

DEVELOPMENT REVIEW COMMITTEE

Tuesday, February 24, 2015

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, February 25, 2015**, 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	Present
Mayte Santamaria, Senior Director of Planning and Environmental Resources	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present

STAFF

Steve Williams, Assistant County Attorney	Present
Peter Morris, Assistant County Attorney	Present
Emily Schemper, Principal Planner	Present
Matt Coyle, Senior 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 of the January 27, 2015, DRC meeting as is.

MEETING

New Items:

1.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; 5176-5180 Suncrest Road, Stock Island, Mile Marker 5; 6800 Maloney Avenue, Unit 29, 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, Barton W. Smith and Paulina Smith 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, 5176-5180 Suncrest Road and 6800 Maloney Avenue, Unit 29 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 79 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, 22 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 101 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, 00194741.001800, 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), 5176-5180 Suncrest Road, Stock Island (legally described as Lots 27 and 28, Sun Krest, having real estate #00132680.000000) and 6800 Maloney Avenue, Unit 29, Stock Island (legally described as Unit 29 of Harbor Shores Condominium, a Condominium, according to the Declaration of Condominium recorded in O.R. Book 982, Page 1824, having real estate #00133760-000127) (File #2014-175)

Mr. Coyle presented the staff report. Mr. Coyle reported that this is the second amendment to the original agreement and is a stand-alone document. Mr. Coyle highlighted the changes to the original document as: Inclusion of the abandoned portion of Peninsular Avenue right-of-way, which will be heard by the BOCC in March; inclusion of a description and use of that property for density purposes; amendment of the acreage of the Oceanside Marina to include the road abandonment; allowance of the transfer of one additional TRE associated with the permanent residential unit from the sender site at 6800 Maloney Avenue; amendment of the total number of units allowed of Oceanside Marina from 78 up to 79 market rate residential units; amendment of the total number of deed restrictions and affordable ROGO allocations from 46 to 47 and from

23 to 24 moderate income affordable ROGO allocations; and amendment of the conceptual site plan approved of the existing agreement to include the aforementioned road abandonment and to modify the buildings to accommodate 75 market rate residential units. The density with the inclusion of the 79th unit has been checked and found to be within 100 percent. Mr. Coyle recommended approval with the following revisions: The necessity of a legal description of the new road abandonment portion in the agreement Section 1; the necessity of the new conceptual site plan of the property showing the expanded property and additional market rate residential dwelling unit; and receipt of copies of the exhibits referenced in the document. Mr. Coyle noted that in the event the BOCC denies the petition for the road abandonment, staff will not recommend approval of the second amendment to the Planning Commission or the BOCC.

Mr. Schwab asked for comments and/or questions by staff. Mr. Coyle confirmed for Ms. Santamaria that it is noted in the development agreement that staff will get another BOCC resolution for the final affordable unit.

Bart Smith, Esquire, was present on behalf of the applicant. Mr. Smith stated staff will receive all of the requested information next week.

Mr. Schwab asked for public comment. There was none.

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AN AMENDMENT TO THE LAND USE DISTRICT MAP TO EXPAND THE BOUNDARIES OF THE ROCKLAND KEY COMMERCIAL RETAIL CENTER OVERLAY DISTRICT, AS DESCRIBED IN SECTION 130-131 OF THE MONROE COUNTY CODE, FOR ONE ADDITIONAL PROPERTY DESCRIBED AS A PARCEL OF LAND IN A PART OF GOVERNMENT LOTS 6 AND 7, SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, ROCKLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00122080.000302; 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 2014-181)

Mr. Coyle presented the staff report. Mr. Coyle reported that the property owner is requesting an amendment to the land use district to expand the boundaries of the Rockland Key Commercial Retail Center Overlay District to add a small property approximately one-tenth of an acre in size. Mr. Coyle mentioned that on April 27, 2013, the BOCC adopted an ordinance approving an amendment to the land use district map to establish the boundaries of the Rockland Key Commercial Retail Center Overlay District. Mr. Coyle stated in reviewing the applications staff looked at several things, most notably consistency with the comp plan and the Monroe County Code. Staff has determined that the proposed amendment is consistent with the provisions and intent of the 2010 comprehensive plan. Of the seven factors that the BOCC may consider in adoption of an ordinance in enacting a proposed change, one factor applied to this ordinance: Data errors. The applicant has asserted that this property was intended to be a part of the original overlay district, but due to a scrivener's error the legal description was not included. Staff has also looked at the land use intensities on the property. The applicant is not requesting a FLUM

amendment in this case, so the maximum residential densities and nonresidential intensities as permitted in the comp plan will not be affected by this application. The Rockland Key Commercial Center Overlay District has a cap in the maximum amount of floor area, which this site would be subject to if it was amended to be part of it. Mr. Coyle recommended approval of the proposed amendment.

Owen Trepanier was present on behalf of the applicant. Peter Rysman, the developer, was also present. Mr. Trepanier thanked staff for identifying the error so early in the process and helping to resolve the issue. Mr. Williams recommended omitting the reference to the scrivener's error in the report and referring to it simply as an error. Mr. Rysman explained that the error was originally contained in the legal description received from the seller's attorney.

Mr. Schwab asked for public comment. Deb Curlee, resident of Cudjoe Key, expressed surprise that there could have been an error regarding a piece of land located right in the middle of the district. Mr. Curlee then stated that the BOCC was very firm about the 335,000 square foot size. Mr. Rysman assured Ms. Curlee that the inclusion of this parcel will not affect that number upwards. Ms. Santamaria noted that a change to that number would require a text amendment. There were no further public comments.

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM NATIVE AREA (NA) AND SUBURBAN COMMERCIAL (SC) TO SUBURBAN COMMERCIAL (SC), FOR PROPERTY LOCATED AT 101 MAGNOLIA STREET, KEY LARGO, MILE MARKER 100, LEGALLY DESCRIBED AS SQUARE 20, OCEAN ACRES (PB1-188), KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00454520.000000, AS PROPOSED BY MAGNOLIA 101, LLC; 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 2014-173)

Ms. Schemper presented the staff report. Ms. Schemper corrected the language of the agenda item from "from Native Area and Suburban Commercial to Suburban Commercial" to "from Suburban Commercial and Suburban Residential to Suburban Commercial." Ms. Schemper reported that the applicant is requesting a land use district map amendment for property located in Key Largo. Currently the northwest portion of the site has a zoning designation of Suburban Commercial (SC) and the southeast portion has a zoning designation of Suburban Residential (SR). A letter of understanding dated April 29, 2013, indicates the Planning Director interpreted that the FLUM should be mixed use/commercial for the entire site. The applicant is requesting that the SR portion of the site be changed to SC, which would be consistent with the mixed use/commercial FLUM. The proposed amendment would increase the potential residential density of the site by three dwelling units and the potential nonresidential intensity of the site by 3,000 square feet. Ms. Schemper noted that the discouragement policy, Policy 101.4.20, does not apply to land use district zoning amendments, but only to FLUM amendments. The proposed zoning amendment is consistent with the purpose of the mixed use/commercial FLUM

and the comp plan. Ms. Schemper recommended approval of the land use district map amendment from SC and SR to SC for the entire parcel.

Mr. Schwab commented that, without a BOCC resolution confirming administrative boundary interpretation by the Planning Director, the current FLUM is residential low and, therefore, the proposed zoning amendment would be inconsistent with that FLUM. The zoning amendment is only one step in a several-step process. As the LOU discusses, the land is in a conservation easement and, until the easement is shifted to another parcel worthy of preserving that the applicant owns, this land use district amendment is only one piece of the process. All of the legal required elements need to be coordinated and done concurrently, which include applying for a boundary determination, initiating the conservation easement swap process, and applying for an amendment to the minor conditional use permit. Ms. Santamaria noted that if the conservation easement is shifted, it would be going from .4 acres in the current conservation easement to 2.6 acres for those three other parcels.

Scott Black, Esquire, was present on behalf of the applicant. Brian Lindback, the applicant, was also present. Mr. Black stated it is understood that this is the first step of many for the property and that there are three other parcels that surround or abut to the property worthy of conservation.

Ms. Curlee asked whether there was any mitigation done for this natural area that was taken over before any rules were in place. Mr. Williams responded that there are pending code compliance cases and pending litigation on the parcels, and the merits of those will not be addressed at this meeting.

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO DEFER THE APPROVAL OF APPLICATIONS FOR THE TRANSFER OF DEVELOPMENT RIGHTS TO OFFSHORE ISLANDS, TRANSFER OF ROGO EXEMPTIONS TO OFFSHORE ISLANDS, TIER AMENDMENTS FOR OFFSHORE ISLANDS; MAP AMENDMENT FOR OFFSHORE ISLANDS TO INCREASE POTENTIAL DENSITY OR INTENSITY AND TEXT AMENDMENTS FOR OFFSHORE ISLANDS TO INCREASE DEVELOPMENT POTENTIAL (DENSITY/INTENSITY), COMMENCING JANUARY 21, 2015, UNTIL SUCH TIME AS A COMPREHENSIVE PLAN AMENDMENT PROCESS IS COMPLETE REGARDING OFFSHORE ISLANDS AND PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF THIS INTERIM DEVELOPMENT ORDINANCE OR WHEN THE COMPREHENSIVE PLAN AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST, PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE.
(File 2015-032)

Ms. Santamaria presented the staff report. Ms. Santamaria reported that a proposed interim ordinance was directed by the BOCC. The County's comp plan update included policies that affected offshore island policies, which drew a lot of public comment and public disagreement to the proposed policies. Consequently, the BOCC asked that those policies be moved out of the comp plan amendment and processed separately and asked that a resolution be adopted which

defers the approval of applications affecting offshore islands. This would defer the approval of those applications that transfer TDRs, TREs, tier map amendments or map amendments or text amendments that increase density for development potential on offshore islands. It commences January 21, 2015, and is effective for 365 days or until the comp plan amendment is effective, whichever comes first. The draft amendment will go to the DRC in March and will reflect what was in the draft comp plan. Mr. Roberts pointed out that at this point it has an effective date prior to the adoption of the ordinance. Ms. Santamaria explained that it has a resolution that starts it. Ms. Santamaria clarified that applications can be accepted, but nothing will be processed for approval that changes a tier designation for offshore islands or transfers TDRs or TREs to an offshore island. TDRs or TREs can still be transferred off an offshore island.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 1:36 p.m.