

**DEVELOPMENT REVIEW COMMITTEE**

**Tuesday, December 17, 2013**

**MEETING MINUTES**

The Monroe County Development Review Committee conducted a meeting on **Tuesday, December 17, 2013**, beginning at 1:02 p.m. at the Marathon Government Center, Media & Conference Room (1<sup>st</sup> 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**

Steve Williams, Assistant County Attorney	Present
Mayte Santamaria, Assistant Planning Director	Present
Mitch Harvey, Comprehensive Plan Manager	Present
Rey Ortiz, Planning & Biological Plans Examiner Supervisor	Present
Emily Schemper, Senior Planner	Present
Matt Coyle, Planner	Present
Gail Creech, Planning Commission Coordinator	Present

**MINUTES FOR APPROVAL**

There were no minutes for approval.

**CHANGES TO THE AGENDA**

Mr. Schwab stated Agenda Items 2 and 3 will be heard together first and then Agenda Item 1 will be heard second.

**MEETING**

**New Items:**

**2.A REQUEST BY MICRAN, INC. TO AMEND THE LAND USE DISTRICT MAP OF THE MONROE COUNTY LAND DEVELOPMENT CODE FROM SUBURBAN RESIDENTIAL (SR) TO COMMERCIAL 2 (C2) FOR PROPERTY LOCATED AT 95710 OVERSEAS HIGHWAY, APPROXIMATE MILE MARKER 96, KEY LARGO, LEGALLY DESCRIBED AS A PARCEL OF LAND LOCATED IN GOVERNMENT LOT 3, SECTION 12, TOWNSHIP 62 SOUTH, RANGE 38 EAST, ON KEY LARGO, MONROE COUNTY FLORIDA, HAVING REAL ESTATE NUMBER 00088350-000000.**

**3.A REQUEST BY MICRAN, INC. TO AMEND THE FUTURE LAND USE MAP OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RESIDENTIAL LOW (RL) TO COMMERCIAL (COMM) FOR PROPERTY LOCATED AT 95710 OVERSEAS HIGHWAY, APROXIMATE MILE MARKER 96, KEY LARGO, LEGALLY DESCRIBED AS A PARCEL OF LAND LOCATED IN GOVERNMENT LOT 3, SECTION 12, TOWNSHIP 62 SOUTH, RANGE 38 EAST, ON KEY LARGO, MONROE COUNTY FLORIDA, HAVING REAL ESTATE NUMBER 00088350-000000.**

Ms. Schemper presented the staff report. Ms. Schemper reported that this is a request from the applicant to amend the Future Land Use Map from a FLUM of Residential Low to Commercial and amend the Land Use District Map from Suburban Residential to Commercial 2. The parcel historically had a zoning category of BU1, which did permit commercial uses and restaurants. When the property was rezoned to SR and given a FLUM designation of RL it became a nonconforming use. The FLUM of RL does not permit commercial uses and the zoning category of SR does not permit a commercial retail use in the current configuration on that site. A letter of understanding was issued in 2009 and an addendum added to it in September of 2012 when staff determined that the existing 1,707 square foot restaurant on the site is a lawful nonconforming commercial retail use which existed on the site lawfully in 1997 and was deemed nonconforming by the final adoption of the FLUM. It was also determined that it existed lawfully in 1992 and was deemed nonconforming by the adoption of the land use district map. The LOU also determined that if the applicant were to request a FLUM designation and a land use district designation that would permit the commercial retail use, the request would qualify for the fee exemption for the FLUM and land use district amendments. The current application is requesting a change to commercial FLUM and C2 zoning, which do permit commercial retail uses, and the request qualifies for the fee exemption.

Ms. Schemper further reported that the change in density and intensity would be a slight decrease in the residential development potential and no change in the transient potential, which would remain at zero. The increase in nonresidential development potential would be 3,125 square feet. The recently adopted discouragement policy states that any private application requesting a FLUM amendment after the effective date which proposes an increase in allocated density and/or intensity is required to donate land to offset the proposed increase. The applicant has stated they are not in the position to mitigate and have been unaware that this would be required. The BOCC has also directed staff to come up with strategies to reduce residential density and address nonconformities, which was one of the big purposes behind the creation of the Commercial FLUM. Because of this slight inconsistency a text amendment has been proposed to the discouragement policy to specify that FLUM amendments that increase intensity of nonresidential square footage, but also decrease density, would be exempt from the mitigation requirements. The Planning Commission has reviewed and approved this possible change to the policy and this will be heard by the BOCC the first half of next year. The applicant understands that this amendment in some ways is contingent on that policy being changed and that change in the policy becoming effective and has nonetheless requested staff begin the process for these amendments.

Ms. Schemper gave a physical description of the surrounding area and the subject parcels. No adverse impacts were found in terms of concurrency analysis. There should be sufficient public

facilities for all categories. The proposed amendment is consistent with the comprehensive plan and the Livable CommuniKeys plan and the principles for guiding development. The zoning amendment is consistent with the provisions and intent of the code. The proposed amendment is also consistent with Part 2 of Chapter 163 of the Florida Statutes. Staff recommends approval contingent on either compliance with Policy 101.4.20 or adoption and approval of the amendments to Policy 101.4.20.

Nancy Yankow, present on behalf of the applicant, asked Ms. Schemper to repeat the proposed changes to Policy 101.4.20, which Ms. Schemper then repeated. There were no comments by staff and no public comments.

**1.Ed Lewis LLC Properties, Bayview Avenue, Mahogany Avenue, North Drive, Coconut Drive right-of-way and Largo Drive right-of-way, Key Largo, Approximate Mile Marker**

**95:** A request for a minor conditional use permit for the transfer of development rights (TDRs) from 9 sender sites in the Bay Haven Subdivision in Key Largo to 1 receiver site in the Bay Haven Subdivision in Key Largo. The sender sites are legally described as Block 1, Lots 8, 17 and 18, Block 5, Lots 5 and 28, Bay Haven Section 1 (Plat Book 2, Page 28), Key Largo, Monroe County, Florida, having real estate numbers 00515910.000000, 00516000.000000, 00516010.000000, 00516450.000000, 00516680.000000, and Block 18, Lots 4, 5 6 and 7, Bay Haven Section 4 (Plat Book 2, Page 79), Key Largo, Monroe County, Florida, having real estate numbers 00519510.000000, 00519520.000000, 00519530.000000 and 00519540.000000. The receiver site is legally described as Block 17 Lots 11, 12, 13, 14, 15 16, 17, 18 and 19 Bay Haven Section 4 (Plat Book 2, Page 79), Key Largo, Monroe County, Florida, having real estate numbers 00519340.000000, 00519350.000000, 00519360.000000, 00519370.000000, 00519380.000000, 00519390.000000, 00519400.000000, 00519410.000000 and 00519420.000000.

Mr. Coyle presented the staff report. Mr. Coyle reported that the nine sender sites in the Bay Haven subdivision are in total a little over 45,000 square feet and are all zoned suburban residential. When put together .5 transferable development rights have been requested to be moved. All the properties are Tier I with hammock. The receiver site is also in that same subdivision. The receiver site is Tier I with hammock as well. This application meets all the requirements to transfer these development rights. There will be 1.01 development rights on the receiver site, which will not exceed the max net density for that site. Staff recommended approval of the application with the following conditions: Any development on the receiver site shall comply with the requirements of the code; prior to issuing the development order authorizing this transfer the applicant must submit a vegetation survey for a review by the County biologist; prior to application for a building permit the sender sites shall be either dedicated to the County or placed in a conservation easement prohibiting their future development, which will be reviewed by the Planning and Environmental Resources Department prior to recording it in the official records of the County.

There were no comments by staff and no public comments.

**ADJOURNMENT**

The Development Review Committee meeting was adjourned at 1:26 p.m.