

DEVELOPMENT REVIEW COMMITTEE

Monday, December 13, 2010

Meeting Minutes

The Development Review Committee of Monroe County conducted a meeting on **Monday, December 13, 2010**, beginning at 10:16 a.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:

Townsley Schwab, Senior Director of Planning and Environmental Resources	Present
Mitch Harvey, Comprehensive Plan Manager	Present
Joe Haberman, Development Review Manager	Present

STAFF MEMBERS:

Gail Creech, Planning Commission Coordinator	Present
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CHANGES TO THE AGENDA

There were no changes to the agenda.

MEETING

NEW ITEM:

1. Surprise Island LLC, 107900 Overseas Highway (US 1), Key Largo, Mile Marker 107.9:

A request for approval of a major conditional use permit in order to develop the property with a marina for the purpose of boat storage, the construction of a bathhouse and dock master's office, parking, and associated site improvements. The subject property is legally described as Section 36, Township 60S, Range 39E, Part Fractional, Key Largo, Monroe County, Florida, having real estate number 00083760.000000.

Mr. Schwab stated that Steven Biel, County planner on this project, was not able to be present for the meeting, and that Joe Haberman would be present to review the staff report. David de Haas was present on behalf of the applicant.

(10:19 a.m.) Mr. Haberman said that a traditional site plan analysis would not be given since the staff report was not authored by him, and suggested that the issues found by Mr. Biel be

addressed with the applicant. Mr. Haberman started to present the staff report and noted that the staff report should be updated to include the bee-keeping activity and associated parking permitted on this property. The property is zoned native area with a Future Land Use Map designation of residential conservation.

The issue of use was first addressed. Mr. Haberman stated that the County needs the information stating one way or the other that the parcel proposed for development has access to water of at least four feet below mean sea level at mean low tide. Mr. de Haas assured the Committee that request would be satisfied.

Mr. Haberman reviewed the criteria that involve what types of activities are allowed on the property. Mr. de Haas stated that there is natural screening from the mangroves that is higher than six feet and requested an alleviation of any terms for screening. It was clarified that the DRC cannot alleviate a requirement of the code, but may state that the applicant meets the requirement for certain reasons. Mr. de Haas pointed out that the survey the applicant has submitted is one approved by the Army Corps of Engineers delineating upland area with GPS markings.

(10:29 a.m.) Mr. Haberman raised the issue that the proposed bathhouse and office are not able to be assigned a floor area ratio because they are not defined as public uses in the native area zoning and residential conservation FLUM category. Mr. de Haas countered that the staff report has the building listed as an accessory use to the marina, and asked that the bathhouse be removed from the FAR. Mr. de Haas stated that a possibility would be to have a small unfinished storage area for the marina with no air conditioning. Mr. Haberman wished to confer with Mr. Schwab in the future regarding the possible exemptions of the bathhouse from FAR, and disagreed with the office being listed as an accessory to the principal structure as opposed to a component of the principal structure. The possibility of running the marina out of the neighboring establishments was discussed. Mr. de Haas reiterated that the applicant would proceed without an office on the property if necessary, and Mr. Haberman agreed that an unoccupied structure on the site to house a safe would not be subject to FAR. Mr. de Haas added the idea of putting lockers on the property. The definition of "limited storage" was read into the record. Mr. Schwab stated that different ways of possibly allowing these structures would be further looked into by the County. Mr. Haberman suggested conditioning the applicant to only being allowed limited storage. Mr. de Haas accepted that suggestion.

(10:47 a.m.) The applicant's non-compliance with setbacks was raised. Mr. de Haas made the assurance that that issue would be corrected. Mr. de Haas informed the Committee that this property will not receive sewers through the Key Largo Wastewater Treatment District, but assured Mr. Haberman that the applicant will be in compliance as the project moves forward. Ms. Creech read into the record a letter from Kevin Wilson. Mr. Haberman requested a bike rack be included on the plans, and also requested a parking agreement be drawn up to tie the two non-contiguous parking areas together. The reasons for a parking agreement were explained.

(10:57 a.m.) Mr. Haberman brought up the issue of access. Mr. de Haas gave a brief history of the ownership of different parcels in this area and the access thereto. Mr. Haberman suggested changing the wording in the staff report to reflect, "Prior to the issuance of a resolution the

applicant shall submit a letter of coordination from the State of Florida.” Mr. de Haas requested Mr. Schwab grant the applicant this access. Mr. Haberman clarified that the County can recognize the access, but cannot grant the access. Mr. Schwab stated that Mr. Biel would be contacted by County staff to work out a resolution.

(11:06 a.m.) Mr. Haberman went through the conditions in the staff report. The applicant was being allowed more time to comply with Condition A. Mr. de Haas stated Conditions B through F were fine. Mr. Haberman suggested striking Condition G. Conditions H and I were agreed to.

The fact that the comprehensive plan does not list marinas or commercial development as permitted uses on a property with a residential conservation FLUM designation was discussed. Mr. de Haas stated that there was insufficient time for the applicant to research this issue since being advised of the issue three days ago. Mr. Schwab added that the County will make their own decision on whether to approve this project or not, but that realistic consideration should be given to what the Department of Community Affairs will decide. Mr. Haberman advised Mr. de Haas that a cap on the number of boat storage spaces is needed on the site plan, as that dictates the parking requirements. Mr. de Haas confirmed for Mr. Haberman that no wet storage is being proposed by the applicant.

(11:15 a.m.) Mr. Haberman stated that he would recommend approval of the project for a low-intensity marina once the residential conservation FLUM and the comprehensive plan conflict was resolved, as well as the proposed office structure on the property. Mr. de Haas stated that the plans will be revised and resubmitted. Mr. Schwab reiterated that County staff will meet to explore the office structure and the land use issues. Mr. de Haas expressed his displeasure at how this application has progressed, and questioned how the County can move something forward believed to be in keeping with the code and then let DCA kick it back. Mr. Haberman clarified that although recommendations are made based on his own reading of the code in the best interest of Monroe County, consideration is given to what the DCA may do so issues may be addressed beforehand if possible. This matter will be scheduled for the first January meeting in 2011 if a revised plan is submitted by December 22, 2010.

A brief recess was held from 11:27 a.m. to 11:37 a.m.

2. Tom Thumb Food Store, 30662 Overseas Highway (US 1), Big Pine Key, Mile Marker 30.6: A request for approval of an amendment to a major conditional use permit in order to redevelop the existing gas station and convenience store by demolishing all existing buildings, constructing a new convenience store/commercial retail building, relocating the two (2) existing fuel pumps and constructing five (5) new fuel pumps, thus establishing a total of seven (7) fuel pumps with fourteen (14) fueling stations; demolishing the existing pump canopy; constructing a new fuel pump canopy; and carrying out associated improvements. The subject property is legally described as Lots 1 through 7, Rogers Subdivision, Big Pine Key (PB3-79), Big Pine Key, Monroe County, Florida, having real estate numbers 00275410.000000, 00275430.000000 and 00275450.000000.

Joel Reed, design consultant with Solaria Design, was present on behalf of the applicant. Bill Hohn, Jimmy McCarthy and Dennis Beebe were also in attendance.

(11:39 a.m.) Mr. Reed confirmed for Mr. Haberman that the number of fueling stations proposed had been reduced from 16 to 14, and stated that efforts were made so that the project fit within the community character, as well as the Big Pine master plan. A variance to the front yard setback is being requested to accommodate boats on trailers.

Mr. Haberman presented a brief history of this property. Clarification was requested on the square footage. Mr. Beebe pointed out that an overhang was missing from the plans, resulting in an incorrect square footage stated on the plans. Mr. Haberman requested that canopy be added. Since indoor seating in the deli area was noted by Mr. Haberman, it was suggested that this area be called a restaurant as opposed to a deli, which affects the parking requirement. Mr. Haberman explained the formula retail ordinance and the results of that throughout Monroe County. The parking demand for a deli as opposed to a restaurant was explained to the applicant by Mr. Reed. Mr. Haberman explained to Mr. Hohn how credit was given for parking. The phasing-in of NROGO was discussed, as well as the possibility of borrowing forward of allocations or using unused "banked" allocations. Mr. Haberman recommended moving ahead with the assumption that the applicant is going to have to go through NROGO, and proceeding with a minor deviation to the phasing plan in place in the future to avoid going through the NROGO system twice and getting a reservation from the Board for the past unused NROGO allocations.

(12:15 p.m.) Mr. Haberman discussed that the setbacks are non-compliant only because of pavement, and pointed out all of the positive effects from the proposed changes to the curb cuts and access points. Mr. Haberman requested that the applicant tighten up the turning radius shown. Mr. Schwab agreed with Mr. Haberman that the setbacks will be accepted as being in compliance to the greatest extent practical. Mr. Reed illustrated the setback variance request. It was explained to the applicant that a variance is not needed to keep an existing sign, but that a new sign would need to be moved five feet from the property line. Mr. Haberman stated that the landscaping plan looked good, but it still needs to be reviewed for compliance. The County's traffic engineer has approved the traffic study and found that it is adequate. Mr. Haberman discussed the fact that the Big Pine master plan will not permit high intensity uses any longer, so development of any new gas stations in the future would probably be prohibited.

(12:34 p.m.) Mr. Haberman stated that this project is required to be in compliance with the architectural guidelines of Big Pine Key, which states no new canopies. Mr. Beebe suggested changing the nomenclature "canopy" to "roof." Mr. Schwab agreed with Mr. Haberman that the elevation accomplishes the goal of breaking up one larger building into a number of smaller buildings, while still making the entrance into the building obvious. Mr. Haberman explained that a reduction in size of the project is permitted after the Planning Commission advertisement, but not an increase in size, as long as a revised site plan is provided prior to the Chair signing the resolution. Mr. Schwab complimented the visual effect of the project, and suggested a small façade revision in one particular area, if possible. Mr. Haberman spoke about the multiple and competing mindsets within Big Pine Key that may be heard at public hearing. This application will be noticed for the January 12, 2010 Planning Commission meeting.

ADJOURNMENT

The Monroe County Development Review Committee meeting was adjourned at 12:58 p.m.