

## DEVELOPMENT REVIEW COMMITTEE

Tuesday, September 29, 2015

### MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, September 29, 2015**, beginning at 1:01 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

Mike Roberts, Sr. Administrator, Environmental Resources	Present
Emily Schemper, Comprehensive Planning Manager	Present
Kevin Bond, Planning & Development Review Manager	Present

#### STAFF

Peter Morris, Assistant County Attorney	Present
Matt Coyle, Senior Planner	Present
Devin Rains, Senior Planner	Present
Gail Creech, Planning Commission Coordinator	Present

#### CHANGES TO THE AGENDA

There were no changes to the agenda. The agenda already reflects that Items 5 and 6 have been removed.

#### MINUTES FOR APPROVAL

Ms. Schemper deferred approval of minutes to the next DRC meeting.

### MEETING

#### New Items:

**1. Stock Island Holdings, LLC, 5350 3<sup>rd</sup> Avenue, Stock Island, Mile Marker 5 (Sender Site); 21585 Old State Road 4A, Cudjoe Key, Mile Marker 22 (Sender Site) and Oceanside Marina, 5948, 5950 and 5970 Peninsular Avenue, Stock Island, Mile Marker 5 (Receiver Site):** A public meeting concerning a request for a Minor Conditional Use Permit. The requested approval is required for the transfer of 2 Transferable ROGO Exemptions (TREs) from two sender sites to the receiver site. The sender sites are described as Lots 19, 20, 21, 22 and 23, Block 53, George L. McDonalds's Plat, Plat Book 1, Page 55, Monroe County, having real estate #00126770.000000 and Lot 30, Sacarma, Cudjoe, Monroe County, Florida having real estate #00174960.000000. The receiver site is 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, Stock Island, Monroe County, Florida, having real estate number 00126210.000000, 00127420.000000 and 00127420.000100.  
(File 2015-100)

Mr. Coyle presented the staff report. Mr. Coyle reported that this request is to transfer the final two units to Oceanside Property to wrap the project up. These two units were deed-restricted as affordable housing on the sender sites and will go to Oceanside Marina to be built as part of their redevelopment project. The application meets all of the regulations and the applicant will need a development agreement to allow this. The receiver site is Tier III and the density is allowed. Staff is recommending approval to transfer the two TREs with one condition: Prior to the issuance of any development order formally approving transfer, all required transferable development rights shall be transferred to the receiver site. The next two agenda items are to transfer those TDRs.

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

**2. Vertregt Property, Avenue J, Big Pine Key, Mile Marker 31 (Sender Site) and Oceanside Marina, 5948, 5950 and 5970 Peninsular Avenue, Stock Island, Mile Marker 5 (Receiver Site):** A public meeting concerning a request for a Minor Conditional Use Permit. The requested approval is required for the transfer of 0.4 Transferrable Development Rights (TDRs) from a sender site in Big Pine Key to a receiver site in Stock Island. The sender site is legally described as Block 52, Lot 16, Sands Subdivision, Plat Book 1, Page 65, Big Pine Key, Monroe County, Florida, having real estate number 00307270.000000. The receiver site is 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, Mconald's Plat, also described as parcel of land in Sections 26, 34, 35 and 36, Township 37 South and Range 25 East, Stock Island, Monroe County, Florida, having real estate numbers 00126210.000000, 00127420.000000 and 00127420.000100.  
(File #2015-101)

Mr. Coyle presented the staff report. Mr. Coyle reported that this application is to transfer .4 TDRs to complete the development as proposed at Oceanside Marina. The sender site qualifies as a TDR sender site due to the habitat on the property and it is zoned IS. Reports from both a consultant biologist and County biologist agreed that the sender site meets the requirement because of the habitat. The receiver site will not exceed the max net density. All other standards are met by this application. Staff is recommending approval to transfer .4 TDRs with one condition: Prior to application for a building permit authorizing the development of a residential dwelling unit on a receiver site requiring the TDR the sender site shall be placed in a conservation easement prohibiting its future development. The conservation easement shall be reviewed and approved by the Planning and Environmental Resources Department prior to its recording in the official records of the County.

Mr. Coyle clarified for Mr. Roberts that the .6 development rights will be retained, but the parcel will still be put into conservation or be conveyed to the County. Staff is working on the exact mechanism to retain ownership of the remaining .6 TDRs.

There were no further comments or questions from staff.

**3.Perez Property, Canal Drive, Sugarloaf Key, Mile Marker 20 (Sender Site) and Oceanside Marina, 5948, 5950 and 5970 Peninsular Avenue, Stock Island, Mile Marker 5 (Receiver Site):** A public meeting concerning a request for a Minor Conditional Use Permit. The requested approval is required for the transfer of 1 Transferrable Development Rights (TDRs) from a sender site in Sugarloaf Key to a receiver site in Stock Island. The sender site is legally described as Lot 30, Perez Subdivision, Plat Book 3, Page 147, Sugarloaf Key, Monroe County, Florida, having real estate number 00171970.000000. The receiver site is 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, Stock Island, Monroe County, Florida, having real estate numbers 00126210.000000, 00127420.000000 and 00127420.000100. (File #2015-102)

Mr. Coyle presented the staff report. Mr. Coyle reported that this is an application to transfer one TDR from a sender site on Sugarloaf Key to Oceanside Marina. It is zoned IS. The habitat on the property has been reviewed by the County biologist and found to meet the habitat requirements to be a TDR sender site. The density at the Oceanside property allows for this. All pertinent regulations have been met. When transferred the sender site will be required to be dedicated to the County or placed in a conservation easement prohibiting its development. Staff is recommending approval with the same condition as Agenda Item 2.

Ben Disdier, a property owner in Monroe County, asked for clarification on the definition of a TDR. Mr. Coyle explained that a TDR is used to build to a higher density on one property by bringing rights from a different property. It is a potential development right that is attached to the land. It can be taken off one piece of property and moved to another to increase the development potential on the other property. The number of TDRs a certain property has depends on the size, zoning and habitat associated with a property. There is a calculation for each. Mr. Disdier noted that he had tried to engage in this process back in 2000 and was unsuccessful. Ms. Schemper offered to further explain the current process to transfer TDRs after the meeting.

Wayne Disdier, a property owner in Monroe County, asked for the value of the sender site. Ms. Schemper explained that Planning staff does not have that information, but it can be obtained from the Property Appraiser. The property will be dedicated to the County. Mr. Roberts further explained to the Disdiers that the Monroe County Land Authority is the manager of all County-owned conservation lands and it is up to them as to how they manage that particular parcel. Typically the County does not fence or otherwise barricade its publicly-owned land.

**4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING THE MONROE COUNTY TIER OVERLAY DISTRICT MAP FROM NO DESIGNATION TO TIER I FOR PROPERTY LOCATED AT 610 ELMA AVENUE, BIG PINE KEY, MILE MARKER #30, LEGALLY DESCRIBED AS BAY BOTTOM WEST AND ADJACENT TO LOT 6 AND THE S ½ OF LOT 7, PINEY POINT SUBDIVISION (PLAT BOOK 3, PAGE 88) FROM NO DESIGNATION TO TIER III FOR PROPERTY LOCATED AT HENRY LANE, BIG PINE KEY, MILE MARKER #29.75, LEGALLY DESCRIBED AS A PARCEL OF LAND IN PART OF THE SE ¼ OF THE NE ¼ (AKA 40' x 305' ROADWAY) OF SECTION 27, TOWNSHIP 66 SOUTH, RANGE 29 EAST, BIG PINE KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE # 00111880-000210; AS PROPOSED BY THE MONROE COUNTY DEPARTMENT OF PLANNING AND ENVIRONMENTAL RESOURCES; 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 TIER OVERLAY DISTRICT MAP; PROVIDING FOR AN EFFECTIVE DATE.

(File 2015-166)

Mr. Roberts presented the staff report. Mr. Roberts reported that these are two parcels on Big Pine Key that did not get a tier designation in the Tier Overlay District Map for Big Pine Key. Parcel A at the time the tier designation maps were done was bay bottom and one apparent parcel. Since that time the property owner split that property into a number of different parcels. This last parcel fell outside of the tier designation. Parcel B is right-of-way of Henry Boulevard. However, it is actually owned by a private property owner as one of the adjacent parcels. It is recognized as a parcel in the Property Appraiser's data. Staff is recommending a Tier I designation for Parcel A and Tier III for Parcel B. The tier designations for these two parcels are consistent with the existing Figure 2.1 in the master plan, which is required for future development on Big Pine Key and No Name Key. No amendment to the CommuniKeys Plan nor to the comp plan is required for these parcels.

Mr. Roberts explained to Ms. Schemper that both parcels are County-initiated amendments after the owner of Parcel A inquired as to when this was going to occur.

There were no further comments or questions from staff or the public regarding Item Number 4.

Mr. Wayne Disdier asked whether the ownership of land, when dedicated, goes to the State or the County. Ms. Schemper explained that the County's and State's conservation program and dedications are completely separate. The County will own the parcel discussed in Agenda Item 3.

#### **ADJOURNMENT**

The Development Review Committee meeting was adjourned at 1:26 p.m.