

DEVELOPMENT REVIEW COMMITTEE

Monday, October 17, 2011

Meeting Minutes

The Development Review Committee of Monroe County conducted a meeting on **Monday, October 17, 2011**, beginning at 10:14 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 Kim Kirali

DRC MEMBERS:

Townsley Schwab, Senior Director of Planning and Environmental Resources	Present
Joe Haberman, Planning & Development Review Manager	Present

STAFF MEMBERS:

Mitch Harvey, Comprehensive Plan Manager	Present
Mayte Santamaria, Assistant Planning Director	Present
Kathy Grasser, Planner	Present
Tim Finn, Planner	Present
Kim Kirali, Assistant Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

There were no changes to the agenda.

MEETING

NEW ITEMS:

1.A request by Monroe County to amend the Monroe County 2010 Comprehensive Plan to amend Policies 101.5.4 and 101.5.5 to assign points, under ROGO and NROGO, for the dedication of parcels that contain wetlands or are designated Tier III-A (SPA).

Ms. Grasser presented the staff report. Ms. Grasser reported that staff is requesting to amend the comprehensive plan to add two points for land dedicated to Monroe County for one vacant legally platted lot or one unplatted parcel that contains undisturbed wetlands, and another two points if somebody wants to dedicate to Monroe County one vacant legally platted lot or one unplatted lot which is designated Tier III-A in the Special Protection Area. Staff is requesting to add that to both the ROGO and NROGO sections of the comprehensive plan. Ms. Grasser explained that the tier system currently directs growth away from upland habitat to infill areas, but does not include wetlands.

Ms. Santamaria further pointed out that the comprehensive plan LDRs already talk about SPA parcels, but it was not included in the table to have points. Staff is trying to provide another mechanism for wetlands to have value for people to donate them. The Land Development Code will be changed to mirror the comprehensive plan regarding this issue closer to the adoption phase.

2.A request by Monroe County to amend the Monroe County 2010 Comprehensive Plan to amend Policies 101.5.4 and 101.5.5 to assign negative points, under ROGO and NROGO, to Tier III parcels that contain submerged lands and/or wetlands which require 100% open space pursuant to Policies 102.1.1. and 204.2.1 and that are located adjacent or contiguous to Tier I properties.

Ms. Santamaria presented the staff report. Ms. Santamaria reported that this is an amendment proposed by Monroe County to further the protection of wetland parcels, specifically wetlands that require 100 percent open space pursuant to 102.1.1 and 204.2.1. The proposal is to provide negative five points to Tier III parcels that are adjacent or contiguous to Tier I parcels, with the assumption that it is part of a larger ecosystem connected to the Tier I habitat. The Tier Designation Review Committee (TDRC) recommended the negative five points.

Mr. Haberman discussed loopholes that could be created by dividing properties. Ms. Santamaria stated she would do a further analysis and review of the areas that would be affected by this with the GIS department. Mr. Haberman suggested using distance from the wetland rather than adjacency. Ms. Santamaria added that the TDRC also recommended that the Tier III parcels that were contiguous to the Tier III parcels that are contiguous to the Tier I parcels should also receive negative points, and asked if anybody had any ideas, concerns or comments about that.

Mr. Haberman then suggested that consideration be given to negative points based on the amount of wetlands on a parcel. Mr. Schwab stated that a percentage of vacant area versus wetland area needs to be vetted out by staff some more to get comfortable with it. Ms. Kenson stated that Tahoe Regional Planning Council has experience dealing with this issue and she will find a contact from that council that could be used as a reference. Mr. Schwab again stated that staff will have subsequent discussion on this matter.

3.A request by Longstock II, LLC, to amend Policies 101.4.5 and 101.4.21 to amend the Mixed Use/Commercial Future Land Use Map (FLUM) Category description and assign as a corresponding Maritime Industries (MI) Zoning District to the Mixed Use/Commercial FLUM Category.

Ms. Santamaria presented the staff report. Ms. Santamaria reported that this is a request by the applicant to amend the description of the mixed use/commercial category, as well as assign maritime industry (MI) zoning within this category. Staff recommended amending the maximum net density range as well as the intensity range to be consistent with the zoning district. Longstock is proposing to add additional uses in the description of mixed use/commercial, including but not limited to commercial fishing, hotels, residential, institutional and a variety of commercial uses. They have also added that the County shall continue to take a proactive role in encouraging the maintenance and enhancement of community character and

economically viable traditional uses on the waterfront. They are currently zoned maritime industries, and that particular zoning category is inconsistent with its FLUM category. To eliminate the inconsistencies of uses and density ranges and intensity ranges the proposal is to go to mixed use.

Gail Kenson, the liaison officer for Naval Air Station Key West, stated that the maritime industrial zoning category is appropriately listed in the comp plan under industrial. The comp plan does not permit transient housing in the industrial FLUM, which is appropriate in maritime industries. The Planning Commission will hear a text amendment tomorrow to discourage private applications which increase intensities and densities. Ms. Kenson further stated that this comp plan amendment will affect the entire county, not just Stock Island, by increasing intensities and densities countywide and there is not sufficient data and analysis and inventory to support that. The Stock Island CommuniKeys plan, which has been adopted as part of the comp plan, states under Action Item 1.3.4 to amend the LDRs to eliminate a list of permitted uses that are not consistent with the purpose of the zoning district, including vacation rentals and hotels. Additionally, it is within the AICUZ footprint in NAS Key West and the Navy has concerns about increasing densities and intensities in areas that could be adversely affected by noise. This area falls wholly within the proposed military installation area of impact, and Ms. Kenson believes this would be a negative impact to the historically commercial fishing area and industrial area.

Ms. Santamaria pointed out that there is no proposal to change the density in mixed use, this is just adding maritime industries, which is still one unit per acre. Ms. Kenson added that it changes it from no transient units to 16 transient units per acres. Mr. Haberman informed Ms. Kenson that the Growth Management Director is trying to make that FLUM category consistent with the zoning. Ms. Kenson believes that is skirting on spot zoning, which is a slippery slope. Mr. Haberman added that the maritime industry with the transient densities was adopted well before the comprehensive plan and the densities therein, and staff has no plans or direction to change the zoning or the densities in that zoning category.

Matthew Strong, principal with Longstock II, and Jason Green, Planning Manager with Weiler Engineering, were present on behalf of the applicant. Mr. Schwab pointed out that it is not appropriate to review the plan at this time, as the focus of today is on the amendment. Mr. Strong, in response to the comments made, stated that the plan the applicant is putting forward is a balance of a lot of different businesses and the applicant is trying to create the economics so they can keep the residents there and keep the rents affordable. The density will increase, but not in an exponential way. The applicant is proposing a hundred-room hotel max, and Mr. Strong believes the property needs a hotel. Mr. Schwab again asked the applicant to not refer to the site specifically.

Mr. Green feels that the permitted uses that are in the MI designation does fit in the mixed use category and would be appropriate. Mr. Green understands the concern about the density issue, but believes it is a matter of making sure that the future land use category ranges match up with what is allowed in the zoning district. Mr. Green thinks it is important to recognize the similarities based on the County's comp plan CommuniKeys document between the MI designation and the mixed use/commercial designation. Mr. Strong pointed out that the County

is trying to promote a workable waterfront, the character of the Keys, the history of the Keys, which the applicant has tried to capture in their development. Ms. Santamaria stated that the discouragement amendment going to the Planning Commission is for future land use map amendments, which this project does not fall within, although it does fall within the military compatibility issues.

4.A request by Longstock II, LLC, to amend the Future Land Use Map (FLUM) designation for three parcels having real estate numbers 00123760-000200, 00123720-000100 and 00123720-000200 from the Industrial FLUM Category to the Mixed Use/Commercial FLUM Category.

Ms. Santamaria presented the staff report. Ms. Santamaria reported that this is a request by the applicant to amend three parcels on Stock Island from industrial to mixed use/commercial. This is currently zoned maritime industries, which is inconsistent with the industrial FLUM category, and it does not allow several of the uses that the maritime zoning allows. It would result in a net increase in 61 dwelling units, 183 transient rooms, and a decrease in 80,000 square feet of commercial square footage. This area has a Tier III overlay. It has a variety of uses found both in the industrial and mixed use, so it seems to be compatible with the surrounding uses. It does not appear to increase the public facility demands that are in that area. It is within the Monroe County zoning overlay of the 1977 AICUZ. If the 2007 AICUZ was used, more acres would be within the noise zone.

Gail Kenson, liaison officer for Naval Air Station Key West, stated this application is premature because it is inconsistent with the comp plan at this point in time since there is no comp plan policy that permits MI in the mixed use/commercial future land use map area. This is an increase in density, is inconsistent with the Stock Island CommuniKeys comp plan, is inconsistent with the discouragement policy and is inconsistent with the military installation area of impact. This is within the 2007 AICUZ footprint in its entirety and it does not make sense to increase densities in a high noise area, especially where there is a significant amount of liveaboards in the area, as well as outside activities associated with the hotel that cannot be attenuated.

Ms. Santamaria added that this will be contingent upon the text amendment that has been proposed passing. Mr. Green added that state law allows zoning applications to be run concurrently with comprehensive plan amendments now. The noise issue involving the outdoor environment can be mitigated by landscaping, buffers and berms. Mr. Haberman stated that if this gets passed, it does not mean the development will be approved. This would still require a major conditional use, which would involve the Navy and the Planning Commission process. Ms. Santamaria stated that the County has not adopted the 2007 AICUZ study or recognized that in any form, although that is what the Navy uses as their data and analysis.

5.A request by Monroe County to amend the Monroe County 2010 Comprehensive Plan to address statutory requirements regarding military compatibility by creating Goal 108, Objective 108.1, Policy 108.1.1, 103.1.2, 108.1.3, Policy 108.1.4, Policy 108.1.5, Policy 108.1.6, Objective 108.2, Policy 108.2.1, Policy 108.2.2, policy 108.2.3, Policy 108.2.4, Policy 108.2.5, 108.2.6,

Policy 108.2.7, Policy 108.2.8 and creating an overlay to the Future Land Use Map Series to establish the Military Installation Area of Impact.

Ms. Santamaria presented the staff report. Ms. Santamaria reported that this is another request by Monroe County to fulfill statutory requirements for Florida Statutes 163.3175 and 163.3177 that requires that local governments adopt compatibility strategies with local military installations. It includes multiple policies to promote and encourage communication between the two entities, the exchange of information, the rendering of development orders, as well as comp plan amendments and zoning changes, to the Navy for comment within 30 days. It provides for the military to be an ex officio member on the Planning Commission, as well as review amendments of DRC that are coming forward that may impact the Navy. It establishes an overlay to the future land use series, and within this boundary Monroe County will not propose increasing density or intensity or allow additional uses without the use of a noise study that shows that a project is not within the 65 DNL contour. This is for applications received after the effective date of these policies and the map amendment.

Ron Demes, Executive Director of Naval Air Station Key West, stated that he would like to keep the dialogue open on disclosure statements to whatever degree possible. Mr. Demes believes the Navy and County need to work towards a resolution of dealing with noise monitoring versus noise mapping and reach the same goal, which is to review those areas that may have potential impact that are not conducive to public health safety issues with safety of flight and noise. The Navy wants to try, through a technical document revision, to deal with encroachment issues. Mr. Demes reminded the Committee that the Navy requested that the Navy have an ex officio member of the DRC, but at the very least be sent the information relative to the DRC agenda items just to be aware of what is there. Mr. Demes then questioned why there is a DOT representative listed as a DRC member and not the Navy.

Mr. Haberman pointed out changes that have occurred within the DRC. The Committee does not vote and the Director of Planning is the ultimate decider of any application. The only thing that is decided on at the DRC level is minor conditional use permits. Mr. Haberman assured Mr. Demes the Navy would be notified of any applications that are within that boundary as a courtesy. Mr. Haberman recommends applicants contact the Navy at the pre-application stage.

Ms. Santamaria informed Mr. Demes that Policy 108.1.5 was added, which states Monroe County shall notify Naval Air Station Key West of any development that may impact their facility at the earliest scheduled moment for the DRC. Mr. Haberman explained that an attendee notified of a meeting has the same freedom to speak on the applications as long as Mr. Schwab is managing the meeting. Ms. Kenson will try to arrange for a conference call between Missions Sustainment, who have the noise map data, and the County.

The '07 data for the most recent noise study that would have occurred is what the County would input into the model. Ms. Santamaria stated that the County's legal team has determined that the noise studies will stay in place until the County receives further information of what can be done with the noise map. Ms. Santamaria then noted that the study has to be representative of average conditions for each direction of airport operation and proportion of the proper percentage for that annual use. Mr. Harvey clarified that the Navy approach is to do a theoretical model and not do

actual monitoring. Ms. Santamaria explained that Keith & Schnars has a sound engineer that they work with and is hired as the County's consultant for the military compatibility issue, and the sound engineer provided standards to the county based on an FAA circular, which Ms. Santamaria will provide to the Navy. Ms. Kenson then voiced her appreciation for all the work the County has done in this regard.

ADJOURNMENT

The Monroe County Development Review Committee meeting was adjourned at 11:19 a.m.