

DEVELOPMENT REVIEW COMMITTEE

Tuesday, September 24, 2013

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, September 24, 2013**, beginning at 1:01 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, Sr. Administrator, Environmental Resources	Present
Joe Haberman, Planning & Development Review Manager	Present
Steve Zavalney, Captain, Fire Prevention	Present

STAFF

Mayte Santamaria, Assistant Planning Director	Present
Steve Williams, Assistant County Attorney	Present
Mitch Harvey, Comprehensive Plan Manager	Present
Judith Clark, Director of Engineering	Present
Patricia Smith, Transportation Planning Manager	Present
Matt Coyle, Planner	Present
Gail Creech, Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

Agenda Item 2 was heard first since it was a continuation from the August DRC meeting.

MINUTES FOR APPROVAL

Ms. Santamaria deferred approval of minutes to the next meeting.

MEETING

New Items:

1.Keys Ahead, Inc., Florida International University (FIU), 103355 Overseas Highway, Key Largo, Mile Marker 103.3: A request for a minor conditional use permit to allow the redevelopment of an existing building for office and school uses. The subject property is legally described as Lots 14, 15, 16, Block 12, Largo Sound Park (PB3-111), Key Largo, Monroe County, Florida, having real estate number 00472790.000000.
(File 2013-091)

(1:01 p.m.) Mr. Haberman was present to discuss this item in place of the planner who is working of this application. The full staff report was given at the last meeting. Mr. Zavalney was asked to give his comments on this project. Mr. Zavalney commented that the preliminary set of plans look fine. One concern is use of the word “school” in this minor conditional use application because “school” under the fire code implies educational, which is K through 12, among other requirements. James Brush, P.E., present on behalf of the applicant, stated that can be changed because this is a university research facility. Mr. Zavalney stated that would be considered a business occupancy. Another concern of Mr. Zavalney is that only the laboratory portion of the building meets the sprinkler system requirement and the building should be sprinklered throughout. Susan Hammaker, present on behalf of the applicant, added that FIU, who will be renting the space, will be responsible to permit the facility as to what they want to use it for and will put their own sprinkler system in. Mr. Zavalney also stated another fire hydrant is needed within the thousand feet, which should not be an issue because there is plenty of supply.

Ms. Clark questioned whether the parcel that is part of the alley behind this property is actually part of this property. Mr. Brush responded that is a right-of-way that the County controls and is not part of this property, but the applicant will in the future request that it be converted to a utility easement. Mr. Brush confirmed that no development is shown on that right-of-way. Mr. Haberman clarified that the building code and planning code use different definitions for “school” and the building plans need to use the definition that is consistent with the building code. Mr. Zavalney recommended that the project be called a business. Mr. Brush will ensure use of the word “school” is removed from the plans.

The issues from the last DRC meeting were reviewed. Mr. Brush stated all references to the future permits and land classifications were removed from the site plan. A to-scale 24-by-36-inch plan has been submitted as requested previously. A separate landscape plan and drainage plan have also been submitted. Mr. Roberts commented that structures are not allowed in the setback or in the buffer yards. Mr. Brush will remove the benches and tables from those setbacks. Mr. Brush explained there is a reef garden on the site plan that includes some coral rocks of different geological ages, but they will be removed. Mr. Haberman then stated with IS zoning only a fence of four feet is allowed. A six-foot wall is allowed, but it cannot be enclosed completely. Harold Bloodworth, the adjacent property owner, wants a six-foot fence on his side of the alleyway with a Class C buffer zone on the applicant’s side of their entity to divide the residential and commercial entities. Mr. Bloodworth would agree for a variance to be given for this purpose to make the project more appealing and to dampen the road noise coming into the neighborhood. Mr. Bloodworth stated if the applicant pursues ownership of half the alley, he will apply for ownership of the other half. Mr. Haberman explained the community of that entire block could pursue an abandonment, but only if every property owner that is affected signs onto the application.

Ed Handte, owner of a neighboring property, asked if the wall and buffer zone would extend all the way down to Marlin Avenue if the applicant purchases the adjoining property. Mr. Haberman responded that would be the recommendation, but because the applicant does not own that property yet, that cannot be a formal condition. Ms. Hammaker stated that purchase is either under contract or will be within hours. Mr. Brush noted when that property transaction goes

through it will be under a separate permit. Mr. Haberman stated a parking agreement will be needed with the property under contract if under a separate permit. Ms. Hammaker stated extending the wall all the way down both property lines is fine.

Mr. Handte suggested making the one opening on the highway the south entrance, because the north entrance is too close to the intersection of US-1 and Snapper where people could try to cut the corner, which would become a safety hazard. Ms. Clark agreed it would be preferable to have the access further from the intersection. Ms. Hammaker noted that assumes uses of the property that may not be contemplated right now. Mr. Brush explained closing the southernmost access was proposed to have a better turning radius for getting vehicles in the parking area. Mr. Roberts then addressed the difficulty in determining what areas were planned for retention on the new plans. Mr. Roberts then commented that both the stormwater and landscape plans submitted include notes that refer to planning purposes only, which should not be included on a building permit application. Mr. Roberts then stated actual use of this property is more consistent with suburban commercial, which would require a Class C landscaping, which would require the applicant to increase the parking lot landscaping.

Mr. Handte then asked for an explanation of the possible commercial zoning. Mr. Haberman explained that is a brand new zoning category created that allows everything that suburban commercial allows, with the exception of residential. Mr. Handte voiced concern with use of this property in the future when using the definition of "school" on some paperwork and other paperwork it is not defined as a "school." Mr. Haberman explained that if the applicant goes to the commercial zoning, which is a separate process with separate review criteria, a school is a unique use to this zoning category, but they can become an office again or an institutional use again in the future, assuming they meet the criteria. The existing office use is protected under the current IS zoning, but what is turned into a school cannot be turned back into an office unless the IS zoning is changed. Mr. Handte feels it would be more flexible if this were called something other than a school. Mr. Haberman noted the IS district only allows schools in that zoning district. An institutional overlay is a possibility of something that can be pursued to change it to commercial instead of a map amendment.

Mr. Haberman then addressed the parking issue. Mr. Haberman pointed out the applicant's report says 18 spaces are needed, but there are not 18 spaces on the site. The parking demands also have to be approved by the County's traffic consultant. Assuming the traffic consultant approves this, the parking requirement is still short, which may require a variance. Mr. Haberman reemphasized a parking agreement needs to be on file that the overflow parking associated with this site will always be available by the adjoining site. Mr. Haberman confirmed there is enough parking between the two sites for both uses. Conditions can be placed in the parking agreement such as the wall, more parking lot landscaping and possibly some more handicap spaces.

Mr. Handte questioned the inappropriateness of extending the use of a nonconforming building by using other properties. Mr. Haberman responded that the nonconformity is not expanded in terms of use, that actually some of the nonconformity is being eliminated because offices aren't allowed. A school is allowable with this special approval. Parking has nothing to do with zoning. Parking has to do with use. Mr. Haberman argued that the nonconformity is improved

by requiring the parking that they will be using. Mr. Handte then pointed out that this property appears to be illegally nonconforming because part of the property built in 1979 was built with no setbacks, there is no evidence of a unity of title with the lots to the north, and the further additions made to this property extended that conformity. Mr. Haberman explained that the first two permits in '79 and '83 were done under a different code and not under the IS zoning. Mr. Handte believes these nonconformities need to be corrected by a variance. Mr. Haberman will discuss this with the County Attorney's office. Mr. Handte noted the representative from FIU, Jim Fourqurean, stated he wants no part of a property that is not legally nonconforming. Mr. Haberman will provide the applicant with the parameters for a parking agreement. Mr. Haberman stated a building permit may be needed to reconfigure the parking area. Access off of US-1 was further discussed. Ms. Clark suggested the applicant coordinate with FDOT. Mr. Brush then clarified that some pavement will be removed for landscape areas. Mr. Roberts asked that actual planting methodology and details be submitted with the building permit application.

Mr. Haberman asked for further comments from the public. Mr. Bloodworth stated he is pleased with the buffer zone and fence requirements and believes it is going to help separate this entity from the residential area. Mr. Bloodworth feels the access from US-1 needs to be made safer. Mr. Haberman pointed out that it is being conditioned that not only the buffer zone has to be installed, but also has to be maintained. Mr. Bloodworth then described how another property owner in this area is causing problems for the neighborhood and needs to be addressed immediately. Mr. Williams cautioned staff and the public to stay on topic of what this DRC meeting is regarding.

A brief recess was held from 1:54 p.m. to 1:57 p.m.

2.Paradise Point Senior Housing (Proposed), 2 North Blackwater Lane, Key Largo, Mile Marker 105.5: A request for a minor conditional use permit allowing the development of an institutional residential use, involving 50 deed-restricted affordable housing units (in the form of rooms) and accessory uses/structures. The subject property is described as a parcel of land in Section 1, Township 61, Range 39, Monroe County, Florida, having real estate number 00084260.000100.
(File 2013-118)

(1:57 p.m.) Mr. Coyle presented the staff report. Mr. Coyle reported that the proposed development is going to be 49 deed-restricted affordable institutional residential units and the last unit will be a commercial apartment for the manager of the property. All units will be contained in a single structure and have common facilities. Mr. Coyle described the property. Mr. Coyle stated this project is consistent with the comp plan as well as the Key Largo CommuniKeys Plan. Mr. Coyle said the applicant has a financial and technical capacity to complete the project. The applicant has received 50 affordable housing allocations from the BOCC last week. One thing the applicant is not in compliance with is the density. It was explained how the applicant is 4 percent over density. This is not finalized yet because the developer is in the process of negotiating to buy a greater portion of the property. Staff has noticed there are some wetlands on the property that were used in the density calculations, which needs to be addressed.

Joel Reed, Planner, was present on behalf of the applicant. Mr. Reed stated the applicant will reduce the number of units for the overall site. Mr. Haberman explained how whether the manager in the apartment is elderly or qualifies for workforce housing needs to be clarified before final approval can be given. Mr. Reed clarified that all units will be for affordable per the criteria, and one unit will be reserved for an employee who will also qualify under the affordable criteria. Mr. Reed will recalculate the density.

Mr. Roberts addressed the surface water management criteria and stated the calculations submitted appear to meet code. An existing conditions report that specifies the coverage of native plants is needed for building permit submittal because clearing is restricted to 40 percent or 3,000 square feet, whichever is greater, up to 7500 square feet. Mr. Coyle mentioned that inclusion of a bicycle rack and storage facilities are missing from the site plan and will become a condition. Mr. Roberts added the applicant has already accounted for wetland setbacks and open space requirements. Mr. Coyle pointed out that the parking requirement for adult senior housing is one space per unit and two spaces for the one-bedroom commercial unit, making the spaces needed 51 instead of the 50 shown. Mr. Reed reminded Mr. Coyle the density will be decreased, so there will be enough parking.

Mr. Roberts informed the applicant that there is an increased landscaping standard for the proposed use. The access standards were discussed. Mr. Zavalney pointed out where additional access to different parts of the building will be needed. Mr. Reed spoke of possible easements that could be obtained on the property. Mr. Reed assured Mr. Haberman the flood requirements were met. Mr. Haberman encouraged the applicant to double-check with the Flood Plain Administrator.

Mr. Coyle stated that staff recommends approval with conditions. Those conditions include the need for a traffic impact report reviewed by the County's traffic engineer, documentation of vegetation in the retention areas that can tolerate increased hydrology, and a \$275 fee for advertising and surrounding property owners' notification. Prior to the issuance of the development order a bigger site plan is needed with removal of references to the subject site as a lot, as the property was never platted, labeling of parking landscaping, inclusion of bicycle racks and a recycling collection area. A recalculation of the density needs to be corrected on the site plan. The starting point for the height needs to be shown on the site plan. Boundary buffer yards need to be added on the western and southern side of the property. An access agreement is needed for the fire and pedestrian access. Mr. Reed requested the access agreement be a condition for a building permit as opposed to a development order.

Mr. Coyle stated prior to the issuance of a building permit permits in the Public Works Division shall be required for access drives and other proposed work within the public right-of-way. Mr. Reed commented that the applicant can subdivide the property and the two different sites can each have a drive. Mr. Coyle continued by stating prior to the issuance of a building permit the proposed development structure shall be found in compliance of the Building Department, Flood Plain Administrator, Fire Marshal and Project Management Department. During review of the building permit application the Director of Planning shall review applications to ensure that structures are visually compatible with the surrounding uses, similar materials and colors shall be

utilized for all structures and architectural details are required that provide visual interest and break up the structural mass. The setbacks of a proposed shared drive were discussed.

Mr. Reed will submit another set of plans to rectify the items discussed today and hopes to have forms signed by the County approving the density for the number of units needed in a couple of weeks. Mr. Reed described the calculation he is using for density. Mr. Reed requested the staff report reflect that this development is for active adult living as opposed to senior living. Mr. Haberman will put on the development order the applicant identifies the project for active adult.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 2:42 p.m.