

## DEVELOPMENT REVIEW COMMITTEE

Tuesday, June 21, 2011

### Meeting Minutes

The Development Review Committee of Monroe County conducted a meeting on **Tuesday, June 21, 2011**, beginning at 10:05 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
Barbara Mitchell, Senior Planner	Present
Tiffany Stankiewicz, Development Administrator	Present
Gail Creech, Planning Commission Coordinator	Present

### MINUTES FOR APPROVAL

Mr. Schwab stated that there are a couple of corrections to be made to the May 24, 2011 meeting minutes that he will submit to Ms. Creech in writing.

## MEETING

### NEW ITEM:

#### 1. Section 138-27 Administrative Relief (Text Amendment)

Ms. Mitchell explained that what she is seeking to clarify in this text amendment is, first, the criteria by which to allow an applicant administrative relief, and second, what the 16 quarterly allocation periods consists of. Ms. Stankiewicz suggested adding language that the 16 quarterly allocation period start from the closure of the quarter in which the application was initially submitted.

Ms. Mitchell is proposing to add a third option under Board's Actions to include granting the application and allocation award for all the number of dwelling units requested in the next

succeeding quarterly allocation period or extended pro rata over several succeeding quarterly allocation periods if the property is located within a designated Tier 3A (SPA) area, that is required to be connected to central wastewater treatment system that meets the standards established by State Legislature. Ms. Mitchell informed the Committee members that Christine Hurley, Director of Growth Management, wants to make sure it is clear that the wastewater treatment system actually exists, is in place at the time of the administrative relief, not just expected in the future or proposed. Mr. Roberts stated that it is reasonable to include wastewater treatment systems under construction or under contract for construction. Mr. Haberman stated that he understood Ms. Hurley's desire was to have the wastewater system in place, ready to hook up.

Mr. Haberman spoke of the disadvantages a SPA lot has. Ms. Mitchell reminded the Committee that it is still within the discretion of the Board to take action to grant an allocation, that it does not require the Board to give an allocation. Ms. Stankiewicz added that the reports for administrative relief are written in a way to include the preferred action. Mr. Roberts spoke about the possibility of a domino effect of breaking up contiguous hammock, and requested that some sort of guidance language be included in addition to the wastewater system criteria that restricts it to where it is not part of larger contiguous hammock.

Mr. Roberts then questioned how many SPA lots are on the books right now that are subject to potentially receiving an allocation in the next four years based on current sewer plans. Mr. Haberman suggested using the criteria Platted IS and URM lots, and then crafting some language that it is not part of a contiguous hammock of a certain to-be-determined size. Ms. Santamaria suggested including language to the effect of having existing development on three adjacent sides. Mr. Roberts will confer with the GIS Department to be able to see how many IS SPA lots there are. Ms. Mitchell added that this will require a comp plan amendment. Mr. Haberman then suggested that the wording on adjacency should include "a majority of contiguous lots."

Mr. Haberman advised against moving this issue forward until the requisite changes are made to the comp plan. Ms. Santamaria questioned including the BAT language. Ms. Mitchell stated that language will be taken out. Mr. Roberts then suggested the adjacency language to state that the lot in question does not sever the connectivity with the other existing SPA lots. Mr. Roberts stated that the tier maps will be updated in three years' time to address changes in tier. Mr. Schwab asked Ms. Mitchell to make the proposed adjustments and also work with Mr. Roberts to try to pull in the proposed criteria and receive the data analysis by the middle of July.

## **2. ROGO Allocations (Text Amendment)**

(10:50 a.m.) Ms. Mitchell stated that this item is a discussion item only to get the Committee members' input as to where this is to be going. This is to allow the transfer of ROGO allocations from Tier 1, 2 or 3A to Tier 3 within the subareas under certain circumstances. Mr. Haberman and Ms. Stankiewicz both recalled this item as having nothing to do with tiers, but as being proposed as an option for those on the FEMA list as a way to get around prohibiting people from being able to develop if they could not get flood insurance. This would allow a property owner to move the whole allocation to a site that is suitable for building.

Mr. Roberts stated that, because the sender sites are Tier 1, 2 and 3A, it makes sense to retire the development rights on those sender sites. Mr. Haberman reiterated that tiers were never to be a part of this, and suggested Ms. Hurley be asked to clarify whether she means allocations or rights. Mr. Roberts stated that there are currently 30,000 lots on the FEMA injunction list. Mr. Haberman questioned whether the ROGO subareas or the comp plan subareas were being used. Ms. Santamaria informed the Committee members that the Board of County Commissioners has brought up the idea of considering allowing transfer beyond subareas as an option for economic development throughout the County. Mr. Haberman noted that transferring building rights is generally a bad idea from an environmental standpoint unless the lots are restored after they move the rights off. Ms. Stankiewicz cautioned the Committee that a property owner may clear their lot as soon as they get their permit and pass the appeal period with no inspections.

Discussion was had regarding the ability to build out of pocket even though one is on the FEMA list. Mr. Roberts questioned the appropriate amount of time to be given to those people that have been issued building permits once they are removed from the FEMA list.

Ms. Mitchell asked as a housekeeping point where this should be in the code. Mr. Haberman stated that it belongs in the ROGO section of the code. Ms. Stankiewicz stated that the scope of this needs to be narrowed down because a property owner only has 60 days to get their allocation. Mr. Mitchell stated that it was apparent the next step for this process is to compose a memo that summarizes the Committee's concerns and asks for clarity from Ms. Hurley. Mr. Haberman suggested to Ms. Mitchell to put it in draft language for Ms. Hurley. Mr. Schwab suggested that Ms. Mitchell have a brief meeting with Ms. Hurley before composing draft language. Ms. Mitchell asked for data to narrow down the FEMA injunction list as to the number of properties on it. Mr. Haberman added that Ms. Hurley wants the receiving property to be able to score the same as or greater than the sending property. Ms. Stankiewicz asked if a prohibition for the flood zone should be included.

## **ADJOURNMENT**

The Monroe County Development Review Committee meeting was adjourned at 11:18 a.m.