

**DEVELOPMENT REVIEW COMMITTEE**

**Tuesday, August 26, 2014**

**MEETING MINUTES**

The Monroe County Development Review Committee conducted a meeting on **Tuesday, August 26, 2014**, beginning at 1:04 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**

Peter Morris, Assistant County Attorney	Present
Mayte Santamaria, Assistant Planning Director	Present
Judy Clarke, Director of Engineering	Present
Matt Coyle, Senior Planner	Present
Gail Creech, Planning Commission Coordinator	Present

**CHANGES TO THE AGENDA**

Ms. Creech stated that Item 1 will be continued.

**MINUTES FOR APPROVAL**

Mr. Schwab approved the minutes from the July 29, 2014 meeting with one minor adjustment, which will be provided to Ms. Creech.

**MEETING**

**Continued Item:**

**1.Hamilton Properties, Old State Road 4A, Cudjoe Key, Mile Marker 21.5, and Oceanside Investors, LLC Property, 5950 and 5970 Peninsular Avenue, Stock Island, Mile Marker 5.0:** A public meeting concerning a request for a minor conditional use permit. The requested approval is required for the transfer of Transferrable Development Rights (TDRs) from two (2) sender sites on Old State Road 4A in Cudjoe Key to a receiver site on Peninsular Avenue in Stock Island. The sender sites are each described as parcels of land in a Part of Government Lot 2, Section 29, Township 66 South, Range 28 East, Cudjoe Key, Monroe County, Florida, having real estate numbers 00115840.000000 and 00115840.000100. The receiver site is legally described as Block 60, Lots 1, 2, and 3, Block 61, portions of Lots 1, 2, and 3, the portion of Maloney Avenue lying between Blocks 60 and 61, McDonald’s Plat (also known as Maloney

subdivision) (Plat Book 1, Page 55) Stock Island, Monroe County, Florida, having real estate numbers 00127420.000000 and 00127420.000100.  
(File 2014-041)

Ms. Creech again stated the applicant has asked to continue this matter to the September 23, 2014 DRC meeting.

**New Items:**

**2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, CREATING POLICY 202.8.6 TO IMPROVE THE WATER QUALITY IN THE CANAL SYSTEMS BY PROVIDING FOR REMOVAL OF ORGANIC MATERIAL BY VACUUM DREDGE FROM ARTIFICIAL CANALS CHARACTERIZED AS POOR OR FAIR WATER QUALITY WITHIN THE MONROE COUNTY CANAL MASTER PLAN BY PUBLIC ENTITIES (COUNTY, STATE, OR FEDERAL); 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.  
(File 2014-108)

Mr. Roberts presented the staff report. Mr. Roberts reported that this came about as a result of the Canal Restoration Program currently underway. Part of that program involves some pilot projects that are proposing to dredge organic sediment out of some of the residential canals. The comprehensive plan policy prohibits any dredging below six feet mean low water with no provision for restoration. This amendment removes the six-foot limit where that restoration or dredging is being done solely to remove organic material from a canal that has been identified in the Canal Master Management Plan as having poor or fair water quality. Staff has worked with the Department of Economic Opportunity to develop language that would not reduce any of the existing protections and not open up the dredging policy to address anything other than water quality restoration and organic removal. Mr. Roberts then read proposed Policy 202.8.6 aloud.

There were no questions or comments from staff or the public.

**3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING CHAPTER 118 ENVIRONMENTAL PROTECTION; AMENDING SECTION 118-10(4)C.3 TO IMPROVE THE WATER QUALITY IN THE CANAL SYSTEMS BY PROVIDING FOR REMOVAL OF ORGANIC MATERIAL BY VACUUM DREDGE FROM ARTIFICIAL CANALS CHARACTERIZED AS POOR OR FAIR WATER QUALITY WITHIN THE MONROE COUNTY CANAL MASTER PLAN BY PUBLIC ENTITIES (COUNTY, STATE, OR FEDERAL); 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 INCLUSION IN THE MONROE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

(File 2014-110)

Mr. Roberts presented the staff report. Mr. Roberts reported that this is the companion Land Development Code language that needs to be amended and revised to be consistent with the comprehensive plan. The code language for Section 118-10(4)C.3 will be amended to read, “In order to facilitate establishment of bottom vegetation, maintenance dredging in artificial waterways shall not exceed depths greater than six feet at mean low water. This restriction does not apply to the entrance canals into Key West Harbor and Safe Harbor.” The new language added to this section mirrors the language in the comp plan amendment discussed in the prior agenda item and that language was then read aloud.

There were no questions or comments from staff or the public.

**4. Stock Island Marina Village, 700 and 7009 Shrimp Road, Stock Island, mile marker 5:** A public meeting concerning a request for an Amendment to a Major Conditional Use Permit. The requested approval is required for the development of a proposed mixed use marina, to include marina, commercial retail, office, light industrial and hotel uses. The subject property is a parcel of land in Section 35, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida, currently having real estate numbers 00123720.000100, 00123720.000200 and 00123760.000200.

(File 2014-027)

Mr. Coyle presented the staff report. Mr. Coyle reported that this is a major conditional use to redevelop the Stock Island Marina Village. Mr. Coyle then addressed some of the land development regulations that apply to this item and some possible changes needed. This application would require a little over 21,000 square feet of new nonresidential floor area to be allocated through the NROGO system. The amount of NROGO floor area to be allocated shall be limited to a maximum of 10,000 square feet, but the applicant may go to the BOCC to get a reservation for more if needed. The application was found not in compliance because the proposed 9,000 square feet of commercial retail was higher than the permitted 5,000 square feet. Mr. Coyle listed ways to reduce the floor area for compliance. The 2700 square feet shown on the site plan for one existing building is much less than what is contained in the permit history. When that is clarified it would reduce that number. It is unclear for the two restaurant buildings what is enclosed and not enclosed, which clarification may reduce the commercial floor area as well. Reducing the commercial floor area in general would be another way to achieve compliance. The residential maximum floor area was also found not to be in compliance. Transient live-aboard vessels were included in what was submitted for approval. A pending text amendment that the BOCC has approved may bring that number much closer to meeting the land use intensity for the site. Bringing the TDRs from off site would bring that number into compliance. There is 20 percent open space on the site and that is in compliance as proposed on the site plan.

Mr. Roberts then addressed the shoreline open space. Mr. Roberts explained that seeking permits phase by phase as opposed to the master plan as a whole will require the applicant to meet the open space and setback requirements on each phase submitted, whereas permitting the master plan would allow the open space requirement to be spread out across the entire shoreline.

Bart Smith, Esquire, present on behalf of the applicant, stated the current plan is to get permits on a phase-by-phase basis. Phase 1 meets the requirements, but Phase 2 and Phase 3 exceed the requirement by a lot more. Mr. Roberts asked that the site plans clearly delineate and separate out each phase. Mr. Roberts informed Mr. Smith that parking landscape requirements will have to be met within each phase independently, as well as stormwater. The conceptual stormwater plan appears to address the entire site and includes no basins. Basins will need to be included and approved for each phase.

Mr. Coyle then pointed out a few buildings and other development within setbacks. Mr. Coyle stated those either need to be removed or a variance applied for and approved to keep it as is. Mr. Smith replied that there is an application pending for a front yard setback. Mr. Haberman added that this needs to be done prior to going before the Planning Commission.

Mr. Coyle reported that the hotel matches the height requirements in the development agreement, but elevations of the other buildings need to be submitted for approval. Mr. Smith asked whether a complete set of plans needs to be submitted for each of the three phases. Mr. Haberman responded that full plans are not needed for each phase, but elevations need to be submitted that are done to a level of detail that gives staff a clear understanding of what is being proposed. Mr. Coyle will provide Mr. Smith with the design guidelines to be used for the boat barn. Mr. Roberts commented that the engineer's stormwater calculations provided on the plans were very confusing for trying to figure out what the volumes were per phase. Revised calculations are needed to show the dry retention prior to discharge and then a confirmation that the calculations provided are in fact accurate relative to Phase 1 as they are labeled on the plans. Mr. Haberman informed Mr. Smith that a conceptual stormwater plan for all three phases can be shown when Phase 1 goes before the Planning Commission. Mr. Roberts requested impervious versus pervious area and size of the basin needs to be included on the conceptual plans. Mr. Smith will set up a conference call for Mr. Roberts and the applicant's engineer for further clarification.

Mr. Coyle then reported parking was found to be in compliance for the site as a whole and also on a phase-by-phase basis, except that more handicap parking is needed and the scooter parking dimensions shown are too small. The loading/unloading zone shows the right dimensions, but may need to be moved to allow for maneuverability. The landscaping and buffer yards were found to be in compliance for the first phase, but more plans are needed for the rest of the property. Ms. Clarke commented that the driveway access looks good, but there exists an issue of ownership with a portion of Shrimp Road. Mr. Smith replied that work is currently being done to get that ownership issue resolved. Mr. Coyle asked that the applicant label the bike racks and also provide more information about the existing building uses to give staff a better idea of the land use intensity calculations for the whole site. Four recycling collection areas are required by code.

Mr. Coyle recommended approval with conditions. Mr. Coyle then read aloud those conditions from the staff report. Mr. Roberts asked clarification be provided as to whether the mean high water line is under the proposed dock or at the dock face. Mr. Smith clarified that there was a revision of the number of buildings proposed; down to five, Mr. Haberman pointed out that the condition regarding the required landscaping needs to be reworded to reflect the three phases. Mr. Roberts re-emphasized the stormwater facilities need to be approved on a phase-by-phase

basis. Mr. Haberman suggested adding language that stated that each phase shall be completed in its entirety.

Mr. Haberman commented that a TDR condition needs to be added that says expressly how many TDRs are needed. The traffic study needs to be reviewed and approved prior to scheduling this before the Planning Commission. The 35 percent of working waterfront and 20 percent of commercial fishing vessels needs to be shown on the approved site plan. Mr. Haberman informed Mr. Smith that if the boat barn is proposed last, the applicant will not get an NROGO allocation for it unless it is in a dedicated area in a CommuniKeys plan. Different ways of getting an NROGO allocation for the boat barn were discussed. Mr. Smith says he understands the situation regarding getting the NROGO allocations for the boat barn. Mr. Haberman also asked for more clarity on the types of wet slips in order to clarify the parking requirement.

There were no questions or comments from the public.

**5.Oceanside Marina, 5948, 5950 and 5970 Peninsular Avenue, Stock Island, Mile Marker 5; 24930 Overseas Highway, Summerland Key, Mile Marker 25; 21585 Old State Road 4A, Cudjoe Key, Mile Marker 22; and 5176-5180 Suncrest Road, Stock Island, Mile Marker 5:**

A request for approval of an Amendment to a Development Agreement between Monroe County, Florida; Summerland Palms Investors, LLC, Coco Palms Developers, LLC, Suncrest Investors, LLC, Singh Investors, LLC, and Oceanside Investors, LLC allowing the transfer of market-rate Residential Rate of Growth (ROGO) exemptions from sender sites at 24930 Overseas Highway, 21585 Old State Road 4A and 5671 MacDonald Avenue to a receiver site at 5950 Peninsula Avenue, in accordance with Monroe County Code Section 130-161.1. On the sender sites, the residential dwelling units in which the transferred market-rate ROGO exemptions are derived shall be converted to, or replaced with, affordable housing units. The Development Agreement also involves the redevelopment of 5948, 5950 and 5970 Peninsular Avenue, the receiver site, for the addition of up to 78 new, market-rate residential dwelling units, which may be used as vacation rentals, up to 17 new hotel rooms, a new restaurant with up to 150 seats, and other improvements related to the existing, partially-condominiumized marina and accessory development. Twenty Two existing market-rate permanent units (under condominium ownership), a boat barn (under condominium ownership), marina slips (under condominium ownership) and ancillary/accessory buildings would be maintained. An existing boat barn/light industrial building would be demolished. The residential density, under maximum net density, would not exceed 100 total permanent residential units and 17 transient units. Not including accessory structures related to the residential uses, the nonresidential floor area would not exceed 40,000 square feet. Dockage owned by the developer would include 8 new slips, for a total of approximately 16 slips, of which at least 20% (3 slips) shall be reserved for commercial fishing vessels. New residential or nonresidential buildings shall not exceed 35 feet in height. Public access will be provided from 7:00 am until dusk. The Development Agreement concerns properties located at 5948, 5950 and 5970 Peninsular Avenue, Stock Island (legally described as Block 46, Lots 30, 31 and ½ Lot 32, Block 60, portions of Lots 1, 2 and 3, Block 61, portions of Lots 1, 2 and 3, the abandoned portion of Peninsular Avenue lying between Block 46 and Block 60, the abandoned portion of Maloney Avenue lying between Blocks 60 and 61, McDonald's Plat, also described as parcel of land in Sections 26, 34, 35 and 36, Township 37 South and Range 25 East, having real estate #'s 00126210.000000, 00126220.000000, 00126230.000000,

00127420.000000 and 00127420.000100, 24930 Overseas Highway, Summerland Key (legally described as Lot 55 and a portion of Lot 54, Summerland Yacht Harbor, having real estate #'s 00194741.000100, 00194741.000200, 00194741.000300, 00194741.000400, 00194741.000500, 00194741.000600, 00194741.000700, 00194741.000800, 00194741.000900, 00194741.001000, 00194741.001100, 00194741.001200, 00194741.001300, 00194741.001400, 00194741.001500, 00194741.001600, 00194741.001700, 001947410001800, 00194741.001900, 00194741.002000, 00194741.002100 and 00194741.002200), 21585 Old State Road 4A, Cudjoe Key (legally described as Lot 30, Sacarma, having real estate #00174960.000000), and 5176 Suncrest Road, Stock Island (legally described as Lots 27 and 28, Sun Krest, having real estate #00132680.000000)  
(File 2014-112)

Mr. Haberman presented the staff report. Mr. Haberman reported that this is an existing agreement that the BOCC has already entered into. The applicant is asking for an amendment to the agreement to include a recently purchase or soon-to-be purchased property known as the Hickory House to the area associated with the Oceanside Marina property. The applicant is asking to include an abandoned portion of Peninsular Avenue to the Oceanside Marina property. Mr. Smith confirmed that the legal description includes both the Hickory House legal description and the abandoned road portion that went to the Hickory House. Mr. Haberman continued to report that on the previous agreement Suncrest Landing, LLC, was a party to the agreement and Suncrest Investors, LLC, is the predecessor in interest and is now in control of that property. The first amendment will reflect that change, but the remaining parties will be the same. The amount of acreage provided in the original agreement needs to be changed to include the two added properties. The added acreage allows for additional hotel rooms and the applicant would like to change the “up to four” hotel rooms to “up to 17” hotel rooms. Finally, the amendment would replace the conceptual site plan for the Oceanside property to reflect the additional hotel rooms, some accessory development on the Hickory House property and the abandoned roadway, and to show 17 hotel rooms versus four hotel rooms.

Mr. Haberman then commented that most amendments to development agreements are done with strike-throughs and underlines of the original agreement as opposed to a list of numbered amendments. Mr. Haberman asked Mr. Morris to look into the County’s preference with other Legal staff members. Mr. Smith stated that the applicant will use whatever format the County prefers. Mr. Haberman then noted that the acreage provided in the written document is incorrect and then requested the exact amount of acreage of upland be provided, preferably with an attached survey. Mr. Haberman then noted the amount of rental licenses listed as 168 is incorrect and that it should be 173. Mr. Haberman asked that the address of the Hickory House be changed to 5948 Peninsular Avenue. Mr. Haberman then noted that the exhibits need to be renumbered to include the new exhibits. Mr. Haberman stated that staff will recommend approval when the corrected acreage is shown along with the other changes requested. Ms. Santamaria asked that the new conceptual site plan include the walkway that the BOCC required. Mr. Smith stated the applicant will continue to work with staff to get these issues resolved.

There were no questions or comments from the public.

## **ADJOURNMENT**

The Development Review Committee meeting was adjourned at 2:07 p.m.