

**DEVELOPMENT REVIEW COMMITTEE**

**Tuesday, September 23, 2014**

**MEETING MINUTES**

The Monroe County Development Review Committee conducted a meeting on **Tuesday, September 23, 2014**, beginning at 1:05 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
Mitch Harvey, Comprehensive Plan Manager	Present
Karl Bursa, 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 August 26, 2014 meeting and will provide to Ms. Creech some changes.

**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 stated the applicant has asked to continue this matter to the October 28, 2014, DRC meeting.

Mr. Harvey requested that Items 2 and 3 be read into the record together and dealt with concurrently.

**New Items:**

**2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING THE MONROE COUNTY FUTURE LAND USE MAP FROM RESIDENTIAL LOW (RL) TO MIXED USE/COMMERCIAL (MC) FOR PROPERTY LOCATED AT 97770 AND 97702 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 97, LEGALLY DESCRIBED AS A PARCEL OF LAND IN SECTION 6, TOWNSHIP 62 SOUTH, RANGE 39 EAST, ISLAND OF KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 0009100-000000 AND 00091020-000000, AS PROPOSED BY SEA THE SEA OF KEY LARGO, INC. AND COCONUT BAY OF KEY LARGO, INC.; 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 AND FOR AMENDMENT TO THE FUTURE LAND USE MAP; PROVIDING FOR AN EFFECTIVE DATE.  
(File 2014-081)

**3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM SUBURBAN RESIDENTIAL (SR) TO SUBURBAN COMMERCIAL (SC) FOR PROPERTY LOCATED AT 97770 AND 97702 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 97, LEGALLY DESCRIBED AS A PARCEL OF LAND IN SECTION 6, TOWNSHIP 62 SOUTH, RANGE 39 EAST, ISLAND OF KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00091000-000000 AND 00091020-000000, AS PROPOSED BY SEA THE SEA OF KEY LARGO, INC. AND COCONUT BAY OF KEY LARGO, INC.; 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 AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE.  
(File 2014-082)

Mr. Harvey presented the staff report. Mr. Harvey reported that this is a request to amend both the FLUM and the Land Use District map for property located at 97770 and 97702 Overseas Highway. The property is presently designated residential low on the FLUM. There was a request for a letter of understanding. Staff prepared a review and concluded that the existing 21-

room hotel was legally constructed in the '60s and that the existing future land use designation of residential low and the designation for land use district designation of suburban residential is inconsistent with the existing use, but that the property was then considered a legal non-conforming use. The intent of this amendment is to create a consistency in both the FLUM and the Land Use District Map. However, changing the future land use designation to mixed use/commercial affects the allowable maximum allocated density by an increase of 12 units. That triggers the County's discouragement policy, Policy 101.4.20, which will require mitigation for the increase in density. Mr. Harvey recommended approval providing compliance with Policy 101.4.20 is established prior to adoption by the Board of County Commissioners (BOCC) of the FLUM change. Based on density and intensity analysis and in order to mitigate for the impacts, approval requires either a donation of 4.4 acres of Tier 1 or Tier III-A located within the Upper Keys sub-area, donation of 12 IS lots designated Tier I or Tier III-A located within the Upper Keys sub-area, or donation of 12 IS Tier III lots for affordable housing within the Upper Keys sub-area. Mr. Harvey also recommended approval of the proposed amendment of the Land Use District Map from suburban residential to suburban commercial contingent upon approval of the FLUM amendment.

David DeHaas, consultant for the applicant, asked for and received confirmation that Policy 101.4.20, which requires the mitigation, and Policy 101.2.6, which prevents adding any additional transient units, are both in effect currently through 2021. Mr. Haberman noted that the BOCC could amend that policy earlier. Mr. Haberman clarified that the applicant is prohibited from receiving transient units from ROGO, but not prohibited from bringing new transient units to that particular site. Mr. DeHaas introduced both the owner and the general manager of the property.

Mr. Schwab will take staff's recommendation under advisement.

Mr. Haberman suggested hearing Item 5 ahead of Item 4 because the members of the public present were at the meeting only to hear Item 5.

**5.5700 Fourth Street, 5550 Fifth Avenue and 6500 Front Street, Stock Island, Mile Marker**

**5:** A request for approval of a Development Agreement between Monroe County, Florida; Roger Bernstein, as Trustee of the Benjamin Bernstein Trust B; and Joseph R. Rackman and Jeffrey W. Bolotin, as Trustees of the Island Trust Agreement, involving the redevelopment of the subject properties with marina uses, heavy and light industrial uses (including boat building repair and storage), commercial fishing uses (including the manufacture, assembly, repair, maintenance and storage of traps, nets and other fishing equipment), hotel uses, commercial retail uses (including a restaurant with up to 150 seats and a market), and accessory uses. The residential density, under maximum net density, would not exceed 122 transient residential units (in the form of hotel rooms). Not including accessory structures related to the transient residential uses, the nonresidential floor area would not exceed 14,000 square feet. At least 35 percent of the upland area of the properties shall be reserved for working waterfront and water dependent uses. At least 20 percent of the dockage shall be reserved for commercial fishing vessels. New residential or nonresidential buildings shall not exceed 35 feet in height. Public access will be allowed from 7:00 am until dusk. The Development Agreement concerns properties located at 5700 Fourth Street and 5550 Fifth Avenue (legally described as a portion of

Block 55, all of Block 56, and a portion (Lot 13) of Block 57, the vacated portion of Fifth Avenue per Resolution #28-1966, Maloney subdivision (also known as McDonald's Plat), Plat Book 1, Page 55, and adjacent bay bottom, having real estate #'s 00123770.000000, 00127250.000000, 00127280.000000, 00127290.000000 and 00127380.000000) and 6500 Front Street (legally described as a portion of Block 55, Maloney subdivision (also known as McDonald's Plat), Plat Book 1, Page 55, and adjacent bay bottom, having real estate #'s 00123600.000100).  
(File 2014-107)

Mr. Haberman presented the staff report. Mr. Haberman reported that the applicant is proposing a ten-year development agreement that would lock the current provisions of the plan and the code into place to be able to move forward with this project. This is not a detailed plan at this point. Mr. Haberman asked the applicant to submit a more detailed plan of the square footage of the different uses. Bart Smith, Esquire, present on behalf of the applicant, agreed that the advertisement is fine for this item other than the 14,000 square feet figure. The applicant is also comfortable with the dockage that is available, with 20 percent to be reserved for commercial fishing vessels. Mr. Haberman noted that the 17 hotel rooms listed on Page 6 is an error, but the rest of the density table is correct. Mr. Haberman will submit a corrected staff report to Ms. Creech.

Mr. Haberman informed Mr. Smith that TDRs will be needed based on the acreages provided by the applicant. Mr. Haberman requested the ownership disclosure be provided, which is required for development agreements, prior to the Planning Commission meeting. Mr. Haberman stated the line numbers are missing from the plan and the acreages listed do not match the survey. Mr. Smith assured Mr. Haberman the applicant will shore up those numbers. Mr. Haberman asked that the survey be included as an attachment for a visual illustration of what the site would be. Mr. Haberman pointed out that MU is the incorrect acronym for mixed use/commercial and should be replaced with MC. The address of the Bernstein property needs to be changed from Front Street to Fourth Avenue. The wording regarding the 35-foot height limitation needs to include permitted structures. Mr. Haberman cautioned the applicant to list all the uses the applicant plans on doing on the property. Mr. Haberman recommended the hotel rooms should be listed as 50 or less. Mr. Haberman further suggested a ten-year window should be written in the agreement for purposes of syncing the conditional uses needed. The proper Land Use District Map and the official FLUM should be attached rather than the GIS printouts. The new draft needs to note that it is revised so the Commissioners look at the most updated plan. Mr. Smith will make the recommended revisions before the October 29 Planning Commission meeting.

The Planning Commission and BOCC meeting dates were discussed. Mr. Haberman stated staff will target the January BOCC meeting at the latest and the November Planning Commission meeting at the latest. Mr. Smith asked staff to try for the October Planning Commission meeting.

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

**4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY COMPREHENSIVE PLAN; ADOPTING THE 10-YEAR WATER SUPPLY PLAN UPDATE TO BE CONSISTENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT LOWER EAST COAST WATER SUPPLY PLAN UPDATE OF 2013; 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 2014-100)

Mr. Harvey presented the staff report. Mr. Harvey reported that this ordinance is to adopt a ten-year water supply plan update in accordance with Florida Statute 163.3177(6)(c), which requires that the infrastructure element of the comprehensive plan incorporate a ten-year water supply plan that identifies alternative water supply projects, additional water supply projects, conservation and reuse projects to meet identified needs. The Florida Keys Aqueduct Authority, the County's sole source water provider, has vetted the tables and the data analysis to ensure that the plan includes the current projected demands and capital improvement program of FKAA. In September 2013 the South Florida Water Management District approved the Lower East Coast water supply plan update. The County has 18 months from that date to update and adopt the new ten-year water supply facilities plan. This ordinance meets the statutory requirements and has been reviewed by the FKAA staff and will result in an update ten-year water supply plan that reflects the current and projected demands. Mr. Harvey explained the County is very well-positioned to accommodate any new growth. As far as the County's projected population demand, permanent population is decreasing while second-home owners are increasing.

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

**ADJOURNMENT**

The Development Review Committee meeting was adjourned at 1:41 p.m.