

DEVELOPMENT REVIEW COMMITTEE

Tuesday, May 29, 2012

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, May 29, 2012**, beginning at 1:00 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL by Gail Creech

DRC MEMBERS

Townsley Schwab, Senior Director of Planning and Environmental Resources	Absent
Mike Roberts, Senior Administrator, Environmental Resources	Present
Joe Haberman, Planning & Development Review Manager	Present
Mitch Harvey, Comprehensive Plan Manager	Present

STAFF

Steven Biel, Senior Planner	Present
Rey Ortiz, Planner	Present
Emily Schemper, Planner	Present
Gail Creech, Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

There were no changes to the agenda.

MINUTES FOR APPROVAL

Mr. Haberman deferred approving the April 24, 2012 minutes to the next meeting for approval by Townsley Schwab.

MEETING

NEW ITEMS:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING MONROE COUNTY CODE SECTION 130-102, HORSES, TO ESTABLISH REGULATIONS RELATED TO THE KEEPING OF HORSES IN MONROE COUNTY, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

(File 2012-036)

Mr. Haberman announced that this item has been continued to the June DRC meeting.

2.Sandal Factory Outlet, 102411 Overseas Highway, Key Largo, Mile Marker 102.4: A request for an amendment to a minor conditional use permit in order to construct a building addition of approximately 2,119 SF for office use. The existing 5,566 SF building shall continue to be used for low-intensity commercial retail. The subject property is legally described as Block 2, Lots 1, 2, 37 and 38, Bahia Mar Estates (PB4-79), Key Largo, Monroe County, Florida, having real estate number 00543710.000000.
(File 2012-059)

Mr. Haberman stated that Owen Trepanier had asked to have Item 3 heard first, but since he is not present, Item 2 will be heard in order.

Steven Biel presented the staff report. Mr. Biel reported that this request is for a 2,119 square foot addition to the existing 5,566 square foot building that is there now, which is a commercial retail use. The proposed addition would be an office use. Mr. Biel then recited a history of the building permits issued for this property. In reviewing this proposal staff looked at the 2010 comprehensive plan, as well as the Key Largo Community Master Plan. This project is consistent with these plans and is supported by Action Item 6.1.2, which encourages the retention of businesses that support the tourist-based economy, which this business is. If this is approved, the 2,119 square feet for the addition would have to enter NROGO. The existing building has been lawfully established and, therefore, is exempt from NROGO. There is a 20 percent required open space for the property and this property is in compliance. The proposed building addition, the new parking and the new loading spaces have been designed in compliance with the setbacks. The existing building does not meet setback conformity. However, that building has been found to be lawfully non-conforming. The site plan is showing that the site would be brought into compliance to the greatest extent practical.

Mr. Biel reported that there are some issues with the surface water plan. Mr. Biel explained to David Osborn, the engineer present on behalf of the applicant, that the surface water management plan must be revised to clearly demonstrate that the required swale volumes will be met and the 24-hour storm calculation should be revised to include the entire disturbed area. Mr. Roberts added that it is important to ensure that whatever that swale is calculated to treat will still treat that volume after the landscaping is placed in the swale. Mr. Haberman informed Mr. Osborn that that needs to be done before building permits will be issued, which comes after NROGO. Mr. Osborn assured the Committee it would be done right away.

Mr. Biel then discussed the required parking. Mr. Biel reported that the required parking is 23 spaces and the site plan shows 24. There are parking areas along US-1 and Alhambra Drive that require the cars to back up into the right-of-way on US-1 and onto Alhambra Drive. These parking spaces are non-conforming to the current requirement, but these parking spaces have been lawfully established under prior approvals and are in compliance to the greatest extent practical. Mr. Haberman requested the applicant eliminate one of those spaces along US-1, perhaps the handicap space, and add landscape. Mr. Haberman then stated that the back parking lot cannot be gated during business hours because the parking is not sectorized out by use.

Donald Lang, a property owner within 300 feet of the subject property, stated that he has a major issue with safety regarding the parking spaces along Alhambra Drive with the cars backing out into oncoming traffic as they turn off of US-1 onto Alhambra. Mr. Lang submitted photographs of this taken the prior week. Mr. Lang said that a lot of cars even park with their bumpers overhanging the road right-of-way on Alhambra. Mr. Lang stated for the record that it is an extremely dangerous situation with those parking spaces on Alhambra, admittedly non-conforming as they are. Mr. Haberman added that although staff has to respect the lawful non-conforming parking spaces, ideally the applicant would find a way to site them all on site or at least have the back-up on their own property. Mr. Haberman suggested, for a matter of public safety, considering moving three spaces. Mr. Lang suggested requesting a parking variance for fewer spaces and totally eliminating those spaces along Alhambra. Mr. Haberman stated that he, in his position, cannot require the applicant to do that because he does not see immediately what the exceptional hardship would be to reduce the parking. That would have to be demonstrated. Mr. Osborn stated that moving the three spaces would not be a problem.

Mr. Biel continued to report that the required loading and unloading space required is 11-by-55 feet and the site plan is showing an 11-by-35-foot space. The current buffer yards are not in compliance. Mr. Haberman added that a condition will be imposed that at a minimum something is done to come into compliance to the greatest extent practical on the major street buffer. Mr. Haberman stated that adding greenery and perhaps planters, as well as putting some landscaping where the handicap spot currently is is a way to show they are coming into compliance to the greatest extent practical along the US-1 corridor. Mr. Roberts pointed out that the buffer on the back is labeled as a Class D buffer on the notes, but on the landscape plan it is labeled as a Class A buffer. Mr. Osborn will double-check that labeling. Mr. Roberts then requested the applicant submit a list of plants that will be planted. They need to be native and whatever is going to be planted in the storm water treatment area needs to be a species that can tolerate increased hydrology. Mr. Haberman asked for a plan that shows the revisions with revision clouds as well as a clean revised plan.

Mr. Biel then reported that the access along US-1 is not conforming, but it has been lawfully established. There is also an existing entrance off of Alhambra Drive. The site plan shows the width of this entrance as 19 feet and this would provide access to the parking for the office use in the back. A Level 1 traffic analysis was submitted to the County's traffic consultant. At this time staff has not gotten any comments back, so compliance for the access is to be determined pending the review of the traffic study. Mr. Haberman stated it is important that gets approved. Mr. Biel then stated that he had received comments on the surface water from Kevin Wilson, County engineer, which were then given to Mr. Osborn. Mr. Roberts interjected that Mr. Wilson's information may be relied on if any discrepancies exist between Mr. Wilson's evaluation and what is in the staff report. Mr. Biel then recited for the record the conditions listed in the staff report.

Mr. Roberts added that for the building permit submittal a tree survey is necessary so staff can determine what mitigation may be necessary, if any native vegetation is being removed. Mr. Haberman reminded Mr. Osborn that one condition that has to be addressed before getting into NROGO is approval of the traffic study. Mr. Haberman again encouraged shifting the handicap

parking space along US-1 and the three spaces along Alhambra Drive. The bike rack must be set back 25 feet also.

Mr. Lang raised the issue of the delivery trucks using Alhambra Drive as a loading zone, blocking the street. Mr. Haberman responded that they are required to use their loading zone and it is by code that they are not allowed to park over parking or park over road. If they are parking on the street, that is a matter of the Sheriff's Office, and if they are parking over parking spaces, that is a potential code compliance issue. Mr. Lang asked if the owner of the property could try to get the vendors to deliver using the loading zone. Mr. Haberman asked Mr. Osborn to speak to his client in this regard.

3.Refreshment Service, Inc. Property, MacDonald Avenue, Stock Island, Mile Marker 5: A request for an amendment to a minor conditional use permit in order to construct a new building of approximately 7,400 SF for light industrial use. The existing 10,560 SF building shall continue to be used for light industry. The subject property is legally described as Square (Block) 36, Lots 1 through 5 and Lots 16 through 20, Maloney Sub subdivision (PB1-55), Stock Island, Monroe County, Florida, having real estate number 00124940.000000. (File 2012-063)

Emily Schemper presented the staff report. Ms. Schemper reported that this is a request for an amendment to a minor conditional use. There is an existing 10,560 square foot warehouse on the site and the applicant is proposing a 7400 square foot warehouse for additional storage space. The existing and proposed use is light industrial. The surrounding community is mixed use commercial, residential and a few vacant parcels. The existing light industrial was lawfully established prior to 1986, so it is deemed to have a minor conditional use permit. The standards for all conditional uses for the most part have been met. One issue that has come up is the standard that the design of a proposed development minimizes adverse effects, including visual impacts. Like the existing building, the elevations are large uniform expansions of corrugated aluminum, so staff is requesting that the masking of those be broken up in some way using architectural features, multiple materials or colors. Mr. Haberman interjected that staff is pretty open-minded as to how that can be accomplished. Peninsular Marine was cited as a good example of how that can be achieved.

Ms. Schemper continued to report that in terms of the adequacy of public facilities and services, most of those will be addressed with the appropriate utility provider. In terms of roadways, a Level 1 traffic study was given for both the existing and the proposed, but it has not been evaluated yet by the County's traffic consultant. That will have to be approved prior to the issuance of the development order. Most of the standards imposed by the land development regulations are in compliance. The 7400 square foot new building requires an allocation of 7400 square feet of non-residential floor area. Staff is requesting that a Class C buffer yard be placed along the southern portion of the east property line. Mr. Haberman assured Mr. Trepanier that there is enough room to put a Class C buffer yard in. Mr. Haberman added that if a solid wall is used, some of the width requirement could be waived.

Ms. Schemper further reported that in terms of the surface water management, Kevin Wilson, County engineer, requested the runoff be directed toward the swales. Removal of four

Australian pines would be required before any building permits would be given. Ms. Schemper noted that the traffic study indicates there would be 65 daily trips as opposed to 35 daily trips, as stated in the staff report. Staff recommends approval with conditions. Ms. Schemper then recited into the record the conditions listed in the staff report.

Ms. Haberman informed Jason Murphy, applicant, the site plan is good as far as getting into NROGO, but a new separate landscape plan is needed. Approval by the traffic consultant is still needed. Mr. Haberman then recommended to Mr. Murphy that the building permit be submitted within the next couple of weeks to get into NROGO, as the deadline is July.

Mr. Haberman and Mr. Trepanier, present on behalf of the applicant, discussed the maximum allocation allowed each period. Mr. Trepanier asked what the process would be to pursue receiving built-up allocations. Mr. Haberman encouraged Mr. Trepanier to seek a text amendment to the land development code.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 1:52 p.m.