

DEVELOPMENT REVIEW COMMITTEE

Tuesday, November 27, 2012

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, November 27, 2012**, beginning at 1:03 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	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Joe Haberman, Planning & Development Review Manager	Present
Mitch Harvey, Comprehensive Plan Manager	Present

STAFF

Mayte Santamaria, Assistant Planning Director	Present
Emily Schemper, Senior Planner	Present
Rey Ortiz, Planner	Present
Gail Creech, Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

There were no changes to the agenda.

MINUTES FOR APPROVAL

Mr. Schwab approved the minutes of the October 30, 2012 meeting with notations provided.

MEETING

New Items:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE FUTURE LAND USE MAP OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM INDUSTRIAL (I) TO MIXED USE/COMMERCIAL (MC); FOR PARCELS OF LAND ON ROCKLAND KEY, HAVING REAL ESTATE NUMBERS 00120940-000100, 00120940-000200, 00121980-000000, 00121980-000500, 00121980-000600, 00122030-000000, 00122030-000100, 00122040-000000, 00122040-000100, 00122040-000101, 00122040-000102, 00122070-000100, 00122070-000103, 00122070-000105, 00122070-000106, 00122070-000107, 00122070-000108, 00122070-000109, 00122080-000000, 00122080-000500, 00122081-000200, 00122081-000300, 00122081-000400, 00122081-000500; AND FROM MIXED USE/COMMERCIAL FISHING (MCF) AND

INDUSTRIAL (I) TO MIXED USE/COMMERCIAL (MC) FOR A PARCEL ON BIG COPPITT KEY, HAVING REAL ESTATE NUMBER 00120940-000300.
(File 2012-068 Request By Toppino Family Companies-FLUM)

Ms. Santamaria presented the staff report. Ms. Santamaria reported that this is a request by the Toppino Family Companies for a FLUM change for 25 parcels, 24 on Rockland Key from industrial to mixed use, and one on Big Coppitt from mixed use/fishing and industrial to mixed use. Most of the properties are Tier III except for two parcels that are Tier I on the northern end of Rockland Key. The Planning Commission did recommend Tier III for those two parcels two weeks ago, but they are Tier I as of today. This is for an estimate of 80 acres based on the Property Appraiser's data because a boundary survey is not available today. Because mixed use/commercial prohibits heavy industrial uses, there may be a lot of nonconforming uses if this is approved. Most of the property around this proposed amendment is industrial as well as residential high and residential conservation and it includes a mix of uses. This is an increase of 375 residential units, as well as 1,123 transient rooms in the industrial to mixed use/commercial, and in the mixed use/commercial fishing to mixed use/commercial it would be an addition of 75 transient rooms. The nonresidential square footage would decrease by 480,000 square feet. This significant change in the residential and transient residential components causes concern that this may increase hurricane evacuation issues. Additionally, the County recently adopted the discouragement ordinance which directs the discouragement of increases in residential density and intensity. A portion of this property is within the Navy's high noise zones.

Staff recommended denial of this proposal because of the hurricane evacuation concerns, the increased residential and transient residential component, and this is contrary to the discouragement ordinance, as well as the military compatibility. Ms. Santamaria noted that staff is processing a commercial FLUM amendment category that does not include a residential component, but does include similar uses of a nonresidential component that might be an alternative for these parcels of land.

Owen Trepanier was present on behalf of the applicant. Mr. Trepanier requested that the hearing be tabled so that the applicant can continue to work with staff on the commercial FLUM and zoning.

Michael Halpern, owner of six acres adjacent to the proposed site, was present. Mr. Halpern joined the applicant in support of the commercial zoning overlay.

Bart Smith, Esq. was also present on behalf of the applicant. Mr. Smith asked for the opportunity to add Michael Halpern's properties to this application to amend the zoning, as well as the other property owners of industrial-zoned properties not included in this amendment. Mr. Smith will be contacting the other property owners to make this a universal zoning change. Mr. Smith asked for the opportunity to meet with staff and make those amendments before bringing this back to the DRC. Mr. Smith would also like to speak with staff about some potential ability to do some residential in the areas outside of the 65 DNL.

Mr. Trepanier suggested the idea of master-planning Rockland Key. Mr. Trepanier believes creating a commercial FLUM could be a great solution for the future development of this property.

Ashley Monnier, community planning liaison officer for NAS-Key West, was present. Ms. Monnier reiterated staff's concerns as laid out and discussed. Ms. Monnier stated that the proposed application is incompatible with the Navy's mission and that the Navy would like to be engaged in the process of creating a commercial FLUM to help make sure that any development that is happening is compatible with the mission. Ms. Monnier then clarified that there is not a new AICUZ as of yet, but only a draft EIS. Mr. Halpern agreed that the sooner in time and the more the Navy is involved, the better it is for the property owners.

2.Key West Harbour, 6000 Peninsular Avenue, Stock Island, Mile Marker 5: A request for approval of an amendment to the major conditional use permit memorialized by Planning Commission Resolution #P11-07 to allow the conversion of an existing 10,640 square foot boat barn consisting of 68 dry slips to a 10,640 square foot hotel consisting of 34 transient residential units. The subject property is legally described as lots 5, 6 and 7, Square 61, Maloney Subdivision, and parcels of land within Section 35, Township 67, Range 25, Stock Island, Monroe County, Florida, having parent real estate numbers 00127471, 00127472, 00127473, 00127474, 00127475, 00127476, 00127477 and 00127480.
(File 2012-132)

Ms. Schemper presented the staff report. Ms. Schemper reported that this is a parcel that was in the process of turning into condominiums that has been split out. The numbers at the top of the staff report are the parent real estate numbers, and each of those parent real estate numbers has between six and 200 full real estate numbers associated with it, which needs further explanation of the number of condominium owners and what each of those real estate numbers refers to.

Ms. Schemper further reported that this application is requesting an amendment to the property's major conditional use permit in order to convert an existing 10,640 square foot boat barn into a 10,640 square foot hotel building with 34 transient residential units. Ms. Schemper noted that there was a proposed site plan provided with the application indicating which building is to be converted into the hotel and also included calculations showing proposed density. However, this site plan is not the most recently approved site plan. For purposes of this staff report, Ms. Schemper did calculations based on the most recently approved site plan which resulted in a few deviations from the conditional use previously approved. The location of the property was described. A history of development on this property was given.

Ms. Schemper then went through some issues staff has with this application. Staff is unsure if a requirement of an on-site pump-out station exists on this property. Owen Trepanier, present on behalf of the applicant, stated that even though this is not a new marina, the applicant has no problem with that requirement. Mr. Haberman noted that the applicant for the previous redevelopment said they were going to install that pump-out, but this was never confirmed.

Ms. Schemper stated that the proposed hotel would be established within an existing building, thereby maintaining the existing building footprint. Detailed drawings of the proposed hotel

have not been received by staff to ensure that the applicant would maintain or enhance the appearance of the large building. The adequacy of public facilities and a traffic study were not provided, which is required for any development that will generate more than 400 trips. The applicant has stated the change from a boat barn to a hotel would not generate more than 400 trips, but the entire development needs to be reviewed for that determination. Mr. Haberman clarified that because this was approved five plus years ago, the level of service for a boat barn might be different now and that is the reason this needs to be reviewed. If more research is needed, there will probably be an addendum to an existing report required.

Ms. Schemper then explained that the request by the applicant to use 34 ROGO exemptions associated with 34 live-aboard vessels, which was previously recognized, is not permitted by the land development code or the comp plan. Given the moratorium on new transient residential units, the only way to acquire these ROGO allocations for the hotel rooms would be through a transfer of ROGO exemptions. Mr. Trepanier asked for the code citations regarding that. Mr. Haberman noted that the code sections that would allow that do not exist, but only indirect things that imply it cannot be done.

Next Ms. Schemper stated that even though there is no proposal for any new nonresidential floor area, the applicant needs to keep in mind that the boat barn was not subject to any floor area requirements. So anything that becomes part of the hotel, such as a restaurant or café, may be subject to NROGO. The residential density and maximum floor area is in compliance based on the numbers approved under the most recent deviation from the prior conditional use permit, but if the applicant decides to use a TRE to replace live-aboards, it will change the density. The drawing submitted for the hotel building indicates the altered roof line is going to exceed the 35-foot height limitation, so that would have to be adjusted. Surface water, wastewater and flood plain must be in compliance.

Ms. Schemper continued to report that the shared parking calculation used for the previous conditional use approval changes when the hotel use is added in. Also, there was a variance granted previously reducing that shared parking allowance. The new total for shared parking is 273 spaces, which is a greater difference than the variance allowed before. If the applicant cannot add the extra parking back in, a determination would have to be made whether or not a new variance is needed for that. Mr. Trapanier informed staff that over 60 spaces will be added underneath the building and he will make sure the plans reflect that. Mr. Haberman noted that there would be some additional landscaping associated with that. Ms. Schemper stated that there is a required loading space based on the nonresidential floor area not shown on the previous site plan that needs to be there.

Staff's recommendation hinges on whether the applicant is going to try to transfer the live-aboards into hotel rooms. Ms. Schemper then recited the conditions staff is adding to an approval. Condition G regarding public waterfront access was discussed in detail. Mr. Haberman explained the reason for that condition was because at the time there was the idea that public access had to be provided or the application would be denied on its face. Mr. Trepanier stated if it is in the conditions of the prior approval, the applicant will comply with it. Mr. Roberts noted that the prior approval on the shoreline setback did not include the residential use of this barn that is inside the shoreline setbacks. Mr. Haberman added that the previous site plan

was approved to do compliance to the greatest extent practical, which was affirmed by the Planning Commission. The boat barns were built in compliance with the shoreline, but it was parking and driveways that were in the shoreline setback, not the buildings. Mr. Trepanier stated he will address that specifically.

Ashley Monnier from NAS-Key West stated she would like to coordinate with staff as this application goes through the process so the Navy will be able to appropriately address any concerns the Navy may have. Staff will keep the Navy updated on the scheduling of this item, as the schedule will depend on what the applicant decides to do regarding the live-aboards. Ms. Monnier added that if this is proposing a hotel within the 75 DNL, it will be a major issue for the Navy. Mr. Haberman commented that the hotel is a permitted use.

ADJOURNMENT

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