

**DEVELOPMENT REVIEW COMMITTEE**

**Tuesday, August 23, 2011**

**Meeting Minutes**

The Development Review Committee of Monroe County conducted a meeting on **Tuesday, August 23, 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
Joe Haberman, Development Review Manager	Present

**STAFF MEMBERS:**

Mitch Harvey, Comprehensive Plan Manager	Present
Steven Biel, Senior Planner	Present
Rey Ortiz, Planner	Present
Gail Creech, Planning Commission Coordinator	Present

**MINUTES FOR APPROVAL**

Mr. Schwab approved the minutes from the May 24, June 7 and June 21, 2011 TDR meetings.

**MEETING**

**NEW ITEM:**

**1.Heron Bay Venture LLC Property and Hartman/Crack Property, Key Largo:** A request for a minor conditional use permit for the transfer of development rights from a sender site at 2 Thurmond Street, Key Largo to a receiver site on Lowe Street in Tavernier. The sender site is legally described as part Lots 9-11, Section 32, Township 31 South, Range 39 East, part Disclaimed Road BOCC Resolution 87-1973, FKA Block 2, Lots 1-29, 20-foot alley and east one-half Bay View Boulevard, El Dorado Heights (PB1-203), Key Largo, Monroe County, Florida, real estate number 00088160.000100. The receiver site is legally described as a portion of Lot 10, Plat of the Amos Lowe Homestead consisting of Lots 3 & 4, and west one-half of northwest quarter of Section 34, Township 62 South, Range 38 East (PB1-30), Key Largo, Monroe County, Florida, Real Estate number 00090270.000300.

Laura Norman was present on behalf of the owner of the receiver site, Patrick Crack. Jim Saunders, owner of the sender site, was also present, and confirmed he was in agreement with the application.

Mr. Biel presented the staff report and went over a brief history of the development orders of the sender site. Descriptions of both the sender site and receiver site were given. Mr. Biel noted that the receiver site is in the Tavernier Historical District and any approvals for a building permit will have to go before the Historic Preservation Committee. Staff recommended approval with conditions, and the conditions were then outlined.

Mr. Haberman corrected the staff report to read there is a max net allowed of 1.6 units with full use of TDRs, not .8, and the .75 that is being transferred onto the site are more than enough to cover the need because they had the rights with the existing acreage to .625, so it covers the balance. Mr. Schwab concurred. Mr. Haberman suggested that Ms. Norman wait for the development order's appeal periods to pass before submitting the plans for the permit and to the Historic Preservation Committee.

**2. Northstar Resort Enterprises Corp. Property, 99060 Overseas Highway (US 1), Key Largo, Mile Marker 99:** A request for approval of a development agreement between Northstar Resort Enterprises Corp. and Monroe County. The development agreement would allow the property owner to construct and operate a campground for recreational vehicles in the interim time between the effective date of the agreement and the completion of an unconstructed hotel approved by Planning Commission Resolution #P02-07. The subject property is legally described as a portion of lots 4, 8, 9, 11 and 12 in Section 32, Township 61 South, Range 39 East (PB1-68) and Block 3, Lot 3, El Dorado Heights (PB1-203), Key Largo, Monroe County, Florida, having real estate number 00088020.000000.

Mr. Haberman stated that he has not had a chance to read through the development agreement, but does have a very good gist of the purpose of the agreement through a pre-application conference. Jim Saunders, property owner, was present.

Joel Reed, Planner, was present on behalf of the owner and confirmed that nothing has changed from the pre-application meeting or the project description as submitted. The fundamental concept is the same, but the owner wants to protect the conditional use for the resort hotel while using the site on an interim basis with a minor conditional use permit as an RV park, and then phase in the hotel through three phases, with the final development being the resort hotel. The owner is aware of the need for compliance in each phase with the intensity of use on the site so as not to trigger anything that would be over intensity with the mix of RVs with hotel that would not be permitted. The traffic consultant has confirmed that the RV use would be a less intense use than what it would be as a resort hotel. The buffer yards and setbacks will remain the same.

Mr. Haberman suggested the owner use a phasing plan approved as an amendment to the major conditional use. Mr. Haberman also suggested language be put in the agreement that whatever use the property is at at the time the development agreement expires, that use is what it would remain at. Mr. Haberman further suggested that a general phasing plan be put into the agreement.

Mr. Reed stated that he will send the revised agreement back today so Susan Grimsley, County Attorney, can review it prior to being tentatively scheduled for the September 28, 2011 Planning

Commission meeting. The dates for the upcoming Board of County Commission meetings were discussed.

**3. Thomas K. Fletcher Property, 262 Palomino Horse Trail, Big Pine Key, Mile Marker 30:**

A request for a minor conditional use permit in order to allow a building with greater than 2,500 square feet of low/medium intensity commercial retail/office use and two attached employee housing units. The subject property is legally described as a parcel of land in the southwest one-quarter of Section 26, Township 66 South, Range 29 East, Big Pine Key, Monroe County, Florida, also known as Tract 22 per unrecorded sales schedule of Tropic Island Ranchettes, having real estate number 00111420.000100.

Thomas Fletcher, property owner, was present. Owen Trepanier, Planner, was present with the owner.

Mr. Ortiz presented the staff report. Mr. Ortiz informed the Committee that Agenda Items 3 and 4 are mirror images of each other. The background information was given for the property. Mr. Ortiz stated that the conditional use is consistent with the purposes and goals and objectives of the comprehensive plan and LDRs, as well as community character. The adequacy of public facilities and services concerns Mr. Ortiz and will need to be reviewed when the owner submits an application for a building permit. Mr. Ortiz informed the owner that the prospective residential units being added will require a ROGO allocation for affordable employee housing, and an NROGO allocation for the commercial square footage. The permitted uses are in compliance with the site.

Mr. Ortiz commented that the parking spaces are on gravel and are not delineated. Some of the footprints of the drawings that were submitted do not exactly match the site plan, so the stairwells may impede upon some of the parking spaces proposed. Staff recommends approval with conditions. The conditions were then outlined.

Mr. Haberman suggested that the owner should submit independent site plans for each of the lots. Mr. Haberman also suggested getting rid of the many unnecessary words on the plans to make them easier to read. Mr. Haberman further suggested delineating the parking spaces, using bollards as an example. Mr. Haberman pointed out that the loading zone is in the backup of some parking spaces, which is prohibited by code. The loading zone requirement can be waived as long as the property is not used as a convenience store with continuous loading. The location of the loading zone cannot be waived, but must be waived entirely.

Mr. Fletcher mentioned a racquetball gym was being considered for the property, along with a storage facility. Mr. Haberman pointed out for Mr. Fletcher the loading zone and how it would impact cars backing up. Mr. Haberman suggested using "Compact Only" signs for certain spaces so as not to interfere with the loading zone. Mr. Schwab pointed out an area where Mr. Trepanier could move a landscape buffer and allow more room for a parking space. Mr. Haberman recommended to the owner to modify the application to have one of the buildings being either/or commercial recreation or commercial retail and meet the code both ways to allow for more flexibility in the future.

Mr. Haberman questioned the lack of an elevator. Mr. Fletcher assured Mr. Haberman that that is currently being worked on. Mr. Fletcher explained that the dumpster on the property will be on wheels. Mr. Haberman then informed the owner that the County is going to condition permits to require a recycling center, which needs to be enclosed and the owner has to provide the recycling bins.

Mr. Schwab stated that Mike Roberts, Senior Administrator, Environmental Resources, needs to look over the revised site plans. Mr. Ortiz added that Comment 19 will be changed to include the language “prior to a development order.” Mr. Haberman suggested a review of the site plans by Kevin Wilson, County Engineer, if any changes are made to the plans that affect storm water calculations. Mr. Fletcher added that the elevation is going to be raised on the two buildings another two to two-and-a-half feet. Mr. Haberman informed the owner that a landscaping table must be included. Mr. Haberman also stated that following the Big Pine Design Guideline was strongly encouraged, but not required.

The time needed for a final decision was discussed. NROGO deadlines were also discussed. Mr. Haberman listed ways that a property owner may score higher in the ROGO system. The effects on timelines caused by an appeal were discussed.

Mr. Fletcher asked Mr. Ortiz to clarify the conflict the staircase caused with the other plans. Mr. Ortiz explained that at the ground level the façade is blank and suggested using something to break up the façade. Mr. Haberman explained that minor changes made to increase ROGO points after an application is submitted is taken on a case-by-case basis, but generally it is allowed if the changes do not affect the site plan.

**4. Thomas K. Fletcher Property, 261 Palomino Horse Trail, Big Pine Key, Mile Marker 30:**

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Mr. Ortiz presented the staff report. Staff recommends approval with conditions. Those conditions were then outlined. Mr. Haberman added that the Director of Planning may request alterations to the design as necessary to comply with Condition D.

**ADJOURNMENT**

The Development Review Committee meeting was adjourned at 11:43 a.m.