

DEVELOPMENT REVIEW COMMITTEE

Tuesday, November 13, 2012

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, November 13, 2012**, beginning at 1:02 p.m. at the Marathon Government Center, 2nd Floor Conference Room, 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL by Gail Creech

DRC MEMBERS

Mayte Santamaria, Assistant Planning Director	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Joe Haberman, Planning & Development Review Manager	Present
Mitch Harvey, Comprehensive Plan Manager	Present

STAFF

Rey Ortiz, Planning & Biological Plans Examiner Supervisor	Present
Ron Demes, Ex-Officio Member, NAS Key West	Present
Gail Creech, Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

There were no changes to the agenda.

MINUTES FOR APPROVAL

Ms. Santamaria approved the minutes from the August 28, 2012 and September 25, 2012 meetings with minor edits made by Mr. Schwab.

MEETING

New Items:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING MONROE COUNTY CODE SECTION 130-131, ROCKLAND KEY COMMERCIAL RETAIL CENTER OVERLAY DISTRICT; TO ALLOW CREATE AN OVERLAY DISTRICT ON ROCKLAND KEY THAT ALLOWS COMMERCIAL RETAIL DEVELOPMENT; TO ESTABLISH MAXIMUM FLOOR AREA RATIOS FOR SUCH COMMERCIAL RETAIL DEVELOPMENT; 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 2011-094)

Mr. Haberman clarified that the word “allow” should be removed from the ordinance language.

Mr. Haberman presented the staff report. Mr. Haberman reported that this item previously came before the DRC, but as it went through the process it morphed into involving other sections of code and went from allowances in the industrial district to the creation of an overlay district. Staff thought the changes were significant enough to bring it before the DRC again. It still would result in a shopping center being allowed on Rockland Key, but this confines the area to which it would apply.

Owen Trepanier, present on behalf of the developer, stated this has not changed dramatically from the first ordinance except for changing the zoning from industrial to commercial. Another change is this does away with the residential component in the district within the area of the change and does not allow any more development than what was permitted there before. Language was included to address the requirements for the AICUZ with regard to sound attenuation.

Mr. Haberman clarified for Ms. Santamaria that the term “habitable structures” does not refer to residential, but refers to a structure intended for people to be inside.

Mr. Trepanier asked for clarification on whether institutional is to be put back into the FAR or not. Mr. Haberman explained that staff never wanted the FAR taken out, but wanted to ensure the permitted use was not redundant.

A brief recess was held to photocopy the application for the attendees.

Mr. Haberman explained what the different highlighting on the application indicates. Mr. Trepanier stated that the applicant has no issues with the purpose and intent at all. The name Rockland Key Commercial Center was used because NROGO deals with commercial centers, not commercial retail centers. Ms. Creech confirmed that the advertisement was already submitted and it was advertised as Rockland Key Commercial Retail Center.

Mr. Haberman pointed out in Section B the language “consistent with approximately 33 acres” will be stricken and replaced with “as illustrated in Section 130-131.” Mr. Roberts requested that the language in Section C should reflect the state definition of wetlands as found in the Florida Administrative Code. Language was added that issuance of a County permit for any commercial retail development will include a condition that all applicable state and federal permits be obtained before commencement of work, that the applicant must receive a notice to proceed from the County, and that copies of these permits shall be available for inspection at all times, which will be a County code requirement in the near future. Mr. Roberts commented that Paragraph 1 regarding preservation/conservation areas should not include language that would prohibit restoration activities. Mr. Haberman requested that language regarding billboards be deleted.

Mr. Trepanier stated that Section D should include a discussion of NROGO. Mr. Haberman believes this language belongs in the NROGO section. Mr. Haberman then explained that when the applicant first started editing NROGO staff did not support the language used, but did

support the concepts. Staff has since pursued writing a text amendment to allow anybody that meets certain criteria to be able to use banked NROGO, not just one person. Mr. Trepanier clarified that Sections 3, 4 and 5 are the only deviations of NROGO the applicant is asking for. Mr. Haberman added that staff has a separate text amendment going to the Planning Commission possibly at the same meeting as this item that changes that cap to include community centers. Ms. Santamaria commented that the language exempting this project from NROGO concerned staff since that would be inconsistent with the County plan. Ms. Santamaria suggested using the language: "This supersedes Section 'blank' for the size of the building and the use of the bank until those other changes are made." Mr. Haberman added that he still believes this whole conversation belongs in the NROGO section so it is clear how NROGO applies to every property. Mr. Haberman believes the way this ordinance is written gives this one area the banked NROGO when NROGO is to be given out county-wide. Mr. Trepanier clarified that the applicant is not asking for priority, but is trying to take away the discussion about whether or not banked NROGO can be accessed. Mr. Haberman responded that banked NROGO cannot be accessed because the process is not identified in the code, but an amendment has been written to take this before the Planning Commission. Mr. Trepanier prefers to leave the language in for now, and if the Planning Commission does recommend access to banked NROGO this applicant can strike Sections 4, 5 and 6 since that will no longer be needed.

Mr. Trepanier stated that the applicant is fine with staff's changes to permitted uses. Mr. Trepanier requested the additional language of "Upon issuance of a permit for a commercial use for an individual parcel the heavy industrial uses shall no longer be permitted" to avoid the potential of conflicting uses. Mr. Haberman suggested clearly prohibiting commercial apartments and heavy industrial uses in this overlay district. Mr. Trepanier stated that the applicant accepts staff's edits made to the maximum floor area adjacent to US-1.

Mr. Haberman then discussed cumulative floor area. Mr. Haberman explained that staff looked at the biggest box stores in Miami-Dade, the closest jurisdiction, and the average was around 125,000 square feet for Miami-Dade, which has a much higher population. Staff believes there is no reason that greater than 125,000 square feet should be allowed for any business in the Keys, whose population is far less than Miami-Dade's. Staff will provide the applicant with data of the size of buildings in the Keys. Mr. Trepanier responded that the applicant could accept something close to 125,000 square feet in terms of the building, but when adding a smaller sub-anchor the building becomes significantly larger and building these as separate structures drives the construction costs up tremendously. Mr. Haberman added that the benefit is it breaks up the mass of the building. Mr. Trepanier believes the mass and scale of the main building is being addressed by the setback from US-1. Mr. Haberman asked if the applicant would agree to a cap of 125,000 with some regulations that reduce massing. Mr. Trepanier agreed. Mr. Trepanier then explained that the applicant proposed a cap of cumulative square footage of a maximum of 500,000 square feet based on current potential trip generation. Mr. Haberman suggested 300,000 square feet, keeping in context with other developments. Mr. Trepanier believes common ground can be reached in between those two numbers. The applicant will provide for staff some backup data of a number that will allow for a good development that will not build every inch of the buildable area of the property. Mr. Haberman pointed out that staff did not include buildings and uses in the ordinance to allow for more flexibility in the future.

Mr. Trepanier asked for clarification on not only consideration of a traffic impact statement, but the added requirement to identify and address that impact. Ms. Santamaria responded that staff might change that recommendation since proof of adequate capacity would not trigger the need for improvements. Mr. Haberman then related to Mr. Trepanier the Growth Management Director's desire for language to require some kind of funding that would be directed towards building community space, such as a bus stop or bike trail.

Ms. Santamaria asked for comments by NAS Key West. Mr. Demes stated that this is a very high noise area based on the 2007 AICUZ and NAS Key West's main concern is noise. Mr. Demes added that the noise level reduction criteria the applicant has included is definitely a mitigating circumstance, but asked the applicant to consider increased noise level reductions for the single-event type of noise, which would be significant in this area. Mr. Demes believes outdoor retail would be impacted due to the noise. Mr. Demes then explained the proximity of the departure runways to this proposed development. Mr. Demes also believes the noise level would be too high for kennels to be located on this property. The Navy would also be concerned with broadcasting type activities at the property, height restrictions, beacons with lights and frequency interruptions. The Navy would look at anything that would increase density or intensity as a negative from the standpoint of compatibility and believes heavy industrial uses there would be compatible as long as it is not something that is considered a bird attractant, as the Navy is sensitive to bird air strike hazard impacts. Mr. Demes encouraged the applicant to look at it from an engineering standpoint to ensure a pleasant experience for an individual visiting the site. Mr. Demes concluded by stating that the Navy considers the commercial use a far better use than a use that includes a residential component to it.

Ashley Monnier, also present on behalf of NAS Key West, added that she will coordinate this through the Navy's chain of command and staff will be notified of any feedback.

Mr. Haberman stated this will probably go before the BOCC in February or March of next year.

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AN AMENDMENT TO THE LAND USE DISTRICT MAP TO ESTABLISH THE BOUNDARIES OF THE ROCKLAND KEY COMMERCIAL RETAIL CENTER OVERLAY DISTRICT, AS DESCRIBED IN SECTION 130-131 OF THE MONROE COUNTY CODE, FOR PROPERTY LEGALLY DESCRIBED AS PARCELS OF LAND IN PART OF GOVERNMENT LOT 7, SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, ROCKLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00122070.000200, 00122070.000201, 00122070.000400, 00122070.000500, 00122070.000600, 00122080.000200, 00122080.000300, 00122080.000303 AND 00122080.000304.

(File 2012-142)

Mr. Haberman presented the staff report. Mr. Haberman reported that this application will be to establish the boundaries for the previous item discussed about creating an overlay district. This would be the boundary to which those revised regulations would apply. Mr. Haberman then described the physical boundaries.

ADJOURNMENT

The Development Review Committee meeting adjourned at 2:16 p.m.