

DEVELOPMENT REVIEW COMMITTEE

Monday, July 25, 2016

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Monday, July 25, 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 Gail Creech

DRC MEMBERS

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

STAFF

Steve Williams, Assistant County Attorney	Present
Peter Morris, Assistant County Attorney	Present
Devin Rains, Sr. Planner	Present
Janene Sclafani, Planner	Present
Gail Creech, Sr. Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

There were no changes to the agenda. Ms. Santamaria asked that Item 1 be heard last to allow the applicant’s agent to be present.

MINUTES FOR APPROVAL

Ms. Santamaria approved the meeting minutes of June 28, 2016, with no changes.

MEETING

New Items:

2,91865 Overseas Highway, Tavernier, Tavernier Inn, mile marker 91.8 (Sender Site) and 97450 Overseas Highway, Key Largo, Playa Largo Resort, mile marker 97.5 (Receiver Site): A public meeting concerning a request for a Minor Conditional Use Permit. The requested approval is required for the transfer of eighteen (18) Transferrable ROGO Exemptions (TREs) from the sender site to the receiver site. The sender site is described as Lots 1, 2, 3, 4, 5, 36, and 37, Block A, Tavernier No. 2 (PB2-8), together with that portion of the alley as disclaimed in Official Records Book 405, Page 1100, Monroe County, Florida, having real estate number 00555610.000000. The receiver site is described as Tracts 4B and 5B, Amended Plat of

Mandalay (PB2-25), and also a tract of submerged land in the Bay of Florida fronting said Tract 5B, (TIIF Deed No. 22416), Key Largo, Monroe County, Florida, having real estate number 00555010.000000.

(File 2016-085)

Ms. Schemper presented the staff report. Ms. Schemper reported that this is a request for transfer of ROGO exemptions that are required by a major conditional use permit for the development of hotel units at the receiver site, the Playa Largo Resort. The sender site is Tavernier Inn, whose size is about .48 acres. The existing use is hotel, some commercial retail and restaurant, and some building area that is currently vacant. This site is located within the Tavernier Historic District overlay and is designated as a historic landmark. In March of 2015 the County issued a letter of understanding (LOU) for the Tavernier Inn site which updated and confirmed an earlier LOU regarding the subject property which recognized 18 transient units, one permanent dwelling unit and 4,108 square feet of nonresidential floor area as lawfully established on the site and thereby exempt from the ROGO and NROGO permit allocation system. In May of 2016 the Tavernier Inn site applied for a minor conditional use permit to redevelop with six affordable housing dwelling units and 3,481 square feet of nonresidential floor area. That application is currently still under review.

Ms. Schemper described the receiver site, which already has an approved major conditional use permit, last amended on May 27, 2015. The development plan under the major conditional use permit is a total of 177 transient units and one commercial apartment. Within those 177 transient units the site is required to transfer in 23 ROGO exemptions before those units can be built. On June 30, 2016, the Planning Director signed a development order for a conditional use permit to transfer five of those TREs from certificates held by the Eager Family to Playa Largo. Item 3 of today's agenda is another request for a transfer of five TREs to this same receiver site from another sender site in Key Largo, the Coral Sands Trailer Park. The five approved TREs, plus the five that will be requested during the next item, plus the 18 requested in this application would actually equal more than the required 23. This request for 18 cannot be approved unless the applicant decides to vacate the development order that approved the five TREs from the Eager Family or requests to withdraw their application for the five TREs from the other location in Key Largo. More than 23 TREs cannot be approved to be transferred to the receiver site, so the applicant is intending to only transfer 23. Final determination needs to be made from which sites they are receiving them before the development order can be issued.

Ms. Schemper further reported that staff has found that both the sender site and receiver site meet all of the requirements and are in compliance with the standards in the code for the transfer of TREs. The receiver site is within the same ROGO subarea as the sender site. The receiver site is within Tier III-A and does not involve any additional clearing of native habitat for these proposed transient units and they will not be constructed in the velocity zone. Based on the sender site's historic status and the applicant's proposed reuse of the sender site for affordable employee housing, the condition on this transfer will be that no building permit can be issued for the hotel rooms requiring the TREs on the receiver site until the structures that they are being transferred from have been converted to another permitted use and have an issued building permit and a final certificate of occupancy for the conversion. Ms. Schemper recommended approval contingent on the applicant's request to either vacate the development order that allows

the transfer of five TREs from the Eager Family or to withdraw or amend their application for the transfer of five TREs from Coral Sands Trailer Park to Playa Largo so that the total of no more than 23 TREs are approved for transfer to the Playa Largo Resort site.

There were no questions or comments from staff. The applicant's agent, Jorge Cepero, declined to speak.

Ms. Santamaria asked for public comment.

Bill Hunter, resident of Sugarloaf Key, asked about the capacity of the historic building on the sender site. Ms. Schemper clarified that there are certain buildings on the site that are protected and will not be able to be torn down. Any changes to the structures or external appearance has to go through the Historic Preservation Commission. The current proposal details are being worked on, but some affordable housing, some accessory space for that, and keeping some of the commercial space is being proposed. The allowed density on the site cannot be exceeded, so how much can be commercial and then how much can be affordable housing still has to be determined. That site has to have all of its uses completely finished before the building permit will be issued to establish the hotel rooms at the Playa Largo site.

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

3.95350 Overseas Highway, Key Largo, Coral Sands Trailer Park, mile marker 95 (Sender Site) and 97450 Overseas Highway, Key Largo, Playa Largo Resort, mile marker 97.5 (Receiver Site): A public meeting concerning a request for a Minor Conditional Use Permit. The requested approval is required for the transfer of five (5) Transferrable ROGO Exemptions (TREs) from the sender site to the receiver site. The sender site is described as a parcel of land in Section 13, Township 62 South, Range 38 East, Key Largo, Monroe County, Florida, having real estate number 00088440.000000. The receiver site is described as Tracts 4B and 5B, Amended Plat of Mandalay (PB2-25), and also a tract of submerged land in the Bay of Florida fronting said Tract 5B, (TIIF Deed No. 22416), Key Largo, Monroe County, Florida, having real estate number 00555010.000000.
(File 2016-090)

Ms. Schemper presented the staff report. Ms. Schemper reported that this is another request from the same applicant as Agenda Item 2 for TREs from the Coral Sands Trailer Park in Key Largo to the same receiver site as the previous application, the Playa Largo Resort. Again, these are required by the major conditional use permit for the Playa Largo Resort. The sender site was described. Ms. Schemper further reported that currently on that site there are a few permanent residential apartments and transient RV and trailer spaces. The County issued a letter of development rights determination on February 29, 2016, which recognized 30 transient units in the form of RV and travel trailer spaces on that property as lawfully established and exempt from the ROGO permitting allocation system. The receiver site, Playa Largo Resort, is under a major conditional use permit and requires a total of 23 TREs to be transferred in order to complete all of the hotel rooms. Ms. Schemper repeated that the applicant has already received a development order for five TREs from the Eager Family to Playa Largo and, as in the previous

item, they requested 18 TREs from the Tavernier Inn. So this request for five additional TREs cannot be approved unless the applicant decides to either vacate the five TREs from the Eager Family or amend their request for the transfer of TREs from Tavernier Inn so that the total does not exceed 23 TREs.

Ms. Schemper further reported that staff has found that this application is in compliance for all of the requirements of the sender site and receiver site. Based on the characteristics of this sender site and its status as an RV park, no building permit can be issued for the hotel rooms requiring the TREs on the receiver site until the associated RVs and travel trailers on the sender site are removed and a building permit and all final inspections for the demolition of those spaces have been completed. Staff is recommending approval for the transfer of five transient TREs to the receiver site contingent on the applicant's request to vacate the development order which allows the transfer of five TREs from the Eager Family or to withdraw or amend their application for the transfer of 18 TREs from the Tavernier Inn with the condition regarding the building permit and inspections regarding the demolition of the RVs and spaces.

There were no questions or comments from staff. The applicant's agent, Jorge Cepero, declined to speak.

Ms. Santamaria asked for public comment. There was none. Public comment was closed.

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM SUBURBAN COMMERCIAL (SC) TO URBAN COMMERCIAL (UC), FOR PROPERTY LOCATED AT 31 OCEAN REEF DRIVE, KEY LARGO, OCEAN REEF CLUB, DESCRIBED AS A PARCEL OF LAND IN SECTION 7, TOWNSHIP 59 SOUTH, RANGE 41 EAST, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00081740.000400, AS PROPOSED BY ORU ASSOCIATES INC; 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 2014-091)

Ms. Schemper presented the staff report. Ms. Schemper reported that this request was originally submitted to the Planning Department in July of 2014, but was put on hold before being processed. It has now been reopened, but the ownership changed during the time that it was on hold. The current owners, ORU Associates, Inc., are requesting the same amendment: To change the zoning from suburban commercial to urban commercial. Ms. Schemper described the property. Ms. Schemper further reported that the request to change the zoning to urban commercial is consistent with their FLUM designation, so no FLUM amendment is needed to accompany this zoning amendment. The purpose of the UC district, per the LDC, is to designate appropriate areas for high intensity commercial uses and should be established at discrete nodes along US-1 and should be designed so as to serve the needs of both residents and visitors. Although not located on US-1, because US-1 does not run through Ocean Reef, the subject property serves as a central commercial hub within the Ocean Reef Club.

Ms. Schemper explained that a comparison of the maximum allocated density and intensity between the existing suburban commercial zoning and the proposed urban commercial zoning results in a change in development potential of up to five residential permanent dwelling units, up to eight transient rooms or spaces, and up to 3,783 square feet of nonresidential floor area. Ms. Schemper noted that with the Ocean Reef Club Monroe County does not permit new permanent or transient units beyond those included in the vested rights determination of the Ocean Reef master plan community, so any additional development authorized would be deducted from their vested rights determination and these potential additional units do not impact the County's overall ROGO balance or evacuation times. The endangered species habitat map for this area shows zero species, focus area or buffers, but this type of information is reviewed again at the time of any building permit.

Ms. Schemper further reported that the proposed designation is consistent with the commercial character of surrounding land and, therefore, is not seen to result in an adverse community change to the surrounding area. Staff has found the proposed amendment is consistent with the Monroe County comprehensive plan and consistent with the Monroe County Code. The applicant has stated that this proposed change in zoning is based on the third factor listed in Section 102-158, data errors, because the parcel was given an SC zoning from its original BU2 zoning which allowed for the original construction of four commercial buildings on the site. Given the changed zoning the owner would not be able to build to that density as originally contemplated. Staff has also identified the fifth factor, recognition of a need for additional detail for comprehensiveness, as a reason for this zoning amendment. Staff is recommending approval of the proposed amendment from suburban commercial to urban commercial for the subject property

There were no questions or comments from staff. Joel Reed, the applicant's agent, declined to speak.

Ms. Santamaria asked for public comment. There was none. Public comment was closed.

1. McDonald's/Dollar Tree, 10100 Overseas Highway, Key Largo, mile marker 101: A public meeting concerning a request for a Major Conditional Use Permit. The requested approval is required for the proposed demolition of a 10,239-square-foot portion of an existing retail building and the proposed development of a new 3,116-square-foot commercial retail McDonald's restaurant with a drive-through and a new 5,000-square-foot retail building. The subject property is described as that portion of Lot 8 in Section 28, Township 61 South, Range 39 East, on Key Largo, according to Model Land Company's Plat by P.F. Jenkins, Civil Engineer, recorded in Plat Book 1 at Page 68, of the public records of Monroe County, Florida, lying Northwesterly of State Road No. 5 (U.S. No. 1), Key Largo, Monroe County, Florida, having real estate number 00087350-000000.

(File 2015-163)

Mr. Bond presented the staff report. Mr. Bond reported that the applicant has requested a major conditional use permit for this property for the proposed demolition of about half of the building where the Dollar Tree is located today and the proposed development of a new restaurant and an

additional commercial retail building. This development requires a major conditional use permit because of the high intensity of the commercial retail use and the floor area.

Mr. Bond stated that the traffic study submitted by the applicant shows that the new proposed development is expected to generate a little over 2,000 gross trips per day. All driveways and surrounding roadway network are anticipated to continue operating at acceptable levels of service with the proposed development. Access to the project is proposed through two existing driveways on US-1 that will continue to operate at acceptable levels of service. The proposed redevelopment is unlikely to significantly affect traffic on US-1. The County's traffic consultant has requested some revisions to the study as well as some additional information, but concurs with the finding that the redevelopment would not degrade the level of service on surrounding roadways. The County's policy to try to reduce the number of driveways along US-1 when feasible requires that further consideration be given to the two existing driveway access points and indicate that the driveways provide clear sight visibility as required by the County code. Staff is recommending that the applicant address all of the County traffic consultant's comments in the letter dated June 23, 2016, prior to the Planning Commission hearing for the major conditional use permit. The applicant has been consulting with FDOT and will need its own permit from FDOT and have submitted plans to FDOT different from the plans for this conditional use permit showing that they are trying to move the driveways further apart.

Mr. Bond further reported that the major conditional use permit, if approved, would result in a net decrease of about 1884 square feet of nonresidential floor area. Therefore, an NROGO award is not required for the proposed development. Mr. Bond noted that there is a discrepancy between the floor plans and the site plan in terms of the exact square footage that should be corrected and revised as needed. Also, since there were no prior letters of development rights determination for the subject property, the owners may want to request such a letter before demolition to document the amount of square footage that was established. Mr. Bond mentioned that the proposed development is a high intensity commercial retail use. Staff is recommending that the developer obtain proof of an approved access permit from FDOT or a letter of intent as part of the recommended conditions of approval. The project is in compliance with the required setbacks except that the applicant is proposing to expand an access drive along the front of the property that will be within the required 25-foot setback. Staff is recommending that either a variance is obtained from the Planning Commission to continue that driveway or design it so it is no longer located in the setback. Off-street vehicular parking is in compliance, but there is no bicycle parking indicated on the submitted plans. Staff is recommending that the plan be amended to indicate the required bicycle parking. 56 vehicular spaces are required, but the plan indicates 88 spaces as proposed. Staff is recommending that the applicant consider reducing some of the proposed parking in order to address some of the site design issues.

Mr. Bond continued to report that compliance with the County's access standards is still to be determined. The two driveways on the property today do not meet the driveway separation requirement of the current County Code. However, due to the increase in trips from the proposed development it is anticipated that a new FDOT permit will be required and that the property will be expected to comply with FDOT's standards. Staff is recommending that all the comments from the traffic consultant's review be addressed by the applicant. Also, the drive-through queue capacity as outlined in the traffic study from the applicant could not be verified

based on the information given. A plan that shows the drive-through queue capacity is needed. Solid waste and recycling standards are met, but staff and the County traffic consultant is recommending that the applicant provide a plan showing the truck route to and from the collection areas in the rear of the property. Staff is recommending that the Fire Marshal's and County Engineer's comments be addressed before the Planning Commission hearing.

Mr. Bond explained because the County has policies that support providing bicycle and pedestrian facilities as part of a development of this size, staff is recommending pedestrian sidewalks or walkways separate from the vehicular driveways be installed from US-1 across the front drive aisle to the main entrance of the building and that driveway connections have the appropriate striping and signage where the Overseas Heritage Trail intersects. Since this development is proposing a new fast food restaurant, staff would like to see the provision of new bus stops with shelters at this location to serve the anticipated amount of bus passengers with this development, which will require some coordination between the County, FDOT and Miami-Dade Transit. Staff is recommending approval to the Planning Commission if the conditions and comments outlined in the staff report are addressed.

There were no questions or comments from staff.

Ms. Santamaria asked for public comment.

Kenneth Hoeft, the tenant of the building that is the back half of what is now the Dollar Tree, stated he just found out about this application recently and is unprepared to comment fully on the matter. Mr. Hoeft disagrees with the application that states that the rear half of this building has been vacant for two years since he has leased part of this property for over seven years. There are 25 vendors on this property that have employees whose income will be affected by this proposal. Mr. Hoeft and other tenants are talking to an attorney at the moment to find out what is going on. Mr. Hoeft does not believe the Keys needs another McDonald's. 90 percent of what is being sold on the property currently are new items and/or food vendors; it is not a flea market. The owner is very seldom at the property. Mr. Hoeft requested more time to arrange to have an attorney present. The tenants were told a five-year lease was anticipated before learning of this proposed development. Ms. Santamaria clarified that the lease is not part of staff's review, but will keep it in the file.

Howard Bornstein asked when the Planning Commission meeting for the applicant will be held. Ms. Santamaria replied it could potentially be August or September, depending on when a complete application that is compliant is submitted, but the date and time will be announced in the newspaper. The meetings are also televised online and people can provide comments via e-mail or letters in advance if they would like that to be included in the packet.

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

ADJOURNMENT

The Development Review Committee meeting was adjourned at 1:45 p.m.