

DEVELOPMENT REVIEW COMMITTEE

Tuesday, April 25, 2017

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, April 25, 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	Absent
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	Absent
Peter Morris, Assistant County Attorney	Present
Devin Rains, Principal Planner	Present
Ilze Aguila, Sr. Planning Commission Coordinator	Present

CHANGES TO THE AGENDA

There were no changes to the agenda

MINUTES FOR APPROVAL

Approval of the meeting minutes for Tuesday, February 21, 2017, was continued to the May 30, 2017 DRC meeting.

MEETING

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM URBAN RESIDENTIAL-MOBILE HOME (URM) TO MIXED USE (MU), FOR PROPERTY LOCATED AT 5660 LAUREL AVENUE, SOUTH STOCK ISLAND, MILE MARKER 5, LEGALLY DESCRIBED AS BLOCK 31, LOT 6, MALONEY SUBDIVISION (PLAT BOOK 1, PAGE 55), STOCK ISLAND, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00124400-000000; AS PROPOSED BY PICCOLO KEY WEST, 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 AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE.

(File 2017-033)

Ms. Emily Schemper presented the staff report, explaining that this is a request for a land use district zoning amendment only. The FLUM designation on this property is actually Mixed Use Commercial which is inconsistent with the current zoning of Urban Residential-Mobile Home. The property owner is requesting to amend the Zoning Map to be consistent with the Future Land Use Map, changing from URM to MU. The surroundings are primarily Mixed Use. The CVS across the street is Urban Commercial. There are a few URM lots, two adjacent to the property and one on the other side of the block; but, other than that, it's mostly Mixed Use. It is a Tier III parcel. There is a potential residential density change of minus .9 dwelling units, no change in potential transient density, and potential non-residential density would increase from zero to 2,500 square feet. The site is currently vacant, scarified, no species focus areas or buffers. The immediate surrounding community character is a mixture of light industrial, auto repair, commercial retail and an animal hospital. There are a few mobile home residential uses to the west and even some of those are in the Mixed Use Zoning category.

Ms. Schemper asked for further questions or comments from staff. There were none. Ms. Schemper then asked for public comment.

Ms. Deb Curlee of Cudjoe Key asked about the intent of the property owner, if he only wanted to expand his business. Ms. Schemper responded that the site it is currently vacant, though there may have been a mobile home there at one time, but that the property owner wants to put a commercial building on the property related to his plumbing business, perhaps a retail front for plumbing supplies.

Mr. Kevin Bond added that he believed some of the other lots had already gone through this same type of map amendment, and Ms. Schemper confirmed that to be correct, also noting that the majority of this block had been URM zoning at one time. After the adoption of the Future Land Use Map in the nineties, little by little they have been amended to become Mixed Use. Ms. Schemper further mentioned that this is the first map application since the effective date of the new Land Development Code so the property owner is required to hold a community meeting at least 45 days prior to the first public hearing which would be the Planning Commission meeting. Staff is working with the owner on scheduling the meeting which must be held on a weekday evening after 5:00 p.m. at a location near the site.

Mr. Bill Hunter of Sugarloaf Key asked if a representative from the County Planning Department would be at that meeting. Ms. Schemper responded affirmatively. Mr. Hunter then asked who would run the meeting. Ms. Schemper explained that the applicant would be in charge of running the meeting and County staff would be there to ensure the meeting happens and answer questions as needed. Mr. Hunter asked if there would be minutes or some record of the meeting, adding that he was planting the seed for a written outcome of the meeting. Ms. Schemper responded that this had not been discussed, but she would talk to Ms. Mayte Santamaria about it as they were still ironing out details of how this would work. There was no further public comment.

NOTE: Mr. Barry Borroso, the applicant, arrived later in the meeting. Ms. Schemper informed him that his item had been finished earlier and asked him if he had any statements or comments he wished to make. Mr. Borroso indicated that he did not.

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO DEFER THE APPROVAL OF NEW APPLICATIONS OR RECEIVED APPLICATIONS THAT HAVE NOT BEEN FULLY APPROVED FOR COMPREHENSIVE PLAN OR LAND DEVELOPMENT CODE AMENDMENTS, DEVELOPMENT AGREEMENTS (INCLUDING 380 DEVELOPMENT AGREEMENTS), AND MINOR AND MAJOR CONDITIONAL USE PERMITS (EXCLUDING APPLICATIONS PROPOSING ONLY AFFORDABLE HOUSING DWELLING UNITS), WITH PROPOSED OCCUPANCY BY "THREE UNRELATED PEOPLE" OR "TWO UNRELATED PEOPLE AND ANY CHILDREN RELATED TO EITHER OF THEM" OF A DWELLING UNIT, AND APPLICATIONS UTILIZING THE TERM "LOCK-OUT," COMMENCING MARCH 15, 2017, UNTIL THE BOCC CAN REVIEW AND POSSIBLY AMEND THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE REGARDING THE DEFINITIONS OF DWELLING UNIT; HOUSEHOLD; FAMILY AND THE UNDEFINED TERM "LOCK-OUT" OF A DWELLING UNIT; PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF AN INTERIM DEVELOPMENT ORDINANCE OR WHEN THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE.

(File 2017-053)

Ms. Emily Schemper presented the staff report. This is an item that was discussed by the BOCC at their February 2017 meeting where they asked staff to impose a temporary moratorium on certain development applications regarding occupancy by three unrelated people, two unrelated people and any children related to them or utilizing the term "lock-out" due to pending legislation. The previous 2010 Comp Plan did not have any definitions in it. The new 2030 Comp Plan does have definitions; however, neither the Code nor the new Comp Plan has a definition for the term "lock-out." This will suspend the approval of any new applications or any applications that have not been fully approved for amendments to the Code or Comp Plan, Development Agreements, 380 Agreements, Minor and Major Conditional Use Permits until these potential amendments go through for the Code and/or Comp Plan. Proposals that are just for affordable housing will continue to be processed. The BOCC had adopted a Resolution on March 15, 2017, directing staff to do this which sets the date where the moratorium begins.

Ms. Schemper asked for further questions or comments from staff. There were none. Ms. Schemper then asked for public comment.

Ms. Deb Curlee of Cudjoe Key stated she was having a very hard time with this, inquiring that if this is a moratorium on all proposals and if staff is going to go back and define all of these terms, then what would the steps be. Ms. Schemper responded that she wouldn't necessarily say they were going to be going back to define all of these terms, but rather would go back and figure out what needs to be redefined and what changes need to be made to address the issues brought up by the BOCC in an effort to create a solution to their concerns. Ms. Curlee asked where it would

go from here. Ms. Schemper explained that her understanding is that staff would start working on the potential Code and Comp Plan amendments. She was not sure if it would go through the BOCC first, but it would get processed through the regular amendment process starting with DRC, Planning Commission and BOCC. Ms. Curlee asked if it would come back to DRC with language changes and Ms. Schemper confirmed that to be correct. Ms. Curlee then asked at what point DEO would fit into this. Ms. Schemper was not sure if the DEO had been part of the initial discussion, but that normally they would review any amendments after they had gone to the BOCC. The Comp Plan amendment would be transmitted to DEO after the first BOCC public hearing where they would provide their objections, recommendations and comments report. Then it would go back to the BOCC for an adoption hearing. The Code would go straight to the adoption hearing at the end where compliance is decided and would have to be consistent with the Comp Plan previously reviewed. Ms. Curlee indicated that she didn't want to tie the meeting up with a lot of questions at this point, but that she really does not understand how the three unrelated people, two unrelated people type of language had gotten in this. Ms. Schemper pointed out that some of this was already contained in the definitions, things such as dwelling unit, household, family, etc., and that you follow the terms through to the next definition, looking in both the Code and Comp Plan definitions. Ms. Curlee said this was the first she had heard this. Ms. Schemper explained that staff will look at everything related, definitions, policies, regulations, and figure out if things need to be changed, removed or added in. Ms. Curlee asked how "lock-outs" ever got included. Ms. Schemper did not know.

Mr. Bond added that the term "lock-out" is not used in the Code, but was shorthand for a situation. Mr. Roberts agreed and noted that he believed it was an applicant's agent that used the term during a series of public presentations in describing the use of units. Mr. Bill Hunter added that it was written into a development agreement. Mr. Bond further explained that what it would normally translate to under the County Code is being considered a separate dwelling unit if it's a lock-out.

Mr. Bill Hunter asked about a rough time line and Ms. Schemper stated she did not know, but the interim development order is until it is effective or 365 days. Mr. Hunter asked if it could be extended and Ms. Schemper believed that it could be. There was no further public comment.

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO DEFER THE APPROVAL OF NEW PRIVATE APPLICATIONS OR RECEIVED APPLICATIONS THAT HAVE NOT BEEN FULLY APPROVED UTILIZING MONROE COUNTY CODE SECTION 139-2 (AFFORDABLE HOUSING INCENTIVE PROGRAM) TO TRANSFER ROGO EXEMPTIONS FROM MOBILE HOMES TO ANOTHER LOCATION, OR SECTION 138-22(b) TO TRANSFER OFF-SITE MARKET RATE UNITS TO ANOTHER LOCATION, COMMENCING MARCH 15, 2017, UNTIL THE LAND DEVELOPMENT CODE IS AMENDED TO LIMIT THE TRANSFER OF ROGO EXEMPTIONS FROM MOBILE HOMES TO ONLY TIER III DESIGNATED PLATTED LOTS WITHIN THE IMPROVED SUBDIVISION (IS) LAND USE DISTRICT OR THE URBAN RESIDENTIAL MOBILE-HOME (URM) LAND USE DISTRICT AND WITHIN THE SAME ROGO PLANNING SUBAREA FOR THE DEVELOPMENT OF SINGLE FAMILY DETACHED DWELLING UNITS AND THE RECEIVER PROPERTY SHALL NOT BE A WORKING WATERFRONT; AS RECOMMENDED OF THE AFFORDABLE

HOUSING ADVISORY COMMITTEE AND THE BOCC; PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF THIS INTERIM DEVELOPMENT ORDINANCE OR WHEN THE LAND DEVELOPMENT CODE AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE.
(File 2017-054)

Ms. Schemper presented the staff report. This is also an interim development ordinance directed by the BOCC at the February 15, 2017 meeting and adopting a Resolution at the March meeting. This is to defer the approval of new applications or applications not yet fully approved, that are taking advantage of the sections of Code allowing transfers of market rate ROGO exemptions. The first is under Section 139-2, transfer of these ROGO exemptions from mobile homes to another location; and under Section 138-22(b) which became effective with the new Land Development Code to transfer market rate units to another location in general, not necessarily just mobile homes. The BOCC had asked staff to put a hold on these applications and approvals to amend the Code and Comp Plan to limit these transfers to only Tier III platted lots within the Improved Subdivision Land Use District for the development of single-family detached dwelling units. The effective date is March 15, 2017, and the expiration is 365 days or until effective, whichever comes first.

Ms. Schemper asked for further comments or questions from staff. Mr. Kevin Bond asked for confirmation that this was directed by the BOCC, and Ms. Schemper stated that he was correct; and added that the change to the mobile home transfer program in Section 139-2 has also been a recommendation from the Affordable Housing Advisory Committee, which had been part of the basis for that direction. Ms. Schemper then asked for public comment.

Mr. Bill Hunter of Sugarloaf added that one of the conditions anticipated was that it would not be transferred to a working waterfront, which Ms. Schemper confirmed. Mr. Hunter then asked if the definition of working waterfront would be improved, changed or modified because as of right now, the definition refers to state statute but does not specify the statute. In searching the state statutes for working waterfront, he had found two places that appear to define it but the definitions are not the same. His intention in bringing this up is to protect working waterfront. Ms. Schemper responded that she did not think that had been part of any previous discussion, but that staff would take a look at it. Mr. Mike Roberts commented that he believed there was a new definition in the Comp Plan for working waterfront that had changed from previous. Ms. Schemper stated the Comp Plan had nothing in the glossary for working waterfront, nor was it in the Code, but that it may be defined in the policy or regulation.

Mr. Kevin Bond stated definition was in Florida Statute 342.07. Ms. Schemper also clarified that in Comp Plan Policy 101.5.6 under the purpose of the Mixed Use Commercial Future Land Use category, there was a provision about preserving working waterfront giving restrictions, which then referred to Florida Statute 342.07. Mr. Bond added that the policy was repeated in a few different policies in the Comp Plan. He also found a definition in the glossary under Recreational and Commercial Working Waterfront, noting that it was under "R" rather than

“W.” Mr. Devin Rains further clarified that it looked to be consistent with Florida Statute 342.07(2), and read the definition. There was no further public comment.

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO DEFER THE ACCEPTANCE AND APPROVAL OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSING FACILITIES COMMENCING FEBRUARY 15, 2017, UNTIL SUCH TIME AS A COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENT PROCESS IS COMPLETED REGARDING MEDICAL MARIJUANA DISPENSING FACILITIES AND PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF THIS INTERIM DEVELOPMENT ORDINANCE OR WHEN THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE.

(File 2017-055)

Ms. Schemper presented the staff report. This is an interim development ordinance deferring acceptance and approval of new applications for the establishment of medical marijuana dispensing facilities directed by a BOCC Resolution adopted February 15, 2017. Ms. Schemper explained that there are ongoing statutory amendments regarding this and the Department of Health regulations are required by the beginning of July of this year, so the BOCC had asked that a hold be put on any acceptance and approval of these applications, in part, to see what happens with the statutory requirements, and so staff can develop something for our own Code and Comp Plan.

Ms. Schemper asked for further questions or comments from staff. There were none. Ms. Schemper then asked for public comment. There was none.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 1:27 p.m.