

DEVELOPMENT REVIEW COMMITTEE

Tuesday, June 25, 2013

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, June 25, 2013**, beginning at 1:12 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

STAFF

Mayte Santamaria, Assistant Planning Director	Present
Steve Williams, Assistant County Attorney	Present
Emily Schemper, Senior Planner	Present
Tim Finn, 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 March 26, 2013 meeting.

MEETING

New Items:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 101-1, DEFINITIONS, TO REVISE THE DEFINITION OF COASTAL BARRIER RESOURCES SYSTEM (CBRS) TO BE CONSISTENT WITH THE FEDERAL COASTAL BARRIER RESOURCES ACT; AMENDING SECTION 130-122, COASTAL BARRIER RESOURCES SYSTEM OVERLAY DISTRICT TO DISTINGUISH BETWEEN FEDERAL AND COUNTY PURPOSES; REVISING THE APPLICATION OF THE CBRS OVERLAY DISTRICT TO BE CONSISTENT WITH CBRS OBJECTIVES AND POLICIES OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN; 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 2013-067)

(1:13 p.m.) Ms. Schemper presented the staff report. Ms. Schemper reported that this is a request by the Planning Department to amend two sections of the Monroe County code to change the definition, the purpose and application of the current Coastal Barrier Resources System Overlay District. This request is following direction by the Board of County Commissioners (BOCC) to proceed on recommendations included in a report prepared by Keith & Schnars to evaluate the existing comp plan and development code policies. In the summary of findings it was found that if the CBRS overlay ordinance was eliminated, CBRS system units would still be protected from development by the County's tier system and that the County's ROGO and tier system policies have generally been effective in limiting development in the CBRS. The recommendations included amendments to both the Land Development Code and the comprehensive plan in a phased approach. The first phase of those amendments will include modifications to the Land Development Code, which is the subject of this amendment. The second phase will include amendments to the comprehensive plan and several other amendments to the Land Development Code to keep them consistent.

Ms. Schemper further reported that today's amendment deals with the Phase 1 amendments to the Land Development Code. The proposed changes to Section 101-1 include changing the definition for Coastal Barrier Resources System so that it clarifies the origins of the CBRS, methods of designation, federal implications of designation and agencies responsible for revising CBRS boundaries to make that more clear and make sure it is consistent with federal regulations. Ms. Schemper then read aloud the language being added to the definition. The other section with proposed amendments is Section 130-122, which is the Coastal Barrier Resources System Overlay District. The subsection for the purpose and for the application is being clarified. The application has been edited and a subsection about county public improvements has been added.

Mr. Roberts asked for clarification of the paragraph in the application being inserted regarding non-CBRS land available for development and avoiding development within CBRS districts. Ms. Santamaria explained that that paragraph discourages development in those areas unless the property owner can compete successfully in ROGO and the tier system to get an allocation to allow development. Phase 2 will include negative points for CBRS, which will make those parcels less competitive. Ms. Santamaria clarified that these amendments remove the prohibition of utilities going to or through CBRS units, but it will simply be discouraged by negative points. Mr. Roberts suggested adding the language "and consistent with the County's policies and regulations herein" under Section D.

Mr. Schwab asked for public comment.

Beth Ramsay-Vickery of No Name Key commented the cautioning language to minimize impacts to communities with substantial commitment of time and money was omitted, the proposed new Section D creates spot-zoning by allowing for special and preferential benefit for Stock Island, and there is no cautioning language about the replacement of facilities. Ms. Ramsay-Vickery stressed that this new Section D puts the County in front of the Coastal Barrier

Resource Act itself, which the BOCC has cautioned against. Ms. Ramsay-Vickery suggested eliminating Section D. Ms. Ramsay-Vickery asked that the cautioning language regarding replacement of facilities be included. Letters from the U.S. Department of Interior were submitted for the record.

Ms. Santamaria informed Ms. Ramsay-Vickery that Section D was a direct recommendation included in the report. Ms. Santamaria then clarified that the words “prohibit” or “shall not” were not used, but it states the County “should not” use funds unless consistent with the Act, which does include repair, replacement, purchase and so forth. The BOCC will be in charge of expending any County funds. Ms. Santamaria also pointed out regarding the comments about Stock Island that Policy 502.1.5 states Monroe County shall support a proposal to amend the Coastal Barrier Resource System to delete the improved port property along Safe Harbour entrance channels from the System Unit Florida 57. Staff has discussed revising the language from the policy to match the comp plan. Ms. Ramsay-Vickery noted that there is a County ordinance to remove the east end of No Name Key from the CBRIS area. Ms. Santamaria explained that No Name Key is not referenced in the comp plan. Ms. Ramsay-Vickery disagreed that the code excluded Stock Island. Ms. Ramsay-Vickery and Ms. Santamaria further discussed Section D.

Cathy Brown recommended adding the wording from the Coastal Barrier Resource Act into this amendment, or at least reference Section 6, so that it remains clear for the future.

Mr. Schwab thanked the public for their comments and stated staff will take those comments under advisement. Ms. Ramsay-Vickery requested a copy of the amended changes before they move forward.

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 130-158, IMPROVED SUBDIVISION AND COMMERCIAL FISHING VILLAGE DISTRICT DENSITIES, AND SECTION 130-159, URBAN RESIDENTIAL-MOBILE HOME DISTRICT DENSITY; TO REMOVE SUBSECTIONS REDUCING DENSITY FOR CONTIGUOUS LOTS UNDER COMMON OWNERSHIP TO BE CONSISTENT WITH THE ALLOCATED DENSITY PROVISIONS WITHIN THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE; AND TO ELIIMINATE POTENTIAL FOR INEQUITABLE ENFORCEMENT; 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 2013-073)

(1:41 p.m.) Ms. Schemper presented the staff report. Ms. Schemper reported that this request is from the Planning and Environmental Resources Department to amend two sections of code. These sections both contain an identically worded subsection eliminating some density associated with a platted lot in the event that two contiguous IS, URM or commercial fishing village lots are owned in common ownership, and staff is proposing to remove that subsection.

The densities are regulated by both the adopted comprehensive plan and the Land Development Code. Ms. Schemper recited the densities currently allowed in those three zoning areas. Ms. Schemper explained how the subsection is confusing and why staff is unable to equitably enforce these provisions and proposed striking this subsection from both Sections 130-158 and 130-159. In May the Planning Director entered an administrative interpretation directing staff to not enforce those provisions due to the possibility that they would be enforced unequally or possibly have legal ramifications.

Mr. Haberman commented that both sections talk about lots having to have the minimum areas for an on-site wastewater treatment system, which is an old requirement. Mr. Haberman suggested changing that language, as well as merging 2 and 3. Ms. Schemper noted that if B is deleted, A is not necessary. Ms. Santamaria stated staff will review that section for additional changes and possibly strike the entire section.

3.81 Park Circle, Saddlebunch Key, Mile Marker 14.5 (Receiver Site) and 29859 Overseas Highway, Big Pine Key, Mile Marker 29.8 (Sender Site): A request for a minor conditional use permit for the transfer of a ROGO Exemption (TRE) from a sender site on Big Pine Key to a receiver site on Saddlebunch Key. The receiver site is legally described as a portion of Tract "D", Saddlebunch Recreational Vehicle Park (PB7-51), Saddlebunch Key, Monroe County, Florida, having real estate number 00120490.000187 and the sender site is legally described as a parcel of land in Section 27, Township 66, Range 29, Big Pine Key, Monroe County, Florida, having real estate numbers 00111882.00100 through 00111882.009800. (File 2012-154)

(1:53 p.m.) Mr. Finn presented the staff report. Mr. Finn reported that this is a request for a minor conditional use permit for the transfer of a ROGO exemption (TRE) from a sender site on Big Pine Key to a receiver site on Saddlebunch Key. The TRE is associated with a lawfully established RV space that had previously existed on the sender site. If this application is approved, the TRE will be utilized to establish a new RV space on the receiver site. Mr. Finn pointed out that the sender site location on the report is actually the receiver site and the receiver site location is actually the sender site. Mr. Finn then recited relevant County/City actions regarding the sender site, as well as the receiver site. Background information was given of the sender site and the receiver site. Mr. Finn outlined the criteria that must be met on this application. Staff has found these to be in compliance. Staff recommended approval with the condition that following the passing of all applicable appeal periods associated with this development order, the property owner shall submit a building permit application for the establishment of a new RV space on the receiver site.

Owen Trepanier of Trepanier & Associates was present on behalf of the applicant. Mr. Trepanier thanked staff for their work on this application and had nothing to add to the staff report.

Lee Rohe, Esq. was present on behalf of Bluewater Key RV Homeowners Association. Mr. Rohe voiced concern that the receiver site has qualified for receipt of this TRE when this lot does not exist in terms of the plat. Mr. Rohe asked what the County would require of the applicant to correct that matter. Mr. Haberman replied that staff is not considering the parcel a lot, but a

platted lot is not needed to put an RV space on it, only the area for the density is needed. Parcel 81 has the amount of area needed to hold an RV and Bluewater as a whole has enough land area to accommodate a few more RVs. Mr. Rohe questioned whether, when the County requires a subdivision to be platted regardless of zoning, a reformation or a re-plat process is required. Mr. Haberman explained the plat section of the code allows one parcel to be created out of another platted area without it going back through a re-plat. Platting is not a requirement as set forth in that section of the code. Mr. Rohe added that that question has been posed to County Attorney Bob Shillinger. Mr. Schwab stated that staff will follow up with Mr. Shillinger. Mr. Haberman informed Mr. Rohe that the Planning Director will decide this issue after consideration of everything that has been discussed today within 30 days.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 2:13 p.m.