



MEMORANDUM

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

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To: Monroe County Planning Commission

**From: Mitchell N. Harvey, AICP
Comprehensive Planning Manager**

Date: June 1, 2010

Subject: Request for an Amendment to the Monroe County 2010 Comprehensive Plan, Creating Goal 107, which establishes a Sub Area Policy, together with Objective 107.1 and Policy 107.1.1 which establishes a Sub Area Policy for Wisteria Island within a Mixed Use Commercial (MC) Future Land Use Map (FLUM) designation.

Meeting: June 9, 2010

I REQUEST

This is a request by FEB Corporation to amend the Monroe County 2010 Comprehensive Plan, creating Goal 107, Objective 107.1 and Policy 107.1.1 that establishes a Sub Area Policy that will direct future growth and development within the subject property known as Wisteria Island (aka, Christmas Tree Island) and the surrounding waters of the island. This request includes a corresponding Future Land Use Map Amendment from Undesignated to Mixed Use Commercial (MC) that should not be approved without this Sub Area Policy.



30

Wisteria Island is an approximately 20-acre unincorporated spoil island located approximately 500 feet north of Sunset Key within Key West harbor and west of the City of Key West. The property owners also own submerged lands surrounding the island.

1
2 Address: N/A
3
4 Real Estate Numbers: All of RE 00123950-000000
5
6 Legal Description: A parcel of Bay Bottom Land and Spoil Island of Key West, Florida,
7 and more particularly described as follows:
8 Commencing at the Northwesterly end of Simonton Street at the
9 intersection of the Southwesterly end right-of-way line of Simonton
10 Street and the waters of the Bay of Florida, run north 60 degrees
11 west for a distance of 2,150 feet, more or less, to the point of
12 beginning of the property, hereinafter described. From said point of
13 beginning, continue north 30 degrees East for a distance of 1,700
14 feet; thence run South 60 degrees East for a distance of 1,000 feet;
15 thence run South 30 degrees West fir a distance of 1,700 feet back to
16 the point of beginning.
17
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19 **II PROCESS**

20 Comprehensive Plan Amendments may be proposed by the Board of County Commissioners
21 (BOCC), the Planning Commission, the Director of Planning, or the owner or other person
22 having a contractual interest in property to be affected by a proposed amendment. The
23 Director of Planning shall review and process applications as they are received and pass them
24 onto the Development Review Committee (DRC) and the Planning Commission.
25

26 The Planning Commission shall hold at least one public hearing. The Planning Commission
27 shall review the application, the reports and recommendations of the Department of Planning
28 & Environmental Resources and the Development Review Committee and the testimony given
29 at the public hearing. The Planning Commission shall submit its recommendations and
30 findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing
31 to consider the transmittal of the proposed comprehensive plan amendment, and considers the
32 staff report, staff recommendation, and the testimony given at the public hearing. The BOCC
33 may or may not recommend transmittal to the Florida Department of Community Affairs
34 (DCA). The amendment is transmitted to DCA, which then reviews the proposal and sends its
35 Objections Recommendations and Comments (ORC) report to Monroe County. The BOCC
36 holds an adoption hearing within sixty days of the ORC report and decides whether to adopt,
37 adopt with changes, or not adopt the amendment.
38

39 This amendment is unique in that it is in close proximity to the City of Key West and to
40 encourage intergovernmental coordination and maximize public input, Monroe County staff
41 worked cooperatively to include the City of Key West Development Review Committee in the
42 review process. While the City of Key West is not an approving agency, certain infrastructure
43 provisions will be necessary for development of the island; therefore, coordination efforts were
44 implemented
45

46 **III OVERLAY DISTRICT INFORMATION**

47 Wisteria Island has no FLUM designation. The applicant initially requested a future land use
48 map amendment for Wisteria Island of Mixed Use Commercial (MC). Because the island is
49 adjacent to Sunset Key and the City of Key West, whose future land use categories and
50 existing development are similar to the requested future land use designation, Monroe County

1 staff, in coordination with the Department of Community Affairs worked with the applicant to
2 develop a corresponding sub-area policy, similar to an overlay district for the island.
3

4 The purpose of the proposed Sub Area Policy is to restrict the maximum development potential
5 of Wisteria Island, which would be allowed by the applicant's original request for a Mixed Use
6 Commercial (MC) FLUM designation, by creating policy language in the form of a
7 Comprehensive Plan Future Land Use Element text amendment. This Sub Area Policy will
8 guide the development of this spoil island, which contains limited environmentally sensitive
9 areas, by the enactment of area-specific regulations that allow development to occur subject to
10 limitations and conditions designed to protect existing natural resources.
11

12 These proposed Sub Area Goal, Objective and Policies identify parcels of land that require
13 narrowly-tailored regulation in order to limit development potential to an area or extent less
14 than the maximum density and intensity allowed by the future land use category requested by
15 the applicant. The recommended development parameters established for each Sub Area shall
16 be based either on an inventory of uses and facilities established on the parcel or by data and
17 analysis supporting the specific Sub Area limitations.
18
19

20 **IV CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE** 21 **PLAN, THE FLORIDA ADMINISTRATIVE CODE, AND PRINCIPLES FOR GUIDING** 22 **DEVELOPMENT**

23
24 A. The proposed amendment is consistent with the Monroe County Year 2010 Comprehensive
25 Plan. Specifically, the amendment furthers:

- 26
27 1. Goal 101 of the Monroe County Year 2010 Comprehensive Plan considers the health
28 and safety of people and protection of natural resources.
29
- 30
31 2. Goal 105 of the Monroe County Year 2010 Comprehensive Plan recognizes the finite
32 capacity for land development while balancing development with the natural
33 environment and provides a framework for future development and land acquisition for
34 the next 20 years.
- 35
36 3. Goal 202 of the Monroe County Year 2010 Comprehensive Plan requires that the
37 environmental quality of Monroe County's estuaries, nearshore waters (canals, harbors,
38 bays, lakes and tidal streams,) and associated marine resources shall be maintained and,
39 where possible, enhanced.
- 40
41 4. Goal 203 of the Monroe County Year 2010 Comprehensive Plan promotes the
42 protection and enhancement of the health and integrity of living marine resources and
43 marine habitat, including mangroves, seagrasses, coral reefs and fisheries.
- 44
45 5. Goal 204 of the Monroe County Year 2010 Comprehensive Plan protects and enhances
46 the health and integrity of Monroe County's marine and freshwater wetlands.
- 47
48 6. Goal 205 of the Monroe County Year 2010 Comprehensive Plan promotes the
49 protection and enhancement of the health and integrity of Monroe County's native
upland vegetation.

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7. Goal 207 of the Monroe County 2010 Comprehensive Plan protects and conserves existing wildlife and wildlife habitats.
 8. Goal 212 requires Monroe County to prioritize shoreline land uses and establish criteria for shoreline development in order to preserve and enhance coastal resources and to ensure the continued economic viability of the County.
- B. The proposed amendment is consistent with the Florida Administration Code (F.A.C.), Chapter 9J-5. Specifically, the amendment furthers:
1. 9J-5.006(3)(b)4 F.A.C. ensures the protection of natural resources and historic resources.
 2. 9J-5.0012(3)(b)1 F.A.C. protects, conserve, or enhance remaining coastal wetlands, living marine resources, coastal barriers, and wildlife habitat.
 3. 9J-5.0013(2)(c)3 F.A.C. protects native vegetative communities from destruction by development activities.
 4. 9J-5.0013(2)(c)5 F.A.C. restricts activities known to adversely affect the survival of endangered and threatened wildlife.
 5. 9J-5.0013(2)(c)6 F.A.C. protects conservation of the natural functions of existing soils, fisheries, wildlife habitats, rivers, bays, lakes, floodplains, harbors, wetlands including estuarine marshes, freshwater beaches and shores, and marine habitats.
 6. 9J-5.0013(3)(b) F.A.C. directs development away from wetlands by using land use factors such as type, intensity or density, extent, distribution and location of allowable land uses and the types, values, functions, sizes, conditions and locations of wetlands.
- C. The amendment is Consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern pursuant to F.S. Chapter 380.0552(7)

35 For the purposes of reviewing consistency of the adopted plan or any amendments
36 to that plan with the principles for guiding development and any amendments to the
37 principles, the principles shall be construed as a whole and no specific provision
38 shall be construed or applied in isolation from the other provisions.

- 39 (a). To strengthen local government capabilities for managing land use and
40 development so that local government is able to achieve these objectives
41 without the continuation of the area of critical state concern designation.
- 42 (b). To protect shoreline and marine resources, including mangroves, coral reef
43 formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- 44 (c). To protect upland resources, tropical biological communities, freshwater
45 wetlands, native tropical vegetation (for example, hardwood hammocks and
46 pinelands), dune ridges and beaches, wildlife, and their habitat.
- 47 (d). To ensure the maximum well-being of the Florida Keys and its citizens
48 through sound economic development.

- 1 (e). To limit the adverse impacts of development on the quality of water
- 2 throughout the Florida Keys.
- 3 (f). To enhance natural scenic resources, promote the aesthetic benefits of the
- 4 natural environment, and ensure that development is compatible with the
- 5 unique historic character of the Florida Keys.
- 6 (g). To protect the historical heritage of the Florida Keys.
- 7 (h). To protect the value, efficiency, cost-effectiveness, and amortized life of
- 8 existing and proposed major public investments, including:
 - 9 1. The Florida Keys Aqueduct and water supply facilities;
 - 10 2. Sewage collection and disposal facilities;
 - 11 3. Solid waste collection and disposal facilities;
 - 12 4. Key West Naval Air Station and other military facilities;
 - 13 5. Transportation facilities;
 - 14 6. Federal parks, wildlife refuges, and marine sanctuaries;
 - 15 7. State parks, recreation facilities, aquatic preserves, and other
 - 16 publicly owned properties;
 - 17 8. City electric service and the Florida Keys Electric Co-op; and
 - 18 9. Other utilities, as appropriate.
- 19 (i). To limit the adverse impacts of public investments on the environmental
- 20 resources of the Florida Keys.
- 21 (j). To make available adequate affordable housing for all sectors of the
- 22 population of the Florida Keys.
- 23 (k). To provide adequate alternatives for the protection of public safety and
- 24 welfare in the event of a natural or manmade disaster and for a post disaster
- 25 reconstruction plan.
- 26 (l). To protect the public health, safety, and welfare of the citizens of the Florida
- 27 Keys and maintain the Florida Keys as a unique Florida resource.

28
 29 Pursuant to Chapter 380.0552(7) Florida Statutes, the proposed amendment is consistent with
 30 the Principles for Guiding Development as a whole and is not inconsistent with any Principle.

31
 32 **V ANALYSIS OF PROPOSED REQUEST – DENSITIES AND INTENSITIES AND**
 33 **COMPATABILITY WITH ADJACENT DEVELOPMENT**
 34

35 Wisteria Island currently has no future land use designation within Monroe County, nor was it
 36 included on the initial Tier Maps adopted by Monroe County. Wisteria Island has a Land Use
 37 District (zoning) designation of Offshore Island. Offshore Island permits 1 unit per 10 gross
 38 acres. The acreage of the Island is 21.35 acres. Therefore, the current maximum number of
 39 units permitted is 2.

40
 41 A corresponding application has been submitted by the applicant for a Mixed Use Commercial
 42 (MC) Future Land Use Map (FLUM) designation. After review of the applicant’s initial
 43 request, County staff recommended that the applicant request a Sub Area Policy similar to an
 44 overlay district to provide alternative maximum densities and intensities consistent with the
 45 adjacent island, known as Sunset Key, within the jurisdiction of Key West. The following

1 tables provide a comparison of densities and intensities approved for Sunset Key and proposed
2 for Wisteria Island under the Sub Area Policy.
3

4 **COMPATIBILITY ANALYSIS:**

5 Exhibit A is an aerial that illustrates the existing land uses within the surrounding area of
6 Wisteria Island, which includes Sunset Key and the Key West mainland.
7

8 **Key West Approval of Sunset Key - Maximum Development Parameters**

9 Land Area: 27 gross acres (1,176,120 square feet)

10 Total Floor Area Ratio (FAR) Maximum: 0.201 (or 236,947 square feet total) or if they
11 transfer in residential units from the mainland permitted development Floor Area Ratio
12 Maximum is: 0.21 (or 251,947 square feet total)

13 Restaurant/Bar Commercial Floor Area Ratio (FAR) Maximum: .009 (NOTE: Outdoor
14 seating does not appear to constitute commercial square footage)

15 Residential Density: Between 4.01 – 4.52 units per acre

16 Residential (door) Keys: Between 1.48-2.44 keys per acre (NOTE: Key West did not
17 allocate transient units within their Code, consistent with Monroe County)
18
19

Use	Max Square foot	Max Square foot if transferred from Mainland permitted	Total Number of Units Permitted	Total Number of Units Permitted if transfer from Mainland permitted	# of moorings
TOTAL Acreage/Sq. Ft. of island	27 (1,176,120 sq. ft)	27 (1,176,120 sq. ft)	27 (1,176,120 sq. ft)	27 (1,176,120 sq. ft)	
General Commercial (Restaurant/Bar)	10,000 sq.ft. (90 indoor seats) (120 outdoor seats)	10,000 sq.ft. (90 indoor seats)(120 outdoor seats)			
Hotel/Transient Units	56,000 sq.ft	56,000 sq. ft	40 units (40 keys)	40 units (66 keys)	
Residential Units	170,947 sq. ft.	185,947 sq. ft.	70 units	82 units	
TOTAL Square footage/Units/Keys	236,947 sq. ft.	251,947 sq. ft	110 units (40 keys)	122 units (66 keys)	
FAR Max	0.201 (236,947/1,176,120)	0.21 (251,947/1,176,120)			
Commercial FAR Max	.009				
Density Max			4.01 units per acre (1.48 keys per acre)	4.52 unit per acre (2.44 keys per acre)	
Moorings around Sunset Key					12
Additional Conditions:					
Parking for Island uses on mainland Undetermined, development agreement included other major comprehensive development within the City of Key West and was analyzed on an overall parking analysis					
Public Open Recreation Space with access to the public to include a sand beach at least 900 feet long and above mean high waterline, served by public restroom facilities (1)					
Fire and Police to review the site plans for Sunset Key Island and provide service provisions during site approval process.					
Wind loads of 155 miles per hour or greater , as certified by a qualified engineer shall be used as design minimums for 49 dwelling units (it was not clear which units there were to be) that were added under amendment 11 of the development agreement.					
Shoreline Setback for dwelling units on Sunset Key island to be 50'					

2 Access to the Public means: general public is provided convenient access over and across privately owned
3 property subject to such reasonable rules and regulations as the owner of the property may impose governing
4 conduct, dress, noise, consumption of alcoholic beverages, hours that the property shall be open, vehicular traffic
5 and commercial activities; provided that such rules and regulations shall be applied and enforced without
6 discrimination on the basis of race, religion, color, creed or sexual preference. The Developer may charge a
7 reasonable fee for access to recreational areas on Sunset Key, as well as to exhibits and events. The property
8 owner may restrict or control access to hotel facilities that are customarily limited to guests and to residential
9 areas customarily reserved for residents. The Developer agrees that within the five (5) year term of the
10 Development Agreement, provision will be made to assure the permanence of the public access.
11
12
13

1 **Wisteria Island Maximum Development Parameters**

- 2 - Land Area: 21.35 gross acres (930,006 square feet)
- 3 - Total Floor Area Ratio (FAR) Maximum: 0.222 (or 176,000 square feet total)
- 4 - Residential Density: 3.51 units per acre - Residential Keys: Between 3.98 keys per acre*
- 5 *NOTE: Key West does not allocate transient units within their Code, consistent with Monroe County

Use	Max Square foot	Max Square foot if transfer from Mainland permitted	Total Number of Units Permitted	Total Number of Units Permitted if transfer from Mainland permitted	# of moorings
TOTAL Acreage/Sq. Ft. of island	21.35 gross acres (930,006 square feet)	NA	21.35 gross acres (930,006 square feet)	NA	
General Commercial (Restaurant/Bar) (ShipStore/Harbormaster)	10,000 sq.ft 29,500 sq.ft	NA		NA	
Hotel/Transient Units		NA	35 (85 rooms)	NA	
Residential Units		NA	35	NA	
Affordable Housing Units (workforce)		NA	5	NA	
TOTAL Square footage/Units/Keys		NA	75 (85 rooms)	NA	
Restaurant/Bar FAR Max Total General Commercial FAR Max	.01 (10,000/930,006) .042 (39,500/930,006)	NA		NA	
Density Max		NA	3.51 units per acre (3.98 rooms-keys per acre)	NA	
Moorings around Wisteria Island		NA		NA	100
Dock Spaces					55

Additional Conditions:

Parking for Island uses on mainland

Undetermined – Boat Taxi service anticipated – Mainland facilities to be addressed in Major Conditional Use

Public Open Recreation Space with access to the public to include 2 acre site, served by public restroom facilities with control by island owners (1)

Fire Protection - Sprinklered buildings required due to difficulty in fire protection

Hurricane Evacuation – units to be transferred to island from mainland, forever removing those units from inventory on mainland, resulting in no increase of hurricane evacuation clearance times.

Police - TBD

Wind loads of 155 miles per hour or greater, as certified by a qualified engineer shall be used as design minimums for 49 dwelling units (it was not clear which units there were to be) that were added under amendment 11 of the development agreement.

Shoreline Setback for dwelling units to be determined through Major Conditional Use

1 Access to the Public means: general public is provided convenient access over and across privately owned
 2 property subject to such reasonable rules and regulations as the owner of the property may impose governing
 3 conduct, dress, noise, consumption of alcoholic beverages, hours that the property shall be open, traffic and
 4 commercial activities. The Developer may charge a reasonable fee for access to recreational areas. The property
 5 owner may restrict or control access to hotel facilities that are customarily limited to guests and to residential
 6 areas customarily reserved for residents. Public access shall be assured through easement recorded in public
 7 records.

8
 9 **DENSITY/INTENSITY ANALYSIS:**

10 A comparison of the maximum density/intensity permitted under the Mixed Use
 11 Commercial (MC) Future Land Use Map (FLUM) designation compared to the maximum
 12 density/intensity permitted under the proposed Sub Area Policy is demonstrated in the
 13 follow table. (MC density and intensity is cumulative, while the proposed Sub Area Policy
 14 density and intensity is non-cumulative)

15
 16 MC FLUM allows an allocated density up to 6 dwelling units per acre for market rate units
 17 and a maximum net density of up to 18 dwelling units per buildable acre (total acres minus
 18 20% open space requirement) for affordable housing. MU also allows a non residential
 19 FAR of 0.45. Density and intensity for the Wisteria Sub-Area is calculated non-
 20 cumulatively. Therefore, utilizing the total Wisteria Island upland area of 21.35 acres
 21 (930,006 sq.ft.) and a buildable area of 17.08 acres, the MC FLUM would allow a
 22 maximum of 128 market rate units, or 307 affordable units, or and 418,502 sq.ft. of non-
 23 residential floor area.
 24

MC MAXIMUMS	MC With Sub Area Policy	Difference between MC FLUM designation and MC with proposed Sub Area Policy
128 units (allocated)	70 (35 market rate/35 transient) units	- 58 units
307 affordable units (Max Net)	5 affordable units	- 302 affordable
418,502 sq.ft. (Max Commercial)	39,500 sq.ft. (Max Commercial)	- 379,002 sq.ft.

25
 26 **VI MOORING FIELD AND RELATED FACILITIES**

27 The waters surrounding Wisteria Island contain vessels and floating structures anchored
 28 throughout the waters in a manner that may pose a threat to the health and viability of the water
 29 quality and bay bottom. In 2002, Monroe County published **Keys-Wide Mooring Field**
 30 **System** which indicated the area surrounding Wisteria Island was the “largest and most
 31 problematic anchorage in the Keys and found that “this enormous anchorage ground is truly
 32 out of hand. The area is in dire need of management and enforcement of regulations.”
 33

34 The applicant for this Sub Area Policy and corresponding Future Land Use Map Amendment
 35 (FLUM) has proposed the construction of a 100± slip public access mooring field. The
 36 mooring field would provide a benefit to the public and the environment.
 37

38 The proposed Sub Area Policy for Wisteria Island requires:

- 39
 40 1. A proposed 100± slip public access mooring field and a staff recommended 2 acre public
 41 recreation space with associated upland development including:

- 1 a. Fixed and mobile vessel pump-out services. Such services shall be provided to
2 vessels using the public access mooring field;
- 3 b. Docking facilities, to be approved by Planning Director, include: a water taxi dock,
4 a service vessel dock, a dinghy dock to accommodate a maximum of 100 dinghies,
5 and a maximum of 20 short term public slips for utilization of the mooring field and
6 upland development with no dry storage (pending agency approval and permitting)
7 and dockside utilities;
- 8 c. Harbor master building;
- 9 d. Ships/sundry store;
- 10 e. Potable water, wastewater, solid waste, and fire prevention and suppression system
11 necessary to service the uses permitted as of right, as well as those permitted by
12 minor conditional use and major conditional use; and
- 13 f. Water taxi service to Wisteria: Water taxi shall be available to be used to transport
14 fire suppression/emergency medical personnel and equipment to the island when
15 requested.

16 Staff recommends the public-access mooring field shall adhere to the following
17 requirements:

- 18
- 19 a. Thirty percent (30%) of the mooring slips shall be reserved for workforce housing
20 and the fees for the 30% mooring slips reserved for workforce housing shall not
21 exceed the monthly fees charged by the Key West Mooring Field or the Marathon
22 Boot Key Harbor Mooring Field. If workforce slips are not utilized, owner may
23 lease to market rate users on a monthly basis only so that the spaces are continually
24 available for the workforce if in demand;
- 25 b. Provide for the recreational boating public by reserving 10 percent of the mooring
26 slips to be set aside on a first come-first serve basis for short term mooring;
- 27 c. Have no minimum vessel size which might limit the use by small vessels;
- 28 d. Prohibit floating structures and storage vessels; and
- 29 e. Require all vessels to have a functioning marine sanitation device and holding tank
30 that meets current Florida Keys National Marine Sanctuary (FKNMS) federal
31 requirements for the No Discharge Zone.
- 32 f. The mooring field is to be constructed AND ISSUED a Certificate of Completeness
33 within the waters surrounding Wisteria Island PRIOR TO the construction of other
34 upland development including the items below.
- 35 2. Restaurant with accessory bar serving alcoholic beverages (\leq 10,000 sq. ft. permitted by
36 Minor Conditional Use; $>$ 10,000 sq. ft. permitted by Major Conditional Use) & Pool;
- 37 3. Other Upland Development to be permitted only through a Major Conditional Use
38 Approval including:
 - 39 a. 35 Single-family
 - 40 b. 5 Affordable/employee residential dwellings
 - 41 c. 35 Transient residential with the total number of bedrooms not to exceed 85
 - 42 d. Commercial recreational uses to serve as support and amenities for a public access
43 mooring field in adjacent waters;
 - 44 e. Accessory uses;

1 f. Docking facilities, including a maximum of 35 private docks for the permanent
2 housing units.
3

4 This mooring field can only be developed as a result of a submerged land swap with the
5 State of Florida. The proposed Sub Area Policy and associated MU FLUM designation
6 will allow the development of upland uses that support the proposed public access mooring
7 field. No approvals for upland development on Wisteria Island will be granted until the
8 proposed mooring field is approved by the State of Florida and the mooring system is
9 installed and issued a certificate of completeness.
10

11 Upland residential uses can only be developed in a manner that results in no net increase of
12 dwelling units that have been previously allocated within Monroe County. Therefore,
13 Wisteria Island would not be eligible to participate in Monroe County's Rate of Growth
14 Ordinance (ROGO) unit allocation system. Dwelling units must be transferred to Wisteria
15 Island from a sender site located the Lower Keys Planning Sub Area through Monroe
16 County's Transfer of Development Rights (TDR) and Transfer of ROGO Equivalents
17 (TRE) regulations.
18

19 Encouraging reductions in overall County density and the preservation of Monroe County's
20 native habitat is accomplished by restricting Wisteria's allocated residential density to two
21 (2) units, but requiring the owner to purchase and preserve 40.1 acres of land that contains
22 non-scarified native habitat within unincorporated Monroe County (from Tier I, Tier II, or
23 Tier IIIA), within any land use district. The land to be dedicated and preserved shall be
24 inspected by a County biologist to assure it does not contain scarified land. The 40.1 acre
25 land preservation may provide the TDRs necessary to move to Wisteria. Land that is
26 preserved shall be dedicated to conservation through a mechanism contemplated by the
27 Comprehensive Plan (*Policy 101.13.2*). The county prefers land to be preserved on Big
28 Pine Key or No Name Key.
29

30 **VII ENVIRONMENTAL ANALYSIS**

31 The amendment for Wisteria Island was reviewed for consistency with relevant Monroe
32 County Comprehensive Plan environmental goals, objectives and policies as well as
33 conformity with related Land Development Codes. The following analysis is based on the
34 information provided by the applicant and due to the absence of specific development plans
35 is general in nature.
36

37 Although the applicant asserts that there is no future land use designation for the subject
38 parcel, Sec 101-2.(13) e. of the Land Development Code states "*All keys or islands
39 without a specific land use designation shall be considered zoned as off-shore islands
40 whether they are labeled as (OS) OFF-SHORE ISLANDS, unlabeled, not shown on these
41 maps, or lie beyond the areas covered by these maps*". Therefore the following analysis is
42 based on an OS land use (zoning) designation for the subject parcel. This is a land
43 development code policy and is not a comprehensive plan policy. The Future Land Use
44 Map does not include a Future Land Use designation for this island.
45

46 Comprehensive Plan Policy 101.4.22 states in part that "*All development shall be subject to
47 clearing limits defined by habitat and the location of the property in the Land Use District
48 (zoning) Overlay Tier Maps and the wetland requirements in Policy 102.1.1*".
49

1 Undeveloped offshore islands are Tier I in accordance with Policy 102.7.3, therefore
2 Wisteria Island would be a Tier I property. The wetland protection requirements of Policy
3 102.1.1 state in part that the open space requirement for mangroves undisturbed salt marsh
4 and buttonwood wetlands is 100%. While the applicant states that the buttonwood
5 community is disturbed “*by definition*” by virtue of being on a spoil island and accurately
6 quotes the Land Development Code definition of disturbance, the application provides no
7 information to determine if the on-site communities meet this definition of disturbed.
8 Regardless of the degree (or lack) of disturbance present, Objective 102.1 of the
9 Comprehensive Plan, requires new development to comply with environmental standards
10 and environmental design criteria which will protect disturbed wetlands, native upland
11 vegetation and beach/berm areas. This objective is supported by the previously discussed
12 Policy 102.1.1. In addition, Policy 102.2.1 requires no net loss of disturbed wetlands,
13 requiring on-site mitigation or off-site mitigation through contribution to the environmental
14 restoration fund.

15
16 **While the application does not specify any proposed development plans, it should be**
17 **noted that Policy 102.7.2 is intended to further restrict the activities permitted on**
18 **offshore islands, if applicable to the island as defined within the policy.**
19

20 **Policy 102.7.2 states:**

21 These shall include the following:

- 22 1. Development shall be prohibited on offshore islands (including spoil islands) which have
23 been documented as an established bird rookery or nesting area (See Conservation and
24 Coastal Management Policy 207.1.3.);
- 25 2. Campgrounds and marinas shall not be permitted on offshore islands;
- 26 3. New mining pits shall be prohibited on offshore islands;
- 27 4. Permitted uses by-right on islands (which are not bird rookeries) shall include detached
28 residential dwellings, camping (for the personal use of the owner of the property on a
29 temporary basis), beekeeping, accessory uses, and home occupations (subject to a special
30 use permit requiring a public hearing);
- 31 5. Temporary primitive camping by the owner, in which no land clearing or other alteration of
32 the island occurs, shall be the only use of an offshore island which may occur without
33 necessity of a permit;
- 34 6. The use of any motorized vehicles including, but not limited to, trucks, carts, buses,
35 motorcycles, all-terrain vehicles and golf carts shall be prohibited on existing undeveloped
36 offshore islands;
- 37 7. Planting with native vegetation shall be encouraged whenever possible on spoil islands;
38 and
- 39 8. Public facilities and services shall not be extended to offshore islands.

40
41 In accordance with the above discussed Comprehensive Plan policies, the Land Development
42 Code contains the following regulations specific to offshore (OS) islands.
43
44

45 **Sec. 130-40. Purpose of the offshore island district (OS).**

46 The purpose of the OS district is to establish areas that are not connected to U.S. 1 as protected
47 areas, while permitting low-intensity residential uses and campground spaces in upland areas
48 that can be served by cisterns, generators and other self-contained facilities.
49

1 **Sec. 130-90. Offshore island district (OS).**

2 (a) The following uses are permitted as of right in the offshore island district:

- 3 (1) Detached residential dwellings;
- 4 (2) Camping, for the personal use of the owner of the property on a temporary basis;
- 5 (3) Beekeeping;
- 6 (4) Accessory uses;
- 7 (5) Home occupations--Special use permit required;
- 8 (6) Tourist housing uses that were established (and held valid state public lodging
- 9 establishment licenses) prior to January 1, 1996. Vacation rental use, of a dwelling
- 10 unit in existence as of January 1, 2000, if a special vacation rental permit is
- 11 obtained under the regulations established in section 134-1;
- 12 (7) Collocations on existing antenna-supporting structures, pursuant to section 146-
- 13 5(3); and
- 14 (8) Satellite earth stations less than two meters in diameter, as accessory uses, pursuant
- 15 to section 146-5(6).

16

17 (b) The following is permitted as a minor conditional use in the offshore island district (OS),

18 subject to the standards and procedures set forth in chapter 110, article III: satellite earth

19 stations greater than or equal to two meters in diameter, as accessory uses, pursuant to

20 section 146-5(6).

21

22 **STAFF ENVIRONMENTAL ANALYSIS**

23 The applicant submitted an environmental analysis with the application which describes the

24 existing habitats on Wisteria Island (Exhibit B). Staff conducted a site review with the

25 applicant's representatives on April 28, 2010. The existing habitat on Wisteria Island is

26 consistent with the applicant submitted information and is dominated by disturbed upland

27 communities (20.04 acres). Disturbed wetland communities constitute 1.31 acres if the site.

28

29 When reviewing the policy language of 102.7.2 the restrictions to development on offshore

30 islands are specific to development being prohibited on offshore islands (including spoil

31 islands) which have been documented as an established bird rookery or nesting area. To

32 date, no bird rookery or nesting area has been documented on Wisteria Island.

33 Furthermore, while the Comprehensive Plan indicates offshore islands should be

34 designated Tier I, this island was not included in the adoption of the Tier Maps and through

35 the development of the policy language related to the Tier System, the Sub Area Policy

36 currently recommends the island remain tierless and be ineligible to compete in the

37 Residential Rate of Growth Ordinance. The Island does not include habitat communities

38 that are consistent with Tier I or Tier IIIA criteria and therefore, is currently being

39 recommended to remain tierless.

40

41

42

43

44 **VIII IMPACT ON PUBLIC FACILITIES AND SERVICES (CONCURRENCY)**

45 Policy 1401.4.1 requires Monroe County to adopt Level of Service standards for the

46 following public facility types: road, sanitary sewer, solid waste, drainage, potable water,

47 and parks and recreation. The LOS standards are established in the following sections of

48 the Comprehensive Plan: Traffic Circulation, Policy 301.1.1; Potable Water, 701.1.1; Solid

49 Waste, Policy 801.1.1; Sanitary Sewer, Policy 901.1.1; Drainage, Policy 1001.1.1; and

1 Recreation and Open Space, Policy 1201.1.1. The following is a concurrency review for
2 the proposed Sub Area Policy.

3
4 **1. Traffic Circulation – Policy 301.1.1**

5 *“For all County roads, Monroe County hereby adopts a minimum peak hour level of*
6 *service (LOS) standard of D, based on the Florida Department of Transportation*
7 *(FDOT) methodology for determination of LOS, as measured by peak hour traffic*
8 *volume. The County shall maintain the level of service on County roads within five*
9 *percent (5%) of LOS D. [9J-5.007(3)(c)]”*

10 Trip generation estimates are based on the closest
11 categories to Mooring Field and categories matching the
12 maximum. The ITE numbers were weighted to more
13 closely represent the nearly closed system Wisteria Island
14 represents.

15
16 The weighting system used reflects the occupancy
17 approach itemized in the table below and internal trips
18 using available knowledge and experience from the
19 adjacent Sunset Key.
20
21

Total trips to and from Wisteria Island will increase by approximately 304 multi-modal trips per day if/when the maximum development potential is realized.

22 **2. Mooring Field**

23 The proposed mooring field will not increase transportation impacts. The mooring
24 impacts already exist and therefore should be included in both the County’s and the
25 City’s public facilities capacity assessment reports.
26

27 As part of the Florida Fish and Wildlife Conservation Commission Pilot Mooring Field
28 Program, the property owner has begun monthly surveys of the moored vessels around
29 Wisteria. Data for the March 2010 survey¹ has been fully processed and reveals there
30 are 106 vessels currently moored, 65 of which are liveaboards. Formalizing and
31 controlling the mooring of vessels around Wisteria Island should not create additional
32 transportation impacts that have not already been included in the level of service
33 calculations of both Monroe County and The City of Key West.
34

35 **Residential/ Transient:**

36 Proposed dwelling units would be located on Wisteria Island, so all trips to and from
37 the Island will be accommodated within multi-modal context, with the majority of trips
38 likely to occur within the existing water taxi service currently operated by the managers
39 of Sunset Key. The Sub-Area Policy requires residential and transient units to be
40 transferred to Wisteria from other locations. Therefore, given that no new units will be
41 created, no increase in overall trip generation will result County-wide; notwithstanding,
42 there will be a relocation of trips from the current or previous location of the units to
43 Wisteria Island. As previously mentioned the trips associated with the units, which
44 were previously, presumably, primarily land based trips will become multi-model trips
45 spread across land and water with a variety of origination and departure points.
46

¹The applicant provided the March survey data sheet “Survey of Vessel Type Currently in the Area of Proposed Mooring” for Wisteria Island that they are collecting as part of the Pilot Mooring Field program requirements.

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3. Non Residential:

The potential trip generating non-residential floor area is an allowance for a bar and restaurant. All access to the island will be by private boat or water taxi service. Parking for the private boaters is already accommodated and required dock-side in both the County and the City of Key West and therefore can be reasonably excluded from the land-based trip impacts.

4. Parking

Parking for Wisteria Island is expected to be accommodated within a parking structure at the Westin Marina. According to the applicant, this structure has excess capacity of approximately ± 100 spaces that can be associated with Wisteria.

The County's Development Review process requires traffic and parking studies is performed by licensed traffic engineers and reviewed and approved by the County's own traffic consultant at the time of development review. Any proposed development must meet the minimum parking requirements as determined by the LDRs and approved by the County. If the parking for Wisteria is accommodated within the City of Key West, all proper approvals (including any necessary City approvals) will be required at the time of development review.

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Population based on Occupancy Rates				
Use	No. of Units	People/ Unit	Occupancy rate	Total population
SF	35.0	2.4 ²	0.7 ³	58.8

Transient	35.0	2.6 ⁴	0.8 ⁵	72.8
Affordable	5.0	2.4 ⁶	1.0 ⁷	12.0
Moorings	+100	1.5 ⁸	0.3 ⁹	45.0
Population Total				188.6

Population – Maximum Occupancy				
Use	No. of Units	People/ Unit¹⁰	Occupancy rate	Total population
SF	35.0	2.4	1.0	84.0
Transient	35.0	2.6	1.0	91.0
Affordable	5.0	2.4	1.0	12.0
Moorings	+100	1.5	1.0	150.0
Population Total				337.0-

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² Average owner-occupied household size in Key West, according to US Census – *per applicant*

³ Occupancy in Key West per US Census data – *per applicant*

⁴ Transient Occupancy in Key West per Mo. Co. TDC data – *per applicant*

⁵ According to the applicant, average occupancies of transient units at Sunset Key is approximately 1.25 people per bedroom room

⁶ Average owner-occupied household size in Key West, according to US Census – *per applicant*

⁷ Applicant assumes employee housing occupancy at 100%

⁸ Assumes 1.5 people per mooring (note: Live-aboards are not permitted on State Lands) – *per applicant*

⁹ Based on average mooring ball occupancy rates provided by the Harbor Masters of the City Marina at Garrison Bight and Boot Key Harbor Marina – *per applicant*

¹⁰ Assumptions are the same as “Population Based on Occupancy” table above

Trip Generation	ITE # Land Use Classification	Amount	Trip Rate	Total Weighted Vehicle Trips per Day
Residential				
Single Family	Residential Planned Unit Development (ITE Class No. 270)	35.0	7.5	55.1 ¹¹
Transient	All Suites Hotel (ITE Class No. 311)	35.0	6.2	45.5 ¹²
Employee Housing	Apartment (ITE Class No. 220)	5.0	6.7	16.8 ¹³
Residential Total				117.4
Non-Residential				
Restaurant	Quality Restaurant (ITE Class No. 931)	4,000.0	90.0	179.9 ¹⁴
Bar	Drinking Place (ITE Class No. 936)	1,600.0	11.3	4.5 ¹⁵
Harbor Master (acres)	Marina (ITE Class No. 420)	0.1	20.9	2.09-
Non Residential Total				186.5
Total Residential & Non-Residential Trips¹⁶				303.9

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¹¹ According to applicant experience at Sunset Key, less than 30% of the residents have a vehicle in Key West

¹² According to the applicant, experience at Sunset Key demonstrates less than 30% of the guests come to the resort with a vehicle

¹³ ITE studies are based on a mainland suburban environment. Given the closed system aspect of Wisteria, applicant anticipates off-island trips to be reduced by approximately 50%.

¹⁴ Applicant cites experience at Sunset Key where approximately 50% of the restaurant trips are internal (i.e. guests of the resort and residents of the island constitute approximately 50% of the clientele of the restaurant and do not generate off-island trips

¹⁵ Applicant cites experience at Sunset Key where approximately 75% of the bar trips are internal (i.e. guests of the resort and residents of the island constitute approximately 75% of the clientele of the bar and do not generate off-island trips

¹⁶ Trips, per industry standards, constitute all trips whether they are by foot, bike, dinghy, private boat, water taxi, automobile, bus, etc. Therefore it is important to consider that the total number of trips can be reasonable expected to be multi-modal (i.e. spread among various types of transportation modes and various points of departure and arrival)

1 It should be noted that the Sub Area policy includes a provision that would require the
2 applicant/owner to obtain any and all necessary approvals for any physical facilities that
3 are to be constructed within the jurisdiction of the City of Key West prior to any minor or
4 Coordination with Key West staff has been initiated to include a Key West Development
5 Review Committee (DRC) review of the proposed Sub Area Policy language.
6

7 **2. Potable Water – Policy 701.1.1**

8 “Sufficient potable water from an approved and permitted source shall be available to
9 satisfy the projected water needs of the proposed development or use. Approved and
10 permitted sources shall include cisterns, wells, FKAA distribution systems, individual
11 water condensation systems, and any other system that complies with state standards for
12 potable water¹⁷.”
13

14 **Potable Water:** Policy 701.1.1 of the County Comp Plan sets the level of service for
15 residential potable water at 66.5 gal/capita/day and nonresidential at 0.35 gal/sq.ft./day.
16

17 When calculating the potential potable water needs, the maximum occupancy was used. If
18 Wisteria is at capacity for even one day sometime in the future, the potable water
19 infrastructure should have the capacity to meet the maximum need.
20

21 **Total Potential Capacity Required: 17,934 gal/day**

22 i) Potential Capacity Required (residential): 22,410.5 gal

23 The total capacity required for the residential use with 337 people is:

$$24 \quad 66.5 \text{ gal/capita/day} \times 337 \text{ people} = 22,410.5 \text{ gal/day}$$

25

26 ii) Potential Capacity Required (non-residential): 11,882.5 gal

27 The total capacity required for the nonresidential use on 33,950 sq. ft. is:

$$28 \quad 0.35 \text{ gal/sq. ft./day} \times 33,950 \text{ sq. ft.} = 11,882.5 \text{ gal/day}$$

29

30 The proposed map designation potentially results in a daily potable water usage of
31 34,293 gal/day.
32

33 Connection to the FKAA potable water system should be made. As demonstrated
34 below, the FKAA system has available capacity to accommodate the predicted level of
35 service that could result from the map designation. Any transmission capacity upgrades
36 necessary to serve potential development should be addressed during the development
37 approval process as required by the County’s Comprehensive Plan and Land
38 Development Regulations. In addition, a policy has been included in the Sub Area
39 policy that all necessary infrastructure costs will be fully paid for by the
40 owner/applicant.
41

42 The Florida Keys Aqueduct Authority has the capacity to supply adequate service to
43 this property as a result of a revised water use permit and the reverse osmosis (R.O.)
44 expansion at the Florida City plant.
45

¹⁷ Monroe County Code of Ordinances, Sec. 114-2(a)(3)

1 FCAA has obtained all necessary permits and is in the process of constructing facilities
2 on the mainland in Florida City to expand water supply for the Florida Keys. This
3 permitted and under construction improvement will enable FCAA to provide over 23
4 MGD by July 2010, which will provide sufficient capacity through 2022¹⁸. Once
5 operational in 2010, a permitted expansion of the R.O. plant will provide 6.0 MGD,
6 which combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer,
7 will increase available water supply to 23 MGD for the Florida Keys.
8

9 *Expanded Florida City R.O. Plant.* The Department of Health issued Permit # 150092-
10 007-wc/04 (Exhibit I) on November 14, 2006 to allow for the construction of an
11 expanded reverse osmosis (R.O.) water plant in Florida City. The expanded water plant
12 will be designed to treat blended Floridan Aquifer water as an alternative water source
13 to the Biscayne Aquifer. The permit design capacity of the expanded R.O. plant is 6
14 MGD.
15

16 *Revised Water Use Permit.* The SFWMD issued revised Water Use Permit (WUP) #13-
17 00005-W (Exhibit II) on March 26, 2008, which recognizes the additional blended
18 Floridan Aquifer capacity that will be provided by the expanded R.O. plant. Interim
19 Water Use Allocations in the WUP permit provide FCAA with an allocation of 17.00
20 MGD (dry season) and 17.79 MGD (wet season) which may be withdrawn from the
21 Biscayne Aquifer and allows FCAA to utilize the Stock Island and Marathon Reverse
22 Osmosis plants for any demands exceeding the interim withdrawal limit, pending
23 completion of the R.O. plant in Florida City. The Stock Island and Marathon R.O.
24 plants have a combined capacity of 3.0 MGD providing an interim WUP water supply
25 of 20.0 MGD during the dry season if needed. Once operational in 2010, the R.O. plant
26 will provide an additional 6.0 MGD, which when combined with the 17.0 MGD
27 permitted withdrawal from the Biscayne Aquifer, will increase available water supply
28 to 23 MGD for the Florida Keys.
29

30 **The interim allocation of 20 MGD (7300 MG/year) through 2010 and 23 MGD**
31 **after 2010 provides ample water supply to support the adopted amendment and**
32 **allocated growth well beyond 10 years.** The “Monroe County 2007 Annual Public
33 Facilities Report” documents historic water use in the Florida Keys. Water demand has
34 fluctuated significantly on an annual basis, however when evaluated over a ten-year
35 period, the data shows an increase in water demand of more than 1 billion gallons over
36 the last 10 years with an annual average increase of approximately 104 MG/year. This
37 increase in demand can be shown in the following calculation:
38

39 1996 annual water demand = 5,272 MG/year

40 2006 annual water demand = 6,310 MG/year

41
42 Average Annual Increase = (6,310 MG- 5,272 MG/ 10 = 103.8 MG/year
43

44 Based on the average annual increase of 103.8 MG per year, the interim allocation
45 would be sufficient for an additional 9.5 years of growth beyond 2006 or through 2015
46 until demand reaches the interim permitted withdrawal of 20 MGD (7,300 MG/year).
47 Upon completion of the Florida City facilities, the 23 MGD allocation would be

¹⁸ Excerpt from Analysis by Kenneth B. Metcalf, AICP, (Greenberg Traurig, P.A.) August 22, 2008.

1 available to support yet another 9.5 years of growth. Based on these findings, sufficient
2 permitted water supply is available to meet the needs of the Florida Keys through 2024.
3

4 *Improvements Schedule/Status.* Condition 30 of the WUP provides the following time
5 schedule for construction of the R.O. plant and the associated Floridian deep wells that
6 will provide 23 MGD of capacity through 2024:
7

- 8 • DEP Underground Injection and Control permit was obtained on May 21, 2008.
- 9 • Construction contracts were required within 180 days or by November 21, 2008;
- 10 • Testing is required within one year and 30 days from issuance of the permit or by
11 June 21, 2009.
- 12 • The R.O. plant construction is scheduled for completion by December 31, 2009
13 and the R.O. plant will be operational no later than 2 years and 60 days from the
14 issuance of the DEP permit or by July 21, 2010.

15 3. Solid Waste – Policy 801.1

16 *“Monroe County shall ensure that solid waste collection service and disposal capacity*
17 *is available to serve development at the adopted level of service standards, concurrent*
18 *with the impacts of such development. [9J-5.011(2)(b)2]”*
19

20 Policy 801.1.1 sets the level of service for residential solid waste disposal at 5.44
21 lb/capita/day.
22

23 Solid waste will be collected manually on Wisteria, and will be removed via existing
24 licensed waste haulers. The normal levels of solid waste generation and handling will
25 be at levels predicted by functional occupancy rates, not maximum capacity. On those
26 exceptional days where occupancy is higher than normal, the waste hauler is extremely
27 experienced and responds accordingly. The occupancy levels were predicted using
28

- 29 i) Potential Capacity Required (based on weighted occupancy): 1,023 **lbs/day**
30

31 The total capacity required for the residential use of 188 people is:
32 $5.44 \text{ lbs/capita/day} \times 188 \text{ people} = 1,023 \text{ lbs/day}$
33

34 The proposed amendment potentially results in an occupancy-based daily
35 solid waste capacity need of 1,023 lbs/day. According to the Monroe
36 County Public Facilities Capacity Report for 2009, Waste Management
37 (WM) has more than enough capacity to handle this increase.
38

- 39 ii) Potential Capacity Required (based on maximum occupancy): 1,833 lbs/day
40

41 The total capacity required for the residential use of 337 people is:
42 $5.44 \text{ lbs/capita/day} \times 337 \text{ people} = 1,830 \text{ lbs/day}$
43

44 The proposed map designation potentially results in an occupancy-based daily solid
45 waste capacity need of 1,833 lbs/day. According to the Monroe County Public

1 Facilities Capacity Report for 2009, Waste Management has more than enough capacity
2 to handle this increase.

3
4 Handling Procedure:

5 According to the applicant, solid waste handling will mirror that of Sunset Key. Sunset
6 contracts with WM for a single compactor for household and restaurant waste, a roll-off
7 dumpster for yard waste, and a recycling container. Once per week, or as needed, a
8 WM truck is ferried to the island where it deposits an empty compactor and roll-off
9 dumpster. The truck retrieves the full units and is ferried back across the harbor. The
10 truck hauls the trash to Rockland Key, where it is transferred and hauled to the
11 Mainland.

12
13 It should be noted that the Sub Area Policy includes a provision that would require the
14 applicant/owner to obtain any and all necessary approvals for any physical facilities
15 that are to be constructed within the City of Key West limits prior to any minor or
16 major conditional use approvals and therefore if the applicant/owner proposes facilities
17 that impact City of Key West infrastructure, they should address the impacts through
18 the Key West development review process.

19 Coordination with Key West staff has been initiated to include a Key West
20 Development Review Committee review of the proposed Sub Area Policy language.

21
22 **4. Sanitary Sewer – Policy 901.1.1**

23 **Policy 901.1.1**

24 *Monroe County shall ensure that at a the ? time a development permit is issued,*
25 *adequate sanitary wastewater treatment and disposal facilities are available to support*
26 *the development at the adopted level of service standards, concurrent with the impacts*
27 *of such development. [9J-5.011(2)(c)2]*

28
29 Permanent Level of Service Standards:

30
31 *The permanent level of service standards for wastewater treatment in Monroe*
32 *County are as provided in House Bill 1993 adopted by the 1999 Legislature.*

33
34 Notwithstanding the existing County Code and State Statutes regarding sanitary
35 sewer LOS, Monroe County has been working to develop a wastewater LOS.
36 Monroe County is designing and constructing sanitary sewer facilities in order to
37 comply with Chapter 99-395 of the Laws of Florida which require construction of
38 Advanced Wastewater Treatment systems by July 1, 2010. The proposed service
39 areas for central sewer are based on the results of the Sanitary Wastewater Master
40 Plan that was completed in June 2000.

41
42 Given that the County is working with the Florida Department of Community
43 Affairs to develop an acceptable sanitary sewer LOS, we can apply the proposed
44 LOS of 145 gallons per capita per day to determine potential capacity requirements
45 of the zoning map designation.

46
47 **Total Potential Capacity Required: 54,665 gal/day**
48

1 i) Potential Capacity Required (residential): 48,865 gal

2
3 The total capacity required for the residential use with 337 people is:

4
5 $145 \text{ gal} \times 337 \text{ people/day} = 48,865 \text{ gal/day}$

6
7 ii) Potential Capacity Required (non-residential): 5,800 gal

8
9 The total capacity required for the nonresidential use with 40 employees is:

10
11 $145 \text{ gal} \times 40 \text{ people /day} = 5,800 \text{ gal/day}$

12
13 The proposed map designation potentially results in a daily sanitary sewer capacity
14 of 54,665 gal/day.

15
16 The Richard A. Heyman Environmental Protection Facility advanced waste water
17 treatment plant has the available capacity to accommodate the potential capacity
18 resulting from the proposed zoning map designation. The current wastewater
19 treatment plant has the potential treatment capacity of 10 million gallons per day.
20 Only 4.8 million gallons per day of capacity are currently utilized. The current
21 plant has the capacity to supply service to this project's needs.

22
23 **5. Drainage – 1001.1**

24
25 *Monroe County shall ensure that at the time a development permit is issued, adequate*
26 *storm water management facilities are available to support the development at the*
27 *adopted level of service standards concurrent with the impacts of such development.*
28 *[9J-5.011(2)(b)1]*

29
30 Water Quality Level of Service Standards - Minimum Water Quality:

31
32 All projects shall be designed so that the discharges will meet Florida State Water
33 Quality Standards as set forth in Chapters 17-25 and 17-302, F.A.C, incorporated
34 herein by reference. In addition, all projects shall include an additional 50% of the
35 water quality treatment specified below, which shall be calculated by multiplying the
36 volumes obtained in Section (a) by a factor of 1.5, Retention/Detention Criteria
37 (SFWMD Water Quality Criteria 3.2.2.2):

- 38
39 a) Retention and/or detention in the overall system, including swales, lakes,
40 canals, greenways, etc., shall be provided for one of the three following
41 criteria or equivalent combinations thereof:
- 42 (1) Wet detention volume shall be provided for the first inch of runoff
43 from the developed project, or the total runoff of 2.5 inches times the
44 percentage of imperviousness, whichever is greater.
 - 45 (2) Dry detention volume shall be provided equal to 75 percent of the
46 above amount computed for wet detention.
 - 47 (3) Retention volume shall be provided equal to 50 percent of the above
48 amounts computed for wet detention.

- 1 b) Infill residential development within improved residential areas or
2 subdivisions existing prior to the adoption of this comprehensive plan must
3 ensure that its post-development stormwater run-off will not contribute
4 pollutants which will cause the runoff from the entire improved area or
5 subdivision to degrade receiving water bodies and their water quality as
6 stated above.
7 c) New Development and Redevelopment projects which are exempt from the
8 South Florida Water Management District permitting process shall also
9 meet the requirements of Chapter 40-4 and 40E-40, F.A.C.

10
11 **6. Recreation & Open Space - Policy 1201.1.1**

12 *Monroe County hereby adopts the following level of service standards to achieve*
13 *Objective 1201.1, and shall use these standards as the basis for determining*
14 *recreation land and facility capacity:*

15
16 *Level of Service Standards for Neighborhood and Community Parks:*

- 17 1) *0.82 acres per 1000 functional population of passive, resource-based*
18 *neighborhood and community parks; and*
19 2) *0.82 acres per 1000 functional population of activity-based neighborhood*
20 *and community parks within each of the Upper Keys, Middle Keys, and*
21 *Lower Keys subareas. [9J-5.014(3)(c)4]*
22

1

Recreational Level of Service Standards:

Activity	Requirement	Monroe County Pop. (July 2008)	Acres Required	Existing	Complies
Passive Park	0.82 ac/ 1000 people	72, 243	59.24 ac	97.96 ac	Yes
Active Park	0.82 ac/ 1000 people	72,243	59.24 ac	97.96 ac	Yes

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As demonstrated by the chart above, the County has more than enough additional recreational capacity beyond the adopted level of service for recreational activities potentially required as a result of the proposed zoning map designation.

Even though level of service standards are not triggered by this development, the unique uses anticipated for the surrounding waters of the island and the fact that over 100+ vessels are expected to be moored adjacent to the upland of Wisteria Island, staff has recommended a 2 acre recreational open space be provided for the occupants of the mooring fields, as well as the general public.

IX PUBLIC AND INTERGOVERNMENTAL COMMENTS

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Exhibit F is a letter from the City of Key West which expresses concerns regarding water, sewer, solid waste, transportation, police and parking. County staff is currently coordinating with Key West staff to determine whether the Sub Area Policy is adequate to meet its needs relative to the infrastructure that will be needed to serve the island. Exhibit G is a concurrency analysis prepared by the Applicant that reviewed the proposal for consistency with the City of Key West level of service standards.

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Staff attended the Key West Development Review Committee (DRC) on May 27, 2010 to obtain Key West staff comments and to review the policy language to ensure coordination. Staff also conducted a public meeting at the Harvey Government Center on May 27, 2010 at 7 PM. Staff recommends the following changes to the previous Planning Commission backup based upon public input from the Planning Commission meeting of May 26th, together with the Key West DRC and public workshop meetings of May 27th :

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- Refined the policy to protect from other offshore islands being eligible for similar treatment by defining island attributes that make Wisteria unique.
- Increased the land required for allocated density and specified an acreage requirement – not just a variable based on future land use map density and added an inspection requirement to assure land and habitat are not scarified.
- Clarified the number of dinghy docks to be provided.
- Moved 35 dock spaces from permitted by right to permitted through major conditional use with permanent housing.
- Added a requirement that 30% of mooring slips be reserved for workforce housing and that the rate charged be compatible to the fees charged by Key West or Marathon Boot Key Harbor Mooring field.

- 1 • Added language to further assure that development shall not proceed without the mooring
- 2 field.
- 3 • Increased the minimum open space from 20% to 30%.
- 4 • Added storage vessels to be prohibited.
- 5 • Added a provision that exotic removal will occur within 3 years after certification of
- 6 occupancy for each phased area.
- 7 • Clarified that existing mangroves are to be preserved and the existing salt marsh area
- 8 impact is to be minimized or mitigated.
- 9 • Clarified the 2-acre open space for public access and included provisions that the
- 10 “Wisteria” ship be highlighted as an educational opportunity.
- 11 • Clarified that a fee may be charged for entrance to open space and that it be equal to Fort
- 12 Zachary.
- 13 • Refined policies related to Key West services or services to be provided by other providers
- 14 (FKAA or FKES).
- 15 • Required all infrastructure and services to be solidified and obtained prior to any permit
- 16 issuance.
- 17 • Required a parking study to be reviewed by Key West with no deficiencies to be created by
- 18 this development.
- 19 • Clarified natural shoreline prohibitions (including no sand except above mean high water
- 20 line) to be added.
- 21 • Added provisions requested by Navy staff relative to charted depth of harbor to be
- 22 maintained and that any moored vessel and dinghies will not interfere with military harbor
- 23 activities.
- 24 • Added a provision that allows maximum development potential of the island to be
- 25 decreased commensurate with the percentage of mooring spaces the developer is successful
- 26 in obtaining through other permitting agencies.
- 27
- 28

29 **X STAFF RECOMMENDATION**

30 **Planning Commission on June 9, 2010:**

31 Approve proposed Sub-Area Policy language as recommended by Staff, only with and subject

32 to approval of the Mixed Use Commercial (MC) Future Land Use Designation approval.

33

34

35 The applicant has proposed alternative policy language and a list of items that are different

36 than the staff recommendation. These items need to be discussed with Planning Commission

37 with recommendations for each item separately.

38

39 In addition, Planning Commission may elect to make a motion to continue this hearing to a

40 date certain **June 10, 2010**, to be held in Key West at the Harvey Government Center, to obtain

41 maximum public participation in the public hearing process. This could occur at **6:00 pm**.

42 Staff has reserved the location.

43

44

45 **XI EXHIBITS**

- 46
- 47 A. FLUM Map
- 48 B. Environmental Analysis

- 1 C. Sub Area Policy recommended by Staff
- 2 D. Sub Area Policy Changes proposed by the Applicant
- 3 E. Letter from the City of Key West
- 4 F. Analysis of City of Key West Concurrency Requirements
- 5 G. Information regarding marine regulations and enforcement
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