

DEVELOPMENT REVIEW COMMITTEE

Tuesday, July 30, 2013

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, July 30, 2013**, beginning at 1:11 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
Rey Ortiz, Planning & Biological Plans Examiner Supervisor	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 February 15, 2013 meeting with comments to be submitted and the February 26, 2013 and June 25, 2013 meetings.

MEETING

New Items:

1.Development Agreement between Monroe County, Florida; Summerland Palms Investors, LLC; H&L Florida Associates, LLC; R&S of Key West, Inc.; H-Try, LLC; 5671 MacDonald LLC; Singh Investors, LLC; and Oceanside Investors, LLC concerning properties located at 5950 Peninsular Avenue, Stock Island, Florida (legally described as Block 60, Lots 1, 2, and 3, McDonald’s Plat, PB1-55), 24930 Overseas Highway, Summerland Key, Florida (legally described as Lot 55 and a portion of Lot 54, Summerland Yacht Harbor, PB2-142), 20585 Old State Road 4A, Cudjoe Key, Florida (legally described as Lot 30, Sacarma, PB2-48) and 5671 MacDonald Avenue, Stock Island (legally described as Block 31, Lots 9, 13, 14, 15, 16, 19, and 20, McDonald’s Plat, BP1-55).
(File 2013-069)

(1:12 p.m) Mr. Haberman presented the staff report. Mr. Haberman reported that there have been several meetings regarding this item. This is a complicated development agreement because this is to conceptually approve the redevelopment of Oceanside Marina and approve transferable ROGO exemption transfers from several sites to accommodate the project in accordance with Section 130-160, which allows the transfer market rate ROGO exemptions if the site is put into affordable housing, which the applicant is prepared to do. Mr. Haberman stated the agreement is good enough to go to the Planning Commission in its general format, but some changes need to be made. Some legal descriptions are incorrect and misleading. Page and line numbers need to be included in the development agreement in case questions come up before the Planning Commission. The Summerland Yacht Harbor description is a condo description rather than a legal description. Mr. Haberman would like to see the sites organized in a better way. Mr. Haberman will send the applicant's attorney a Word version with corrections.

Mr. Haberman informed the applicant that the Director of Growth Management, Christine Hurley, has a schedule in mind that is different than what staff had spoken about with the applicant. So the development agreement will go before the Planning Commission at the September meeting and the conditional use will be advertised for that meeting so the Commissioners can see the project and make comments on it, but they will not vote to approve it. Assuming the Planning Commission makes a recommendation, it will go before the Board of County Commissioners (BOCC) in October. Then it will go back before the Planning Commission in November for a vote to approve the conditional use. The minor conditional use proposals on the various sites can go through the application process together at one meeting.

Mr. Haberman explained to Bart Smith, attorney for the applicant, that the landscape plan may need to be separated out from the site plan because of the size of this project. Elizabeth Newland, present on behalf of the applicant, added that the drainage plan will also be separate. Mr. Haberman further explained that the applicant does not have to go to the Planning Commission until after the TDR applications, but Ms. Hurley's biggest concern is the Planning Commission may not want to talk about the site plan unless it is on the agenda, and then the BOCC does not want to make decisions on the site plan without at least the Planning Commission having a cursory review of it. Ms. Santamaria noted that the BOCC specifically asked for the Planning Commission to provide comments.

Mr. Haberman asked Mr. Smith to advise staff of any changes of the parties involved, because the advertisement for the development agreement lists all parties of the agreement. Mr. Smith responded that everyone has been included and their agent authorizations have been provided, but that probably between the Planning Commission and BOCC meetings the Singh investors will become the fee simple owner of the property. Mr. Haberman asked Mr. Smith to fill out the form identifying the principals of each of the corporations before it goes to the Planning Commission.

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 101-1, DEFINITIONS, AMENDING MONROE COUNTY CODE SECTION 130-4, TEMPORARY EMERGENCY HOUSING, ESTABLISHING MONROE COUNTY CODE SECTION 130-5, TEMPORARY USES INCLUDING PUBLIC ASSEMBLIES, ESTABLISHING

REGULATIONS CONCERNING TEMPORARY HOUSING ASSOCIATED WITH PUBLIC WORKS PROJECTS, ESTABLISHING REGULATIONS CONCERNING TEMPORARY USES INCLUDING PUBLIC ASSEMBLIES IN THE LAND DEVELOPMENT CODE, 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 2013-087)

(1:27 p.m.) Mr. Haberman presented the staff report. Mr. Haberman stated that it is important for staff to consider whether temporary uses should have to come into compliance with landscaping because of the expense involved with landscaping. Definitely no clearing and no filling will be allowed, but things like a buffer yard have to be figured out. Mr. Haberman then reported that a definition of “temporary use” is in the code, but there is no process for it included in the code. The building code section includes a temporary building permit, which is clearly for construction activities, and it just says that Planning shall sign off on it, but there are no real parameters. Mr. Haberman is currently refining that language. The process being created for temporary uses includes establishing parameters and criteria for a temporary use permit, increasing the time that the request be granted from six months to a year, and making it clear a renewal can be allowed if it will not be completed in a year, making it clear that temporary uses can happen in any of the zoning categories if the criteria is met. Another issue the Growth Management Director directed be addressed is temporary housing for a Public Works-related project by a state, federal or local agency. This would allow an RV to be placed next to a project, with approval of the BOCC. The statutes define “RV” and the ordinance also includes the term “or other similar sheltering units.” Park model structures will be required to meeting building code for those structures.

Ms. Santamaria questioned the meaning of “long-term Public Works projects.” Mr. Haberman responded that this is modeled after what has been allowed for airport projects. Mr. Haberman then reported that along with creating temporary uses, which are one-year events, another section is being created called public assembly permits. Mr. Haberman used the language from the public assembly section, but cleaned up some of the redundant language and eliminated the language stating the Planning Director’s decision is final. Mr. Haberman also changed the definition of “public assembly” to read something that lasts less than a week and has over 250 people a day expected. Ms. Santamaria pointed out the “and” used in the definition could be problematic. Mr. Haberman will reconsider the wording of the definition. If a property is approved for public use it would not need a public assembly permit. Mr. Haberman then reported that the amendment of Chapter 6 will include a request to advertise. Public assemblies will be taken out of the Miscellaneous chapter completely. Mr. Haberman will produce strike-throughs and underlines of what is being changed from the existing rules of public assembly. Mr. Haberman is considering including language that requires submission of a permit 30 days before an event with more than a thousand people and a week before for events of less than a thousand people. Another requirement added to the application is that it is the applicant’s responsibility to show proof of coordination with the sheriff, the fire marshal and the health department.

Mr. Schwab agreed that landscaping needs to be discussed further. Mr. Haberman stated that temporary uses require a building permit and questioned allowing after-the-fact permits for a special approval. Mr. Haberman also stated that the temporary use needs to be compatible with surrounding uses. Mr. Ortiz asked if a site is capped at the number of public assemblies that can be held there in a year. Mr. Haberman responded that has never been a problem in Monroe County before and reminded Mr. Ortiz that a public assembly permit is only for seven days. Ms. Santamaria then asked for clarification of the language regarding the permit not being issued until at least six months prior to the opening date. Mr. Haberman explained that the public assembly was the means for a restaurant owner that wanted to use outside areas that were not approved for outdoor seating to be used, because outdoor seating is subject to NROGO and impact fees. This language would allow for one application to cover a number of events. Mr. Haberman then noted the definition of “public assembly” should include that it is something that lasts one to seven consecutive days so it is clear each one of those events is a public assembly. Mr. Ortiz commented on the number of events in Key Largo that take place without public assembly permits. Discussion followed regarding the difficulty Code Compliance has enforcing the current rules for public assemblies. Ms. Santamaria then asked if “a public place” refers to property owned by a local government or any place the public is allowed to go to. Mr. Roberts suggested using the language “open to the public.” Mr. Haberman will review the existing language further for clarifications. Mr. Haberman then explained the language regarding the six months’ limitation prior to the opening date is because community character can change and six months is plenty of time for an event organizer to recognize whether a project is in keeping with the community character. Ms. Santamaria suggested using the language “no sooner than six months prior to the opening date” on Page 10 of 12. Mr. Haberman agreed.

Mr. Haberman stated that the temporary use issue needs more consideration by staff. Mr. Haberman explained that the reason temporary uses are done through the Building Department is because they are tracked through Community Plus that way, but it defers it all to the Planning Director. Mr. Haberman suggested having temporary use permits issued by the Planning Director and having temporary structures approved by the Building Official for a cleaner separation of duties. Mr. Haberman stated that this would probably go before the Planning Commission in August or September so it can go before the BOCC in October. Mr. Haberman asked for comments to be received from staff by the Planning Commission deadline. Mr. Haberman described examples of variables that need to be considered when staff is submitting comments. Mr. Haberman noted that there is no language stating the Planning Director can deny a temporary use permit. Mr. Schwab feels that language should be included.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 2:15 p.m.