

DEVELOPMENT REVIEW COMMITTEE

Tuesday, October 28, 2014

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, October 28, 2014**, beginning at 1:09 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

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| 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

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| Steve Williams, Assistant County Attorney | Present |
| Rey Ortiz, Planning & Biological Plans Examiner Supervisor | Present |
| Matt Coyle, Senior Planner | Present |
| Karl Bursa, Planner | 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 from the September 23, 2014 meeting.

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)

Mr. Bursa presented the staff report. Mr. Bursa reported that this is a request for a minor conditional use permit, the transfer of 14 TDRs from property on Blimp Road down to the Oceanside property in Stock Island. In review of the application staff considered supporting documentation, including a vegetative assessment and a boundary survey, and concluded that the gross area of the parcel suitable for development is 3.77 acres. A substantial portion of the sender site is submerged land and, thus, not eligible for density per Policy 101.4.22(b). Because of this, there are only 9.25 TDRs that are eligible for transfer. The applicant has concurred with those findings. Staff recommended approval of 9.25 TDRs.

Mr. Schwab asked for public input. There was none. Public comment was closed. Bart Smith, Esquire, was present on behalf of the applicant.

New Item:

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 101-1, DEFINITIONS; AMENDING MONROE COUNTY CODE SECTION 130-186, MINIMUM YARDS; AMENDING MONROE COUNTY CODE SECTION 130-189, APPLICABILITY OF REQUIRED YARDS; ESTABLISHING SETBACK REQUIREMENTS FOR THE RECREATIONAL VEHICLE (RV) LAND USE DISTRICT; MODIFYING THE SETBACK REQUIREMENTS FOR THE AIRPORT (AD) AND PARK AND REFUGE (PR) LAND USE DISTRICTS; MODIFYING THE SETBACK REQUIREMENTS FOR CORNER LOTS; MODIFYING THE APPLICABILITY OF REQUIRED YARDS FOR ACCESSORY WALKWAYS AND DRIVEWAYS; CLARIFYING THE SETBACK REQUIREMENTS FOR SIDE YARDS; 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 2014-144)

Mr. Haberman presented the staff report. Mr. Haberman reported that some BOCC members have some concern with the current setback provisions. Also, some Planning Commission members have expressed concerns about considering the same variance requests repeatedly. Staff has had the same reservations. Because of those concerns the Director of Growth Management has requested this amendment be presented in advance of the LDR rewrite. Mr. Haberman outlined that many of the definitions in 101.1 have been reworked by deleting some, rewording some and merging others. The table of zoning districts has been put in alphabetical order and some of the names of certain districts have been corrected. Mr. Haberman stated that the 200-foot setback for the Airport zoning district was reduced to 25 feet. Commercial Fishing was changed to capture everything included in that zoning district. A 25-foot setback was added to Conservation. Setbacks were added for the RV zoning district.

Mr. Haberman then explained how the primary front yard and the secondary front yard setbacks were addressed. In most zoning categories a secondary front yard setback was created that is ten feet less than the front yard setback. Side yard setbacks were clarified to state that the first side yard setback is ten feet and the additional setback is five feet. The setbacks were reduced in Park and Refuge from a 50-foot to a 25-foot front yard, 15-foot secondary front yard, 15-foot side yard and 15-foot rear yard. Mr. Haberman stated a 15-foot setback across the board in Park and Refuge would also be appropriate. The buffer yard language was clarified to read that the buffer yard width and setback width overlap, that they are not added together. Shoreline and non-shoreline setbacks were named and it was specified that shoreline setbacks are regulated through 118-2.

Mr. Haberman then reported that the front yard setback section is where the corner lot issue is addressed. Mr. Haberman explained that the amendment specifies that if a house fronts a single road, the primary front yard setback is applied. Houses that have double frontage will apply the primary front yard setback. The address will determine what will be used as the primary front yard. Remaining front yards would be secondary. Mr. Haberman added the language “For parcels located within the median of US Highway 1, the primary front yard requirement shall be applied to both front yards situated along the highway right-of-way.” Subsection 3 is brand new, which allows driveways in a setback in a front yard. There is a limitation that it cannot take more than 60 percent of the setback area. Mr. Haberman explained that the purpose of Subsection 4 is to get rid of the longstanding interpretation of allowing required parking on a small residential lot. The clarifying language “any property developed exclusively with a residential use” was added. The required parking is allowed within the front yard setback. Mr. Ortiz noted that often the landscaping in Ocean Reef includes retaining walls. Mr. Haberman replied that another section would need to be created to address retaining walls.

Mr. Haberman then addressed side yard setbacks. Mr. Haberman explained that on a corner lot the first side yard is the higher number. The accessory uses, such as driveways and walkways, are allowed to be six inches in height, have a one-foot setback, and must avoid off-site discharge of stormwater. Porches were purposely left out of this section. Mr. Williams brought up air conditioners placed on the side of houses within the setback. Mr. Haberman replied that was not included in this amendment because that is not a variance consistently approved. Mr. Haberman commented that parking lots for commercial properties have not been added in this amendment even though it is absolutely appropriate to allow a parking lot in a front yard in some areas of the County. The wording for that possible amendment has not been crafted yet. Mr. Roberts pointed out that for the vast majority of those properties the “buffer” does not actually exist and some of those businesses are oriented in such a way that the front yard setback is mandatory to meet their existing parking needs. Mr. Haberman suggested either revising the buffer yard section to allow it or reduce the buffer width requirements to allow for some parking to fit. Mr. Roberts feels it may be more appropriate to determine what the County wants the unincorporated stretch of US-1 to look like and then develop what the criteria for the minimum standards should be for buffers and setbacks. Mr. Haberman noted that would vary key by key. Mr. Haberman asked staff to read through this amendment and consider how it would be applied and provide input.

Further discussion was had regarding AC units within a setback. Mr. Haberman stated that most variances for AC's are after-the-fact because the AC contractors generally do not get a Planning review permit. Mr. Ortiz agreed that this issue has consistently been a problem in final inspections. Mr. Ortiz suggested allowing accessory components to a house might be something to consider in the setbacks within reason. Mr. Haberman reminded the Committee Members this amendment is to address variances that are consistently granted. Mr. Roberts pointed out there is an inconsistency in the section on accessory structures in the rear yard setback and what is allowed in the shoreline setback between accessory structures not exceeding 18 inches in height as measured from grade and allowing an accessory structure as long as it does not exceed a foundation height of 18 inches. Mr. Haberman believes that differing language was purposeful.

Mr. Schwab noted there were not members of the public present for public comment.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 1:58 p.m.