

DEVELOPMENT REVIEW COMMITTEE

Tuesday, June 23, 2020

MEETING MINUTES

The **Monroe County Development Review Committee** conducted a virtual meeting on **Tuesday, June 23, 2020**, beginning at 1:00 p.m. via Communications Media Technology (CMT), a Zoom Webinar platform.

CALL TO ORDER by Emily Schemper

ROLL CALL by Ilze Aguila

DRC MEMBERS PRESENT

Emily Schemper, Senior Director of Planning and Environmental Resources
Cheryl Cioffari, Assistant Director of Planning
Bradley Stein, Development Review Manager
Mike Roberts, Assistant Director, Environmental Resources
Mayte Santamaria, Senior Planning Policy Advisor
Rey Ortiz, Assistant Building Official
Tiffany Gehrke, FDOT Representative
Judith Clarke, Engineering Department Representative
Karen Taporco, Naval Air Station Key West

STAFF MEMBERS PRESENT

Steve Williams, Assistant County Attorney
Ilze Aguila, Senior Planning Commission Coordinator

APPLICANTS & PUBLIC PRESENT

Bart Smith
Chelsea Vanadia

CHANGES TO THE AGENDA

There were no changes to the agenda.

MINUTES FOR APPROVAL

Approval of the meeting minutes for Tuesday, May 26, 2020, by Emily Schemper.

MEETING

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 130-140 SAFE HARBOR COMMUNITY CENTER OVERLAY (SHCC), ESTABLISHING PURPOSE AND INTENT, PERMITTED USES, DENSITY AND INTENSITY, OFF-STREET PARKING, REQUIRED SETBACKS, SIGNAGE AND THE BOUNDARY OF THE OVERLAY DISTRICT WHICH IS GENERALLY COMPRISED OF A

CERTAIN AREA ON STOCK ISLAND, MONROE COUNTY, FLORIDA, BOUNDED BY FRONT STREET TO EAST, FOURTH AVENUE TO THE NORTH, FIFTH AVENUE TO THE NORTH, SHRIMP ROAD TO THE WEST AND SHRIMP ROAD TO THE SOUTH BUT EXCLUDING CERTAIN PROPERTY OWNED BY THE UTILITY BOARD OF THE CITY OF KEY WEST AND CERTAIN PROPERTY OWNED BY THE FLORIDA KEYS AQUEDUCT AUTHORITY BOUNDED BY FRONT STREET TO THE EAST; AS PROPOSED BY SMITH/HAWKS, PL ON BEHALF OF LONGSTOCK II, LLC; 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 CODE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2018-169)

Ms. Cheryl Cioffari, Assistant Director of Planning, presented the staff report. This is a text amendment to the Land Development Code to establish an overlay for Safe Harbor. The purpose of the application is to implement portions of the Comp Plan as well as the Stock Island Livable CommuniKeys Plan, both Volume 1 and 2. Volume 2 includes the intra-harbor redevelopment of that area. A content meeting was held in 2018, and it was determined that the proposed text amendment would not have a Countywide impact so therefore a community meeting was not required. However, a voluntary meeting was held on December 11, and comments revolved around boundaries of the proposed overlay, impacts to existing uses, and benefits and constraints of the proposed overlay. Ms. Cioffari presented the staff report showing the general boundaries of the Safe Harbor Overlay District outlined in orange, with two parcels being within the CBRS Unit 57, as well as the majority of Safe Harbor being within the 60 to 64 DNL Zone which is shaded in pink. This area is within the military installation of impact, and portions are within the 60 to 64 DNL. Ms. Cioffari pointed out that in doing the review of the submitted language, there were two errors on the active GIS map having two parcels in Industrial FLUM which has been corrected, and which will come in as new uses are discussed. The MIAI establishes uses that are allowed and limitations on new uses. The majority of the parcels are within the Maritime Industries Zoning District so some clarification will be required relating to the proposed language of the overlay; whether any pieces of the underlying zoning will remain such as allocated density.

Ms. Cioffari stated this item had been submitted to the Navy and the County had not yet received comments. The traffic study and parking analysis is still under review. The remainder of the staff report contains the back-and-forth commentary between the consultants. There are proposals to decrease the parking requirement, though Ms. Cioffari has not yet seen the necessary backup material. If there is updated information to be reviewed, it needs to be submitted. Ms. Cioffari then reviewed the necessary modifications. The applicant had stated this is to implement the Comp Plan, and Ms. Cioffari added that it is also to implement pieces of the Stock Island and Key Haven Livable CommuniKeys Plan to reinforce the purpose of the overlay district. The second requested change is to address the inconsistency with Policy 101.5.6 regarding limitation of retail nonresidential square footage for parcels within the Maritime Industries Land Use District. Policy 101.5.6 was adopted in 2012 so the limitation of 5,000 square feet is no longer necessary. It is not possible to use an LDC text amendment to change or supersede a Comp Plan requirement. If the desire is to remove the limitation of 5,000 square feet, then Policy 101.5.6 needs to be addressed. Ms. Cioffari then reviewed minor changes

clarifying that for non-conforming intensity those types of structures should be lawfully established.

Mr. Bart Smith, representing the applicant, stated that Ms. Cioffari's table at the end of the staff report was easier to follow. Ms. Cioffari then referenced that table. The first section clarifies the purpose and intent of the overlay district. Staff has requested a map be provided to clearly identify the outlay of the proposed overlay district. The current language under Section C, relating to 101.5.6, shows multiple dates, so the applicant needs to clarify which dates should be used, and address the change for the 5,000 square feet. Nonresidential structures which are non-conforming to intensity must be shown to be lawfully established. There are sections that allow for transfers into the Safe Harbor Overlay District. The text discusses permitted and conditional uses that will be established within the overlay section, and what the maximum hotel/motel and nonresidential intensity is. Sections inconsistent with the Comp Plan within the MIAI and within the Industrial FLUM category have different allowances than the parcels in the Mixed Use FLUM category which needs to be addressed. Policy 108.2.6 says that the County will not approve any new land uses within the MIAI. Ms. Cioffari presented the types of uses that are allowed within the MIAI. Light industrial historically has been classified under Mixed Use Commercial and is treated as a permitted use in the MIAI, but heavy industrial is not permitted. Under Industrial FLUM it requires industrial manufacturing warehousing, but the Comp Plan is very clear that if that use is not specifically called out, the County can't add it. This has raised questions when going through the types of uses being proposed. If there were no comments to the proposed uses, Ms. Cioffari did not call them out. Existing heavy industrial uses would fall under redevelopment of lawfully-established heavy industrial uses, but the problem is under the Mixed Use FLUM in the MIAI, it is not a permitted use.

Mr. Bart Smith stated that this came from having heliports and seaplane ports, and that the applicant is fine with eliminating those. Ms. Cioffari clarified that it was not specifically called out under the MIAI in the Comp Plan, though airports and aviation are called out in other FLUM categories under the MIAI. Mr. Smith reiterated that it could be eliminated. Ms. Cioffari continued, heavy industrial is also not consistent with the Mixed Use FLUM category in 101.5.6. It does allow for redevelopment of lawfully established but still conflicts with the MIAI. Ms. Cioffari did not see anything specific that would create an issue with the other uses. There was a use size that was missed between the 5,000 to 10,000 square feet office, commercial retail that was not covered at all. Ms. Cioffari noted that the applicant may want to use some discretion when including any language related to vacation rentals which are prohibited. Mr. Smith stated that he understood. Ms. Cioffari then pointed out that the proposed text amendment does not specify uses greater than 5,000 but less than 10,000 of commercial retail, office, restaurant uses or any combination thereof, and she was not sure if that was intentional or an oversight. Marinas should be revised to comply with Policy 202.3.1, which includes language for providing dedicated sewage pumpout facilities or services. For hotel/motel, minimum space had been discussed, clarifying that the allocated density remained the same and all that is being proposed is the max net density. Mixed Use Zoning and Maritime Industries does provide a number of rooms per acre, but the two parcels zoned Industrial do not have a max net density are not available for hotel rooms. The proposal to increase it to 20 units would be inconsistent with Policy 101.5.25 and the MIAI 108.2.6. Mr. Smith clarified that that was not included. Ms. Cioffari continued, under Mixed Use it is consistent with the FLUM but there would still be an

increase from 15 to 20 units in Maritime. Regarding the maximum non-residential floor area and intensity, the maximum FAR within the MIAI is limited to .45; in the Mixed Use Commercial FLUM it is .6 for light industrial uses. When the two are inconsistent the more restrictive is applied. The MIAI was adopted prior to the Mixed Use Commercial by six months, and when the Mixed Use Commercial was modified it did not include any changes to the MIAI. This is an inconsistency. There were other clarification points relating to certain terms that came out in the FAR or in the parking but not in the permitted uses and those discrepancies were amended. Staff is requesting additional clarification on working waterfronts.

The parking circles back to the additional documentation needed for the parking study. Staff recommends inclusion of language for consistency with 114-67, including things such as aisle widths and access points. There are provisions in the Stock Island Marina Plan addressing use of more scooter spaces, location of parking, and potential reduction of parking based on certain uses. A lot of changes weren't recommended other than the applicant taking a look back through those documents to see if there's anything additional they wish to achieve with modifying the parking. There were revisions to the front yard and shoreline setbacks. The applicant may want to revisit the Stock Island Livable CommuniKeys Plan to see what the recommendations are for modifying side yard and rear yard setbacks. There was mention of streetlights and landscape lighting in the front yard setbacks and staff recommends revisions to clarify consistency with the outdoor lighting and further relaxation of fencing, if considered. There are consistency issues with the shoreline setback. The language submitted for signage was to recognize the parcels that existed in 1998, and establish the maximum signage per parcel as determined by those existing parcels. Ms. Cioffari questioned the need to go back to 1998 parcel maps, and asked whether there if there would be a way to achieve the desire of the overlay district without requiring proof of parcel lines from 1998. Having reviewers go back and look at 1998 maps would be tedious and time consuming. In the LCP there are recommendations to signage that aren't as specific but talk about way finding and the maritime theme. There may be action items to pull from that may better support and yield a better recommendation on signage. The CBRS restrictions relate to the two parcels within the CBRS, but the majority of the overlay district is not in that area.

Ms. Schemper interjected that in the Code and Comp Plan regulations about CBRS say it's overlaid to all areas that the federal maps map as CBRS, except for the Safe Harbor entrance channel within System Unit FL-57. Ms. Santamaria clarified that it does include those units, but indicates the County would support its removal. Until it is removed, it is a CBRS unit. Ms. Cioffari added that the fix to that would be to include language to specify that no actual dwelling or transient units be transferred to the portion of a parcel identified within the CBRS Unit FL-57. By not putting any units into that portion of the parcel, the rest of the parcel would be fine for redevelopment, so minor modifications to the language would make it consistent with Policy 101.1.13. Ms. Cioffari concluded that those were the main clarification points, but there are others in the staff report that have more nitty-gritty details. Ms. Schemper had no further questions and asked if staff had any questions or comments.

Ms. Karen Taporco, the new Community Liaison Officer for NAS Key West, provided the Navy comments. This Safe Harbor Community Center Overlay District is within the MIAI and the 60 to 64 DNL noise contours. The AICUZ study of February 2018 indicates the types of uses generally compatible, but they become less compatible as density and intensity increase. The

Navy would request continued coordination regarding additional new uses such as heavy industrial, heliports and seaplane ports for compatibility of those land uses within the Navy operations, and early coordination on the height of new developments and when things such as cranes would be utilized. The Navy asked that disclosure statements and sound attenuation measures be considered for the 65 DNL noise contour, that no drone activities be allowed on site, and to possibly include signage for awareness.

Ms. Tiffany Gehrke, the FDOT Representative, stated that she does not see how any of this would affect FDOT directly, but indirectly with increased intensity and use of a parcel, it may impact the capacity of the roadway, especially the closest intersections. The increase in traffic will need to be reviewed prior.

Ms. Barbara Powell, Department of Economic Opportunity, asked regarding the MIAI, some of the density issues, the Wrecker's Cay density that may transfer into this same area, and if these conflicts were solvable or if there were other things that would need to be done. Ms. Cioffari responded that the main increase was in the Maritime Industries Zoning District which comprises the majority of the overlay. It is set up as a max net density so the increase would be from 15 to 20 units, and Ms. Cioffari requested that it be specified as buildable acres. The increase looks scary at first look, but the push-back to that argument is that it is required to transfer development rights in so it can't suddenly go from 15 to 20 units. The analysis of what that actually means on the ground does not need to be done as the increase would be balanced by moving development rights elsewhere.

Mr. Bart Smith interjected that this is not increasing density for residential uses and is solely for hotel uses. Wrecker's Cay has 80 market rate dwelling units which cannot be transferred into this overlay. The only use allowed in the overlay for residential, except for two parcels at the corner of Front Street and Shrimp Road, are all zoned Maritime Industries. So the max net density for residential is two units per acre and is limited to commercial apartments or employee housing, which means 1.6 units per acre for employee housing. The real inconsistency is being eliminated. The industrial use does not have an allocated or max net density for hotels so that will be eliminated for Industrial FLUM in the Safe Harbor Overlay. Ms. Powell also reconfirmed that Mr. Smith was okay with eliminating the heliports and seaplane ports, indicating that would make the tower person very happy. Ms. Cioffari made Mr. Smith aware that internal staff had been inquiring as to the increase in hotel units which would continue to come up. Mr. Smith stated that he understood. Ms. Cioffari asked Ms. Powell if she wanted any further information on the density in MIAI. Ms. Powell had just wanted confirmation that there would be no increases in the MIAI overlay and stated that she would follow through on the reviews. Ms. Cioffari indicated a revision of language would be expected based on today's meeting, and then staff would like to review it and either bring the item back to DRC or make the changes and move it forward. Mr. Smith confirmed that the language would be refined.

Ms. Schemper stated her preference to bring this back to DRC to review in a more cleaned-up form prior to going to the Planning Commission. Mr. Smith stated that changes could be turned around in the next week and he would want it to be on the July DRC. Ms. Schemper agreed. There was no further public comment. Public comment was closed.

2. WRECKERS CAY APARTMENTS AT STOCK ISLAND, 5700 LAUREL AVENUE, 6325 FIRST STREET AND 6125 SECOND STREET, STOCK ISLAND MILE MARKER

5: A PUBLIC MEETING CONCERNING A REQUEST FOR A MAJOR CONDITIONAL USE PERMIT BY WRECKERS CAY APARTMENTS AT STOCK ISLAND, LLC. THE REQUESTED MAJOR CONDITIONAL USE RELATES TO THE PROPOSED DEVELOPMENT OF UP TO TWO HUNDRED EIGHTY (280), MULTIFAMILY DEED-RESTRICTED AFFORDABLE DWELLING UNITS, WITH A PLAYGROUND AND POOL. THE SUBJECT PROPERTY IS DESCRIBED AS THREE PARCELS OF LAND IN SECTION 35, TOWNSHIP 67, RANGE 25, STOCK ISLAND, MONROE COUNTY, FLORIDA, HAVING PARCEL ID NUMBERS 00124540-000000, 00124550-000000 AND 00124560-000000. (FILE 2020-078)

Mr. Bradley Stein, Development Review Manager, presented the staff report, indicating that the majority of the information had been provided in the description. This site was formerly The Water's Edge, Tropic Palms, and Woodson Trailer Park, and this project is at the stage where it is going with the Conditional Use Approval. The site is roughly 7.6 acres, but potentially 9.1 acres with the proposed road abandonments, and was previously developed primarily with mobile homes and RVs. Relevant County actions are the adopted Comp Plan Policy 101.5.25 and the Subarea Policy under Goal 111 allowing for the change in density; and Land Development Code Section 130-157 allowing for increased density. Other items would be the change of LUD from Urban Residential Mobile Home to UR, the adopted resolution for the reserve of the 280 ROGOs, the Development Agreement, and the road abandonments. The Development Agreement is contingent upon the road abandonments. Mr. Stein reviewed the areas were determined to be not in compliance. The County's traffic consultant had responded with comments and staff is working through some issues. Staff recommends this not go to the Planning Commission until the issues are worked out, such as potential mitigation for additional trips. Currently the site is compliant with open space. The County is requesting the applicant reserve an area of approximately 2,500 square feet for the future potential location of walks, parking and the building. This will save a step in the future. Under Section III.D.e. and III.F., reservations or dedication of land, "Wrecker's Cay shall provide Monroe County a shoreside access facility open to the public, subject to reasonable rules and regulations and hours, which shall provide a minimum dinghy dockage for a mooring field with up to forty mooring balls, dockside pumpout facility, trash/recycling receptacles, along with an area to develop a minimum of 400 square foot office/amenity building. Monroe County shall be responsible for the cost of the development and all costs of operations of the shoreside access facility. The dockside facility identified on the southeast corner of the Wrecker's Cay property is conditionally accepted so long as the preceding requirements can be met." So the potential future area needs to be reserved as far as the open space requirements on the site with any potential for that future development.

Currently on the site plan a fence is shown but there is no detail for the fence height and type of material but the location is generally in the right place. Floodplain management is typically reviewed at the permitting stage. Required off-street parking under the Development Agreement is one parking space per bedroom for a total of 488 parking spaces. There are some discrepancies in the tables on the numbers from what is actually shown on the site plan. There are roughly 408 regular-size parking spaces that are a combination of ADA, garage and surface parking spaces, and then a proposed 90 scooter parking spaces, for a total of 498. This is being worked through. Under the Livable ComuniKeys Plan there is a provision that non-residential

properties can do a 20-percent reduction in scooter parking, but that doesn't necessarily apply to residential units, and there is currently discussion on whether that should apply with a mitigation factor. The table breakdown has some minor discrepancies with the site plan and minor changes are being requested to correct it. Two-way traffic requires a 24-foot aisle width. Some areas coming in and out of the buildings are tight and should be made to meet the code. Outdoor light is mentioned but there is no photometric plan. Compliance with signage needs to be determined as no detail has been provided. A total of seven recycling and solid waste collection areas are being proposed. Eleven are required under the current Code for a total of 2,640 square feet. There were 29 ADA parking spaces shown on the plan. The traffic study comments must be addressed with the County's traffic consultant engineer to be satisfied that parking meets the minimum requirements of the Development Agreement of one parking space per bedroom. All parking spaces must meet minimum dimensions of 8.5 feet by 18 feet in accordance with LDC Section 114-67. All two-way drive aisles must meet the minimum aisle width required of 24 feet. Clear-sight triangles were not depicted on the site plan and must be shown. All comments provided on the Engineering Services memo dated June 12, 2020, must be addressed. Prior to approval of the COP, the two requested right-of-way abandonments portion of Laurel and MacDonald Avenues and First Street must be approved by the BOCC and effective. Prior to issuance of a building permit site lighting details and a photometric plan should be provided demonstrating compliance with Chapter 114. The scope of the work needs to be found in compliance with the Building Code.

Ms. Judith Clarke, Engineering Department Representative, stated that on the site plan by the entrance on Second Avenue, there were some stray lines on the site plan which need to be clarified or removed. Same with the intersection of First Avenue and First Street area, there is a structural walkway or something on the right-of-way which needs to be clarified or removed. Anything proposed to be constructed on the right-of-way would need a separate engineering permit. Ms. Clarke didn't see any driveway connections or details and the standard right-of-way permit application requirement would apply to make sure the driveways and access roads as they connect to the County rights-of-way don't drain the stormwater down onto the roads. There is a discrepancy in the letter to Ms. Schemper referencing the intersection of U.S. 1 and First Street as a signalized intersection, which it is not; it is an emergency signal. Same with the connection on U.S. 1 and Second Street which is not a County maintained road. Third Street and U.S. 1 is properly identified as an emergency beacon. Ms. Schemper then asked for questions or comments from staff.

Ms. Taporco, Community Liaison Officer for NAS Key West, stated that before any action is taken on the transfer of development rights, she would like an opportunity to discuss AICUZ impacts. Ms. Taporco also requested that disclosure statements be considered on attenuation measures, meaningful disclosures, and the same kinds of things mentioned previously. Ms. Schemper confirmed that she was referring to transfer of development rights or ROGO exemptions off the property. Ms. Schemper stated that this application does not affect that transfer as it will be a separate application but made a note of that.

Ms. Gehrke, FDOT Representative, noted that this will impact U.S. 1 and the intersections that cross U.S. 1, particularly those in close proximity to the development. The impact on those intersections will need to be looked at. This type of development may benefit from an easy

access to a transit stop and she suggested keeping Key West Transit in the loop as this may eliminate a lot of the resulting traffic congestion. Mr. Bart Smith, speaking for the applicant, stated that all of the current location has stops within a two-block radius. Ms. Gehrke added that her concern is about the access along the side streets to the bus stops, and suggested it be evaluated. Mr. Smith explained that there are ample sidewalks on Maloney, and that Second Street will have an internal sidewalk that connects to Maloney. Ms. Gehrke stated that encouraging people to use public transit helps everyone involved. Ms. Schemper confirmed the location referred to on the site plan with Mr. Smith, and that all of the bus stops were within two blocks of the property. Ms. Clarke interjected that she did not know that those curved lines she previously spoke of were to be sidewalks. Mr. Smith indicated that he was aware those would require additional permits. Ms. Clarke noted that adding sidewalks impacts drainage, but agreed the connectivity made sense. Ms. Schemper indicated that the consultant's traffic study review had been recently received and that staff was still working on some issues with that which must be settled prior to going before the Planning Commission. Ms. Schemper then asked for public comment.

Mr. Van Fischer, representing Roy's Trailer Park, asked whether the public access, public beaches and other waterfront areas would not be affected by this project, and if part of the assumption was that the road abandonments would be approved or whether there was some other component that dovetails with the shoreline facility. Ms. Schemper responded that this staff report assumes the road abandonments will be approved. Considering the property, site plan and road abandonments being approved it would change the layout, but it is definitely not an issue for the Conditional Use Permit. The road abandonment controversy will be heard in July by the Planning Commission so there will be more discussion on that.

There was nothing further from staff or the public.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 2:20 p.m.