

# MINUTES

## DEVELOPMENT REVIEW COMMITTEE

Tuesday, May 25, 2010

PURSUANT TO Florida Statute 286.011(1), the Development Review Committee of Monroe County will conduct a meeting on Tuesday, May 25, 2010 beginning at 10:00 AM at the Marathon Government Center, Media & Conference Room (1<sup>st</sup> floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

**CALL TO ORDER** by Townsley Schwab

10:03am

**ROLL CALL** by Debby Tedesco

**DRC MEMBERS:**

Townsley Schwab, Senior Director of Planning and Environmental Resources	present
Michael Roberts, Senior Administrator of Environmental Resources	present
Steve Zavalney, Captain, Fire Prevention	absent
Wally Romero, Assistant Fire Marshal	absent
DOT Representative	absent
Public Works Department Representative	absent

**STAFF MEMBERS PRESENTING THE FOLLOWING AGENDA ITEMS:**

Christine Hurley, Growth Management Director	present
Mitch Harvey, Comprehensive Plan Manager	present
Joe Haberman, Current Principal Planner	present
Bill Harbert, Planner	present
Thomas Lloyd, Planner	present
Rich Jones, Marine Resources	present

**CHANGES TO THE AGENDA**

Item #1 to be heard as Item #4

## MEETING

**NEW ITEMS:**

1. **Summerland Key Marina, Block 2, Lots 9 - 13, Summerland Key Cove Addition #2, Summerland Key, Mile Marker 24: A request for approval to amend the sites major conditional use permit to allow for the addition of boat racks, employee housing units and to amend the commercial retail intensity. The proposal involves the construction of boat racks, the retrofitting of the second floor of an existing building to accommodate the employee housing units, the addition of parking, landscaping and associated site improvements.** The subject parcel is legally described as Block 2, Lots 9 - 13, Summerland Key Cove Addition #2, Summerland Key, Monroe County, Florida, having Real Estate Number 00190830.000000.

Heard as Item #4 see above "Changes to the Agenda"

2. **AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING THE REQUEST BY F.E.B. CORP., TO AMEND THE FUTURE LAND USE ELEMENT OF THE MONROE COUNTY 2010 COMPREHENSIVE PLAN; CREATING GOAL 107 THAT ESTABLISHES SUB-AREA POLICIES THAT LIMIT DEVELOPMENT POTENTIAL TO AN AREA OR EXTENT LESS THAN THE MAXIMUM DENSITY AND INTENSITY ALLOWED BY THE FUTURE LAND USE CATEGORY; CREATING OBJECTIVE 107.1, AND POLICY 107.1.1 THAT ESTABLISHES SPECIFIC LIMITATIONS ON WISTERIA ISLAND; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT PROVISIONS;**

PROVIDING FOR THE TRANSMITTAL TO THE SECRETARY OF STATE AND THE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.

**3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING THE REQUEST BY F.E.B. CORP., TO AMEND THE FUTURE LAND USE MAP (FLUM) DESIGNATION**

FROM UNDESIGNATED TO MIXED USE COMMERCIAL (MC) FOR PROPERTY LEGALLY DESCRIBED AS WISTERIA ISLAND & ADJACENT BAY BOTTOM (OR385-897-898), HAVING REAL ESTATE NUMBER 000123950-000000; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR THE TRANSMITTAL TO THE SECRETARY OF STATE AND THE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.

10:04am

Items #2 and #3 were read into record by Debby Tedesco, and were heard simultaneously.

10:07am

Staff report was presented by Mitch Harvey and included but was not limited to, the following subjects: Mooring field (docking, ship store, pump-out facility) Sub area limits development, submerged land lease from State of Florida must be in effect, and that no upland development would be approved without the approval of the mooring field and submerged land lease, details of parking at the Westin Hotel for patrons of Wisteria Island restaurant will come with future conditional use applications and approvals, meeting with City of Key West to discuss infrastructure issues, a workshop is scheduled at the Planning Commission meeting on Wednesday May 26, 2010 (tomorrow), meetings on Thursday May 27, 2010 in the morning and evening in Key West are open to public, then the project will return to Planning Commission on June 9, 2010 followed by two transmittal hearings and an adoption hearing.

Christine Hurley asked Mitch Harvey to explain transmittal and adoption hearings to the public. Mitch Harvey explained that during a transmittal hearing, amendments to Comprehensive Plan are approved, then transmitted to Department of Community Affairs (DCA) where a report is prepared noting their objections, recommendations, and comments (ORC Report) within 60 days of receipt. He continued stating an adoption hearing follows during which the project gets adopted into the Comprehensive Plan by vote of the Board of County Commissioners. He remarked that DCA has 30 days to challenge a final adoption to the Comprehensive Plan.

10:18am

Sloan Bashinski asked about sewer approvals by Commissioners of the City of Key West. Mitch Harvey affirmed that sewers on the island would require City of Key West approval.

10:20am

Owen Trepanier, planning agent for the applicant, spoke of their vision of the improvements on the island. His comments included, but were not limited to, the following:

He said the Sub Area Policy (SAP) (Goal 107) limits future development on the upland portion of the island to an appropriate level and that it is the first time ever used in Monroe County. He noted the SAP covers a small area, such as Wisteria Island, and limits development under a Mixed Use (MU) designation which allows for major intensity and density not deemed appropriate to the island. He said the applicants want to clean up the island and render it free from debris and derelict vessels. He noted the island does not presently have a future land use designation as required by Florida Statute 9J5, and this is the reason for the application.

10:32am

Sloan Bashinski asked who was providing a fire station on the island and Mr. Trepanier answered the developers would provide all infrastructures at no cost to the County or City of Key West.

Mitch Harvey noted that ROGO building units must be transferred from the lower keys area to the island to ensure that no new ROGO building units would be created and hurricane evacuation would remain unchanged.

10:36am

Owen Trepanier stated that DEP and DCA suggested the SAP and said the owners would have to dedicate land to conservation to keep the density lower than what MU commercial allows.

10:40am

Roger Bernstein, co-owner and applicant, stated that the island would be connected to a central sewer system which would replace existing cesspits or septic systems.

10:41am

Sloan Bashinski asked about the sending units and how it is handled. Mr. Trepanier stated the sending unit must be extinguished. Christine Hurley added that the unit cannot be rebuilt on the same lot.

10:50-11:16am

Discussion and comments regarding zoning designation of the island covered, but was not limited to, spoil island versus offshore island, unmapped versus Tier 1 offshore island, offshore island which supports a rookery versus unmapped Wisteria Island which is an offshore which does not support a rookery.

Comments from:

10:50am Sue Ann Kitcher

11:00am Phil Frank (Environmental consultant for the applicant)

11:0am Nadja Geraud

11:09am-12:12pm

Roger Bernstein, Christine Hurley, Mike Roberts, Phil Frank, Mike Mongo, Nadja Geraud and Sloan Bashinski all made comments on various subjects regarding Wisteria Island including, but not limited to, Hammock versus disturbed island, managed island properties, onsite sewage versus hooking up to an existing infrastructure, the increase in density through these zoning changes and the affordability of public use of the island.

12:12pm

Rich Jones, Marine Resources Administrator, stated this is a pilot program which has been put in motion to address unmanaged anchorages. He noted the County and City would be able to enforce rules against illegal dumping in their jurisdictional boundaries which presently is three (3) miles from shore for Monroe County.

Christine Hurley asked Rich Jones for the definition of "Liveaboard" and Rich Jones explained first, the liveaboard must apply for legal domicile.

Christine Hurley noted the pilot program is an experiment with a sunset in 2014.

12:17pm

Phil Frank, environmental consultant to F.E.B. Corporation, stated sewage could be done onsite; however, he noted onsite treatment is more damaging than hooking up to an existing infrastructure such as the one in use at Sunset Key.

12:19pm

Mr. Bernstein encouraged those present to inspect Boot Key Harbor which, he stated, is the best managed mooring field in the country. He noted a community has been created there since the mooring field was established.

12:23pm

Nadja Geraud stated the Community in Key West wants the proposed public beach on Wisteria Island to be affordable, not \$40 per person as is the case at Sunset Key.

Tom McMarrity of Florida Fish and Wildlife told Ms. Geraud that the sand and the cost of maintenance must be accounted for.

Christine Hurley made a Point of Order regarding the subject of Sunset Key was not up for discussion at this meeting.

12:26pm

Christine Russell stated the Tax assessor's records showed previous valuation at \$697,000. Presently, it is valued at \$150,000 because it is on the FEMA list and is home to endangered species.

12:32pm

Mr. Bernstein stated the reduction in value was related to the Island being with and Area of Critical concern, and had nothing to do with FEMA list.

12:34pm

Christine Hurley noted If Key West does not approve the addition of Wisteria Island to their sewage treatment plant, the applicant will propose another way. She suggested the public focus on the language as drafted.

Sloan Bashinski stated the entire project hinges on an answer from the City of Key West. He noted it has cost the taxpayers a good deal of money already for this project in research and meetings, and he stated Monroe County Planning Department should have spoken to the City of Key West first.

Christine Hurley remarked that when someone puts in an application, the Planning Department must respond. She also noted coordinating intergovernmental cooperation is part of our job.

12:39pm

Phil Frank asked the opposing public if the project would be more appealing if all infrastructure was located onsite.

Christine Russell, member of the public, stated she wanted the evacuation time to remain the same, and noted the opposing public wants no impact on Key West.

Christine Hurley noted DCA crafted the language that there are NO NEW UNITS being built and therefore there is no impact on evacuation. DCA has never required a developer to take living units from one area to build in another area. The units are coming from other land in the same area or from paper where they exist in theory.

12:43pm Break

1:05pm Meeting resumed

1:05pm-2:03pm

Discussion followed regarding the wording in the Resolutions which included, but was not limited to, Wisteria Island is not environmentally sensitive, there is no rookery on the island, phasing the development of the mooring fields into three phases, Certificate of Completion for the moorings is required prior to commencement of phasing, participation in the pilot program is crucial, completion of mooring fields with Certificate of Completion, approvals needed for support of mooring field operations, requirement of 100 mooring balls by the County before phasing, noted that pilot program is for transient use (six months or less) and liveaboard use and that no gas will be sold, and no boat repair will occur.

2:03pm-2:50pm

Discussion followed and included, but was not limited to, the following:

Invasive exotics to be removed as building occurs, and eventually all invasive exotics would be removed from the entire island, wetlands to be protected with 100% open space, location of sprinklers to be determined, parking to be addressed during conditional use phase, two acres to be set aside for green space and open space to be maintained in the policies per Growth Management Director pending receipt of site plan and approval of mooring fields by FFWL.

2:51pm-3:21pm Break and reconvene

**1. Summerland Key Marina, Block 2, Lots 9 - 13, Summerland Key Cove Addition #2, Summerland Key, Mile Marker 24: A request for approval to amend the sites major conditional use permit to allow for the addition of boat racks, employee housing units and to amend the commercial retail intensity. The proposal involves the construction of boat racks, the retrofitting of the second floor of an existing building to accommodate the employee housing units, the addition of parking, landscaping and associated site improvements.** The subject parcel is legally described as Block 2, Lots 9 - 13, Summerland Key Cove Addition #2, Summerland Key, Monroe County, Florida, having Real Estate Number 00190830.000000.

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Read into record by Debby Tedesco

Staff Report presented by Bill Harbert

3:26pm-5:23pm

Discussion followed and included but was not limited to the following:

Ty Symroski pointed out that no fuel is present at the marina and he stated mostly 25' center-console boats with no onboard facilities use the marina, Mike Roberts, County Biologist, added that during a visit to the site 30' boats with onboard facilities were noticed, and that port-o-potties may be on other boats that need

pump-out and dumping facilities, and the Planning Director can condition it and DCA will probably request it, that elevation marks should be added to the rendition, that a Level II traffic report is needed, that two variances are to be applied for and considered (Parking and Setback) at Planning Commission hearing, that new floor plans are required to verify square footage, that a six-foot fence is needed around the boats, that a Class C buffer yard with a minimum of 10' yard setback is needed, that the handicap ramp is to be relocated, that Department of Health (DOH) approval is needed to drive over the septic tank presently located in the driveway, that the present billboard is not in compliance, that boat ramp parking will be waived by the Planning Department since it is not open to the public, that stormwater run-off requirements presented by Kevin Wilson of Monroe County Projects Management are to be complied with, the need for a bike rack was pointed out, and full size landscape plans are needed by Mike Roberts.

**4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 138-24 OF THE MONROE COUNTY CODE CONCERNING ROGO ALLOCATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR INCLUSION IN THE MONROE COUNTY CODE OF ORDINANCES; PROVIDING FOR FILING WITH THE SECRETARY OF STATE AND TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE**

**ADJOURNMENT**

**5:25pm**