

DEVELOPMENT REVIEW COMMITTEE

Tuesday, July 28, 2015

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, July 28, 2015**, beginning at 1:00 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

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, Comprehensive Planning Manager	Present
Kevin Bond, Planning and Development Review Manager	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

Ms. Santamaria approved the May 26, 2015, meeting minutes with three minor typos and approved the June 23, 2015, meeting minutes.

MEETING

New Items:

1.Florida Keys Media, LLC, 830 Crane Boulevard, Sugarloaf Key, mile marker 19: A public meeting concerning a request for a Major Conditional Use Permit. The requested approval is required for the development of a proposed antenna supporting structure. The subject property is described as a Parcel of land in Section 25, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida, also known as Block 1, Lot 4, in the unrecorded plat of North Sugarloaf Acres Section One, having real estate number 00117510.000400. (File 2015-085)

Mr. Coyle presented the staff report. Mr. Coyle reported that the earlier development of this property was developed in the early 2000s as an office building with 3375 square feet as a minor conditional use. The application submitted for the current major conditional use permit needs to

be consistent with the comprehensive plan, Policies 101.4.5, 101.4.26, as well as Policy Item 1.2.1 of the Livable CommuniKeys Plan. Staff has found that the proposed tower would not be inconsistent with community character in the immediate vicinity. This pole would be a monopole and would not have any lighting associated with it. The applicant will be required to further landscape the property to reduce the visual impacts. Staff has no evidence to support or disprove that the proposed development will have an adverse impact on the value of surrounding property owners. The site plan needs to include a loading and unloading space of 11-by-55 feet. A Class A landscaping standard is required for the parking area and a buffer yard needs to be added.

Mr. Coyle stated the applicant meets the specific standards for antenna supporting structures, including setbacks, height restrictions and construction requirements. The applicant has submitted a letter from an engineer stating that the structure meets the wind speed design requirements, and this will be independently reviewed for compliance by the Building Department as well. The applicant has agreed to have up to three additional PCS wireless carriers on this tower. The applicant has submitted a determination of no hazard to air navigation from the FAA. The standard that no antenna-supporting structure shall be permitted unless the applicant demonstrates that no existing wireless communication facility can accommodate the applicant's proposed facility through either collocation or combined area has been met. The proposed color and fencing is in compliance with the standards. The site plan needs to be updated to show fencing on the eastern portion of the property. The landscaping and buffer yard requirements have been met.

Staff recommends approval of the major conditional use permit with several conditions. The site plan shall be revised to show the loading and unloading space, the fencing on the eastern side of the property, and the design details of the existing and proposed fencing; prior to the Planning Commission staff report deadline the applicant shall submit a revised landscaping plan showing a Class A parking lot landscaping and a Class B district boundary buffer yard along the northern property line. Prior to the issuance of the development order the applicant shall submit a notarized letter indicating that he or she no longer wants to be aggregated with Lot 4. Prior to the issuance of a certificate of completion all required landscaping shall be formally approved by a building permit plan and pass a final inspection by a County biologist or his or her designee. The applicant shall obtain building permits for any improvement. A stormwater management plan consistent with the requirements of MCC 114-3 must be submitted at the time of the building permit application. Prior to the issuance of building permits the new development structure shall be found in compliance with the Monroe County Building Department, Flood Plain Administrator and the Office of the Fire Marshal. The Public Works Division shall review any proposed work within County public rights-of-way and the Division maintains the right to request revisions as it carries out its application.

Edward Bie, with Edward Bie Consulting, LLC, present with the applicant, stated that pictures of the fencing, landscaping and the loading zone will be added to the site plan. The applicant is happy to meet all of the conditions imposed. Mr. Roberts asked that the site plan submitted clearly depicts what exists as well as what is required to meet code. Mr. Bie explained that a vegetation survey was done of the back part of the property and the applicant will get the vegetation survey for the front part and have that added to the site plan. Mr. Bie then stated the

stormwater plan calculations were submitted and were determined to be adequate to accommodate 200 feet of additional impervious area. Mr. Roberts asked that clarification on the swales and stormwater be submitted for the one parcel being used for this development.

Ms. Santamaria asked for public comment.

Mira Negron, resident of 19346 Mad Bob Road, stated she is one of the closest residents to the proposed tower. Ms. Negron, upon notification of the proposed tower, made many copies and hand-delivered this to all of the residences that otherwise would not have been notified. Ms. Negron noted there was significant outcry at the public meeting held on October 28, 2014, strongly opposing the proposal. Ms. Negron was told at that public meeting that the feelings of the neighboring residents would make a difference to the decision-making of this proposal. Ms. Negron is concerned being in such close proximity to the tower and building housing the generator, as well as for the impact to the neighborhood. Ms. Negron stated a tower in this location does not blend in with any such architecture and should not be approved. The 199-foot tower will make a significant difference in the skyline and view of the open sky. The part of Crane Boulevard where placement of the tower is being proposed is in direct location of many people's views to and from their home, work, or when they are walking or biking to and from the Florida Wildlife Preserve where many people visit daily. The building housing the generator will be a noise issue as well as an environmental hazard and potential fire hazard. Ms. Negron believes the applicant, who does not reside in Monroe County, is proposing to have a tower in this location solely for personal financial profits while the very close neighbors bordering this tower will see a substantial decline in their property value and diminished quality of life. Ms. Negron does not oppose a radio station housing its offices in this location, but does oppose this very industrial 199-foot tower. Ms. Negron asked that any future meeting pertaining to the issue of this tower be located at the Sugarloaf School at a time of day for those that want their voices heard to be able to attend when they are not at work. Ms. Negron does not believe Florida Keys Media has shown proof that other locations and sites have been considered. Ms. Negron asked the DRC to be true to Monroe County citizens and take into consideration the substantial adverse effects to their lives when deciding on this tower.

Claudia Richards, resident of 689 Crane Boulevard, agreed with what Ms. Negron stated. Ms. Richards pointed out that the appeal to this area in 1993 when purchasing her home was the peace and quiet and the rural and natural setting of the area. The view of this proposed tower and noise and emissions from the generator will now disturb their quality of life. Ms. Richards then pointed out that this property is going to be her retirement and the proposed development will diminish the value of her property. Upon doing research with a realtor, Ms. Richards determined the property value will diminish by 20 percent, which equates to \$80,000 for the Richards. Ms. Richards also doubts there is a proven need to have a tower in this location. Ms. Richards is concerned about hurricane safety with this structure, as well as the ongoing maintenance disrupting the neighbors' peace and quiet. Ms. Richards asked the DRC to consider the neighbors' concern to preserve their quality of life versus the need of someone's profit.

James Merkel, resident of Upper Sugarloaf Key, as well as the Vice-President of the Indian Mounds Homeowners Association, expressed disappointment that this meeting was scheduled so far from the location of the topic at hand, as well as the time being in the middle of the day on

the eve of one of the busiest days in the Florida Keys. Mr. Merkel understands and appreciates Mr. Holladay's plan, but believes his firm has been deceptive, evasive and condescending to the residents surrounding his newly acquired property. The surrounding neighborhoods were not notified of the first public meeting. Mr. Merkel questions Mr. Holladay's plan of first acquiring a property and then trying to force the County and its residents to adjust to his plan. There were and are many other properties centrally located within the Middle-Lower Keys region that were not in residential areas with this type of commercial precedence already in place. Mr. Merkel asked the DRC to consider the several hundred homes' disagreement with this plan, which will bring in a very long and unnecessary legal battle for all parties involved. Mr. Merkel then questioned who made and how the decision was made that a 200-foot pole would not influence property values.

Joy Clark, resident of 1042 Loggerhead Lane, stated she will see this tower every day while riding her bike or walking to and through the native preserve. Ms. Clark vehemently disagrees that this tower is not out of character for this residential neighborhood. There has been a fair amount of interest and effort made in keeping this area a natural area. Ms. Clark feels that this development has moved forward without much regard to what the residents of the area feel and is also disappointed that this meeting today was scheduled in the middle of the day, not allowing people in that area who work to voice their concerns. Ms. Clark urged the DRC to consider the concerns of the people in this residential area.

Vera Vasek, resident of 18954 Acosta Trail, lives across the wetland from where the tower will be placed. Ms. Vasek stated from her window she will look right directly at the tower, where now she sees a lot of flying birds and wading birds in this area. Ms. Vasek would like to be able to hire an expert to review this situation. Ms. Vasek asked where the DOT and Public Works representatives on the DRC were. Ms. Santamaria explained they did not attend the meeting today. Ms. Vasek then asked whether this property is part of the residential property on the corner that surrounds Crane Boulevard. Ms. Santamaria explained that those two properties were aggregated in the past and developed in a joint application a number of years ago. That is why one of the conditions of this application is to have an affidavit to de-aggregate the two parcels so that they are each considered stand-alone. Next door to these properties there is both market rate and affordable housing. Ms. Vasek then asked for specifications of the generating system. Mr. Bie explained the generator is going to be a 65 or 75-kilowatt generator and will only run when there is a loss of power or when they "exercise" it once a week when it runs for about ten minutes. Mr. Williams interrupted and stated that back-and-forth or cross examination-type discussions with the applicant by a member of the public is not typically how DRC meetings operate. DRC meetings are for staff to present information, take in information gathered from all the speakers and move forward to the Planning Commission report. The DRC is glad to hear any input the public has. Ms. Vasek stated she believes this application is incomplete and would like to get expert opinions so that the Planning Commission can make correct decisions. Ms. Vasek then commented that there are a lot of towers on Sugarloaf currently and feels this development should occur with what exists today. Ms. Vasek believes this tower will have a sundial effect on Indian Mounds.

Lenny Carey, resident of 19509 Tequesta Street, located within a mile of the proposed radio tower, agrees with what has been said so far by the residents. Mr. Carey said another tower is

not needed in this area. There are a lot of species living in this area and a radio tower should be put up some place that is more appropriate. Mr. Carey believes a 200-foot tower will kill birds. Mr. Carey has not been contacted about this radio tower being proposed in the neighborhood. Mr. Carey asked the DRC not to allow a tower in this neighborhood.

Mr. Merkel asked staff about any long-term income generated to the County for this tower. Mr. Williams replied that there would be a tangible tax. It is possible the Sheriff's Department could utilize a portion of the tower for their emergency broadcast, which those rents could be saved to that constitutional officer.

Bill Hunter, resident of Lower Sugarloaf, stated he understands the economics of this development, the need for the tower and the need for a microwave link. Understanding that the purpose of Suburban Commercial is to provide needs for the immediate area, Mr. Hunter questions what the definition of "immediate area" is here. In Suburban Commercial putting up this kind of tower is a major conditional use, which requires this to be consistent with the community character. The backup provided and the comments today have all been in opposition to this proposal. Mr. Hunter asked how the criteria to assess the opposition from the community as opposed to the needs of the business is weighed. Ms. Santamaria replied that every application is reviewed based on consistency with the comp plan and the Land Development Code (LDC). The comments are taken into account. The Planning Commission, who is the decision-maker on this application, will hear the comments and weigh this against the consistency with the comp plan and the code when they make their decision either to approve or disapprove the application.

Ms. Santamaria then informed the public that this item will be advertised in the paper. Staff can send an e-mail out again to the e-mail addresses they have of the upcoming meeting. The Planning Commission will vote and make a decision at the scheduled meeting. Information must be submitted ten days in advance of that meeting. Staff will ensure that the Planning Commission receives the information supplied by the public. Access to an overhead projector is available for the public to use. A CD version of any video supplied needs to include eight copies sent to the attention of Ms. Creech. Mr. Williams cautioned the public to keep the ten-day rule in mind because, if documentation is not submitted before the ten days, the Planning Commission can elect not to use it and there is not much recourse for that. Ms. Santamaria stated the date for this item will likely be next month assuming the information requested is received from the applicant timely and staff is able to draft the staff report in time of the advertisement. If not, it would be the following month. The Planning Commission can make a decision at that meeting or they can choose to continue an item. Typically they do make decisions at the meeting for the public hearing.

Mr. Merkel voiced his concern that communication has not been forthright and this meeting was scheduled at 1 o'clock the day before mini lobster season. Ms. Negron stated time is needed to hire expert witnesses and to be able to come up with the money to hire expert witnesses. Ms. Santamaria replied at the Planning Commission meeting the public has the opportunity to speak and can ask the Commissioners to continue an item for additional data.

Bob Holladay, the applicant, stated there has been some misinformation that has made this case difficult. There will be no lights at all on the tower and the generator is only going to cycle on ten minutes a week. No shadow will be cast off of this tower. Mr. Holladay emphasized that he does have an interest here in the Keys and owns multiple properties, including a personal property, here in the Keys. Mr. Holladay admitted that he cannot please everybody, but stated he will do the best that he can. This property was bought knowing what the zoning was and this property is zoned for this tower. This is a central point in trying to reach five different tower sites of the radio stations Mr. Holladay is trying to cover and there is a microwave link to each one of those sites. Mr. Holladay stressed that he has followed the law and has not deceived anybody. A mailing list was made for the appropriate radius around the tower as required.

Mr. Bie reiterated that a list of residences within 300 feet of the property was provided by the County and everybody on that list was notified. Everything has been provided to the County that has been required. 70 percent of the towers in Monroe County are located within Suburban Commercial properties. Prior to the code revision towers were allowed in Native Areas. The distance needed between towers is diminishing because of the demand driving the need for additional towers. There are no providers right now that have an interest in collocating on this tower.

Ms. Negron added that of the 13 addresses within the 300-foot radius there are only six addresses that are local. Monroe County Land Authority has purchased properties in this area, as well as the Nature Conservancy. Mr. Merkel then added the 135 residents that are included in the homeowners association of which he is a part unanimously oppose the proposed tower because it serves no community value and provides no County income value other than the limited tangible tax mentioned. Ms. Vasek stated the proposed tower does not conform to the community of Upper Sugarloaf and the towers that surround the community of Upper Sugarloaf in that those towers do not have residential units surrounding them, they are within natural habitat.

Ms. Santamaria invited all members of the public to provide their name and e-mail address and/or phone number on a piece of paper left on the table if they would like to receive additional notice of the upcoming meeting.

Mr. Roberts asked that Items 2 and 3 be read and heard together. Ms. Santamaria agreed, but asked that a recommendation be provided for each item separately.

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LIVABLE COMMUNIKEYS PROGRAM MASTER PLAN FOR FUTURE DEVELOPMENT OF BIG PINE KEY AND NO NAME KEY AMENDING THE TIER DESIGNATION FOR PROPERTY OWNED BY LONGSTOCK II, LLC, HAVING REAL ESTATE NUMBERS 00300090-000000; 00300180-000000; 00300590-000000 AND 00300670-000000 FROM TIER I TO TIER III ON FIGURE 2.1 (TIER MAP FOR BIG PINE KEY AND NO NAME KEY); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR THE TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; AND

PROVIDING FOR THE INCLUSION IN THE MONROE COUNTY 2010 COMPREHENSIVE PLAN.

(File 2015-116)

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE TIER OVERLAY DISTRICT DESIGNATION FROM TIER I TO TIER III FOR PROPERTY OWNED BY LONGSTOCK II, LLC; LEGALLY DESCRIBED AS LOTS 1, 2, 3, 4 AND 5 BLOCK 1; LOTS 1 THROUGH 18 BLOCK 2 SAM-N-JOE SUBDIVISION PLAT BOOK 3 PAGE 76 OF THE PUBLIC RECORDS OF MONROE COUNTY FLORIDA AND LOTS 1 THROUGH 9, BLOCK 3, DARIOS SUBDIVISION PLAT BOOK 3 PAGE 92 OF THE PUBLIC RECORDS OF MONROE COUNTY FLORIDA; 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 AN EFFECTIVE DATE.

(File 2015-035)

Mr. Roberts provided the staff report. Mr. Roberts reported that this is a request to amend the tier overlay district map from Tier I to Tier III for a former RV park on Big Pine Key called Seahorse RV. Since it is on Big Pine Key, in order to amend the tier overlay map first the Livable CommuniKeys plan has to be amended, which is Item 2 on the agenda. Mr. Roberts explained the tier designations for Big Pine Key were developed through the development of the Habitat Conservation Plan (HCP). As such, those tiers were intended to be based on the habitat values, primarily with Key deer and Lower Keys marsh rabbit on those two islands. The subject property does not meet any of the criteria for Tier I in as much as there is no habitat on this site. It is heavily scarified with 130 dwelling units on the site and it is in close proximity to US-1. Staff is recommending amending the map within the Livable CommuniKeys Plan to accurately reflect the conditions on the site and to change it from Tier I to Tier III.

Mr. Roberts then explained Item 3 is the amendment to the tier overlay district, which is the official tier map of the County, to reflect the change in the Livable CommuniKeys Plan. Again, it would be changing the tier designation of the RV park from Tier I to Tier III to match the tier criteria both within the LCP and HCP, as well as the LDC. Staff recommends approval of the proposed amendment as the parcels do not meet the criteria for Tier I designation and it is more appropriately designated Tier III in accordance with criteria of the HCP and LCP. Mr. Roberts clarified this meets the criteria in the LDC for Tier III.

Bart Smith, Esquire, present on behalf of the applicant, declined to comment.

Ms. Santamaria asked for public comment.

Deb Curlee, resident of Cudjoe Key, asked background questions on this property. Ms. Santamaria explained that this property was originally permitted as an RV park in 1963. It is a platted subdivision with 32 lots, but it was built over density in the '60s. So the transfer goes back to the original 32 lots, not the unpermitted number of lots, which is a separate application. This application is purely for the tier designation.

Ms. Curlee then read into the record a letter from Alicia Putney, the Secretary of the Key Deer Protection Alliance. The letter, addressed to Mayte Santamaria, voiced concern that any decision regarding a change in use and change in the tier designation of the Seahorse property will negatively affect the population dynamics, the carrying capacity and/or the secondary impacts to the federally listed endangered Key deer. The letter asked for the US Fish & Wildlife Service to weigh in on this situation with any communications with the Service being made part of the record. Ms. Curlee submitted a copy of the complete letter from Ms. Putney.

Ms. Santamaria asked for further public comment. There was none.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 2:30 p.m.