

# MINUTES

## DEVELOPMENT REVIEW COMMITTEE

Tuesday August 10, 2010

PURSUANT TO Florida Statute 286.011(1), the Development Review Committee of Monroe County will conduct a meeting on Tuesday, August 10, 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

10:03 am

ROLL CALL by Debby Tedesco

### DRC MEMBERS:

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

### STAFF MEMBERS

Mitch Harvey, Comprehensive Plan Manager	present
Joe Haberman, Current Principal Planner	present
Thomas Lloyd, Planner	present

### APPROVAL OF MINUTES

None

### CHANGES TO THE AGENDA

Hear Item #3 first  
Mitch Harvey moved to approve change

**ADA ASSISTANCE:** *If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than ten (10) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".*

## MEETING

### CONTINUED ITEMS:

11:51am reconvene

1. **AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 138-22(1), REDEVELOPMENT ON-SITE; CODIFYING PROCEDURES UTILIZED TO DETERMINE LAWFUL ESTABLISHMENT AND THEREBY EXEMPTION FROM THE RATE OF GROWTH ORDINANCE (ROGO); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

Staff report was presented by Thomas Lloyd.

He noted two permits are needed to support the fact property existed as a lawfully established dwelling.

12:00am

Thomas Lloyd noted Rebecca Jetton from the Department Community Affairs (DCA) stated she is of the opinion a ROGO exemption should not stand forever. He stated she wants the exemption to have an expiration date to enable termination of the exemption. Townsley Schwab noted Ms. Jetton's statements represent a shift in policy and would have ramifications.

12:03

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

It was noted a meeting with Joe Haberman, Mitch Harvey, Christine Hurley, Susan Grimsley and Townsley Schwab would be needed to discuss this issue.

2. **AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY CODE SECTION 138-50, TYPE OF DEVELOPMENT NOT AFFECTED; AMENDING CRITERIA USED FOR DETERMINATION OF EXEMPTION FROM THE NONRESIDENTIAL RATE OF GROWTH ORDINANCE (NROGO); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

12:14pm

Joe Haberman noted NROGO is a work in process and future advertising will be narrowed to a subsections.

**NEW ITEM:**

3. **Tom Thumb Food Store, 104701 Overseas Highway (US 1), Key Largo, Mile Marker 104.7:** 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 relocating the two (2) existing fuel pumps and constructing two (2) new fuel pumps, thus establishing a total of four (4) fuel pumps with eight (8) dispensers; demolishing the existing canopy; constructing a new canopy; and carrying out associated improvements. The subject parcel is legally described as Block 1, Lots 1-5 and 36-39 of Largo City subdivision (PB4-142), Key Largo, Monroe County, Florida, having real estate number 00508260.000000.

10:09-10:36am

Agent for the applicant, Gay Marie Smith and the applicant, Mr. Bill Hahn for Landco, LLC were both present.

Staff report was introduced by Joe Haberman and discussed. Discussion included, but was not necessarily limited to, the following:

Joe Haberman noted the applicants have reduced their original request, as the Planning Department was concerned with community character. He said more pumps can be added later plus an additional canopy with justification. He also noted the Key Largo Master plan prohibits high density development.

Gay Marie Smith said there will be no phasing when the project is ready to build. Mr. Hahn added the building can be completed within 60 days.

Joe Haberman noted the property is in Tier 1. It was noted that the conditional use process has been changed to allow straight 3 years from approval in case the NROGO process holds up an application.

Gay Marie Smith said the applicants would like to be scheduled for the January 13, 2011 NROGO hearing.

Mike Roberts recommended they apply for a Tier Designation change if problems are encountered. He noted only one corner is intact hammock. Gay Marie Smith added the applicants will wait for DCA's opinion.

Joe Haberman noted the setbacks are not in compliance due to proposed signage and therefore, a sign variance may be necessary.

The applicant was advised to match the canopy with the building in color and in architectural statement so that it complies with the Key Largo Master Plan, to update current codification on the site plan, to get a letter from Florida Department of Transportation (FDOT) (applicant stated they have made application through Solaria design to process access and drainage with DCA) applicant was also advised to be ready with a presentation regarding the turning radius at Planning Commission, to show separate trips for the convenience store and the gas station in a traffic report, to show where the generators are to be located on the site plan, to show plant sizes and more detail on the landscape plan legend, and to move the bike rack to a more suitable location.

Staff recommended approval to the Planning Commission with changes and conditions.

4. **Tom Thumb Food Store, 97950 Overseas Highway (US 1), Key Largo, Mile Marker 98:** 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 relocating the two (2) existing fuel pumps and constructing four (4) new fuel pumps, thus establishing a total of six (6) fuel pumps with twelve (12) dispensers; demolishing the existing canopy; constructing a new canopy; and carrying out associated improvements. The subject parcel is legally described as a parcel of land lying between the southeasterly right-of-way line of the southerly bound traffic lane and the northwesterly right-of-way line of the northerly bound traffic lane of US

1 in Section 6, Township 62 South, Range 39 East, Key Largo, Monroe County, Florida, having real estate number 00090630.000000.

10:49-11:16am

Read into record by Debby Tedesco

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

Joe Haberman noted the previous staff report was not correct in that the Letter of Understanding should have been used to determine rights for NROGO, not a boundary survey, and since the project had been scaled back to 6 pumps with 12 dispensers, the necessity for a variance for a loading zone in the setback was removed.

Mike Roberts noted to the applicant and agent that landscape data table must identify species, size, and destination and that scenic corridor buffer requirement is Class E which requires more plants on both sides.

Mike Roberts suggested any landscaping adjacent to the hammock be 100% native, he suggested Monroe County would work with the applicant to make the landscaping compliant with Monroe County Code at which time Joe Haberman noted that since it is an existing property it may be compliant to the extent of what is practical. Joe Haberman stated a generator, a bike rack, and ADA compliance regarding the width near to the propane tanks should be included on a revised site plan. Additionally, Raj Shanmugan, URS traffic consultant for Monroe County said a trip study for the convenience store should be included in a revised traffic study for both stores.

11:23am

Joe Haberman stated the time frame following Planning Commission Hearing:

Staff has 30 days to write a resolution followed by a 30 day public appeal period, followed by transmittal during which DCA has 45 days for their review, followed by transmittal to the Clerk's office for recording. He also said to enable a smooth transition through the NROGO process, the applicant should separate the canopy application from other building permits applications.

Staff recommended approval to the Planning Commission with changes and conditions.

**ADJOURNMENT**

**11:25am**