

DEVELOPMENT REVIEW COMMITTEE

Tuesday, March 29, 2016

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, March 29, 2016**, 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 Debra Roberts

DRC MEMBERS

Mayte Santamaria, Senior Director of Planning and Environmental Resources	Present
Mike Roberts, Senior Administrator, Environmental Resources	Present
Kevin Bond, Planning & Development Review Manager	Present

STAFF

Steve Williams, Assistant County Attorney	Present
Devin Rains, Senior Planner	Present
Thomas Broadrick, Sr. Planner	Present
Barbara Bauman, Planner	Present
Debra Roberts, Staff Assistant	Present

CHANGES TO THE AGENDA

There were no changes to the agenda. Items 2 and 3 will be read and heard together.

MINUTES FOR APPROVAL

Ms. Santamaria approved the meeting minutes of January 26, 2016, with no changes.

MEETING

New Items:

1.Funland Boat Storage, 1250 Overseas Highway, Big Coppitt Key, mile marker 11:A public meeting concerning a request for an Amendment to a Minor Conditional Use Permit. The requested approval is required for the development of a proposed light industrial use involving a boat storage facility consisting of: a boat storage rack for up to 54 boats, a boat storage rack for up to 72 boats, and a 665 square foot office building. The subject property is legally described as Part of Tract A, Porpoise Point Section 1 (Plat Book 5, Page 110), Big Coppitt Key, Monroe County, Florida, having real estate number 00154480-000100. (File 2015-235)

(1:00 p.m.) Mr. Rains presented the staff report. Mr. Rains gave general information related to the site, as well as the relevant County actions associated with the property. With regards to review of the application, Mr. Rains reported that this is a light industrial proposed use. Monroe County design guidelines for boat storage facilities have been adopted through Planning Commission Resolution P31-07 and these design guidelines have been applied to the review of this particular project. Mr. Rains went over the design guidelines briefly. In addition to the design guidelines that will have to be followed, the Land Development Code has a requirement for a Class C buffer between the residential URM-L land use district to the southeast of the property. The proposed design storage racks include a solid surface wall on three sides of the structure, providing compliance with the visual site barrier. Adequacy of public facilities and service areas have been reviewed for compliance. A traffic study was required and was reviewed by the County's traffic consultant who found US-1/Overseas Highway has adequate capacity to accommodate the traffic impacts generated by the proposed development. The proposed development includes an office building consisting of 665 square feet of nonresidential floor area, which qualifies as a de minimus expansion and will not require NROGO allocation prior to issuance of a building permit. Conditional use compliance will be determined based on the review after today's meeting of all submitted documents. The proposed development includes a new structure of a 665-square-foot office building, two boat storage racks, bufferyard landscaping, 34 parking spaces, a boat washing area and a 5,000-gallon above-ground fuel tank and dispenser on land. The project has been deemed compliant with regards to density, open space, setbacks, shoreline setbacks. Maximum height, surface water management and wastewater treatment will be reviewed upon final provision of documents. Existing fencing will require a pedestrian access through the fence to the public right-of-way separate from the vehicle access for safety of the pedestrians and other site features are required, such as a bicycle rack. The required off-street parking will be brought into compliance with the addition of wheel stops in front of parking landscaping. Parking lot landscaping requires a Class A standard be met and that will be reviewed for full compliance through revised documents. A Class C bufferyard is required between the two zoning districts and along US-1. Outdoor lighting, signage and access standards will be reviewed for building permit approval. Collection area and handicap accessibility will be required to be met through complete review by the Building Department. Staff recommends approval if all the conditions are met. Conditions have been added to this approval. Mr. Rains stated that valid objections from surrounding property owners found to be adversely affected may lead the Department to reevaluate the recommendations and/or recommended conditions. Mr. Rains then outlined all of the conditions as reflected in the staff report and asked Ms. Santamaria to address conditions added by the Planning Director.

Ms. Santamaria then noted that staff has received numerous letters on this project and every letter has been read by the Planning Director. As a result of those letters Ms. Santamaria recommended the following additional conditions: No jet skis shall be allowed on the property at any time. No retail sales to the public shall be permitted on the property, including boat rentals, boat sales, jet ski rentals, kayak rentals and charter boat rentals. No vessels greater than 35 feet in length may be stored on the property. To avoid disturbing noise to the surrounding community the boatlift shall not be operated past the hour of 7 p.m. The property shall remain in a safe and sanitary condition with designated trash debris locations and with regular waste removal. There shall be no fish cleaning, processing of fish or storage of fish waste on the property. Fuel service shall be a service provided only to the boats stored on the property.

There were no comments or questions by staff. Ms. Santamaria asked for public comment.

Sandy Walters, President of SWC and planning consultant for the applicant, complimented staff on their level of review in this matter. Ms. Walters stated that the signed and sealed plans brought today address all of the issues in the staff report. The applicant's landscape architect believes the 36-inch minimum street screen requirement is met by using lower elevation plants that are specified as 36 inches or higher. The five-foot Class B landscape buffer along the area adjacent to the boat barns as well as the ten-foot Class C buffer along the south part of the property are now depicted on the site plan. Mr. Roberts has reviewed the drainage plan included in the signed and sealed drawing and has noted it is compliant with the code. Ms. Walters introduced the applicant, Dwayne Day, and his project engineer, James Brush. Ms. Walters stated that in retrospect the applicant would have taken the advance initiative to have scheduled meetings with the Seaside and Shark Key residents because of the level of community concern. The Seaside residents called an official meeting yesterday and a presentation of the planned project was given. Nicholas Batty, attorney present for the Seaside residents, stated 30 owners attended that meeting. Ms. Walters then stated that the vast majority of the residents' concerns are addressed by the additional conditions placed on this development. This proposed development is an entirely different kind of use that will be a benefit to the area from the standpoint of the architectural use of the property. The controversy over the potential increase in the number of boats going in the water is not an issue addressed in County code. Ms. Walters recognized that no boat storage facility in Monroe County has more than a small percentage of the number of boats stored there in the water at any given time. The maximum number of boats this development could have in the water at any given time are 31 or 32 boats because of the limitation of parking spaces allotted to the boat storage building. It is anticipated that the vast majority of boats using this facility will head south out to the ocean and will not be going by Shark Key.

Mr. Batty agreed that the meeting held by the Seaside residents was very productive. Mr. Batty is in agreement with the conditions proposed by Ms. Santamaria. Mr. Batty proposed a few more conditions to appease residents of Seaside and make this development work very well for both parties. First is a condition of no painting, boat repair or motor repair on site to eliminate the potential for noise. Second, no storage of any trailers of any nature on the property for greater than 24-hour periods. Third, extending the Class C ten-foot buffer behind Building B to a 15-foot Class C buffer. Next, buffer shrubbery planted on the other side of the property where there is currently storage between Boat Barns A and B. Ms. Walters will have the applicant's landscape architect propose graduated height vegetation to achieve the requested screening. Ms. Santamaria explained conditions will have to be written if the applicant is amendable to the proposed changes. It is not an open-ended project. Ms. Walters suggested using the terms "to the maximum extent practicable" a visual screen will be developed in this area. Mr. Rains informed Ms. Walters there is some language in the guidelines for storage facilities that may help with the drafting of the language. Ms. Walters assured Ms. Santamaria that the applicant is amenable to the four conditions added by the attorney for Seaside.

Michael Halpern, Esquire, representing the Shark Key Homeowners Association, stated his client is at an enormous disadvantage because they have not seen any plans and the impact on Shark

Key residents could be substantial. Mr. Halpern asked the DRC members to consider the visual aesthetic impact of this project on his clients. This proposed development is the largest impact issue on Shark Key for 30 years and has garnered more objection and interest in an adverse way than any other issue. Shark Key residents are hoping the applicant will agree before going any further to make a presentation to Shark Key homeowners to allay their fears and demonstrate what homeowners will be seeing as they enter and exit Shark Key. The homeowners' concerns related to repairing boats and boat sales and rentals and jet skis have already been addressed today. The final issue for the homeowners is the 126 boats being stored next to the subdivision and the level of impact this potential boat traffic may have on Shark Key residents. The amount of parking spaces will not determine how many people will use a boat on a given day.

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

Ms. Santamaria stated the concerns voiced today have been heard by staff. Ms. Santamaria explained that these boat racks will have three sides to them so the boats should not be exposed to Shark Key, but only the landscaping and the screened sides of the racks. Ms. Santamaria also hopes the applicant will meet with the Shark Key residents to explain the project, although that is not a condition. Mr. Batty asked that Ms. Walters share the drawings that were shown to the Seaside residents at this meeting. Ms. Walters then presented a series of aerial photographs and sets of drawings to show what this development is going to look like. Ms. Walters emphasized there will be three stacks of boats. The 35-foot building will be 3.57 feet below the design maximum that it could be according to the code. Mr. Halpern stated he was satisfied with what he has seen and thinks it will be an improvement over what is there today. Ms. Walters apologized for not having taken the initiative and scheduling a meeting with Shark Key residents. Mr. Day will arrange to present this information to the Shark Key residents even as this project proceeds. Margaret Gardocki-Crowley, Shark Key resident, was present at this meeting and viewed the demonstrative presentation.

Mr. Bond pointed out that the elevation plans prepared by the applicant do not have the same kind of details about the facades on the three sides and asked the applicant to have the plans reflect what is on the renderings presented today. Mr. Williams noted that submitted drawings and signed and sealed plans are vastly different than conceptual renderings. If public support and approval is obtained based on a binder, then what is in that binder needs to be reflected officially to the County. Mr. Batty voiced the same concern that the facades shown today in the renderings be what the project ends up looking like. Ms. Walters asked that be placed as a condition for the construction building permit applications because the construction drawings have not been done yet. Ms. Santamaria proposed the following language for that condition as: "Prior to issuance of the building permit the applicant shall submit architectural drawings for the boat barn structures consistent with the drawings rendered at the March 29, 2016, DRC meeting." Mr. Day, Mr. Halpern and Mr. Batty agreed with that language. Ms. Santamaria stated that staff is recommending approval with the additional conditions from the Planning Director, the conditions that Seaside has requested today and the applicant agreed to, and this final condition regarding the boat barn structures. Ms. Santamaria concluded this agenda item by explaining that staff will be going through all the plans to make sure they satisfy the code. There were no further comments on this item.

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE/COMMERCIAL (MC), FOR PROPERTY LOCATED AT 105030 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 105, LEGALLY DESCRIBED AS BLOCK 3, LOT 11, OF THE REVISED AMENDED PLAT OF RIVIERA VILLAGE SUBDIVISION (PLAT BOOK 2, PAGE 80), KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00510640.000000, AS PROPOSED BY ANDREW ANDRUSHKO; 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 2016-007)

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM IMPROVED SUBDIVISION (IS) TO MIXED USE (MU), FOR PROPERTY LOCATED AT 105030 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 105, LEGALLY DESCRIBED AS BLOCK 3, LOT 11, OF THE REVISED AMENDED PLAT OF RIVIERA VILLAGE SUBDIVISION (PLAT BOOK 2, PAGE 80), KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00510640.000000, AS PROPOSED BY ANDREW ANDRUSHKO; 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 2016-008)

(1:55 p.m.) Mr. Broadrick presented the staff report. Mr. Broadrick reported that the lot in question is part of three adjacent lots that directly abuts up to mixed uses on the northern and southerly side. The change from residential to mixed use is in keeping with the character of the neighborhood. Site specifications and information about the property were given. Historically the property has been zoned residential since 1986. The existing use is office, although nonconforming. This office use has existed since 1936. The proposal today is to change it back to some sort of commercial zoning that will accommodate the office use to be utilized. As a result of taking away a residential unit and putting in a commercial unit a lot of impacts to the property will be reduced. Mr. Broadrick recommended approving the change on the land use district map from IS to mixed use and also to change the FLUM map to reflect the mixed use/commercial from the residential medium.

Ms. Santamaria asked for comments from staff on this item. Mr. Broadrick explained to Mr. Roberts that a letter of understanding was done previously and in that LOU it was outlined that the office use was considered a nonconforming use because it had changed over from previously being commercial to residential and nothing had been done to the structure. It has since been renovated. There is on the same three parcels of land some columns waiting for a single-family home to be erected on it and a building permit has been issued for that site. Mr. Broadrick has

informed the applicant if this land use change goes through and if there is a redevelopment of this site buffers would have to be put into place.

Ms. Santamaria asked for public comment. Andrew Andrushko, owner of the property, gave a brief history of what the three lots have been used for in the past. Mr. Andrushko is willing to combine all three lots because they are going to be used as one lot. A building permit has been issued for a residence for two of the lots. Ms. Santamaria pointed out that only the map amendment for the one lot is being discussed and considered today. Mr. Andrushko noted that all three lots are listed as hammock and they are not, in fact, hammock. Ms. Santamaria clarified this application only applies to changing the future land use and zoning of this lot. Discussion can be held in the future with the County biologist regarding the habitat on the property. Ms. Santamaria then explained that staff is recommending approval on both map amendments and next this will go before the Planning Commission and then the BOCC and then the State for review, and then it comes back to the BOCC for adoption. Mr. Andrushko thanked staff for their help.

4. Tarpon Basin Villas, 101900 Overseas Highway, Key Largo, mile marker 102: A public hearing concerning a request for an Amendment to a Major Conditional Use Permit. The requested approval is required for the renewal of an expired Major Conditional Use Permit previously approved through Planning Commission Resolution No. P08-04 for the redevelopment of an existing single family residence and nine (9) transient units and the development of two (2) new office buildings, 1,000 square feet and 2,000 square feet, for the expansion of the research and education center, doctor's office and one (1) pool as accessory to the nine (9) transient units on the property. The subject property is legally described as Part of Tract 1, and Part of Tract 2, and Tract 3 less the northern 20 feet, and adjacent bay bottom, and part of State Road 5, First Amended Plat of Lee Shores, (Plat Book 2, Page 90), Key Largo, Monroe County, Florida, having real estate numbers 00542940.000000 and 00542940-000100. (File 2016-013)

(2:08 p.m.) Ms. Bauman presented the staff report. Ms. Bauman reported that the applicant is asking for a renewal of a major conditional use permit that was issued in 2004 and expired in 2007. The amendment is being requested to approve the previous major conditional use permit in order to renew the expired approval and the same site plan submitted with the original conditional use. Upon a site visit to the property staff observed a number of improvements inconsistent with the previous approved plan. Also, the lots have been split since the original conditional use and are under separate RE numbers, but the lots are considered aggregated because it is still the same owners.

Ms. Bauman recommended approval with the following conditions that will have to be approved prior to submitting this to the Planning Commission: The applicant shall submit an updated site plan signed and sealed by an architect or engineer with the current conditions of the site, including updated open space. Any deviations to the previously approved conditional use site plan shall be labeled on the updated plans as unpermitted new structures and indicate whether the structures will remain or be removed prior to issuance of the next CO. The property owner shall sign a major conditional use application and submit corporate paperwork for both corporations, which they have done. An agent authorization form must be signed by the owner of Dolphins

Plus Bayside and shall be submitted listing Erich Borguss as the agent, which also has been completed. Both property owners shall submit and sign a disclosure of interest, which has been completed. Prior to the next certificate of occupancy the unpermitted new accessory structure shall be demolished or established after obtaining all required building permits and Planning & Environmental Resource approval. Any additional development or deviation from the approved major conditional use permit approved through Resolution P08-04 shall require Planning and Environmental Resources review. A clear sight triangle shall be maintained and nothing shall be allowed to be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight of the motorists entering or leaving the driveways of Dolphin Cove.

There were no further comments from staff. Ms. Santamaria asked for public comment.

Erich Borguss, the agent for the applicant, reiterated that this was one property when the original conditional use was approved. Mr. Borguss explained why the applicant did not know the conditional use had expired. Mr. Borguss stated the applicant will do whatever it takes to come into compliance and at no time did the applicant deviate from the original major conditional use requirements that were approved. It is estimated the project will be completed no later than the end of 2017. Ms. Santamaria emphasized the necessity for updated site plans that include the additional structures with the indication whether after-the-fact permits will be obtained or if they need to be demolished. Mr. Borguss agreed with that.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 2:20 p.m.