DEVELOPMENT REVIEW COMMITTEE

Tuesday, June 7, 2011

Meeting Minutes

The Development Review Committee of Monroe County conducted a meeting on **Tuesday, June 7, 2011,** beginning at 10:09 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
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Joe Haberman, Development Review Manager	Present

STAFF MEMBERS:

Mayte Santamaria, Assistant Director, Environmental Resources	Present
Mitch Harvey, Comprehensive Plan Manager	Present
Steven Biel, Senior Planner	Present
Kathy Grasser, Comprehensive Planner	Present
Gail Creech, Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

There were no changes to the agenda.

MEETING

NEW ITEMS:

1.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 138-23, MORATORIUM ON NEW TRANSIENT UNITS, TO REVISE THE DATE ON WHICH THE MORATORIUM SHALL EXPIRE TO BE CONSISTENT WITH THE MONROE COUNTY COMPREHENSIVE PLAN; 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.

Mr. Haberman reported that the only change made would be to extend it to August 1st, 2012 to be consistent the comprehensive plan, which would essentially be a year extension from what it

currently is. Mr. Haberman will write an after-the-fact staff report. Mr. Haberman stated that the Commission historically has granted an extension for half of what staff asks for. Ms. Santamaria added that this request is based on a recommendation by DCA to make it consistent with the EAR deadline, which is August 1st, 2012. Mr. Schwab requested that this reasoning be supplied to the Planning Commission. Mr. Schwab further requested that Susan Grimsley and Christine Hurley be made aware of the Planning Commission's past history when considering extensions. Ms. Santamaria pointed out that the Board of County Commissioneres has specifically requested these dates match.

2.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY 2010 COMPREHENSIVE PLAN POLICY 101.4.22, TO REVISE THE TIER DESIGNATION PERMITTED CLEARING LIMITS; AMENDING POLICY 101.5.4, TO REVISE THE LOT AGGREGATION POINT ASSIGNMENTS TO ALLOW ROGO POINTS FOR AGGREGATED TIER III-A SPECIAL PROTECTION AREA LOTS PROVIDED THAT NO MORE THAN 7,500 SQUARE FEET OF UPLAND NATIVE VEGETATION CLEARING IS PROPOSED; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Santamaria informed the Committee that this task has been assigned by the Administration Commission for the last three years requiring Monroe County and the other local governments in Monroe County to work together to bring consistency in the clearing limits for tropical hardwood hammock. Mr. Roberts explained that within the last year the County met with the DCA, as well as planning staff from Marathon and Islamorada, and agreed to a middle ground after comparing clearing limits. Ms. Santamaria and Tiffany Stankiewicz will be having a meeting with Ms. Hurley later in the day regarding the lot aggregation point assignments. Mr. Roberts requested the language be made clearer that the total clearing for the combined lots is 7500 square feet.

Mr. Roberts agreed with Ms. Santamaria that allowing three points for Tier III-A properties would be consistent with Tier II, which seems to be the most applicable tier at this point. Mr. Roberts suggested further discussion regarding the policies for the land acquisition as well as the lot aggregation, as these policies seem counter-intuitive to what the County wants to do with native upland habitat. Ms. Santamaria questioned whether these changes would impact other things that need to be thought of in terms of affordable housing or sewers. Mr. Schwab suggested conferring with Tiffany Stankiewicz about that.

Mr. Schwab stated that he feels the first paragraph of the proposed amendment is confusing regarding the clearing limits relative to Ocean Reef. Ms. Santamaria said that she will double-check that area and revise the amendment more if needed. Mr. Roberts suggested breaking that paragraph up to delineate the Ocean Reef properties that are not assigned tiers from other properties that do have tiers.

3.DISCOURAGEMENT ORDINANCE

Language will be provided later.

Mr. Roberts questioned why the County tries to achieve goals that the carrying capacity study does not include. Ms. Santamaria answered that the Administration Commission has directed the County to discourage increases in density/intensity, implement the carrying capacity and protect upland habitat. This is in the rule just adopted, as well as the Legislature just ratified one week ago. Ms. Santamaria is looking for discussion on ideas on not allowing increases without some sort of mitigation and what that mitigation may be.

Mr. Roberts suggested including a caveat that states that in order to be a receiver site, it has to already have public facilities, such as road, sewer, power and water. Mr. Haberman stated that by requiring the receiver site to be a Tier III property would accomplish the same thing and keep things simpler. Mr. Haberman further suggested limiting this for residential properties, which is where the County's big concern is. The commercial development will be balanced by the residential development. Mr. Haberman admitted that when applying this to mixed use zoning it gets more complicated.

Mr. Haberman cautioned Ms. Santamaria to be specific when using the term "intensity" and to clarify whether meaning land use intensity, which includes FARs, or intensity meaning the number of trips to a site per day. Mr. Roberts suggested that the County should be encouraging property owners to increase their density through the process of retiring development rights from native upland parcels further from U.S. 1, thereby encouraging the preservation and conservation of native habitat. Mr. Haberman agreed that the word "discouragement" gives the proposal a negative connotation and makes it more difficult to get the Board to agree with something.

Mr. Roberts stated that the policy construction regarding sender sites looks fine, but that his major concern is establishing the receiver site conditions. Mr. Haberman suggested stating that a receiver site must be a site with a zoning category that has a max net density. Mr. Roberts feels that the prequel step in this process may be the possibility of revising the descriptions and densities and intensities on the individual land user. Ms. Santamaria stated that would be a much more difficult amendment, and then suggested defining a receiver site to be a Tier III property with the appropriate infrastructure in place, and then list the required infrastructure. Mr. Haberman suggested use of the language "Tier III and hooked up to sewer."

Ms. Santamaria asked for the Committee's thoughts on applying the Rural Land Stewardship program. Mr. Roberts disagreed with that, and stated the County should look at units rather than acreage. Mr. Haberman again suggested keeping this residential. Mr. Haberman then suggested creating a TDR for commercial property, which would then not allow anybody to argue a takings case against the County as easily.

Mr. Roberts requested that a minimum coverage of native upland habitat on a dedicated parcel be established. Mr. Haberman asked if a dedicated parcel should be limited to the same sub-area? There was discussion of the effects and success of the application of the RLS Program in different areas of the country. After discussion with Ms. Hurley, Ms. Santamaria will bring the matter back to the DRC to continue work on the item.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 11:10 a.m.