

## DEVELOPMENT REVIEW COMMITTEE

Tuesday, December 13, 2016

### MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, December 15, 2016**, beginning at 1:00 p.m. at the Marathon Government Center, Media & Conference Room (1<sup>st</sup> floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

#### CALL TO ORDER

**ROLL CALL** by Ilze Aguila

#### DRC MEMBERS

Mike Roberts, Sr. Administrator, Environmental Resources	Present
Emily Schemper, Comprehensive Planning Manager	Present
Kevin Bond, Planning & Development Review Manager	Present

#### STAFF

Peter Morris, Assistant County Attorney	Present
Ilze Aguila, Sr. Planning Commission Coordinator	Present

#### CHANGES TO THE AGENDA

There were no changes to the agenda

#### MINUTES FOR APPROVAL

September 27, 2016 and November 15, 2016 minutes for approval. Postponed for January 2017 DRC meeting.

### MEETING

#### New Items:

**1. A Development Order approving a request by Tavernier Hotel Holdings, LLC** for an amendment to a Minor Conditional Use Permit approved by Development Order D.O.07-16, in order to allow the development of 2,615 sf of medium intensity commercial retail in addition to the six (6) attached affordable housing dwelling units and 1,780 sf of medium intensity commercial retail approved by D.O.07-16 at property located at 91865 Overseas Highway, Tavernier, Key Largo, described as Lots 1, 2, 3, 4, 5, 36, and 37, Block A, Tavernier No. 2 (PB2-8), together with that portion of the alley as disclaimed in official records Book 405, Page 1100, Key Largo, Monroe County, Florida, having real estate number 00555610.000000.  
(File 2016-172)

Ms. Schemper presented the staff report. The previous approval for this site was for six affordable housing units and accessory floor area for two of the residential units; i.e., laundry room, study rooms, etc. This is an amendment to convert some of that floor area previously approved for accessory uses to medium intensity commercial retail, bringing the total for the site to six affordable employee housing units and 4,395 square feet of medium intensity commercial retail. The specifics are unchanged, but 287 square feet of additional NROGO floor area is needed as only 4,108 square feet is exempt. This can be acquired as part of the building permit. Affordable units are counted separately from commercial retail. The non-residential intensity of the site is 84 percent for commercial retail, and 88 percent for affordable housing. Based on the Land Development Code parking requirements and shared parking allowances within the Tavernier Creek/Mile Marker 97 corridor development standards, which is part of the Livable CommuniKeys program, 28 parking spaces are required to accommodate the six dwelling units and the commercial retail. The proposed parking includes 19 spaces. This site was already non-conforming as to off-street parking and is now becoming slightly less non-conforming. Under Section 102-59 in the Land Development Code, if coming into compliance is physically impossible due to site size and physical layout of the structure, compliance then is to the maximum extent practical. Due to the site's historic designation and the Tavernier Historic District Preservation Guidelines for contributing structures, up to 100 percent of the parking requirement may be waived if considered appropriate after review. Therefore, based on the site's historic designation, size of the site, physical layout, and existing non-conforming parking status, staff is recommending that the provision of 19 parking spaces is compliant with the provisions of Section 114, required off-street parking to the maximum extent practical, and consistent with the Historic District Guidelines.

Mr. Roberts commented that this would make the landscaping that much more non-conforming as well in terms of parking lot landscaping. Ms. Schemper clarified that there were no additional spaces added from the last conditional use approval site plan, so this will be less non-conforming due to the hotel and commercial space that is existing on the site. Conditional use approval to change over to affordable was granted, but they haven't done it yet. This is amending to now change it to affordable and more commercial, so there is a net decrease in non-compliant parking. The conditions are the same as last time, only adding that prior to issuance of a building permit for conversion of floor area to commercial retail in excess of 4,108 square feet, they need to obtain the NROGO allocation for any additional proposed floor area. Staff recommendation is for approval with those conditions.

Mr. Bond asked for staff comment. There was none.

Mr. Bond asked for public comments on this item.

Mr. Bill Hunter from Summerland Key asked if the accessory uses that would no longer be there had provided facilities to the affordable housing. Ms. Schemper responded that they had, but that not all of them were being done away with. There was quite a bit of storage space that has been originally put in as a place holder for the commercial. There had been a glitch in terms of sequencing the planning approvals and it made more sense for them to attempt to get their affordable ROGO application submitted and approved first, and then add the commercial later. Mr. Hunter asked if the earlier approval was conditioned on the space being available for the

residents. Ms. Schemper indicated it was not, that a lot of the storage area remained. Approximately 2,600 square feet of floor area would be converted, and about 1,000 square feet would remain as accessory.

Mr. George Hoyo, having arrived after the start of the meeting, inquired as to parking and how many spaces were allocated for the retail space. Ms. Schemper restated the parking data, adding that under the Tavernier Livable CommuniKeys Plan there is a calculation for parking shared between housing and retail which reduces the amount of parking required. This calculation had been done for this site plan which actually reduced the parking deficit. Mr. Hoyo stated he owns the building next door, Sunrise, and right now there is a huge parking issue. He believes that adding more commercial space at this location is not going to work. Ms. Schemper indicated she would get Mr. Hoyo's contact information and forward his concerns to the Planning Director who will make the ultimate decision on this.

Mr. Bond asked for further public comment on this item. There was none. Mr. Bond stated that Items 2 and 3 would be heard together.

**2. An Ordinance by the Monroe County Board of County Commissioners** amending the Monroe County Future Land Use Map from Residential High (RH) to Mixed Use/Commercial (MC), for property located at 5713 First Avenue South, Stock Island, Mile Marker 5, legally described as Block 34, Lots 11, 12, 13, 14, and 15, McDonald's plat of Stock Island (Plat Book 1, Page 55), Stock Island, Monroe County, Florida, having real estate #00124700.000000, as proposed by Standard Marine Supply Corp; providing for severability; providing for repeal of conflicting provisions; providing for transmittal to the State Land Planning Agency and the Secretary of State; providing for inclusion in the Monroe County Comprehensive Plan and for amendment to the Future Land Use Map; providing for an effective date.  
(File 2016-177)

**3. An Ordinance by the Monroe County Board of County Commissioners** amending the Monroe County Land Use District (Zoning) Map from Urban Residential Mobile Home Limited (URM-L) to Mixed Use (MU), for property located at 5713 First Avenue South, Stock Island, Mile Marker 5, legally described as Block 34, Lots 11, 12, 13, 14, and 15, McDonald's plat of Stock Island (Plat Book 1, Page 55), Stock Island, Monroe County, Florida, having real estate #00124700.000000, as proposed by Standard Marine Supply Corp; providing for severability; providing for repeal of conflicting provisions; providing for transmittal to the State Land Planning Agency and the Secretary of State; providing for amendment to the Land Use District (Zoning) Map; providing for an effective date.  
(File 2016-176)

Ms. Schemper presented the staff report. This is a property owned by Standard Marine Supply Corporation on Stock Island, located on the corner of First Avenue and First Street. This property has an existing Future Land Use Map designation of Residential High, and an existing Zoning designation of Urban Residential Mobile Home. The staff report indicates that in 1996, there was a Zoning Amendment to Urban Residential Mobile Home Limited, but upon looking into that closely, there were some errors in the ordinance versus the attached map. After discussing this with legal, the final conclusion is that it is still Urban Residential Mobile Home.

This should not affect the amendment and by the time this gets to the Planning Commission, it will be sorted out more finally.

The property is five platted lots, .72 acres total, Tier 3, Flood Zone AE9. Existing uses are light industrial/commercial. It's been a marine supply store and repair location, and now is an auto parts store. This current use is a lawful use established some time ago and permits support that, but it is a lawful non-conformity in that it is not an allowed use in the Residential High Future Land Use Map category, nor in the URM Zoning category. In 2012, the Planning Department issued a letter of understanding regarding the non-conformity, confirming that it was lawfully established and they would qualify for a fee waiver on the Planning Department's fee schedule for map amendments to bring the site into conformance. By proceeding with this request for Mixed Use/Commercial and Mixed Use Zoning, they would be bringing the use into compliance as it is an allowed use in both of those categories.

The maximum density and intensity for URM has the current development potential as five dwelling units and zero square feet of commercial. Under the proposed Future Land Use Map category of Mixed Use it would be 4.3 dwelling units and 18,750 square feet of commercial potential. However, the zoning category that they've chosen is only for .7 dwelling units and 12,500 square feet of commercial retail potential. Both are evaluated as they may request to change their zoning in the future within that umbrella Future Land Use Map category, but this is what they are requesting today.

The community character of the surrounding area is commercial, light industrial, and some high-density residential uses on the north side. This site has historically been used as a light industrial business so this map amendment does not change the character at all. It's a scarified site, Tier 3, not within any species focus areas or buffers. Staff has found it is not anticipated to have any adverse effects on the level of service standards and that it is consistent with the policies, objectives and goals of the Comprehensive Plan. The applicant has stated that the property has always been a commercial property, never used for residential uses. The designated Urban Residential Mobile Home Zoning was an error occurring as part of the development of the 1986 zoning map. Staff agrees that it was always used as commercial and has the letter of development rights determination and letter of understanding to support that. The present Urban Residential Mobile Home Zoning makes basic commercial activities such as installing a sign much more complicated and difficult. Mixed Use Zoning would alleviate this unnecessary hardship and would not result in any adverse community change. Surrounding properties are a mixture of commercial, light industrial and high-intensity residential.

Staff is recommending approval of the proposed amendment to the Future Land Use Map from Residential High to Mixed Use/Commercial; and an amendment of the Zoning Map from Urban Residential Mobile Home to Mixed Use for this property.

Mr. Bond asked for staff comment on either of these items. There were none. Mr. Bond asked for public comment on either of these items. There were none. Public comment was closed. Staff recommendation was for approval.

**ADJOURNMENT 1:24 p.m.**