (41)					
Multiplier	0.75		0.75	1	0.8
Spaces	30.75		30.75	41	32.8
Retail (1 Space)					
Multiplier	0.05		0.6	0.9	1
Spaces	0.05		0.6	0.9	1
Office (6 Spaces)					
Multiplier	0.05		1	0.1	0.1
Spaces	0.3		6	0.6	0.6
Total Needed	467.2		281.15	263.8	369.6

1 The total required amount of parking spaces with the use of the shared parking
2 calculator is 368 spaces. The revised plans submitted with this application indicates
3 374 total parking spaces in the table provided labeled “Parking Breakdown” on Sheet
4 A0.02.

Parking Breakdown

Parking Break Down
Garage: 117
Surface: 213
Scooter: 36
ADA: 8
Total Parking: 374

5
6
7
8 19. Required Loading and Unloading Spaces (LDC Section 114-69): ***In compliance***
9
10 Loading spaces have been provided, 2 11’ feet x 35’ feet loading spaces have been
11 provided under the main resort structure and 1 11’ feet x 55’ feet is located near the
12 ship store
13

14 20. Bicycle Parking (LDC Section 114-71): ***In compliance***
15
16 No bicycle parking is required but it is suggested that bike racks be provided for this
17 site.
18

19 21. Required Landscaping (LDC Sections 114-99–114-105): ***Not in compliance***
20
21 The revised Landscape Plans dated May 4, 2022 by Nichols Brosch Wurst Wolfe &
22 Associates are not in compliance with the landscaping requirements of the Land
23 Development Code. Specifically, the plans indicate the retention of coconut palms and
24 the installation of non-native palms in the required bufferyard landscaping. Sec. 114-
25 102(f) requires that one hundred percent (100%) of the plant material used to satisfy
26 landscaping requirements shall be native species in accordance with Section 114-105.
27

28 In addition, LDC Section 118-7(e) requires that all invasive exotic plant species
29 (including Coconut palms) shall be removed from the parcel proposed for development.
30

31 22. Scenic Corridors & Bufferyards (LDC Sections 114-124 –114-130, 130-93): ***Not in***
32 ***compliance***
33
34 As noted in # 21 above, one hundred percent (100%) of the plant material used to satisfy
35 landscaping requirements shall be native species in accordance with Section 114-105.
36

37 23. Outdoor Lighting (LDC Chapter 114, Article VI): ***Compliance to be determined***
38

1 No lighting plan submitted to determine compliance. At the time of building permit
2 application a photometric plan will be required and all lighting must be in compliance
3 with the LDC.
4

5 Sec. 114-161. Maximum Illumination.

6 Outdoor lighting shall be designed and located such that the maximum illumination
7 measured in footcandles at the property line shall not exceed 0.3 footcandles for
8 noncutoff lights and 1.5 footcandles for cutoff lights. If illumination is desired or
9 required for nonresidential or multifamily (3 or more units) residential development,
10 site plans shall include photometric lighting plans.
11

- 12 24. Signs (LDC Chapter 142): **Compliance to be determined, separate building permit**
13 **required**
14

15 No signage plan was submitted to determine compliance.
16

- 17 25. Access Standards (LDC Chapter 114, Article VII): **In compliance**
18

19 The property does not take access from US-1 and any connection to County roads will
20 require permitting approval from Engineering Services.
21

- 22 26. Recycling and Solid Waste Collection Areas (LDC Section 114-14): **Not in**
23 **compliance**
24

25 No calculation was provided on the proposed site plan for recycling and solid waste
26 collection areas. The proposed development does include 4 areas for recycling and
27 refuse. The first is located on the ground floor under the resort and is shown as 669
28 square feet. The second and third areas are located by the townhomes and are 240
29 square feet apiece. The fourth is located in the ship shop building with 96 square feet
30 of area. The total provided area on the plans provided is 1,245 square feet. Pursuant
31 to LDC Section 114-14(b), For multi-family residential developments consisting of
32 more than 50 dwelling units, there shall be at least one collection area per 25 dwelling
33 units, with each area consisting of at least 240 square feet. Combinations of collection
34 areas that in total meet the standards are acceptable if approved by the Planning
35 Director. In accordance with LDC Section 114-14(b), a total of 4 recycling and solid
36 waste collection areas are provided for 110 total dwelling units, with a total minimum
37 area requirement of 1,104 square feet. The plans should specify that the solid waste
38 collection areas will meet the screening requirements set forth in LDC Section 114-
39 14(e). The non-residential area portion would require at a minimum for the use
40 provided of 175 square feet for a total of 1,279 Square feet.
41

42 **The plans are still deficient of the total area required by 34 square feet.**
43

44 Sec. 114-14. - Recycling and Solid Waste Collection Areas.

45 Any nonresidential, mixed use or multi-family residential development shall make
46 adequate provision for a recycling collection area in accordance with the following
47 standards:
48

Floor Area (square feet)	Minimum Collection Area (square feet)
0 to 5,000	82
5,001 to 15,000	125
15,001 to 50,000	175
50,001 to 100,000	225
100,001 or greater	275

(a) **Nonresidential and mixed use buildings.** The following are minimum space configurations per solid waste/recycling collection area:

(b) **Multi-family residential developments.** The following are minimum space configurations per solid waste/recycling collection area:

Dwelling Units	Minimum Collection Area (square feet)
3 to 10	144
11 to 15	216
16 to 30	240
31 to 35	264

For multi-family residential developments consisting of more than 50 dwelling units, there shall at least one collection area per 25 dwelling units, with each area consisting of at least 240 square feet.

Combinations of collection areas that, in total, meet the standards are acceptable if approved by the Planning Director.

(c) **Additional solid waste containers.** Generally, the minimum collection areas shown above provide enough area for a typical solid waste container (i.e. dumpster) and recycling containers.

If the collection area requires more than one solid waste container, then an additional area of six feet by ten feet (60 square feet) is required per each additional solid waste container.

(d) **Setback.** Notwithstanding the provisions of [Chapter 131](#), a collection area may be set back five feet from any rear or side yard property line.

(e) **Screening.** Notwithstanding the provisions of Sections [114-13](#) and [131-1](#), collection areas shall be screened on at least three sides. Screening shall consist of a solid or semi-opaque enclosure that shall not exceed six feet in height. The enclosure shall provide a minimum of one foot six inch clearance on each side of the container.

(f) **Enclosure design.** Area required is measured from the interior dimensions of the enclosure. Enough room should be provided to move and lift containers. The design of the enclosure should make it easy to keep container lids shut at all times.

(g) **Location.** Exterior collection areas should be located in an area accessible and convenient to the intended users (typically no more than 200 feet from the farthest user). The location of the collection area should not interfere with the primary use of the site. It should be located in areas that can tolerate noise, odor and increased pedestrian and vehicle traffic. The collection area should be designed to be easily accessible by all collection vehicles.

27. Accessibility (Chapter 533, Florida Statutes): **Compliance to be determined at building permit review**

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

28. Inclusionary Housing Requirements (LDC Section 139-1): *In compliance*

The Inclusionary Housing Requirements pursuant to Section 139-1(e)(2)a. and Section 139-1(f)(5)a., for the project generated a total need of 44.56 affordable dwelling units for residential and nonresidential inclusionary housing, the total was rounded up to a total of 45 dwelling units required. The project is providing 283 affordable dwelling units by linking this proposed development to the associated Wrecker’s Cay project with 280 affordable dwelling units under construction as allowed under 139-1(g) and 3 affordable dwelling units provided onsite. The 3 affordable dwelling units onsite total 1,827 square feet meeting the requirements of Land Development Code Section 130-81(b)(1)i.

Residential and Nonresidential Inclusionary Housing:

Dwelling Units/Square Feet	Sec. 139-1(e)(2)a. Sec. 139-1(f)(5)a.	Inclusionary Housing Required	Affordable Housing Provided
Market Rate (107)	30%	32.1	280 Wrecker's Cay/3 affordable units = 283 affordable units
Transient (41)	0.295 x 1,000 sf	18,199 SF /1,000 = 18.199 x 0.295 = 5.37 Units	280 Wrecker's Cay/3 affordable units = 283 affordable units
Transient (41)	10% of SF of Hotel Sec.130-81(b)(1)i.	18,199 SF x 10% = 1,819 SF	1,827 sf Provided
Hotel/Motel Uses (Lobby, Ballroom, BOH etc) 30,017 SF	0.295 x 1,000 sf	30,017 SF/1000 = 30.017 x 0.295 = 8.86 Units	280 Wrecker's Cay/3 affordable units = 283 affordable units
Commercial Retail 2,011 SF	0.416 x 1,000 sf	2,011 SF /1,000 = 2.011 x 0.416= 0.84 Units	280 Wrecker's Cay/3 affordable units = 283 affordable units
Office 4,360 SF	0.704 x 1,000 sf	4,360 SF /1,000 = 4.360 x 0.704 = 3.07 Units	280 Wrecker's Cay/3 affordable units = 283 affordable units
Restaurant (and BOH) 15,342 SF	0.416 x 1,000 sf	15,342 SF /1,000 = 15.342 x 0.416 = 6.38 Units	280 Wrecker's Cay/3 affordable units = 283 affordable units
		50% Mitigation of Nonresidential floor area = 12.44	
Total		44.54 Units	283 Affordable Units

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

The meeting was held February 1, 2022 at 5:05 PM, via communications media technology (CMT) through ZOOM®.

V RECOMMENDED ACTION:

Staff recommends approval of the proposed conditional use permit **IF** the outstanding requirements can be met.

1 Pursuant to LDC Section 110-70(c), ...The Planning Commission shall hold a public
2 hearing on the application for a major conditional use permit and shall issue a
3 development order granting, granting with conditions or denying the application for a
4 major conditional use permit within 60 days of the public hearing by the Planning
5 Commission, with the exception of any application where a condition has been imposed
6 that must be satisfied prior to the issuance of a development order approving the major
7 conditional use permit, in which case the development order shall be issued within 30
8 days after receipt of proof of satisfaction of the condition. The applicant shall provide
9 any additional information to satisfy a condition required by the Planning Commission
10 within one (1) year of the date of the Planning Commission meeting when the
11 application was considered. If such information is not received within this timeframe,
12 the application will be deemed withdrawn.
13

14 Pursuant to LDC Section 110-70(c), Staff recommends that **prior to the signing of the**
15 **Development Order** all of the following corrections be addressed, including but not
16 limited to:
17

- 18 1. Revise plans to show compliant trash and recycling areas, the requirements of Section
19 114-14 can be met by adding an additional 34 square feet of trash and recycling area.
20
- 21 2. Revise plans to show compliance with shoreline setbacks for accessory structures.
22
- 23 3. Revise landscape plans. The revised Landscape Plans dated May 4, 2022 by Nichols
24 Brosch Wurst Wolfe & Associates are not in compliance with the landscaping
25 requirements of the Land Development Code. Specifically, the plans include non-
26 native species to be planted in the landscape areas, and include retaining the coconut
27 palms. Required landscaping must be 100% native plant material and all invasive
28 exotic plant species shall be removed from the parcel proposed for development.
29

30 Assuming all items above are addressed and compliant, Staff recommends the following
31 conditions of approval for the requested Major CUP:
32

- 33 1. Prior to approval of the CUP, the Planning Commission Variance for parking is
34 approved.
35
- 36 2. The valet parking service must be maintained at all times as a condition of approval for
37 this Major conditional Use Permit. The stacked parking does not meet the required
38 amount of parking without the use of the valet service.
39
- 40 3. If a change from transient to long term rentals transpires and if the traffic LOS reserve
41 capacity is not available, then mitigation is required at the time of the change from short
42 term rentals to long term rentals or owner occupancy.
43
- 44 4. A site work permit showing the proposed height of 9.5 Feet NGVD for the crown of
45 road is required to be submitted prior to issuance of a building permit for any structure
46 for which height must be measured from 9.5 feet NGVD in order to meet the height
47 limits of the LDC.
48

- 1 5. Prior to issuance of CO for any residential Structure, a topographic survey showing the
2 crown of road that height is required to be measured from that is required to confirm
3 compliance with the proposed height of 9.5 Feet NGVD.
4
- 5 6. Prior to issuance of a building permit for any transient units, 62 transient TDRs, or 36
6 permanent market rate TDRs, or a combination of both, to be transferred to the Property
7 pursuant to the TDR process per the Monroe County Code prior to development of any
8 transient units per DA Section III.H.2.a.
9
- 10 7. Prior to issuance of building permit, 104 permanent market rate dwelling TREs must
11 be transferred to the site pursuant to the TRE process per the Monroe County Code
12 prior to development of any permanent market rate dwelling units.
13
- 14 8. Prior to issuance of building permit 18 transient dwelling TREs must be transferred to
15 the site pursuant to the TRE process per the Monroe County Code prior to development
16 of any transient dwelling units.
17
- 18 9. Prior to issuance of permit the 3 affordable dwelling units required to be employee
19 housing per Section 130-81(b)(1)i. are restricted to households meeting the income and
20 employment requirements of LDC Section 139-1(b)(6)b. Except as provided for under
21 the special provisions for employer-owned rental housing as set forth under subsection
22 (b)(6)k of this section, if the affordable housing dwelling unit is designed for employee
23 housing, the use of the dwelling is restricted to households that derive at least 70 percent
24 of their household income from gainful employment in the county and meet the
25 adjusted gross annual income limits for median income as defined in Section 101-1.
26 The required restrictive covenants for employee housing must be approved by the
27 Planning Director and the County Attorney prior to recording and prior to issuance of
28 any building permit, pursuant to LDC Section 139-1(f)(1).
29
- 30 10. Prior to issuance of a building permit for any lighting on the site, lighting details and a
31 photometric plan shall be provided demonstrating compliance with Chapter 114,
32 Article VI.
33
- 34 11. The scope of work has not been reviewed for compliance with Florida Building Code.
35 Prior to the issuance of Building Permits, new development and structures shall be
36 found in compliance by the Monroe County Building Department, Floodplain
37 Administrator, and the Office of the Fire Marshal.
38
- 39 12. The Public Works Division shall review any proposed work within County public
40 rights-of-way and the Division maintains the right to request revisions as it carries out
41 its review of any application for an access permit. It is the responsibility of the
42 applicant to obtain all required permits before starting work.
43
- 44 13. As part of Monroe County's continued coordination with the Naval Air Station Key
45 West, the following are required as conditions of this approval:
46
 - 47 • Inclusion Sound attenuate all habitable buildings to achieve an outdoor to indoor
48 Noise Level Reduction (NLR) of at least 30 decibels; and

- Place signage throughout the SIHYC prohibiting the use of unmanned aerial vehicles and/or drones on the Property; and
- In any lease conveying a leasehold interest in a residential unit or a license agreement for dockage at SIHYC, SH Marina shall include language in the leasing or licensing document stating as follows:

"The property is located within the Military Installation Area of Impact Overlay and is subject to high noise levels due to Navy operations nearby. As it is located within the Military Installation Area of Impact of Overlay, the use of any unmanned aerial vehicle or drone is prohibited."

VI PLANS REVIEWED:

1. Site Plan: prepared by Nichols Brosch Wurst Wolfe & Associates, Inc., digitally signed and sealed by Adolfo E. Renya R.A, plan received March 7, 2022
2. Updated Page A0.02 prepared by Nichols Brosch Wurst Wolfe & Associates, Inc., digitally signed and sealed by Adolfo E. Renya R.A, plan received May 5, 2022
3. Building Elevations: prepared by Nichols Brosch Wurst Wolfe & Associates, Inc., digitally signed and sealed by Adolfo E. Renya R.A, plan received March 7, 2022
4. Building Floor Plans: prepared by Nichols Brosch Wurst Wolfe & Associates, Inc., digitally signed and sealed by Adolfo E. Renya R.A, plan received March 7, 2022
5. Updated Page A1.01 prepared by Nichols Brosch Wurst Wolfe & Associates, Inc., digitally signed and sealed by Adolfo E. Renya R.A, plan received May 5, 2022
6. Revised Drainage Plan: prepared by Perez Engineering & Development, Inc., signed and sealed by Allen E. Perez, P.E., dated May 4, 2022
7. Water and Sewer Plan: prepared by Perez Engineering & Development, Inc., signed and sealed by Allen E. Perez, P.E., dated September 19, 2021
8. Construction Management Plan: prepared by Perez Engineering & Development, Inc., signed and sealed by Allen E. Perez, P.E., dated September 19, 2021
9. Revised Landscape Plan: by Nichols Brosch Wurst Wolfe & Associates, Inc., signed and sealed by Justine Velez, RLA dated May 4, 2022
10. Boundary Survey by Zurwelle-Whittaker Surveyors & Engineers, signed and sealed Eddie A. Martinez, P.S.M. February 3, 2020
11. Traffic Study by KBP Consulting, Inc., signed and sealed by Karl B. Peterson P. E. updated September 2021