

## DEVELOPMENT REVIEW COMMITTEE

Tuesday, September 25, 2018

### MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, September 25, 2018**, beginning at 1:00 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** by Emily Schemper

**ROLL CALL** by Debra Roberts

#### **DRC MEMBERS**

Emily Schemper, Assistant Director of Planning and Environmental Resources	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Absent

#### **STAFF MEMBERS**

Steve Williams, Assistant County Attorney	Present
Peter Morris, Assistant County Attorney	Absent
Bradley Stein, Development Review Manager	Present
Cheryl Cioffari, Comprehensive Planning Manager	Present
Elizabeth Lustberg, Planner	Present
Debra Roberts, Administrative Assistant	Present

#### **CHANGES TO THE AGENDA**

There were no changes to the agenda other than Items 2 and 3 needing to be read together.

#### **MINUTES FOR APPROVAL**

Approval of the meeting minutes for Tuesday, August 21, 2018.

### MEETING

**1. CAYA PINES INVESTMENTS, LLC, 30641 OVERSEAS HIGHWAY, BIG PINE KEY, MILE MARKER 30.5:** A PUBLIC MEETING CONCERNING A REQUEST FOR A MINOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE DEVELOPMENT FOR THE PROPOSED CONSTRUCTION OF TWELVE (12) AFFORDABLE EMPLOYEE HOUSING UNITS AND ASSOCIATED SITE IMPROVEMENTS ON A PROPERTY WITH AN EXISTING LIGHT INDUSTRIAL USE. THE PROPERTY IS LEGALLY DESCRIBED AS A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 66 SOUTH, RANGE 29 EAST, ON BIG PINE KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00111078-000300.  
(FILE 2018-126)

Ms. Liz Lustberg, Planner, presented the staff report. This property is in SC Zoning on Big Pine in the U.S. 1 Corridor. The proposal is to add 12 affordable employee units. Presently the property has a light industrial use consisting of marine repair and boat storage. The boat storage would be removed. The existing building would continue with the commercial use. The density and intensity proposed complies with the Comp Plan, Land Development Code and the Livable CommuniKeys Plan. Assuming the issues needing to be addressed are taken care of, there are several conditions also needing to be met prior to issuance of the Development Order, found at the end of the staff report. The applicant must coordinate with the Engineering Department and FDOT regarding re-landscaping of the area and right-of-way in front of the proposed access drive. The applicant is proposing to close an existing access and utilize the next-door access. Applicant must demonstrate compliance with front yard setbacks, including no trash and recycling proposed within the front yard setback. A revised level one traffic study must be submitted addressing the proposed residential development and the proposed change in use for the business as a traffic study previously submitted only addressed the proposed residential development and not the existing light industrial use or change to the commercial use. Applicant must demonstrate how compliance will be met with Section 138-20 regarding the required 12 ROGO allocations which are currently not available. Documentation of an agreement to utilize the access drive on the adjoining parcel must be provided. The plans will need to be revised to show compliance with the landscaping requirements of the Land Development Code, and compliance with the required Class C major street buffer.

If approved, the Development Order has 11 conditions: A ROGO award is required for each of the employee housing dwelling units, which also must be deed restricted as outlined in number two. Applicant must obtain all required building permits and must demonstrate compliance with the Big Pine Key U.S. 1 Corridor Enhancement Guidelines including those for signage. Applicant shall submit a photometric plan and lighting details to demonstrate compliance with lighting requirements. Floor areas must be consistent with the 2007 LDRD of 1,750 square feet or obtain an NROGO allocation award for any additional floor area as the site plans indicate an overage of 35 square feet. A stormwater management plan must be submitted meeting the requirements of the Land Development Code. An executed access easement for the proposed shared access with the adjacent parcel must be provided. A notice or letter of intent from FDOT stating that no further permits are necessary regarding the change in access must be provided. Prior to CO or final inspection for any proposed dwelling units or associated building permits, applicant shall provide issued FDOT permits or a letter stating no further permits are necessary. The scope of work must be found in compliance with the Building Department, Flood Plain Administrator and Office of the Fire Marshal.

Ms. Schemper asked for questions or comments from staff. There were none. Ms. Schemper asked for questions from the applicant. Mr. Richard Beal stated that the largest item is the affordable allocations which he has already proven legally were available through Ms. Schemper and the attorneys. Ms. Schemper responded that she was not sure what he was referring to. Mr. Beal indicated that he had about 20 emails back and forth with Ms. Christine Hurley for the 12 units and that is the only reason he is here today. Ms. Schemper explained that at the August 22 Planning Commission meeting, 12 affordable ROGO allocations had been awarded to the Longstock II property, previously known as the Seahorse property. Mr. Beal asked how

allocations could be awarded to Seahorse which already had 19 affordable permits and the whole place was affordable. Ms. Schemper further explained the process is that first building permits are applied for, which go through the entire review process, and when everything has been signed off on, at that point the owner then applies for a ROGO allocation. The owner of that property had submitted applications for 28 housing units and submitted the applications for ROGO allocations prior to the most recent ROGO quarter, which were awarded on August 22. Mr. Beal then stated that this is a legal determination as to what he's going to be doing and he is really in trouble at this point. Mr. Beal asked how the Seahorse property that has been there for almost 50 years were not considered allocations that were already there, having nothing to do with new allocations. Ms. Schemper responded that the majority of the allocations on the Seahorse property were transient ROGO allocations and had been transferred to another location within the last several years. Mr. Beal stated that Big Pine allocations were given away for almost nothing and ended up with 30 that the County is now saying weren't there to begin with. Mr. Steven Williams asked for everyone to please not be argumentative. Mr. Beal stated he was not being argumentative but has spent \$30,000 so far, that there was nothing else to talk about here, and he does not know how anybody could do what is being done. After all of the allocations are given away to Stock Island, the Seahorse having been there forever, is not comparable to what is being discussed since the HCP. Ms. Schemper further explained that transient ROGO exemptions for RV, not for permanent housing, were a different type of ROGO allocation that had been transferred off of the Seahorse location. Mr. Beal asked if Longstock was in the queue before he was when everybody knew what he was after and what he was spending his money on. Ms. Schemper responded that she did not know the date of the ROGO allocations but it would have been prior to the closing date of July 12 for the previous quarter. Mr. Beal asked what this DRC meeting was for if there were no allocations, adding that this was a waste of everyone's time. Ms. Schemper responded that the ROGO award items and potential list of awardees is published on the Planning Commission Agenda every time it comes up and is available information. Mr. Beal thanked her and left the meeting.

Mr. Williams and Ms. Schemper asked both asked if there were any further public speakers on this item. Mr. Allen Perez of Perez Engineering stated that he was the civil engineer for this project and had a couple of clarification questions. Mr. Perez was only concerned about the items needing to be addressed prior to the Development Order. He'd noticed an item about mahogany not being acceptable as a canopy species in the Lower Keys, but the report only referred to the parking lot landscaping which had 12 of them. Mr. Mike Roberts confirmed that mahogany cannot be anywhere on the property. Mr. Perez stated that the mahoganies would be switched out. As to the Class C buffer, the plant material had been calculated based on 134 feet of frontage. Mr. Roberts explained that the number of plants proposed was suitable, but it was the way the buffers were depicted on the site plan where the buffer had been excluded from the clear site triangle areas. Clear site triangles do not eliminate the need for the buffer, rather are just considerations within the buffer. Shrubbery needs to be three feet or less in height and canopy trees must be trimmed so there is no canopy below six feet. Mr. Perez then added that the last parking space could be eliminated since they have more than adequate spaces. Mr. Bradley Stein asked that the space not be eliminated, rather the island shifted down, if possible. Mr. Perez responded that that was a great idea. Ms. Schemper asked Mr. Perez if he was the agent for other coordination matters. Mr. Perez stated he was not, but he could help out with some things such as FDOT matters. Ms. Schemper mentioned that regarding the driveway being

closed and the bicycle path, there had been issues in the past where County Engineering had not been made aware of changes, and she would like him to coordinate directly with them to check for any additional requirements. Mr. Perez indicated he would coordinate with Ms. Clarke.

Mr. Bill Hunter noted that this property was a mirror image of the one on the other side, and asked if the property on the other side had the same landscaping buffer requirement; and, if not, why not. Ms. Schemper responded that the other side had a strange front parcel line situation with a section missing due to utilities, so there was no frontage other than where the driveway is. Mr. Roberts stated it was an out-parcel between them and the right-of-way. There was no further public comment.

Ms. Schemper then asked that items 2 and 3 be read together.

**2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING THE MONROE COUNTY TIER OVERLAY DISTRICT MAP FROM TIER III-A TO TIER III AS REQUESTED BY LIZ HOMES, LLC FOR A PARCEL OF VACANT LAND LEGALLY DESCRIBED AS BLOCK 9 LOT 31 INDIAN MOUND ESTATES, SUGARLOAF KEY PLAT BOOK 4 PAGE 132, SUGARLOAF KEY, HAVING REAL ESTATE NO. 00171070-000000 ; 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 #2018-136)

**3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING THE MONROE COUNTY TIER OVERLAY DISTRICT MAP FROM TIER III-A TO TIER III AS REQUESTED BY LIZ HOMES, LLC FOR A PARCEL OF VACANT LAND LEGALLY DESCRIBED AS BLOCK 9 LOT 32 INDIAN MOUND ESTATES, SUGARLOAF KEY PLAT BOOK 4 PAGE 132, SUGARLOAF KEY, HAVING REAL ESTATE NO. 00171080-000000; 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 #2018-137)

Mr. Mike Roberts, Sr. Administrator, Environmental Resources, presented the staff report. These are Tier Map Amendments for Lots 31 and 32 in Indian Mount Estates on Sugarloaf. The two parcels were designated as Tier IIIA but have both been cleared and scarified for a number of years. Nuisance exotic vegetation, primarily Brazilian pepper and schefflera, had been on the property. The lots do not meet the criteria for Tier IIIA and are clearly Tier III lots so staff recommends they be re-designated as such. The applicant had a community meeting on September 7 at the boat ramp at Indian Mound Estates with six to ten residents in attendance.

There were questions about the Tier Overlay District criteria and which lots were proposed for designation. Once explained, there were no public objections to the proposed change.

Ms. Schemper asked for questions or comments from staff. There were none. Ms. Schemper asked for public comment. There was none.

**4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM URBAN RESIDENTIAL MOBILE HOME (URM) TO MIXED USE (MU), FOR PROPERTY LOCATED AT 5650 E. LAUREL AVE., STOCK ISLAND, MILE MARKER 5, LEGALLY DESCRIBED AS BLOCK 31, LOT 5, MALONEY SUBDIVISION (PLAT BOOK 2, PAGE 55), MONROE COUNTY, FLORIDA, HAVING PARCEL ID 00124390-000000, AS PROPOSED BY 5650 LAUREL, 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 2018-141)

Ms. Cheryl Cioffari, Comprehensive Planning Manager, presented the staff report. This application was received on July 5 to amend the Zoning from URM to MU. The property currently has a Land Use Designation of Urban Residential Mobile Home and a Future Land Use Map designation of Commercial. It is currently developed with a mobile home, accessory uses and structures, and received a ROGO exemption in July. A community meeting was held on August 29, 2018. This proposed Zoning Map Amendment would result in a decrease of one unit in permanent residential allocated development potential, an increase of one unit maximum net density residential potential for market rate units with the use of TDRs, an increase of two units of affordable residential maximum net development potential, an increase of one room or space for transient units, and an increase in non-residential development potential of 2,500 square feet. This proposal is not anticipated to adversely impact the community character of the surrounding area and would be consistent with the Mixed Use Commercial FLUM category that is currently on the property. Staff finds this to be consistent with the 2030 Comp Plan, the local CommuniKeys Plan and the Monroe County Development Code. The subject property's current Zoning District designation does not correspond with the existing FLUM designation. This proposed Zoning District of Mixed Use would be consistent with the Mixed Use Commercial FLUM and is also consistent with the surrounding neighborhood. Staff recommends approval.

Ms. Schemper asked for questions or comments from staff. There were none. Ms. Schemper confirmed that there were no attendees at the community meeting, The applicant did not wish to speak. Ms. Schemper asked for public comment. There was none.

#### **ADJOURNMENT**

The Development Review Committee meeting was adjourned at 1:32 p.m.