

## **DEVELOPMENT REVIEW COMMITTEE**

**Tuesday, April 26, 2011**

### **Meeting Minutes**

The Development Review Committee of Monroe County conducted a meeting on **Tuesday, April 26, 2011**, beginning at 10:04 a.m. at the Marathon Government Center, Conference Room (2nd floor), 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
Mike Roberts, Senior Administrator, Environmental Resources	Present
Joe Haberman, Development Review Manager	Present
Steven Biel, Senior Planner	Present

### **STAFF MEMBERS:**

Mitch Harvey, Comprehensive Plan Manager	Present
Gail Creech, Planning Commission Coordinator	Present
Kim Kiraly, Staff Assistant	Present

### **CHANGES TO THE AGENDA**

There were no changes.

### **MINUTES FOR APPROVAL**

Townsley Schwab approved the minutes from the meeting of March 29, 2011.

### **MEETING**

#### **NEW ITEMS:**

**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.

(10:15 a.m.) Mr. Haberman stated that Barbara Mitchell has been working on this ordinance since Thomas Lloyd left the County. It was put on the agenda to see if there might be comments from somebody. Nobody was present to talk about it. Once Ms. Mitchell's version is received, it will be reviewed and moved forward to the Planning Commission.

**2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING EXISTING MONROE COUNTY CODE SEC. 138-19, RATE OF GROWTH ORDINANCE (ROGO), SEC. 138-25, APPLICATION PROCEDURES FOR RESIDENTIAL ROGO, SEC. 138-28, EVALUATION CRITERIA, SEC. 138-47, NONRESIDENTIAL RATE OF GROWTH ORDINANCE, SEC. 138-52, APPLICATION PROCEDURES FOR NROGO, SEC. 138-55, EVALUATION CRITERIA (NROGO); ESTABLISHING NEW MONROE COUNTY CODE SEC. 138-29, ROGO SITE PLAN APPROVAL PROCESS AND SEC. 138-56, NROGO SITE PLAN APPROVAL PROCESS; RENUMBERING EXISTING MONROE COUNTY CODE SEC. 138-56, EMPLOYEE HOUSING FAIR SHARE IMPACT FEE TO SEC. 138-57, ELIMINATING SEC. 110-142, COMPLIANCE REQUIREMENTS FOR BUILDING PERMIT APPLICATIONS REQUIRING A ROGO OR NROGO ALLOCATION AWARD OR SUBMITTED UNDER PRIVATIZED PLAN REVIEW, AND SEC. 110-143, DEADLINES FOR SUBMISSION OF BUILDING PERMIT APPLICATIONS TO BE ENTERED INTO THE RESIDENTIAL AND NONRESIDENTIAL PERMIT ALLOCATION SYSTEMS; TO ELIMINATE THE REQUIREMENT THAT A BUILDING PERMIT BE "APPROVED" PRIOR TO ENTERING ROGO OR NROGO AND REPLACE THAT REQUIREMENT WITH A REQUIREMENT THAT APPLICANTS SEEKING ROGO OR NROGO ALLOCATIONS OBTAIN A SITE PLAN APPROVAL PRIOR TO ENTERING ROGO OR 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.

(10:10 a.m.) Mr. Haberman stated that even though a number of sections are to be changed, the ordinance is only to carry out one goal: Reducing the burden on an applicant before they enter into ROGO by removing full approval of ready-to-issue building permits. The County Attorneys and the Land Authority have been provided a copy of the ordinance. Mr. Haberman explained that Christine Hurley, Growth Management Director, wrote the initial drafts, and Mr. Haberman refined the drafts and formatted them to mimic the conditional use section. Mr. Haberman intends to insert wording to the effect that deviations to the site plan may be approved by the Planning Director on a form prescribed by the Planning Director and it should not undergo a full review again.

Mr. Haberman explained to Mr. Roberts that the FEMA list was addressed in the ordinance by adding a caveat that basically stated that on a case-by-case basis the Planning Director, within reason, can request additional information and that a coordination letter is reasonable to request, although this is not addressed anywhere in the code. Mr. Roberts agreed that leaving it to the Director's determination is probably the best route to take for now.

There was discussion regarding options for property owners currently on the FEMA list. Mr. Roberts informed the Committee of the County's current legal perspective with regard to the FEMA list. Mr. Haberman continued to explain that this proposed ordinance only amends sections that mention how you enter into ROGO and does not address scoring. The only other changes being proposed are the corrections of scrivener errors and layout changes. Mr. Harvey noted that not every word in the scoring section has been repeated in the Land Development Regulations. Mr. Haberman and Mr. Harvey discussed the appeals process an adjacent neighbor may have, as well as the notice requirements.

Mr. Schwab stated that the County Attorney's concerns, as well as Land Authority's concerns, need to be addressed. Mr. Schwab asked Mr. Haberman to double-check the lack of some of the scoring language in the LDRs that Mr. Harvey noticed and to make sure Ms. Hurley is up-to-date on the modifications.

The Development Review Committee meeting was adjourned at 10:46 a.m.