

DEVELOPMENT REVIEW COMMITTEE

Tuesday, August 29, 2017

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, August 29, 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	Absent
Emily Schemper, Comprehensive Planning Manager	Present
Kevin Bond, Planning & Development Review Manager	Absent

STAFF MEMBERS

Steve Williams, Assistant County Attorney	Present
Peter Morris, Assistant County Attorney	Absent
Derek Howard, Assistant County Attorney	Present
Janene Sclafani, Senior Planner	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

Approval of the meeting minutes for Monday, July 24, 2017, with one correction on page three to the spelling of Ms. Santamaria’s name.

MEETING

1. QUARRY PARTNERS, LLC, VACANT LAND, BIG COPPITT KEY, MILE MARKER 9.5 GULF SIDE: A PUBLIC HEARING CONCERNING A REQUEST FOR A DEVELOPMENT AGREEMENT BETWEEN MONROE COUNTY AND QUARRY PARTNERS, LLC. THE REQUESTED AGREEMENT RELATES TO THE PROPOSED DEVELOPMENT OF 208 ATTACHED RESIDENTIAL DWELLING UNITS DESIGNATED AS AFFORDABLE HOUSING UNITS AT A PROPOSED DENSITY OF 17.3 UNITS PER BUILDABLE ACRE. NO STRUCTURES WILL BE HIGHER THAN 35 FEET. THE SUBJECT PROPERTY IS DESCRIBED AS A PARCEL OF LAND IN SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, BIG COPPITT KEY, MONROE COUNTY,

FLORIDA, HAVING REAL ESTATE NUMBERS 00120940-000100, 00120940-000201 AND 00120940-000302.
(File 2016-215)

Mr. Kevin Bond presented the staff report. This Development Agreement is the first of two items for Quarry Partners and involves the development of 208 affordable housing units with a minimum mix of 10 percent median income and a 20 percent combination of low and very low income categories. The property is just over 15 acres in the Big Coppitt Mixed Use Area 1, which is a special Comp Plan Designation. Pursuant to Policy 107.106 of the Comp Plan a Development Agreement is required for the proposed affordable housing development within that Mixed Use Area 1, as well as to evaluate the ingress and egress. The conceptual site plan indicates 208 units arranged throughout 9 buildings, a clubhouse and pool, 481 off-street parking spaces and some wetland and conservation areas. The property is located in the Mixed Use Land Use District, the Mixed Use Commercial FLUM and designated Tier III for in-fill. It is part of a former quarry which is currently undeveloped.

In 2016, the County approved both a FLUM change and a Land Use District or Zoning Map Amendment. The FLUM was changed from Mixed Use Commercial Fishing and Industrial to Mixed Use Commercial. At the same time, the Land Use District or Zoning Map was amended from Industrial and Commercial Fishing to Mixed Use. Policy 107.1.6 was created having the specific limitations on development and restrictions which apply to this application and the next agenda item. In December of 2016 the BOCC passed a Resolution reserving 96 affordable housing dwelling units, specifying that 44 of those must be low income, 20 median income and 32 moderate income. Those are reserved until December 15, 2017. Review of the Development Agreement is set forth in Chapter 110, Article V of the County Development Code.

Mr. Bond then reviewed the items not in compliance, indicating anything not mentioned could be considered in compliance. The Development Agreement should include a legal description of the land. It is listed in the agreement but only by reference in an exhibit which was not submitted. The Development Agreement should include a list of uses permitted on the land. Section III.D.1.b. does list those uses but includes certain commercial uses prohibited by Comp Plan Policy 107.1.6. This needs to be revised to be consistent with the Comp Plan. The height addressed in the Development Agreement states that the height of the buildings could be up to 38 feet which exceeds the current adopted height limit of 35 feet. Mention of existing grade on the property may not be consistent with the definition of grade which requires it be measured next to the proposed walls of the structures so this needs to be clarified. Transportation facilities are not addressed. Ingress and egress is an important component which needs to be addressed and evaluated and is part of the Comp Plan Policy. It is mentioned but refers to an easement agreement exhibit not submitted for review.

The Development Agreement must be consistent with Comp Plan Policy 107.1.6. Staff has determined the mix of affordable income levels are currently not quite at the minimum percentages required and need to be revised to be consistent with the BOCC reservation. The draft agreement mentions some non-residential uses which are prohibited under the second standard and need to be revised. The fifth, sixth and eighth standards deal with the day/night average sound levels and noise contours due to the proximity to the Navy Base. Staff is

requesting those noise contours be overlaid on the site plan to ensure all buildings meet those requirements. The seventh and ninth standard deals with access to the property prohibiting use of Puerta Drive for ingress and egress. There is not enough information in the agreement or plan to determine where the proposed ingress and egress is supposed to be which needs to be addressed. Several edits, questions and comments needing to be addressed are: All three real estate numbers need to be listed in the agreement. Corrections are needed to Code, Chapter and Section references. Half of the units need to come through the 380 Agreement with the City of Key West and that executed agreement needs to be added as an exhibit. A mix of low and very low income housing is required, but currently there are no very low units proposed which needs to be addressed. Extending the ROGO reservation cannot be done through the Development Agreement. The applicant will need to address the need for additional ROGO allocation awards as needed. The playground and outdoor recreation facilities is accessory to the residential development. The DNL noise contours need to be indicated. Ingress and egress to the project must be depicted on the conceptual plan. An updated traffic analysis is needed as the older one submitted for the prior FLUM amendment may be outdated. Under the new LDC there is a requirement to hold a community meeting for both the Development Agreement and the Major Conditional Use Permit which must be held on a weekday evening close to the project site between 45 and 120 days before the first public hearing which will be the Planning Commission Hearing.

Mr. Bond concluded that staff is not recommending approval of the Development Agreement as proposed, that the applicant must address the issues outlined and staff reserves the right to review and request additional information as needed.

Ms. Santamaria added that the main purpose of this Development Agreement is to address the ingress and egress for the BOCC's evaluation and needs to be on the next iteration of the conceptual site plan. Ms. Santamaria then asked for further staff comment. There was none. Ms. Santamaria then asked if the applicant wanted to speak.

Mr. Bart Smith, representing the applicant, indicated they would continue to work with staff in addressing all of the concerns, clerical errors, edits, and that the site plans with easement was in the process of being prepared.

Ms. Santamaria then asked for public comment.

Mr. Bill Hunter of Sugarloaf asked about the inter-local agreement with the City of Key West and what the County's plans were for memorializing this. Ms. Santamaria responded that there is a 380 Agreement being proposed by the County, the City of Key West, the other cities as well as the Department of Economic Opportunity. Counsel or the board for each jurisdiction would need to approve it. It would then go to the State for signature and the BOCC would actually adopt the 380 Agreement. This will be on the September BOCC agenda. Mr. Hunter then asked for clarification on the request to extend the County's ROGOs. Ms. Santamaria explained that this would be done through a separate resolution process where the BOCC can reserve a portion of affordable housing allocations. This has been done for 96 units through the end of December. The applicant can go back to the Board and ask for more time to complete the project and/or for additional allocations. Mr. Hunter also noted that traffic is the issue here and inquired about the

schedule or process for addressing the traffic for this project. Ms. Santamaria responded that staff would be reviewing the traffic studies as well as the ingress and egress after the additional information is received. Mr. Hunter asked if staff was anticipating a traffic study from the applicant, and Ms. Santamaria indicated they were. Mr. Hunter asked when that study would be available to the public. Ms. Santamaria stated that it would be posted on the website under “pending applications” when received. Mr. Smith interjected that the traffic study had already been submitted and that the County’s Traffic Consultant had already commented on it, and that a second traffic study including the side roads should be to the County within the next two weeks. Mr. Bond indicated that would be elaborated on further in the next agenda item.

Ms. Deb Curlee of Cudjoe asked if the County would also do a traffic study. Ms. Santamaria responded that the County would not, but that the Traffic Engineer would review and comment on the applicant’s traffic study and request updates or clarifications if needed.

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

2. QUARRY PARTNERS, LLC, VACANT LAND, BIG COPPITT KEY, MILE MARKER 9.5 GULF SIDE: A PUBLIC HEARING CONCERNING A REQUEST FOR A MAJOR CONDITIONAL USE PERMIT FOR THE PROPOSED DEVELOPMENT OF 208 ATTACHED RESIDENTIAL DWELLING UNITS DESIGNATED AS AFFORDABLE HOUSING UNITS. THE SUBJECT PROPERTY IS DESCRIBED AS A PARCEL OF LAND IN SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, BIG COPPITT KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00120940-000100, 00120940-000201 AND 00120940-000302.

(File 2017-083)

Mr. Kevin Bond presented the staff report, indicating this was the second item on this property, explaining that this project, involving 208 attached residential units, requires review as a Major Conditional Use in the Mixed Use Land Use District. Mr. Bond again indicated that he would highlight those items either not in compliance or to be determined. Under Standard A regarding consistency with the purposes, goals, objectives and policies of the Comp Plan and Policy 107.1.6, a lot of the same comments from the first item would apply here such as the mix of low-income units, the noise contours for the residential units, ingress and egress, and that the associated Development Agreement must be found in compliance. Under Standard B regarding community character, compliance is still to be determined as the project must be found to be compliant with all aspects of the Comp Plan and LDC. Under Standard C regarding minimization of adverse effects, there are some design aspects that could be enhanced to further minimize adverse effects such as setbacks, landscaping, buffer yards, screen walls or fences as well as additional information on ingress and egress. There is an existing residential subdivision directly to the east of this project with approximately 26 existing homes and there may be some opportunities to increase setbacks and landscaping along there and relocate garbage enclosures further away. Under Standard E regarding adequacy of public facilities and services, some of the traffic and transportation items need more clarification, particularly with regard to ingress, egress and access. The traffic study submitted describes the access being the driveway connection to the south and a parallel roadway west of Calle Dos which appears to be the easement mentioned in the documents; however, there are no drawings submitted for the easement. There were three

study intersections in the traffic study, two of which were found to have inadequate level of service in the future with the project traffic. Additional studying was recommended, particularly as to the vehicle approach to that street. The County's Transportation Consultant reviewed the study and provided comments which need to be addressed. Any work proposed within the U.S. 1 right-of-way will require FDOT permits and, if they are needed, the County will require a notice of intent from FDOT prior to issuance of any County building permits. Staff will be looking for more coordination with FKAA as to the water and sewer connections, particularly with the design of the on-site system required. Ms. Santamaria interjected that FKAA had emailed the need for an internal collection system for the development to connect to the perimeter and wanted to make sure this was on the record. Mr. Bart Smith agreed that any system of this size requires a DEP permit.

Mr. Bond continued, under Standard I regarding compliance with additional standards of the LDC, the applicant will need to obtain all of the ROGO allocation awards for the new units that are not subject to the 380 Agreement with the City of Key West. Though the project is well over the minimum 20 percent open space, there are some errors on the site plan regarding this. Some additional information on the shoreline open space requirements need to be added to the site plan. How the shoreline setback was measured needs to be clarified and the measurement point needs to be corrected. Maximum height of 38 feet is not in compliance with the adopted 35-foot height limit. Additional elevation points need to be indicated in the plans in reference to NGVD and the existing grade needs to be clarified. There are two different existing grades listed between the Major Conditional Use plans and the Development Agreement. Stormwater management plans and revised documents have been requested to demonstrate compliance with some of the impervious surface area requirements. A copy of the conservation easement documents and GIS information relating to the South Florida Water Management District permit has been requested. There are some compliance issues with off-street parking concerning the drive aisle widths and the parking space dimensions, mainly for the spaces under the buildings. There is not a lot of outdoor lighting information on the plans and this project will require a photometric lighting plan. As with the Development Agreement, the same information is required with regard to access standards.

The requirement for a community participation meeting can be met by having one combined meeting. Mr. Bond stated that staff was recommending the community meeting be held prior to the Planning Commission Hearing, that corrections and additional information requested in the staff memo be submitted, and staff then has some recommended conditions of approval once it gets to the next step.

Ms. Santamaria asked for further staff comment. There was none. Ms. Santamaria asked if the applicant would like to speak. Mr. Bart Smith responded that the applicant would continue to work with staff to address all of the comments. Ms. Santamaria then asked for public comment. There was none.

3. SUMMERLAND KEY MARINA, 24326 OVERSEAS HIGHWAY, SUMMERLAND KEY, MILE MARKER 24.5 OCEAN SIDE: A PUBLIC MEETING CONCERNING A REQUEST FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE PERMIT FOR THE PROPOSED DEVELOPMENT OF FOUR (4) NEW EMPLOYEE HOUSING UNITS ON A

PROPERTY WITH AN EXISTING MARINA. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS LOTS 9, 10, 11, 12, AND 13, BLOCK 2, SUMMERLAND KEY COVE ADDITION 2 (PLAT BOOK 4, PAGE 100), SUMMERLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00190830-000000.
(File 2017-040)

Ms. Janene Sclafani presented the staff report. This applicant is requesting the approval of an amendment to the site's Major Conditional Use. This permit was originally approved by the Planning Commission through Resolution No. P20-10 on September 8, 2010. The original approval was for the improvement of the existing marina building, construction of four new employee housing units within the existing marina building, installation of one boat rack, changing the commercial retail intensity from low to medium and modifying off-street parking area, installation of landscaping and carrying out various other site improvements. The prior CUP expired prior to all of the work being completed. Work completed was the installation of the boat rack and the intensity change. This application is to complete the work on the off-street parking, installation of landscaping, improvement of the existing marina and construction of the four employee housing units within the existing marina building.

Summerland Key Marina is located at 24326 Overseas Highway in a Suburban Commercial Land Use District. The existing use is a marina and one attached residential dwelling unit. On September 8, 2010, Planning Commission approved Resolution No. P19-10 granting a variance for the reduction of front and side yard setbacks, Class C bufferyards and a reduction in off-street parking spaces.

Ms. Sclafani then highlighted those items not in compliance or to be determined. Under minimizing adverse effects including visual impacts of the proposed use on adjacent properties, conditions for landscaping are to be used in parking areas to help mitigate light intrusion on single-family residences located across the canal where parking is facing. Full compliance is to be determined for adequacy of public facilities and services upon building application review. Residential Rate of Growth will be in compliance with the condition that four affordable ROGO allocations must be obtained and deed restricted prior to issuance of the Certificate of Occupancy. Compliance is to be determined upon the building permit application for wastewater treatment, fences, flood plain management, energy conservation and the potable water. Required off-street parking is not in compliance. The current parking requirements have changed since prior approval so the variance for parking no longer stands. Required total spaces will be 39, or 34 using shared parking calculations. Boat ramp spaces were not provided on the site plan. A wheel stop for handicap parking is required. More information is required for the bicycle parking to determine compliance. Required landscaping is not in compliance as the plans do not provide parking calculations for the parking lot area. Plants need to be identified by scientific name and 100 percent of required landscaping must be native to the Keys. Scenic corridors and bufferyards are not in compliance. Although the Planning Commission variance included Class C bufferyards, compliance with the scenic corridor and district boundary buffers is still required. Class B buffer as defined in Section 114-126 must be provided around the perimeter of the boat racks. Full compliance for outdoor lighting will be determined upon building permit application as not enough information was provided in order to complete the review. Signs are not in compliance under PC Resolutions P20-10 and P19-10. Removal of the billboard and the sign in

the driveway will be required prior to issuance of a building permit. Access standards are not in compliance. There are two drives on the property. The one proposed for use is approximately 250 feet from other existing drives and the requirement is 400 feet. Compliance will be determined for recycling and solid waste as 125 square feet of collection area is required for non-residential mixed use and 144 square feet for multi-family residential with screening on at least three sides. Compliance is to be determined for accessibility upon building permit application.

Ms. Santamaria inquired about the 16 parking spaces indicated on the plans and whether 34 or 39 were required. Ms. Sclafani clarified that a total of 17 spaces were indicated. Using shared parking calculations, 34 would be required, otherwise 39 would be required. Ms. Santamaria asked for further staff comment. There was none. Ms. Santamaria asked if the applicant would like to speak.

Mr. Rick Milelli with Meridian Engineering spoke on behalf of the property owner, George Secchiaroli, indicating they had been working with staff to address all of the comments and had met Ms. Sclafani and Mr. Bond at the community meeting. Mr. Milelli wanted clarification on the prior variance for the parking, which he thought had not expired, and asked why it would not be applicable to the current application. Ms. Santamaria indicated that the variance does not expire, but the Code standards have changed since the prior variance increasing from 1.5 to 2 parking spaces for a one-bedroom unit. If a variance is needed from this new standard, a new variance would need to be applied for to comply. Mr. Milelli stated that they would continue working with staff. Ms. Santamaria then asked for public comment.

Mr. Bill Hunter of Sugarloaf asked if the units were to be rental or owner occupied. Mr. Milelli indicated they would meet the County's criteria for affordable housing and they would be in the general rental category, but the intent was for their own employees' use providing they meet the criteria. Mr. Hunter asked when income levels would be known for the units. Ms. Santamaria responded that would be when the ROGO allocations were applied for. Mr. Hunter asked if income levels would be known at the time the application went before the Planning Commission. Ms. Santamaria stated they may or may not be, that they are not required until application for the ROGO allocations is made.

Ms. Deb Curlee of Cudjoe indicated she is very familiar with this property and she is very much in favor of this project as this is what is needed, an owner being responsible for the employee housing on top of an existing building. She is very happy with the whole project. Mr. George Secchiaroli indicated he could use two of these units right now for employees. Mr. Milelli clarified that Mr. Secchiaroli is better known as Boston George.

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

4. KEY LARGO BAPTIST CHURCH, VACANT LAND, OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 104.5: A PUBLIC MEETING CONCERNING A REQUEST FOR A MINOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE DEVELOPMENT OF A PROPOSED 10,000 SQUARE FOOT INSTITUTIONAL/ CHURCH BUILDING. THE SUBJECT PROPERTY IS DESCRIBED AS PARCELS OF LAND IN SECTION 12, TOWNSHIP 61 SOUTH, RANGE 39 EAST, AND A PARCEL OF

SUBMERGED LAND IN BLACKWATER SOUND IN SECTIONS 11 AND 12, TOWNSHIP 61 SOUTH, RANGE 39 EAST, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00085170-000000, 00085180-000000, AND 00085190-000000. (File 2017-057)

Ms. Emily Schemper presented the staff report. This is a request for a Minor Conditional Use Permit. Key Largo Baptist Church is requesting to develop a 10,000 square foot church building which qualifies as an institutional use under the LDC. The associated accessory parking lot and driveway is on the site plan request. This is a vacant parcel of land at mile marker 104.5 on the bay side consisting of 6.74 acres of upland. The FLUM Designation is Residential Low, the Land Use District Zoning is Suburban Residential and the Tier Designation is Tier I. Existing vegetation is hammock with some cleared portions. Surrounding the site to the north and south are residential uses, some single family and multi-family including Tamarind Bay Condos to the south. Across U.S. 1, just north, is Key Largo school and a gas station.

Ms. Schemper highlighted those items not in compliance or needing minor correction on the site plan. There are a number of corrections needed overall that may need coordination with multiple disciplines to make sure everything lines up on the site plan, though most of them are minor. For adequacy of public facilities and services with the driveway access onto U.S. 1, a letter of intent from FDOT is required before issuance of building permits, and the issued FDOT permit is required prior to a Certificate of Occupancy. The Engineering Department is concerned as to where the proposed driveway will cross the bay side shared use path to ensure it will be a paved driveway where it intersects the paved trail. The County LDC standards for access driveways is that a curb cut must be at least 400 feet from any other curb cut, but developments designated as Class 5 or 6 Access Control Classification as defined by FDOT and where the posted speed limit is 45 mph or less, a deviation from the 400-foot standard is allowed. The County's Transportation Planner has indicated this project is a Class 6 Access Control Classification in a 45-mph posted zone and qualifies for the deviation from 400 feet. The minimum distance would be 245 feet. The closest driveway to the north is about 425 feet away, and to the south is about 305 feet. The FDOT notice of intent will be required before issuance of permit.

The proposed church will require an NROGO allocation of 10,000 square feet prior to issuance of a building permit. This project is in compliance with the maximum floor area ratio with the proposal for 10,000 square feet, but one elevation sheet in the flood plan refers to the finished floor level of a second floor and that reference to a second floor must be removed. Required open space appears to be in compliance, however the numbers are not included on the site plan so those calculations need to be added to the site plan. The crown of road at elevation of 13.8 feet is consistent with the survey, so the maximum height would be 48.8 feet NGVD. The elevation drawing shows it being 48.85 feet NGVD so the engineer will need to revise the plans. The plans also state that the retention volume will be 8,053 cubic feet. Based on the total site area of 298,268 square feet and the remaining and restored native vegetation of 199,436 square feet, the disturbed area requires 8,203 cubic feet of storage. There are more comments to come as to those specific numbers which don't line up between the site plan, the existing condition report and the landscaping plan. The plans need to be checked against each other to make sure everything is consistent and the numbers corrected and verified. No water quality or water quantity calculations were provided. A stormwater management plan that meets the requirements

of the Code needs to be submitted with the building permit application. The only fencing shown on the plan is around the recycling and solid waste area and the note should be adjusted to indicate a maximum height of six feet. Under environmental design criteria and mitigation standards, this proposal includes restoration of some previously-cleared areas. For staff to determine whether it is actually compliant, the site plan needs to clearly depict the exact receiver sites for the restoration planting. The schematic in the restoration guide needs to clearly depict the number, size and species of trees to be planted and/or transplanted. The Biosurveys guide is one of the places where the numbers are slightly off from the site plan. Coordination with Mr. Mike Roberts on his return is advised to ensure everything needed is included. There is also an area in the southeast corner of the parking lot where one plan shows it needs to be restored, but on the landscape plan it shows as part of the parking lot landscaping. This needs to be clarified and the appropriate square footages updated. Required parking is in compliance as to 90 spaces. Although the site data table says there are 91, the site plan has 90. Some of the spaces do not meet the minimum width of 8.5 feet. The engineer needs to re-measure the spaces to meet the minimum, which may affect square footages for cleared area, open space, stormwater, etc.

The landscape plan shows the appropriate bufferyard requirements in terms of location and width, but the details of the number, species and size of plants that are either present or to be planted to meet the bufferyard requirements need to be added. More information is needed on the outdoor lighting to ensure it is shielded to not illuminate above a 45-degree angle towards the ground and a photometric plan indicating the foot candles at the property line do not exceed the limit in the Code.

The last few are things that didn't fall under a specific standard or are inconsistencies that need to be updated under other issues in the staff report. The mitigation plan submitted recommended a slight rerouting of the proposed driveway to avoid one of the large native trees on site. So the site plan and landscape plan should be updated to reflect that change. There is an item under other issues that details the inconsistencies between clearing calculations, disturbed area, etc., and how the numbers are not consistent across all of the plans. The site plan needs to include the calculation for non-residential intensity, open space and the property's Tier Designation. There is a small area of proposed stairs attached to the deck on the north side of the building that shows up on the elevations page but not on the site plan page. The final thing in this list of other issues is the landscape plan and the number of square feet of parking lot area versus that shown on the stormwater plan which need to be updated and made consistent. There is a new requirement in the Code that these types of corrections are due within six months of the DRC meeting, otherwise the application is considered withdrawn. Following submission of the corrections, if staff determines that everything is then compliant, staff's recommendation would be for approval with some recommended conditions for certain things prior to issuance of a building permit in terms of obtaining NROGO, coordinating with the Engineering Department, notice of intent from FDOT and the revised landscape and stormwater plans. Prior to Certificate of Occupancy, the issued permit from FDOT is required, all site work permits must pass final inspection and the grant of the conservation easement must be completed and recorded.

Ms. Santamaria asked for further staff comment. Other than Mr. Williams asking if the church would be open during a natural disaster, there was none. Ms. Santamaria asked if the applicant would like to speak. Mr. Don Horton thanked staff for the detailed report and stated he would

get the architect and engineer to clean up these details and get it back to staff posthaste. Ms. Santamaria asked for public comment.

Ms. Dottie Moses of Key Largo was concerned with the fact that this is a Tier I lot with a long history of illegal clearing by previous owners and asked for the status of that. Ms. Santamaria explained that all of the Code cases were closed. Planning had coordinated with the Code Department about a year ago regarding the development and the restoration plan for any remaining required restoration as well as looking at the disturbed areas. Where the church is sited is the most disturbed area of the property. Where the vegetation is not fully mature or did not survive, continued planting is required and would be put in the conservation easement. Ms. Moses asked if the driveway that was installed illegally would remain. Ms. Santamaria responded that the applicant is working to get the site plan and driveway approved by the County and FDOT. Ms. Moses then asked about a reference to an authorized deviation without an explanation of what the deviation was. Ms. Santamaria clarified that there was one location in the restoration plan where shifting the driveway was discussed to save a large mature tree and that is the only one she is aware of. Ms. Schemper added that the only other thing she could think of was the deviation from the 400-foot separation requirement for the driveway. Ms. Moses indicated she would find that and send it to staff for clarification.

Ms. Moses continued that her understanding was that more than 7,500 square feet could not be cleared on a Tier I lot. Ms. Santamaria clarified that the clearing limit applies to the habitat and disturbed areas are not counted towards that clearing limit. So it is the disturbed areas plus 7,500 square feet of upland habitat. Ms. Moses asked if that applied even if the disturbed areas were illegally disturbed. Ms. Santamaria responded that some of them were things that had been closed out already so they are not considered unlawful anymore. Ms. Moses then asked that if the driveway was approved, if it could only be 18 feet wide. Ms. Santamaria indicated that was correct. Ms. Moses asked if a utility easement could be added or if the driveway would have to be used; and if they were allowed a utility easement, would that allow more clearing. Ms. Santamaria responded that she would have to check on the first question. Ms. Schemper added that there is language in the conservation easement regarding utilities and it says something to the effect of if any clearing occurs because of utility issues, restoration, replanting and mitigation is required. Ms. Santamaria also indicated there are some places in statute and code where up to four feet can be cut for utilities in addition to the 18 feet. Ms. Moses asked if that would count towards the hammock clearing on the Tier I lot. Ms. Santamaria believed it should but was going to go back and double check that. Ms. Schemper interjected that the plans show that the electric runs down the driveway. Mr. Horton confirmed that the intent was to put all utilities underneath the driveway. Ms. Moses commented that she did not know that it was possible to drive over utilities.

Ms. Moses then asked if sand or pea rock could be brought in for the driveway and shoreline areas. Ms. Schemper stated that a gravel driveway was proposed. Ms. Moses asked if sand could be brought in later on to make a beach area. Ms. Santamaria responded that if it was not habitat, mangroves and not creating fill into the water or any mangrove areas, they could potentially put sand there. Ms. Moses asked if a permit would be required for that and Ms. Santamaria indicated that a permit for fill would be required. Ms. Moses then expressed concern about the stormwater management plan not being known yet and whether it could possibly cause

more impact to the hammock. Mr. Horton stated that a stormwater plan had been submitted and there is only a discrepancy of 150 cubic feet in the retention area which he believes is a scrivener's error of the architect. Ms. Schemper also pointed out that the retention area was actually on the other side of the building from the hammock. Ms. Moses then asked whether the receiver site for the replanting was on this site and not another site. Ms. Schemper indicated it was for this site. Ms. Moses then asked if it was known where the grant for the conservation easement was going to be. Ms. Santamaria responded that all of the remaining open space would be placed under the conservation easement and would be known after all of the final calculations in the final site plan were completed. Ms. Schemper stated that, in general, the conservation easement would be all of the hammock area. Mr. Horton also added that all of the areas cleared previously cleared by Tamarind Bay are restoration areas.

Ms. Moses then expressed concern about noise issues in the community. Though she would think a church would be rather quiet, there is a wedding venue explosion going on in the Keys and wanted to know if there would be any kind of loud weddings or amplified music or anything like that coming from this development. Mr. Steve Williams interjected that they needed to be careful in lieu of RLUIPA on how to respond to this as they would reply differently between a church and any other commercial entity because there are special protections under RLUIPA for churches. Under federal guidelines, churches cannot be treated differently based on their religious nature. RLUIPA is an acronym for Religious Land Use Institutionalized Persons Act. With regard to a noise ordinances or noise applications, nothing can infringe upon RLUIPA.

Ms. Moses reiterated that her big concern is the impact to the Tier I property and the preservation of the hammock and whether, after this was built, anything else could be built such as a school or a hall, or if the ability to clear hammock had been maxed out. Ms. Santamaria stated she is 99-percent sure that the clearing has been maxed out, this would be in a conservation easement and is being approved as an institutional use as a church. If the church were to be converted to something else, it would need to be another allowed use within that zoning. Ms. Santamaria added that institutional use is broad but the clearing has been used up between the parking, the structure and the conservation easement. There is no floor area left to add another structure. Ms. Schemper added that a separate structure would need to be added because this is the maximum floor area for a single structure and since there can be no more clearing, that is not a factor.

Mr. Dave Rettig asked about the Tier I designation, stating that back in January of '08, the entire property had been brought back to original hammock and the new owner should have been required to maintain the entire property as hammock, which should then bring it back to the 7,500 square foot limit. He had searched and could not find any variance on that. Ms. Santamaria explained that there is no variance for clearing, that this property had prior approvals as part of a condo development where more residences were going to be added and some initial site work and clearing was conducted. That development then expired and there was some additional non-authorized clearing that occurred causing a Code case. All of the Code cases have been resolved, but there was a portion of the property that was cleared under a previous approval which is considered disturbed under the Code. Mr. Rettig stated that under the Code case he researched it was 100-percent brought back. Ms. Santamaria clarified that the places that were cleared were brought back. Mr. Rettig restated that it did not appear there were any disturbed areas on the property back at that time. Ms. Santamaria presented Mr. Rettig with an

aerial showing the disturbed area and where the church would be. Mr. Rettig continued to insist that the area had all been brought back in 2008, and cited to a Compliance Order Number 03090216 dated 1/25/08. Ms. Santamaria indicated they could confirm it all again with the Code Compliance Department. Mr. Rettig then asked if the County Biologist had any written findings that would be available to him as he had been unable to find anything. Ms. Santamaria assured him that she would have Mr. Mike Roberts get back to him upon his return. Mr. Rettig left his contact information with Ms. Santamaria.

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

5. 678 US 1, L.L.C., 323 AND 327 OVERSEAS HIGHWAY, BIG COPPITT KEY, MILE MARKER 9.5 GULF SIDE: A PUBLIC MEETING CONCERNING A REQUEST FOR A MINOR CONDITIONAL USE PERMIT FOR THE PROPOSED DEVELOPMENT OF LIGHT INDUSTRIAL USES CONSISTING OF A 6,739 SQUARE-FOOT SELF-STORAGE BUILDING AND 2,250 SQUARE FEET OF OUTDOOR STORAGE AREA. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS LOTS 6, 7, AND 8, BLOCK 1, AMENDED PLAT OF COPPITT SUBDIVISION (PLAT BOOK 4, PAGE 50), BIG COPPITT KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00149450-000000 AND 00149430-000000.
(File 2017-077)

Ms. Devin Tolpin presented the staff report. The applicant is requesting approval of a Minor Conditional Use Permit which would allow for a light-industrial use on the site. The proposed development involves the construction of a 6,739 square-foot building to be used as a self-storage facility and a 2,250 square-foot outdoor storage area to accommodate the storage of vehicles. The property is located at 323 and 327 Overseas Highway, Big Coppitt Key near mile marker 9.5 gulf side. The community character in the immediate vicinity is composed of light-industrial uses, single-family residences, multi-family residences, commercial retail, institutional and vacant land. Some of the most relevant prior County actions are that on April 30, 2010, a Minor Conditional Use Permit was approved through Development Order 02-10 to construct two buildings at 2,405 square feet each, for a light industrial and/or low to medium intensity commercial retail use on the subject property. That Development Order was valid for three years from the date that it was recorded, which was July 22, 2013. On July 19, 2013, a one-year time extension was granted which then expired on July 22, 2014. On March 25, 2015, two separate building permits were issued for the property, each having a 2,500 square foot NROGO allocation. The Monroe County Building Official approved a 180-day extension for one of the permits on September 8, 2016, which expired on March 6, 2017. The other permit is still active.

Ms. Tolpin noted the Conditional Use standards that the application was either not in compliance with or other things needing to be changed or addressed. A traffic study dated April 17 was submitted by the applicant concluding that the proposed development would not have an adverse impact on the operating characteristics of Overseas Highway, nor would it inhibit the safe flow of traffic. According to the 2015 U.S. 1 Arterial Travel Time and Delay Study, Segment 3 of U.S. 1 had a Level of Service B. Pursuant to LDC Section 114-2, development may be approved providing the development will not decrease travel speed below Level C. The Monroe County Traffic Consultant was able to determine compliance with the traffic study submitted, but raised

concerns, set forth in the attachment, regarding the study that must be addressed prior to approval. The subject property was allocated 2,500 square feet of non-residential floor area through NROGO under the building permit that is currently active. The proposed 6,739 square-foot building requires an additional allocation of 4,239 square feet of non-residential floor area subject to NROGO pursuant to LDC Chapter 138, Article 3. If this permit does expire, the applicant will then need the full 6,739 square feet of non-residential floor area to be allocated under NROGO.

The application is not in compliance with maximum height standards. The submitted plans show the proposed building as 35.08 feet in height as measured from grade. The crown of road elevation is 6 feet and the maximum elevation of the proposed structure is 41.08. Staff requests the applicant revise and submit plans demonstrating compliance with the 35-foot maximum height restriction. Under surface water management criteria, the plans submitted include a conceptual drainage plan that does not comply with the requirements of Chapter 114-3, specifically water quality treatment must be provided for the disturbed area of the parcel, impervious surfaces calculated as the impervious area divided by the site area. While the calculations provided and the resulting required treatment of storage volumes are not consistent with the LDC, the treatment volume actually provided exceeds the volume required by Code. No stormwater management plan was submitted with the application. At the time of building permit application, a dated, signed and sealed stormwater management plan and complete paving and drainage plans and details shall be provided.

The plan was not in compliance with the loading and unloading spaces per the LDC. Loading and unloading spaces shall not be located on any public right-of-way or on any public parking spaces or in parking aisles, and shall allow for adequate ingress and egress and turning maneuverability within the site. The site plan submitted proposed one 11-by-35 loading space located within part of the required access aisle. The proposed loading space also may not allow for adequate ingress and egress to the solid waste recycling collection area within the site so the applicant needs to revise and submit plans with a new location for the required loading space. Compliance is to be determined prior to building permit issuance for required landscaping. Parking lot landscaping depicted on the master landscape plan accurately reflects the requirements of Section 114-100. However, the landscape plan needs to be revised to clearly identify the landscape areas intended to meet the parking lot planting requirements and those intended to meet the bufferyard requirements. Outdoor lighting compliance will be determined upon building permit application review. No structure or land shall be developed, used or occupied unless all outdoor lighting conforms to the requirements of the LDC. If illumination is desired or required for non-residential development, the site plan shall include photometric lighting plans pursuant to the LDC.

Prior to issuance of the Development Order for the requested Minor CUP, the applicant shall submit the corrections and additional information requested including bringing the following items into compliance: The loading space, the landscaping and maximum height. Then staff would recommend the following condition of approval for the Minor CUP: Acquiring the remaining 4,239 square feet of NROGO allocation, a photometric outdoor lighting plan if outdoor lighting is to be included, and the development must be in compliance with the Building Department Floodplain and the Fire Marshal.

Ms. Santamaria noted that there was a mention of a billboard and asked where the billboard was located on the property. Mr. Gary Burchfield responded that it is in the front right area. Ms. Santamaria stated she did not see it on any of the plans and wanted to confirm the intention was to remove it. Ms. Tolpin indicated that to be correct. Mr. Horn stated that it was in the staff report. Ms. Santamaria explained that she brought it up because she is adding one more condition that prior to CO, the billboard must be removed. It is not on any of the plans, but is on the survey in the parking lot area of the new plan. Ms. Santamaria asked for further staff comment. There was none. Ms. Santamaria asked if the applicant would like to speak.

Mr. Bill Horn, the architect, introduced Gary Burchfield, the owner, and indicated that Ms. Barbara Mitchell was present via phone. Mr. Horn stated they had attempted to fix the landscaping and move the loading zone to the back of the property. He had fixed the elevations on the height and would leave that with staff. Ms. Mitchell asked to participate by phone, but Mr. Derek Howard indicated that she could not. Ms. Santamaria stated that Ms. Mitchell could relay comments through Mr. Horn to staff after the meeting. Mr. Burchfield explained that the building he's building with the existing permit, which sits on the existing footprint, has four and-a-half months left before needing another inspection and he wanted to make sure his existing permit is still active. Ms. Santamaria indicated that the building permit was still active and that he needs a passed inspection every 180 days or must go to the Building Official before it expires to request a one-time extension. Mr. Burchfield then asked about the NROGO and whether it was issued quarterly. Ms. Santamaria confirmed it is quarterly and there is presently not a lot of competition. Mr. Burchfield stated that he did not want to whine too much but had wanted a six-month extension on the other piece of property, and wondered if there was any kind of relief available for the NROGO because he had paid and paid. Ms. Santamaria responded that unfortunately, there was not. Ms. Schemper emphasized that the extension needed to be requested prior to expiration of the permit. Mr. Burchfield asked when he could apply for NROGO. Ms. Santamaria responded that the building permits needed to be effective with updated plans, that everything gets approved, a Development Order gets issued and there then is a 30-day appeal process locally and 45 days with the State. The NROGO process can be entered into after the Planning approval.

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

ADJOURNMENT

The Development Review Committee meeting was adjourned at 2:31 p.m.