

DEVELOPMENT REVIEW COMMITTEE

Tuesday, February 21, 2017

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, February 21, 2017**, beginning at 1:00 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL by Ilze Aguila

DRC MEMBERS

Mayte Santamaria, Senior Director of Planning & Environmental Resources	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Emily Schemper, Comprehensive Planning Manager	Present
Kevin Bond, Planning & Development Review Manager	Present

STAFF

Steve Williams, Assistant County Attorney	Present
Devin Tolpin, Planner	Present
Ilze Aguila, Sr. Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

There were no changes to the agenda

MINUTES FOR APPROVAL

Ms. Santamaria approved the meeting minutes of Tuesday, January 24, 2017, with no changes.

MEETING

New Items:

1. HENDERSON BUILDING/KLOZA/CARICO, INC., OVERSEAS HIGHWAY, BIG PINE KEY, MILE MARKER 30: A PUBLIC MEETING CONCERNING A REQUEST FOR A MINOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE DEVELOPMENT OF A PROPOSED 8,000 SQUARE FOOT BUILDING WITH 2,600 SQUARE FEET OF COMMERCIAL RETAIL, LOW-INTENSITY AND OFFICE USES AND SIX ATTACHED DWELLING UNITS DESIGNATED AS EMPLOYEE HOUSING. THE SUBJECT PROPERTY IS DESCRIBED AS A PARCEL OF LAND IN SECTION 26, TOWNSHIP 66 SOUTH, RANGE 29 EAST, BIG PINE KEY, MONROE COUNTY, FLORIDA, ALSO KNOWN AS LOTS 12 AND 13 OF AN UNRECORDED PLAT OF SURVEY BY C. G. BAILEY, REG. FLORIDA LAND SURVEYOR, NO. 620 AND DATED SEPTEMBER 19, 1952, HAVING REAL ESTATE NUMBER 00111560-000000.
(File #2015-218)

Mr. Kevin Bond presented the staff report. This is a minor conditional use permit application for an 8,000 square foot building consisting of 2,600 square feet of low-intensity retail, office uses and six attached employee housing units. The property is in the Suburban Commercial Zoning district and the Mixed Use Commercial FLUM category, Tier 3. This application came to DRC in January of last year for review but due to some compliance issues, the application has been on hold awaiting the new Land Development Code to become effective. The main issue at that time was access along the U.S. 1 side of the property. These are all new dwelling units so the six units will be subject to ROGO as affordable housing. The square footage on the non-residential side is replacement of existing lawful square footage and will not exceed the lawfully established amount. The review as a minor conditional use is for the number of attached dwelling units and amount of floor area. Based on the trip generation, it is a low-intensity commercial retail use. The land use intensity is now in compliance.

Ms Santamaria asked if the compliance was based on non-residential being 27 percent and the residential being 67 percent, with the residential not counting against the commercial. Mr. Bond confirmed that to be correct, noting there were some minor corrections to the calculations that have been worked out. This project is using the shared parking option requiring 18 spaces, with 19 spaces being proposed. Bicycle parking is also in compliance with staff recommending verification that the new bicycle parking criteria is met.

The main reason the project had been on hold had to do with access standards. Two access points are proposed, one inbound-only on U.S. 1 and an exit-only driveway onto Sandy Circle in the back. On the U.S. 1 side, the access point would not have met the 400-foot driveway spacing requirement, but the new code has an exception to that providing it's in a section of highway at 45 mph or less, allowing for a permit from FDOT that meets their standards. With that option, the access is in compliance subject to that FDOT access permit. Two issues at the last DRC meeting have been resolved pertaining to the rear driveway configuration along Sandy Circle and the adding of a pedestrian walkway next to the U.S. 1 driveway. Staff is requesting that prior to the issuance of the development order the minimum dimensions for the bike rack be verified and indicated on the site plan. Applicant must also provide the letter of understanding from FDOT referring to the U.S. 1 access or a letter stating no additional improvements are necessary; and obtain the six affordable ROGO allocations.

Ms. Santamaria asked for further staff comment. Mr. Roberts mentioned there were some stormwater and landscaping comments in the staff report and asked Ms. Mitchell if she had any questions or concerns regarding that. Ms. Mitchell of Mitchell Planning and Development, the agent for the project, stated landscape plans had been resubmitted which she thought were in compliance with the landscape code. The buffers were found to be complaint and she believes the calculations for the interior parking lot landscaping were also satisfied. If they have not been satisfied, she needs to know why. Mr. Roberts responded that it was hard to determine because the new code is based on the square footage of parking lot and access ways and that was not specifically culled out in the plans. Ms. Mitchell pointed out a sketch she had prepared outlining the gross parking area. Mr. Roberts indicated he did not recall seeing that. Ms. Mitchell stated if that was the only issue, then they should now be in compliance as she has updated the chart and calculations. Ms. Santamaria indicated they would review it all after the meeting. Mr. Bond noted that these plans had not been received until after the staff report was completed, which is

probably why Mr. Roberts hadn't seen them. Ms. Mitchell also indicated a site plan was ready to submit into the record to fulfill the requirement for bicycle area dimensions. Mr. Horn, architect, indicated the dimensions were blown up and detailed on A2, which were signed and sealed.

Ms. Santamaria asked for further staff comments. There were none. Ms. Santamaria asked if the applicant needed to add anything further. Ms. Mitchell stated she was very happy to have gotten to this point, was thankful the contract was able to be extended and is looking forward to moving the project forward and getting some affordable housing on Big Pine. Ms. Mitchell asked if application for all six ROGO units could be applied for at one time. Ms. Santamaria indicated that they could be. Ms. Mitchell asked if the ROGO could be applied for prior to approval of the plans, and Ms. Santamaria indicated that it could not. Ms. Santamaria then asked for public comment.

Ms. Deb Curlee of Cudjoe Key inquired as to the safety of the exit onto Sandy Circle and asked if the changes addressed that. Ms. Santamaria stated that the driveway was changed and is in line with the current roadway configuration. Ms. Curlee asked if the five issues in the backup having to do with the traffic questions had been addressed. Ms. Santamaria asked if Ms. Curlee was referring to the dumpster and driveway configuration and confirmed that had all been resolved. Mr. Bond stated there should have been a follow-up letter indicating all of those had been addressed.

Mr. Bill Hunter of Sugarloaf Key asked if the affordable housing ROGO were available today. Ms. Santamaria responded there were 18 available. Mr. Hunter asked if the NROGO that is required for this project was coming from the old property. Ms. Santamaria indicated that was correct. Mr. Hunter asked how long that NROGO stayed with the property. Ms. Santamaria responded until it was used or transferred off.

Ms. Santamaria asked for further public comment. There was none.

2. BOONDOCKS / RAMROD PLAZA, 27205 & 27219 OVERSEAS HIGHWAY, RAMROD KEY, MILE MARKER 27.2 GULFSIDE: A PUBLIC MEETING CONCERNING A REQUEST FOR A MINOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE PROPOSED INCREASE FROM 210 TO 290 SEATS FOR THE EXISTING COMMERCIAL RETAIL RESTAURANT USE AND A NEW PARKING LOT AT RAMROD PLAZA. THE SUBJECT PROPERTY IS DESCRIBED AS PARCELS OF LAND IN SECTIONS 29 AND 32, TOWNSHIP 66 SOUTH, RANGE 29 EAST, RAMROD KEY, AND PART OF FORMER STATE ROAD 5 RIGHT-OF-WAY (U.S. 1), MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00114030-000500 AND 00114030-000600.
(File #2015-180)

Mr. Kevin Bond presented the staff report. This minor conditional use permit is for an increase in seating from 210 to 290 seats at Boondock's Restaurant on Ramrod Key and a new 49-space parking lot for the adjacent office building property. It is being reviewed as one aggregated site. There is no increase in any structure size. The property is located in the Suburban Commercial Land Use district, the Mixed Use Commercial FLUM category and is Tier 3. Mr. Bond

discussed the compliance issues relating to discrepancies between the plans and the traffic study. There are square footages that are different between the study and floor-area breakdowns on the plans and once those are cleaned up, a lot of the compliance issues should be resolved. It is important to get these corrected as it relates to the intensity calculations which need to be kept in the medium-intensity use category to stay within a minor conditional use permit. This can be accomplished with either an addendum to the traffic report or revision to the traffic study. Trips need to be calculated based on floor area as opposed to seats. The applicant stated that an addendum would be done.

Mr. Bond added that this project had waited for the new code to become effective due to the non-conforming driveway access on U.S. 1. There are two driveways/access points which will not change with this proposal, but because of the expansion of the use, it triggers bringing it into compliance. This property can take advantage of the new exception to the 400-foot rule providing FDOT issues an access permit. Mr. Jim Reynolds of Reynolds Engineering Services asked if there was any official process for that waiver. Ms. Santamaria responded that he must go through FDOT and apply there. FDOT will issue a letter of intent indicating whether anything is needed. If FDOT approves it, then the County can approve it. Mr. Bond indicated it was not like a variance and that it could be done as of right.

Mr. Bond continued that there was one encroachment with a part of the parking area along the Old Highway that needs to be fixed. Off-street parking is more or less in compliance but using the shared parking calculation brings down the parking requirement from 116 spaces under the standard calculation to 106 spaces so this calculation needs to be added to the plans. The proposal adds 38 new spaces to the existing amount, overall increasing parking and bringing the property into compliance with the off-street parking standards, which is great. Mr. Bond added a minor comment regarding the bicycle parking requirement and the need to meet the minimum dimensions found in the new parking criteria in the code. Currently there are two 11-by-25 loading spaces behind the office building and the code requires a single 11-by-55, so those need to be combined.

Mr. Bond stated that before the development order for the minor conditional use could be issued, staff is requesting a revision to the plans to account for the discrepancies with the floor area calculations, adding the shared parking calculations, addressing the encroachment in the setback in the back, the bike rack details and the loading space. Mr. Bond asked Mr. Roberts if he had any comments on the landscaping. Mr. Roberts stated full compliance with the new landscaping code would not be met due to the site constraints, that there was no way to do it. However, the new code allows for the director's approval of coming into compliance to the greatest extent practical. This will need to part of the minor conditional use. For that to be approved as part of the minor CDP some revisions are needed prior to the building permit.

Mr. Reynolds asked if there was someone he could work with on that and Mr. Roberts indicated he would help with whatever was needed. The biggest issue is parking lot landscaping credit had been taken for portions of the U.S. 1 buffer and it can't be counted for both. Mr. Roberts' calculations indicate approximately 13,700 square feet of parking area, which requires 20 percent of that to be landscape area for parking, not buffers. The existing conditions preclude that but staff would like to see incorporation of the plant number and species mix into the existing

buffers, plus what parking lot landscaping can be provided. If possible, break up some of the long lines of parking parallel to U.S. 1. Also, under the new code, no more than 10 percent of the canopy can be palms. Mr. Reynolds stated that Boondock's wants to emulate what's been done in front of the restaurant and in front of the office plaza which is why there are a lot of palms. Mr. Roberts indicated that was going to be an issue, that the native criteria needs to be met along with cutting down on some of the palms.

Ms. Santamaria asked for further staff comment. Mr. Bond highlighted the one recommended condition as being the notice of intent letter from FDOT, which Mr. Reynolds indicated is in the works, and that everything else was pretty standard. Mr. Reynolds asked if they could move forward with the permits for items such as the hydrant and dumpster installations and maybe some gravel parking prior to the minor conditional use approval. Ms. Santamaria responded that if it was all related to the added parking area for the seating, he would need to wait. Ms. Santamaria asked for public comment.

Mr. Steve Williams, Assistant County Attorney, asked about increased noise from the extra seats as a new ordinance was drafted last year and Boondock's was one of the two reasons why that had needed to be done. Mr. Williams believes this would be a good opportunity to do some noise attenuation and sound abatement, presuming that adding 80 more seats will create roughly 33 percent more noise. Ms. Santamaria asked if he was suggesting adding in criteria from the noise ordinance. Mr. Williams stated it is already in the code and the law, but believes it should definitely be included, believing the property owner would want to voluntarily take steps to assure this isn't a problem in the future.

Mr. Lanny Gardner, owner of the property, stated he is unaware of any noise ordinance violations. There is live music seven nights a week, ending at 10:30 during the week and at 11:00 on the weekends. Maybe 10 years ago, he went through an issue with noise. Code enforcement came out with the Db meters and no issues were found. Mr. Williams stated he was aware of issues as recently as six months to a year ago where Boondock's was the only reason given at that time for the new ordinance. If possible and if the cost is not too great, this would be a good time to address it. Mr. Gardner asked what needed to be addressed. Mr. Williams stated he would be contact with Mr. Gardner and share the information he had. Ms. Santamaria pulled up the noise ordinance which is Section 17 of the Code of Ordinances in the LDC, reading that there can't be any sound equaling or exceeding a sound level of 75 Dba or 84 Dbc for more than 10 percent of any measurement period. She asked if Mr. Gardner would be opposed to citing the existing code within the plans. Mr. Gardner indicated the existing code was fine as he does not believe he is in violation. Over the past 15 years he has never been found to be in violation so this is all news to him.

Ms. Deb Curlee of Cudjoe Key recalled that there were some sewer issues requiring Boondock's eliminating some seating. Her question is whether this is an increase of 80 seats from that time, if this replaces those seats or is this 80 in addition to what they had before they had to make the prior reductions. Ms. Santamaria stated she is unaware of seats being eliminated, but there were some sewer issues in terms of connection. The sewer is now connected. This request is for additional seats from their past approval. Ms. Curlee stated it was her recollection that they had too much seating in conjunction with their sewer. Mr. Gardner stated they were fully in

compliance with a capacity for 300 seats so the sewer is overbuilt for what's needed. Ms. Curlee asked what the total seats with the addition would be. Mr. Gardner stated it would be 290 seats.

Mr. Hunter of Sugarloaf Key had a question regarding the use of the other building with the shared parking calculations and whether this included a change in use for that building. Ms. Santamaria responded that the other building is office space and is included with the adjacent restaurant. Mr. Bond added that the building could be either retail or office, but is currently office. Mr. Hunter stated that his concern is whether the shared parking calculations envision the building use changing causing there to no longer be enough parking. Mr. Bond stated that one of the tradeoffs with using the shared parking calculation is the requirement to reassess that requirement whenever the use is changed. Mr. Hunter reiterated that he wanted to confirm that parking would be triggered if the building use changed. There was no further public comment.

3. HABITAT FOR HUMANITY OF KEY WEST AND THE LOWER FLORIDA KEYS, INC., VACANT PARCEL LOCATED ON THE OVERSEAS HIGHWAY BETWEEN SAPPHIRE & EMERALD DRIVES, BIG COPPITT KEY, MILE MARKER 10.5: A PUBLIC MEETING CONCERNING A REQUEST FOR A MINOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE PROPOSED DEVELOPMENT OF TEN (10) ATTACHED AFFORDABLE HOUSING DWELLING UNITS. THE SUBJECT PROPERTY IS DESCRIBED AS PART OF TRACT B, PORPOISE POINT, SECTION 5, ON BIG COPPITT KEY (PB5-119), MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00156320-000000.

(File #2016-140)

Ms. Santamaria announced that Mr. Kevin Bond would be presenting the staff report for Mr. Devin Rains. Mr. Kevin Bond stated this was another minor conditional use permit application for a total of 10 attached residential dwelling units designated as employee housing. The proposed development consists of two duplexes and two triplexes comprising eight three-bedroom and two two-bedroom units. Some units will face Emerald Drive to the west and some will face Sapphire Drive to the east. The development includes 29 off-street parking spaces, with 28 spaces being required, one being an ADA space and two being parallel spaces, as well as landscaping buffers and some other accessory structures. The property is located in the Suburban Commercial Land Use district, the Mixed Use Commercial FLUM category, and is within the Tier 3 overlay. This is a reapplication from a prior minor conditional use approval in 2008 that expired a few years ago. The prior project was for 12 units and this is for 10. This development is subject to ROGO allocation awards as affordable housing. At this point there are no compliance issues other than a couple of minor things such as clear-sight triangles at the driveways on the landscape and site plans and to indicate the dimensions of the parallel parking spaces. Staff is recommending two conditions. One is to require the 10 ROGO allocation awards prior to issuance of the building permit; and the units will be subject to compliance with the affordable housing standards as employee housing including the seven percent income requirement within the County.

Ms. Santamaria added for the record that this property is owned by Monroe County and a 99-year lease has been provided to Habitat for Humanity for the development of affordable housing. Ms. Santamaria asked for further staff comment. There being none, Ms. Santamaria asked if the

applicant would like to speak. Mr. Mark Moss, Executive Director and Agent for Habitat for Humanity, expressed his gratitude to staff for their help in getting this project to the present point. Ms. Santamaria then asked for public comment.

Mr. Bill Hunter of Sugarloaf Key wanted to confirm this was going to be employee housing and not affordable housing. Ms. Santamaria responded that this is employee housing based on the Suburban Commercial district and the conditions included. Mr. Hunter wanted to confirm that 28 parking spaces are required with 29 being provided and that there was no setback or landscaping variances within 35 feet. Ms. Santamaria indicated this was correct. Mr. Hunter asked what the income level was on the project and Ms. Santamaria replied that nothing was specified today on income level. Mr. Bond interjected it would be very low, low to moderate. Mr. Hunter added this was admirable. There was no further public comment.

Ms. Santamaria indicated that Items 4 and 5 would be heard together as they are both text amendments to the Comp Plan and Code on the same topic.

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY COMPREHENSIVE PLAN TO INCLUDE A DEFINITION OF PERIMETER CANAL IN THE GLOSSARY; AMENDING POLICY 202.4.3 AND CREATING NEW POLICY 202.4.4 TO ALLOW MAINTENANCE DREDGING ADJACENT TO DUCK KEY IN ORDER TO RESTORE NAVIGATIONAL ACCESS; LIMITED TO PREVIOUSLY DREDGED CANALS, PERIMETER CANALS, AND BASINS WITHIN 200 FEET OF LAND; NOT TO EXCEED DEPTHS OF GREATER THAN MINUS SIX FEET MLW; PROVIDED THERE IS NO DEGRADATION OF WATER QUALITY OR IMPACT ON SURROUNDING BENTHIC RESOURCES; REQUIRING MITIGATION FOR IMPACTS WITHIN THE DREDGED AREA; AS PROPOSED BY DEMETRIO BRID; 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; PROVIDING FOR AN EFFECTIVE DATE.

(File #2016-183)

5. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND DEVELOPMENT CODE SECTION 118-10 – ENVIRONMENTAL DESIGN FOR SPECIFIC HABITAT TYPES; TO ALLOW MAINTENANCE DREDGING ADJACENT TO DUCK KEY IN ORDER TO RESTORE NAVIGATIONAL ACCESS; LIMITED TO PREVIOUSLY DREDGED CANALS, PERIMETER CANALS, AND BASINS WITHIN 200 FEET OF LAND; NOT TO EXCEED DEPTHS OF GREATER THAN MINUS SIX FEET MLW; PROVIDED THERE IS NO DEGRADATION OF WATER QUALITY OR IMPACT ON SURROUNDING BENTHIC RESOURCES; REQUIRING MITIGATION FOR IMPACTS WITHIN THE DREDGED AREA; AS PROPOSED BY DEMETRIO BRID; 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 LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE.

(File #2016-184)

Ms. Emily Schemper presented the staff report for Items 4 and 5. These two amendments have been submitted by Demetrio Brid who is representing the Duck Key Community Benefit. These amendments to both the Comp Plan and the Code are being requested to create policy allowing maintenance dredging adjacent to Duck Key to restore navigational access to previously dredged canals, perimeter canals and basins within 200 feet of the land. This topic came up back in 2014 when the BOCC was reviewing the update to the Comp Plan. At that time the Board discussed adding amendments to allow maintenance dredging at the mouth of canals to restore or maintain navigational access. The final outcome of that was the Board had directed staff to remove those amendments from the Comp Plan update so no changes were made. In October of 2015, at a regular BOCC meeting, there was a sounding board item by a representative of Duck Key property owners who spoke to the Board about navigational issues in Duck Key canals and the possibility of doing some maintenance dredging. Duck Key had an engineering study done showing which portions of their canals had been silted in to less than five feet and they were asking for the potential for amending the Comp Plan and Code to allow them to maintenance dredge these areas, even though they had seagrass and other resources.

The BOCC discussed the possibility of an amendment such as that and asked staff to bring back some potential actions. In January of 2016, at another regular BOCC meeting, staff brought the BOCC some potential language to allow maintenance dredging in canals with seagrasses to maintain navigability. The language staff provided at that meeting is very similar to what the applicant is proposing here. During that discussion the BOCC gave the following direction to staff:

First, the Duck Key property owners should apply for the applicable text amendments. Second, the BOCC would be willing to consider such amendment if limited to previously dredged manmade canals and possibly previously dredged manmade perimeter canals, but not for open water basins or channels. Third, the BOCC was favorable towards changing proposed language storm deposition to sedimentary deposition or natural sedimentary deposition or something similar, which was based on a comment from the public. Fourth, the BOCC was favorable towards limiting eligible canals to those adjacent to developed properties or those needed to maintain some sort of continuous transportation from developed properties to open water or some sort of similar language. Finally, they were not in favor of allowing maintenance dredging in areas of benthic resources in channels, even if at the mouth of a canal, and a channel being an area where both edges are under water.

The applicant's proposed language is largely based on the language that staff had come up with at that January 2016 BOCC meeting, adding a definition to the glossary of the Comp Plan for perimeter canal. This is to distinguish between canals that are within an island with land on both sides and canals that go along the perimeter of an island. It amends Policy 202.4.3 which currently says no maintenance dredging shall be permitted within areas vegetated with seagrass beds or characterized with hard bottom communities except for maintenance and public navigation channels to say that in channels, no maintenance dredging shall be permitted in areas

vegetated with seagrass beds, et cetera. In canals and perimeter canals, maintenance dredging may be permitted within a previously dredged artificial canal or artificial perimeter canal including areas vegetated with seagrass beds or characterized with hard bottom communities to restore navigational access due to natural depositions and preserve the function of the artificial canal subject to the requirements in Policy 202.4.4. And then they proposed a new Policy 202.4.4 which would then remember the policies after the existing within artificial canals of Duck Key, so it's specific to Duck Key, mile marker 61, and the immediately adjacent waters located no more than 200 feet from land. Maintenance dredging of artificial canals, perimeter canals and basins may be permitted to facilitate navigational access and/or restore the function provided that 1) shoaling and sedimentation has reduced reasonable access to open water; 2) the maintenance dredging cannot be used to dredge natural barriers, areas that have not been previously dredged, separating a canal or a canal system from adjacent wetlands and/or other surface waters; 3) the maintenance dredging shall not exceed depths greater than minus six feet MHW or to the depths of refusal rock, whichever is more restrictive, meaning the shallowest depth shall control; 4) the maintenance dredging methodology shall not cause degradation of water quality or secondary and/or cumulative impact to surrounding benthic resources; 5) turbidity control shall be used to prevent reduction of light availability to seagrasses and increased sedimentation in adjacent surface waters and benthic resources; and 6) the quantity of mitigation for seagrass such hard bottom community resource impacts shall meet the requirements specified by the State of Florida's uniform mitigation accessing method.

In analyzing this proposed amendment, staff points out that the current Comp Plan prohibits new dredging and prohibits maintenance dredging in areas vegetated with seagrass beds or characterized by hard bottom communities. The applicant is stating that the reason for their amendment which would allow maintenance dredging in basically any area vegetated with seagrass beds or characterized by hard bottom communities within 200 feet of Duck Key would be to address opportunities for improving water quality circulation, accessibility and navigability of existing canals. They state it will only affect those previously dredged canals, perimeter canals and basins of Duck Key on immediately adjacent previously submerged lands. Their full explanation and rationale is included in the file.

Staff wants to point out that they are proposing something that is above and beyond what the BOCC stated they would be willing to consider. They were very specific that it would only be within canals and possibly within perimeter canals. So there are a few that the applicant has not been consistent with as they are including basins and immediately adjacent waters located no more than 200 feet from land on Duck Key. So that is inconsistent with the direction about only canals and possibly perimeter canals. The BOCC was not in favor of areas in channels, even if at the mouth of the canal. Those types of areas would be included under the applicant's proposal.

Finally, the potential text amendment language that had been presented by staff at the January 2016 meeting included a final criterion related to public interest: The applicant shall provide justification that the proposed maintenance dredge is in the public interest; public interest meaning demonstrable environmental, social and economic benefits, which would accrue to the public at large as a result of the proposed action. The applicant has not included that in their proposed text amendment language. Everything just read is basically the same proposed language for the Land Development Code as well, so the analysis is the same for both.

In reviewing this for internal consistency with our adopted Comp Plan, staff believes it is in conflict with the following provisions: Goal 202, Goal 203, Objective 203.2, Policy 203.2.3, Objective 203.3, Policy 203.3.2, Policy 203.3.3 which actually references objectives and action steps of the Florida Reef Resilience Program and Climate Change Action Plan for the Florida Reef System. So there are a number of actions within that plan that also appear to be in conflict with the proposal.

Ms. Santamaria interjected that when it was previously discussed by staff it was based on the 2010 Comp Plan. Now, the 2030 Comp Plan has a lot of new policies that weren't there before. Ms. Schemper agreed, adding the 2030 Comp Plan has been effective since June 2016. Ms. Schemper continued that staff recommends the applicant review the submitted proposal for internal consistency with the newly adopted and effective 2030 Comp Plan and revise their proposal or submit other revisions as necessary. Staff also has put together some recommended changes to the proposed amendment text, noting that even with the edits, staff still feels that it may be in conflict with some of those policies. These are more to satisfy the direction the Board gave at the January 2016 meeting. So for Policy 202.4.3 to say that within channels and basins, no maintenance dredging is permitted. Basins were not addressed in the applicant's proposed changes to Policy 202.4.3, but were included in the new Policy 202.4.4. In the new Policy 202.4.4, as proposed, staff would recommend inclusion of the immediately adjacent waters located no more than 200 feet from land be removed and limit it to artificial canals and artificial perimeter canals of Duck Key which are then subject to natural sedimentary depositions. Also, add in the last condition from the potential language provided to the BOCC in 2016, the public interest criteria.

Staff's overall recommendation for both of these amendments, both the Comp Plan and the Code, is that the applicant revise the proposal or submit further revisions based on the potential conflicts and internal inconsistencies with the newly adopted and effective 2030 Comp Plan, based on the scope of whatever the revisions are, it may require additional review by the DRC before going to the Planning Commission. In addition, staff recommends the changes to the Comp Plan Amendment and Code Amendment as described in the staff report.

There being no further staff comment, Ms. Santamaria asked if the applicant would like to speak. Mr. Owen Trepanier, representing the Duck Key Community Benefit, indicated this was a thorough analysis identifying all of the issues and that they would be addressed. Ms. Santamaria then asked for public comment.

Ms. Dottie Moses speaking on behalf of Last Stand stated that in the Power Point presentation from the sounding board, which was also in the backup, she did not see any perimeter canals being targeted. She asked if the outside canal which has a seawall or rip rap barrier was considered a canal. Ms. Santamaria pointed out the area she believed was being referred to. Ms. Moses added that there was supposed to be information showing those areas had been dredged before and in going back to older Google Earth maps some of the areas have never been dredged. Ms. Moses asked if the applicant had to provide proof that these canals were permitted. Ms. Santamaria stated they did not for this text amendment and that the discussion about the previously dredged areas during the sounding meeting, it was specifically stated that did not

appear to be dredged prior. Also discussed was the small piece at the mouth of the canal and the Board had said they were not in favor of the basins. The Board wanted to focus on just the interior canals and the perimeter canal. Ms. Moses referred to the middle opening canal stating there was an area where there's actually raised ground in the diagram. Mr. Roberts stated that was a sandbar. Ms. Moses asked if that would in this new language. Ms. Santamaria responded that this new language would allow maintenance dredging with resources within the canals. And assuming this went through, at that point, the applicant would have to prove that it was maintenance dredging and is sand or some other deposition there. Mr. Roberts interjected that if it gets into new dredging, the discussion is off the table. Ms. Moses then noted that there had been a recent refusal by the state to allow another developer, Fun Land Marina, to dredge because of that policy and asked if a change of language in this would affect that. Ms. Santamaria stated it would not because Fun Land was proposing a channel which still cannot be maintenance dredged.

Ms. Schemper added that it also says that canals and perimeter canals can do it subject to the requirement of 202.4.4 which specifies that it's only Duck Key. Ms. Moses then asked about the policy language in 202.4.3 being changed and not specifying Duck Key only. Ms. Schemper responded that it specifies that it has to be in accordance with 202.4.4 where it does say Duck Key. Ms. Moses wanted to be sure this language would contain it to only Duck Key. Ms. Santamaria explained that someone else would have to propose a change to Policy 202.4.4 for another area or propose another policy for another area.

Ms. Deb Curlee of Cudjoe Key asked if staff would define channel and canal. Ms. Santamaria stated it is already in the Comp Plan. Ms. Schemper read that it is a trench, the bottom of which is normally covered entirely by water with the upper edges of its sides normally below water, noting this was on page four of the staff report and in the new Comp Plan.

Ms. Moses asked if it was required by the state or the county that you could only dredge where the canal had been dredged before. Ms. Santamaria pointed out that this was in criteria number three, maintenance dredge not to exceed depth greater than minus six feet mean low water or to the depths of refusal, which is where you hit the rock, whichever is the shallowest would control. Ms. Moses added that there were some old brochures online with the story of Duck Key regarding its development which described the canals as a series of inland waterways 50 to 100 feet wide and five to ten feet deep. Ms. Santamaria explained if they hit rock at four feet, they were stuck at four feet; and if rock is at ten feet, they can only go to six.

Mr. Bill Hunter of Sugarloaf Key asked if anything other than the wording of what was being proposed limited this to Duck Key and whether staff anticipated other areas in the Keys to apply to this, wondering why the wording wouldn't apply elsewhere. Ms. Schemper asked for clarification on applying to an amendment like this or applying for a permit. Mr. Hunter explained that he suspects this would be desirable to other communities so if this moves forward, if Sugarloaf came along and said, hey, we want to do that too, would they simply apply to add themselves to the paragraph. Ms. Santamaria stated that was correct. Sugarloaf would have to propose a text amendment to both the Comp Plan and the Code to be added to Policy 202.4.4 or propose another policy 202.4.5 for Sugarloaf only, and the previous policy would have to refer to both the Duck Key and Sugarloaf policies. Mr. Hunter asked how Duck Key or another

community would prove that it is maintenance dredging and that it had been dredged before. Ms. Santamaria responded they would have to work with the Environmental Resource agencies on that and do borings, find permits, show proof of sedimentation somehow. Mr. Hunter asked if the County had ever issued permits for canals. Ms. Santamaria stated she did not believe so. Mr. Roberts added that all of the canals in the Keys predate the Clean Water Act so there was no federal or state permitting required.

Mr. Hunter asked about the statement regarding the public at large must be benefitted, that this obviously benefits Duck Key but doesn't benefit Sugarloaf, so how would a community go about demonstrating benefit to the public at large in this context. Ms. Santamaria responded this is a brand new proposal and the applicant would have to somehow tie what they're proposing to an environmental benefit; i.e., it's going to provide continued access, navigation, maintain the value of a property. Whatever details they come up with, staff reviews it to make sure it's in the public's interest.

Ms. Dottie Moses asked if the Duck Key community ever confirmed the areas were actually dredged before. Mr. Trepanier responded that he did not know, that they had looked hard and had found no evidence of public-funded dredging. Ms. Moses asked if there was ever publicly-funded dredging back in the day. Again, Mr. Trepanier stated he did not know. Ms. Moses then inquired whether the applicants had proven that this would improve their water quality, as the subject canal had been designated as "good" by the Monroe County Canal Master Plan and the applicant had admitted they had high quality pristine canals, which is why they have benthic resources because the quality is so good. Ms. Santamaria stated this was not staff's justification, that it was the applicant's, but staff noted the same information. Mr. Roberts added their water body ID number references the offshore water body, not the canal. Ms. Moses opined that dredging the canal would have more negative impact than positive as far as water quality. Ms. Santamaria stated the applicant can revise that, since they have to make other revisions, to see if they have another basis.

Mr. Hunter asked about the schedule and how this would move forward. Ms. Santamaria stated staff is waiting to see what the applicant will revise. If they revise other policies or make any significant changes then staff would recommend they come back to the DRC for full evaluation. Ms. Sanatamaria asked for further public or applicant comment. There was none.

6. SOUTHCLIFF ESTATES EMPLOYEE HOUSING, 95301 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 95.3 OCEAN SIDE: A PUBLIC MEETING CONCERNING A REQUEST FOR A MAJOR CONDITIONAL USE PERMIT FOR THE PROPOSED DEVELOPMENT OF 28 ATTACHED RESIDENTIAL DWELLINGS DESIGNATED AS EMPLOYEE HOUSING. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS THE NORTHWESTERLY 720 FEET OF A PORTION OF TRACT 6, SOUTHCLIFF ESTATES (PLAT BOOK 2, PAGE 45) AND LOTS 1 AND 2, BLOCK 1, REVISED PLAT OF SUNRISE POINT (PLAT BOOK 3, PAGE 11), KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00483370-000000, 00484390-000000 AND 00484400-000000.
(File #2016-217)

Mr. Kevin Bond presented the staff report. This property is located in the Suburban Commercial land use district, the Mixed Use Commercial FLUM category and is within Tier 3. This development will be subject to ROGO since it is all new development. There is an existing residence on the oceanfront parcel but the property is proposed to be subdivided and that unit is not part of this proposed development. One compliance issue relating to height of the buildings is the starting point for the grade measurements, whether using the crown of the road nearest to the building or the on-site grade, whichever is higher. On this site, a lot of the spot elevations are higher than the starting grade elevation on the elevation plans so the elevations measurements need to be addressed, but none of the buildings were over the 35-foot height limit.

Mr. Dale Osborn of Keys Engineering asked if crown of road could be used. Ms. Santamaria responded that it could for the front. Mr. Bond also believed it would be appropriate for the buildings fronting U.S. 1 but buildings toward the ocean would use existing grade. Another option is the County's LIDAR data from GIS. Mr. Osborn stated he didn't anticipate a problem with height. Mr. Bond continued that all of the buildings were in compliance with height but it was simply a matter of getting the starting point for the grade measurements. Also, the finished grade was not indicated and needed to be included. Off-street parking does not need to be changed, but the shared parking calculation should be used. Total parking requirement is 61 off-street parking spaces, 60 for residential and one for the office. Using the shared calculation brings this down to 60 spaces which is proposed. Frank Plot asked if that could be indicated on the plans. Mr. Bond responded that the shared parking calculation/table from the code could be added. All parking spaces in front of buildings need wheel stops and some were missing. Parking space dimensions are in compliance, but they are indicated as eight feet wide on the plans with a one-foot gap in between. Ms. Santamaria pointed out that the dimensions should be 8.5. Mr. Roberts added that the landscaping buffer requirements were all to be determined and the missing information is species and size of trees to be planted, whether canopy or sub-canopy. Also, the swale along U.S. 1 can be planted, but details need to be provided to ensure the swale size is appropriate for planting beds. The County has a table in the new LDC with recommended plants for that swale.

Mr. Bond also commented on the 35-foot high outdoor lighting which doesn't appear to meet the non-cutoff standard which is 18 feet. So it would be a matter of choosing which type of fixture is desired and complying with the maximum height for that fixture. This would be reviewed in more detail during the permit review phase. The plans also indicate two outdoor lights within the 25-foot primary front yard setback along Snapper Lane which can be revised. Access standards are in compliance, with one request that a second clear-sight triangle at the intersection of U.S. 1 and Snapper Lane be added. The solid waste recycling collection area requirement is in compliance as far as square footage, but the plans do not have detail on the screening enclosure design. Also, the location of the collection area needs to be accessible and convenient to the intended users, which is typically within 200 feet. This property is long so some buildings aren't within that 200-foot range. The collection areas can also be divided up and distributed around. Any affordable housing project proposing more than 20 units must be approved by resolution by the Planning Commission, which will be addressed at the next development review step. The proposed subdivision of the parcel with the house on it is not part of the Major Conditional Use review, but was addressed in the pre-application conference and the letter of understanding. A survey of that new parcel was submitted and looks good. Staff has already

addressed the disclosure statement that should be part of the deed to be exempt from the plat approval requirements and making sure that parcel is the right size, but that will be subject to setbacks and open space in the future. Access to that parcel will be from the side street. Staff is requesting all of these comments be addressed before going to the Planning Commission. Ms. Santamaria added that it is actually written that it be submitted prior to being scheduled for the Planning Commission.

Mr. Bond highlighted some of the recommended conditions. Again, the Planning Commission will have to pass a separate resolution approving the proposed development of more than 20 affordable housing units. It is subject to ROGO and the allocation awards are required prior to issuance of building permits. As part of the permit review staff will need a vegetation survey and a detailed landscaping plan. The employee housing units will be subject to the affordable housing standards as employee housing, including the 70 percent income requirement from within the County. Restricted covenants for the affordable housing as employee housing must be approved prior to recording and issuance of building permits.

Ms. Santamaria asked for further staff comment. There was none. Ms. Santamaria asked for further comment from the applicant. Mr. Osborn wanted to confirm that the seven items discussed should be done as quickly as possible so they can move into planning, but that the other items were to be handled at permitting. Mr. Bond confirmed that to be correct. Ms. Santamaria asked for public comment.

Ms. Dottie Moses asked what would happen to the billboard presently on this property. Mr. Williams commented that removal may not be permanent. Ms. Moses asked if it could be relocated. Mr. Williams responded he would have to look into it. Ms. Moses also asked if there would be a buffer between the land wrapping around the IS lots, which was confirmed by Mr. Roberts. Ms. Moses asked what the setback was between the SC and SC parcels. Mr. Roberts stated the Class B buffer is all around the site between SC and anything that's IS and 20 feet between SC and SC. Ms. Santamaria clarified she was referring to the back side. Mr. Bond stated those were secondary side yard of five feet. The rear yard is the new property line opposite U.S. 1. Ms. Moses asked about the stormwater swale and Mr. Roberts stated all stormwater criteria were met.

Mr. Bud Wiseman asked if the parking was gravel and if that was taken into account for stormwater. Mr. Roberts stated that in terms of the volume, it was, because the County code requires the volume to be based on the disturbed area, not necessarily the impervious surface. The area of the site used for the calculation is the disturbed area. Mr. Wiseman asked if they were filling underneath the buildings to raise it to flood level or would there be elevated piers and it was stated there would not be fill.

Mr. Bill Hunter of Sugarloaf asked for the shared parking use to be explained for the record. Mr. Bond responded it was almost all residential with a small office building. The office space added one parking space and the shared parking calculation has a separate ratio for residential versus office. Plugging all of that in brought the parking space requirement down one space less. Mr. Hunter stated that the use in that building would have to remain office. Mr. Hunter asked if there were income levels specified for the employee housing. Ms. Santamaria said none had

been specified at this point. Mr. Hunter asked if it was ever specified until they apply and Ms. Santamaria responded, typically, no. Mr. Bond added that the highest was moderate level for employee housing. Ms. Santamaria stated that was the highest for any category. Mr. Hunter asked if there was any assessment of trip generation on the side streets. Ms. Santamaria responded that level of service was based on U.S. 1, but that Judy Clark, the County Engineer, had looked at impacts on the side streets and the clear-sight triangles and no issues were found.

Ms. Santamaria asked for further public comment. There was none.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 1:24 p.m.