

**DEVELOPMENT REVIEW COMMITTEE**

**Tuesday, June 25, 2019**

**MEETING MINUTES**

The Monroe County Development Review Committee conducted a meeting on **Tuesday, June 25, 2019**, beginning at 1:00 p.m. at the Marathon Government Center, Media & Conference Room (1<sup>st</sup> floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

**CALL TO ORDER** by Emily Schemper

**ROLL CALL** by Debra Roberts

**DRC MEMBERS**

Cheryl Cioffari, Acting Assistant Director of Planning and Environmental Resources	Present
Bradley Stein, Development Review Manager	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Cassandra Cane, Deputy Fire Marshall	Present

**STAFF MEMBERS**

Steve Williams, Assistant County Attorney (arrived at 2:24 p.m.)	Present
Peter Morris, Assistant County Attorney	Absent
Devin Tolpin, Senior Planner	Present
Janene Sclafani, Senior Planner	Present
Jay Berenzweig, Principal Planner	Present
Brittany Burtner, Senior Biologist	Absent
Devin Rains, Planning & Development Permit Services Manager	Absent
Debra Roberts, Senior Coordinator	Present

**CHANGES TO THE AGENDA**

There were no changes to the agenda.

**MINUTES FOR APPROVAL**

Approval of the meeting minutes for Tuesday, May 28, 2019.

**MEETING**

**1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY TIER OVERLAY DISTRICT MAP FROM TIER I TO TIER III AS REQUESTED BY RAFAEL AND GLORIA GONZALEZ, A PARCEL OF VACANT LAND LEGALLY DESCRIBED AS BLOCK 3 LOT 15 LARGO HI-LANDS PLAT BOOK 4 PAGE 89 KEY LARGO, HAVING REAL ESTATE NO. 00533190-000000. (FILE 2019-071)**

Mr. Michael Robertrs, Senior Administrator, Environmental Resources, presented the staff report. This is a request for a Tier Map Amendment from Tier I to Tier III. The lot is a vacant

lot surrounded by development in a URM neighborhood. It does not meet any of the criteria for a Tier I designation and, by Code, it's either Tier I or Tier III. Tier boundaries shall be delineated to include one or more of the following criteria and shall be designated Tier I: Vacant lands which can be restored to connect upland native habitat; lands required to provide an undeveloped buffer up to 500 feet in depth; lands designated for acquisition by public agencies; known locations of threatened and endangered species; Conservation Native Area or Sparsely Settled Land Use Districts; and areas with minimal existing development and infrastructure, none of which apply to this property. Based on these criteria, staff finds the appropriate Tier Overlay District Designation to be Tier III.

Ms. Cheryl Cioffari, Acting Senior Director of Planning and Environmental Resources, asked for staff comments or questions. There were none. Ms. Cioffari then asked for public comment.

Ms. D.A. Aldridge asked why this property was originally designated Tier I. Mr. Roberts responded that he had no idea as the entire subdivision was built out when the Tier designations were assigned; therefore the only reason he could conceive was a fundamental mapping error. There was no further public comment.

**2. BRAVO & PARTNERS 99500, LLC, 99450 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 99.5:** A PUBLIC MEETING CONCERNING A REQUEST FOR A MAJOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE DEVELOPMENT OF A PROPOSED 7/11 CONVENIENCE STORE WITH 12 FUELING STATIONS AND EIGHT (8) DWELLING UNITS TO BE DESIGNATED AS EMPLOYEE HOUSING. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS A PORTION OF LOTS 17, 18 AND 19, REVISED PLAT OF SUNSET COVE (PLAT BOOK 2, PAGE 20), MONROE COUNTY, FLORIDA, HAVING PARCEL ID NUMBER 00504130-000000. (FILE 2018-237)

Ms. Devin Tolpin, Senior Planner, presented the staff report. The requested Major Conditional Use Permit is for the proposed development of a gas station/convenience store with twelve fueling pumps and eight attached affordable housing dwelling units located within the SC Land Use District pursuant to Section 130-88(c)(3) of the Monroe County Land Development Code. The property is located at 99450 Overseas Highway, Key Largo, Mile Marker 99 Bayside, is 1.15 acres per the submitted boundary survey, is located within the SC Zoning District, designated Mixed Use Commercial on the FLUM, and is designated Tier III infill area. The community character of the immediate vicinity is hotel, restaurants and retail to the north, a large shopping center, a gas station, retail and bank across U.S. 1 to the east, retail restaurants and offices across U.S. 1 to the south, and retail, restaurant and residential uses near U.S. 1 Mile Marker 99.4 to the west. Section 110-67 of the Land Development Code provides the standards applicable to all Conditional Uses.

Ms. Tolpin then focused on those standards that the proposed development was not in compliance with. Standard (b), the Conditional Use is consistent with the community character of the immediate vicinity of the parcel proposed for development. The surrounding area within 600 feet of the subject property is characterized by a mix of commercial retail, hotel, restaurant and single-family residences. This property is located within the downtown community center

overlay where commercial retail high-intensity uses that generate more than 150 trips per 1,000 square feet of floor area are not permitted. According to the Level 3 traffic study submitted dated August 2018, the proposed mixed use development includes a commercial retail high-intensity use that is proposed to generate 667 trips per 1,000 square feet of commercial floor area. Standard (c), the design of the proposed development minimizes adverse effects including visual impacts of the proposed use on the adjacent properties. The main design impacts that will help minimize any adverse effects on adjacent properties are setbacks, landscaping buffer yards, and a means of ingress and egress to all proposed developments. The development is generally in compliance with all of the required setbacks. The applicant has submitted an application for an administrative variance in order to reduce the required parking lot landscaping by nine percent. If the administrative variance is approved, the proposed development would be in compliance with the landscaping requirements. The property is surrounded by other properties within the SC Zoning District so therefore, no district boundary buffer yard is required but a minimum ten-foot wide Class C buffer yard is required along the property line abutting U.S. 1. As of now, the plans are not in compliance with that required buffer yard. The proposed ingress and egress is not in compliance with the access standards set forth in LDC Article VII. The adjacent northwest parcel which is occupied by Snook's Bayside is currently accessed through an easement located on the subject property. Any change of access on the subject property will have a direct impact on the access easement from U.S. 1 to that northwest parcel. The access, as proposed, is not in compliance with the LDC, and therefore revisions are required. The effects the change of access may have on this adjacent northwest parcel are not known. The proposed access to U.S. 1 is also in the vicinity of a high-crash location. Access from the proposed site to U.S. 1 must be carefully evaluated from a safety and operations standpoint and associated mitigation efforts as identified by the traffic consultant hired by the County must be included in any proposed development plans. An objection letter dated March 25, 2018, written by a representative of Snook's Bayside was received and is attached to the staff report. The proposed development is also not in compliance with Standard (e), the adequacy of public facilities and services for localized impacts and access management.

The applicant's two proposed access drives are not in compliance with the LDC as detailed later in the report. The proposed development is not in compliance with permitted and conditional uses due to the high-intensity trip generation proposed and exceeds the maximum trip generation permitted for commercial retail high-intensity uses within the DTCC. The definition of trip generation is set forth in LDC Section 101-1. Trip generation means the attraction or production of trips caused by a given type of land development. A trip means a single or unidirectional movement with either the origin or destination existing or entering inside the study site. The traffic study submitted asserts that the proposed generation of the commercial retail high-intensity use is 667 trips per 1,000 square feet of floor area, and indicates that 2,539 daily trips will be generated. A 78 percent pass-by rate was subtracted which attributed 559 daily trips generated. Staff concurs that the pass-by rate is related to the number of trips added to a particular segment of U.S. 1 and therefore may not affect the level of service capacity within the segment of the road where the development is occurring; however, in agreement with the County's Traffic Engineering Consultant, staff has determined that for the purpose of determining compliance with permitted and conditional uses within the DTCC that the 78 percent pass-by rate must be included in the overall calculation. Due to the number of trips entering and exiting the site, it is not a permitted use.

The development is generally in compliance with setbacks with the exception of some light poles located within the front yard setback that will need to be removed or relocated. Some changes need to be made to the elevation plans to comply with maximum height as they currently incorrectly depict the crown of road grade elevation. There are some discrepancies with the surface water management criteria which must be addressed; it appears to be in compliance with the Code and there may just be some errors on the plans submitted. There are two proposed bicycle parking racks, one in compliance, and one of which is located within the access easement and must be removed or relocated to be at least five feet away from vehicular traffic. The required landscaping is currently not in compliance but an administrative variance was submitted requesting a reduction of nine percent which, if approved, would be in compliance. A Class C major street buffer yard is required along U.S. 1 and currently the plans do not demonstrate compliance. The submitted photometric site plan is not in compliance with the proposed illumination allowed at the property line.

The subject property is currently accessed by three separate curb cuts along U.S. 1, and two access drives are proposed. Pursuant to LDC 114-195, no structure or land shall be developed, used or occupied unless direct access to U.S. 1 is by way of a curb cut spaced at least 400 feet from any other curb cut unless the speed limit is 45 miles per hour. If the segment is designated as Class 5 or 6, then the development can deviate from that standard in accordance with Chapter 14-97 F.A.C. The proposed development is located along a segment of U.S. 1 that is designated as a Class 6 access control classification where the speed limit is 45 miles per hour or less, but the proposed access does not meet the necessary standards. Either one access drive will need to be removed or a variance would need to be applied for and granted. The Level 3 traffic study was submitted as required showing more than 500 trips per day to be generated. The County's Traffic Engineer found that the proposed driveways do not meet the FDOT or County access standards. Additionally, the proposed access is in a high-crash location based on data from the Signal Four Analysis Crash Data Base. This access needs to be carefully evaluated from a safety and operations standpoint and associated mitigation measures need to be identified in the traffic impact study. Staff will require that the proposed access drives be brought in compliance with the County Land Development Code or an application be submitted for a Planning Commission variance. There is a small discrepancy on the solid waste and recycling areas which must be corrected. Currently, the applicant has not demonstrated compliance with the necessary community participation meeting which must be held between 45 and 120 days prior to the Planning Commission hearing. Staff recommends prior to scheduling the Planning Commission hearing that the list of comments found in the staff report be addressed to demonstrate compliance with all necessary standards.

Ms. Cioffari indicated that the applicant was present and Mr. Jim Saunders immediately introduced himself and handed out a written response to the staff report. Ms. Cioffari explained that he could present his information, and then there would be public comment. Mr. Saunders stated that the majority of the comments in the staff report related to access, routing and traffic trips that Mr. Karl Peterson, the applicant's traffic engineer, would address. Mr. Saunders noted that everything on the project could be resolved once the access issue was resolved. If the access issues are not resolved, the applicant understands the project would be at issue. The landscape variance requests a reduction of 500 square feet. The FDOT is in negotiations with the applicant

on this project and a variance hearing is scheduled with them, which is why a variance has not yet been scheduled with the County. Everything will be predicated upon the FDOT acceptance. Mr. Saunders indicated that the setback buffer would be corrected on the plans. Exhibits and a cutout from the survey were submitted showing the crown of the road and the plans will be revised accordingly. The crown of the road is 12.94. The maximum allowable height is 47.94, and none of the buildings go above 46.32 NGVD so elevations will be in compliance. There was some confusion on the part of the applicant's drainage engineer, Allen Perez, so tables were added to the response, and he currently believes the applicant is already three times over compliance as to the volumes required. The bike rack has been moved into an area taken out of the easement resolving those issues. The updated landscape plans show plantings and corrects items on the original comments. Outdoor lighting will be moved out of the front landscape buffer and the photometric will be brought up to date. Waste and recycling notes will be added to the plans. The applicant does not plan on blocking Snook's easement, but Mr. Saunders noted that Snook's also has another easement on the south side of the applicant's property that goes back, moves all the way around and comes back up to U.S. 1. The lot is 190 feet wide so there is no way to increase the spacing of the entrance easements. The reason the applicant has continued to use the easement is because Snook's needs the easement, which is also for ingress for the gas truck. Originally there were three access points, one at the easement going to Snook's, another that goes into the Largo Honda property, and one going out of Largo Honda. Mr. Saunders presented an overlay for perspective noting that because of the ownership of other properties in the area having multiple different owners, everyone has ingress and egress on their properties that are not in compliance.

Mr. Karl Peterson, traffic engineer for the applicant, addressed the trip generation methodology. A lot of different access configurations had been looked at with the existing easements on the property, and he has been in extensive discussions with FDOT. Mr. Peterson stated he is confident that an amicable solution for ingress and egress issues will be reached. He has worked on the main issue of trip generation for two years. Fuel pumps generate traffic outside without the benefit of a building. The area under the canopy was considered for adding square footage but the County deemed that was not an option. The Institute of Transportation Engineers is generally viewed as the go-to source for trip generation data across the country. Additionally, with regard to this specific use, the FDOT has done an extensive amount of research for gas stations and convenience stores. The trip generations of ITE along with the pass-by rates of the FDOT research were used. About six different scenarios were looked at on how to analyze this and it was agreed to with the County that the best approach for estimating traffic for this site was to develop the trip generation characteristics based on the FDOT's trip generation information which is based solely on trip generation values for the State of Florida, as well as the pass-by characteristics of this use. It was agreed that by increasing the square footage of the convenience store, not the canopy size, along with the pass-by rate, the numbers for trip generation per thousand square feet is below 150. In February of 2018, the applicant received confirmation from Vivek Redy (phonetic) that this approach was acceptable; and on February 28, 2019, confirmation was received from Kevin Bond at the County that there was concurrence with the approach and it would meet the criteria. Though gas stations and convenience stores have a significant amount of activity, it derives traffic from the existing background traffic on the adjacent street network. About 80 percent of traffic making a gas purchases are already on the adjacent roadway network. There are existing fuel stations on the northbound side of U.S. 1

within a thousand feet and these trips will simply redistribute themselves. Emails with background information can be made available. Mr. Jim Saunders asked if staff had any questions about the traffic analysis. Mr. Tolpin responded that the County was already aware of the emails. Mr. Saunders then asked if the County's methodology for the pass-by trips was not as Mr. Peterson mentioned and rather was as in the staff report.

Mr. Bradley Stein responded that Mr. Peterson had described the analysis process and not the methodology. The email states to submit the methodology and then the level three traffic study. Mr. Peterson added that he had approval on the methodology from Vivek and this was approved on May 15, 2018. Mr. Stein reiterated that the question was the methodology. Ms. Cioffari interjected that the main issue is that there is a difference in the interpretation of the Code between the applicant and County. Any additional material not previously received may be submitted, but this would not be resolved today in this meeting. Ms. Cioffari thanked the applicant for the information provided, indicating it would be taken into consideration. Mr. Saunders pointed out that the schedule of future proceedings was included on the last page of his handout, but he needs to know what will happen with the traffic as it could be a drop-dead scenario if there is no resolution. Ms. Cioffari assured him that the information would be considered and a response provided.

Ms. Cioffari asked for staff comments or questions. There were none. Ms. Cioffari then asked for public comment.

Ms. Aldridge asked if the County would clarify the crash table and what the different colored dots represent. Ms. Cioffari responded that she believed this was from the County's consultant and staff may not have the answers for her today but could get back with her. Mr. Saunders indicated that he hadn't received that information until very recently and had not yet had a chance to analyze it, though most of the accidents were at the intersection and not in front of the subject property. He'd also had the same question and had asked for the raw data. Ms. Janene Sclafani responded that purple represents how many incidences occurred, and the different color blue dots represented the type of collision, whether head-on, rear-end, pedestrian, et cetera. Ms. Aldridge asked if staff could send her an email with the legend, and Ms. Sclafani indicated that she would.

Ms. Dottie Moses stated that the letter from Snook's had indicated concern about contamination from preexisting gas stations and asked if there was any reason to believe there was an old gas station there. No one was aware of that being the case. Mr. Saunders added that he has reports saying there is no existing contamination but even if there were, the applicant would be responsible to bring it into compliance. The new gas tanks are safe and meet all new requirements.

Mr. Steve Williams asked if there had been a phase one or a phase two. Mr. Harold Kessler responded that there is a phase two referencing a certain chemical present requiring a minor \$5,000 to \$15,000 cleanup that will be a part of the whole permitting process. However, there is no contamination of the type that everyone would get scared of.

Ms. Moses continued that in the midst of this development there is a pedestrian crosswalk island across the street and she had not seen it mentioned. She expressed concerned for the potential of obstructing the view of pedestrians with the additional traffic going in and out of the area where the island exists now. Also, there is the issue of Bayside Inn's restaurant which sits forward in the right-of-way and encroaches onto the existing FDOT right-of-way, which is part of the easement driveway that is being recommended for access. This seems to be a huge impediment to a smooth movement of people turning in and out of that easement with a two-way access, as people will be coming at that access from at least four angles, in addition to the pedestrian island being there. Ms. Moses asked for confirmation that the open space requirements were met, and Ms. Tolpin responded that they were. Ms. Moses also had noted that a fence was running along the south boundary and asked if that fence would continue to exist. Ms. Tolpin responded that there was no fence shown on the site plan submitted. Ms. Moses asked if the gas trucks would have to back into the loading dock, and Mr. Saunders responded that that they would pull through and back in while on property, but not from U.S. 1. Ms. Moses asked if the ten-foot setback included the loading dock and easement area. Ms. Tolpin responded that the easement was within the setback, but that the loading dock was not. Mr. Stein clarified that the front, rear and side setbacks vary and all were not required to be ten feet, though he would be reviewing the easement. Ms. Moses asked if the traffic study needed to include the traffic that Snook's is already using up. Mr. Stein responded that it was already included in the background traffic count. As to the comments regarding the pass-through traffic not changing and that it would just rearrange, Ms. Moses pointed out that the neighborhood of Port Largo does not have to get onto U.S. 1 at all to go to a gas station, but they would if they decided to use this gas station, which would add to the traffic from that aspect. As a resident of 38 years, Ms. Moses finds this location for this intense activity troubling and concerning and she believes most people in the area feel the same way. It is already a congested, high-crash area and gets backed up on a regular basis. This would create more confusion, congestion and chaos in this area if allowed. Ms. Moses stated she was looking forward to the community meeting and wanted dates for the FDOT variance meeting. Mr. Saunders responded that he believed it to be July 11, 2019, but he could not state that for a fact yet. Ms. Moses asked if that meeting were July 11, when the community meeting would be set. Ms. Cioffari indicated that would have to be arranged between staff and the applicant, but it would be advertised a minimum of fifteen days prior.

Ms. Moses then commented that the parking for the affordable housing was straight in with the driveway right behind it, which would cause the cars to back into the driveway, and asked whether there was a place for delivery trucks for the affordable housing. Ms. Cioffari responded that there was no requirement for a loading zone for the affordable housing. Ms. Moses responded that delivery trucks would then be blocking the driveway when they were there, and she was looking at it from a safety perspective; but Ms. Cioffari added that it would be the same way they block a house in a neighborhood. Ms. Moses expressed concern that with this congested intersection, during traffic backups, there would not be enough space and everybody would be jockeying for a spot inside the gas station property, and she foresees the overflow ending up on U.S. 1 through the intersection and beyond.

Ms. Aldridge commented that since it had been suggested by the applicant that people presently make U-turns to go to the gas stations on the north side of U.S. 1, she would like to see if that is really true because there are two gas stations within a mile and a mile and-a-half on southbound

U.S. 1, and she has never seen anyone make a U-turn. If the applicant feels this is one of the reasons to have a gas station, proof of that should be provided. There was no further public comment. Public comment was closed.

Mr. Mike Roberts asked where the parking lot and landscape variance was and whether it was just for the commercial use or for both the commercial and residential use. Ms. Tolpin responded that she believed it was for both. Mr. Roberts stated that with the applicant applying for a conditional use, he would think they would want to increase landscaping instead of decreasing it. There was no further staff or public comment.

**3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY COMPREHENSIVE PLAN POLICY 101.5.31, MAXIMUM HEIGHT WITHIN OCEAN REEF, A GATED MASTER PLANNED COMMUNITY, TO ALLOW FOR A MAXIMUM HEIGHT OF 80 FEET WHEN A VARIANCE TO HEIGHT HAS BEEN APPROVED BY THE MASTER ASSOCIATION, AS PROPOSED BY SMITH HAWKS PL; 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 2019-023)**

Mr. Jay Berenzweig, Principal Planner, presented the staff report. The applicant is proposing to amend Monroe County Year 2030 Comp Plan Policy 101.5.31 to allow structures within Ocean Reef to exceed the maximum height limit to a maximum of 80 feet, upon evidence submitted by the Ocean Reef Community Association, hereinafter referred to as the master association, that variance to height had been approved by the master association based on criteria established for a variance by the master association. As background information, on September 27, 2017, the BOCC had passed and adopted Ordinance 016-2017, amending Comp Plan Policy 101.5.31 allowing Ocean Reef to exceed the 35-foot height limit, and up to five feet above the building's roofline for non-habitable architectural decorative features. The exception would not result in the building, together with any decorative feature, to exceed 40 feet in total height. As used in Policy 101.5.31, a master plan community means a planned community of 100 or more acres in area, subject to a master plan or other development order approved by the County, where public access is restricted and the community is operated or maintained by the community, including the provisions of comprehensive private utilities and transportation facilities and services within its boundaries, and a homeowners' association or similar entity which regulates development standards and monitors development requests by the members. During the concept meeting, it was determined that there would not be a County-wide impact so no community meeting was required. The applicant would like to insert language, deleting what was amended from the Ordinance 016-2017, indicating upon evidence submitted by the master association, variance to height has been approved by the master association. Based on criteria for the variance by the master association, no building may exceed 80 feet. The applicant also is proposing to strike through the definition previously read defining a master plan community. Staff recommends keeping the definition of master plan community with Policy 101.5.31 due to the fact the term is not defined elsewhere within the Comp Plan and the definition is needed to distinguish it from other areas within the County. The staff report has details regarding the ORCA master

association building regulations and restrictions. Staff found the proposed amendment is consistent with Goal 101 of the Comp Plan, Objective 101.5, Policy 101.5.30, 32 and 33, Goal 1501, and Policy 1501.1.2. The amendment was found to be consistent with the Principles for Guiding Development and the Florida Keys Area Section 380.0552(7) Florida Statutes. Staff recommends approval with the staff-related changes.

Ms. Cioffari asked if the applicant's agent would like to make any comments. Mr. Bart Smith, on behalf of Ocean Reef, stated that he appreciates staff's thorough analysis and concurs with staff. He will send an amendment back adding the language back in. He thanked staff for their time and hard work on this. Ms. Cioffari then asked for public comment.

Mr. Bill Hunter asked if this would mean that any building that the master association decides can go to 80 foot, could then go to 80 feet. Ms. Cioffari responded that that would be correct, only within Ocean Reef.

Ms. Cioffari interrupted public comment and asked for staff questions or comments.

Deputy Fire Marshal Cassandra Cane wanted to mention points from the perspective of Fire Rescue Service and from a fire prevention aspect in permitting buildings to go to this height. Deputy Cane explained that with the current configuration of Ocean Reef's fire protection and fire department, they have a 75-foot aerial apparatus which would only reach about 50 feet. These buildings would therefore be built outside of the reach of the tallest aerial apparatus that the fire department presently has, which causes concern. The larger-size buildings also create tactical challenges. The staff in that area consists of six firefighters off season, and seven to eight in season, with the closest backup being from Miami-Dade which is twenty minutes away. Since elevators are not used in fire conditions, this would require climbing eight stories for incidences, which is an additional concern. Further, the water supply is challenged in all cases in Monroe County, even in commercial buildings, and there is a minimum requirement for firefighting water to be separated from fire sprinklers. Those requirements aren't able to be met by fire hydrants so this would require a significant number of wells to be drilled to be able to meet the firefighting requirements. Those wells need to meet the gallons per minute, and for a building of that size, requires manpower, and similarly, for the sprinkler systems. The maximum water supply in any area of Monroe County is 750 gallons per minute, so these buildings would require their own cisterns and fire pumps on site as the requirements will not be able to be obtained from the municipal water supply. Allowing one or two buildings to go that high, a couple of special plans could be made, but this is community-wide and she does not believe the fire department resources, in its current configuration, could keep up with that.

Ms. Aldridge asked if water had been a problem at the last fire in Key Largo at the Bungalows. Deputy Cane responded that the hydrant situation it is always a challenge for them and they are making moves to address that property specifically, and also moving forward on plans review of future projects by making changes to the requirements. Deputy Cane added that she is not permitting the fire department water supply to be based on fire hydrants any longer as even very small projects wouldn't be able to be met with a fire hydrant. Deputy Cane explained that the Aqueduct Authority has a contract with each one of the fire protection agencies throughout the Keys stating that fire hydrants are not provided for fighting fire, they are provided for filling fire

trucks. The Aqueduct Authority will not guarantee any more than 250 gallons per minute from any one hydrant. And, once connected to one fire hydrant on a line, all of the water is being taken from all of the other fire hydrants on that line. Even looped, the minimum requirement of 1,500 gallons per minute for any size commercial building will not be met. In future planning projects, the fire marshal is asking for wells as an alternative to the low water supply system. There are some NFPA references that permit those wells to be used for rural water supply systems, and ISO also gives them credit for those wells as a water supply. Each fire truck can pump a minimum of 1,250 gallons per minute, though most can pump 1,500 gallons per minute.

Mr. Steve Williams asked how Bonefish Tower was ever erected. Deputy Cane stated Code was different then, though she couldn't speak to it, adding that all high-rise operations are challenging. Bonefish Towers had been built before the fire marshal had the level of involvement in the fire prevention office that they do now, and it had been more significantly a volunteer system then. It may not have been a discussion at the time. There were no further staff or public comments.

**4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY CODE SECTION 131-2(A), MAXIMUM HEIGHT, WITHIN OCEAN REEF, A GATED MASTER PLANNED COMMUNITY, TO ALLOW FOR A MAXIMUM HEIGHT OF 80 FEET WHEN A VARIANCE TO HEIGHT HAS BEEN APPROVED BY THE MASTER ASSOCIATION, AS PROPOSED BY SMITH HAWKS, PL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE. (File 2019-024)

Mr. Berenzweig, Principal Planner, presented the staff report. This is the corresponding proposed amendment to the Land Development Code Section 131.2, maximum height, to include additional language that would allow buildings within Ocean Reef to exceed the maximum height limit up to a maximum of 80 feet upon evidence submitted by the master association that a variance to height has been approved by the master association, based on criteria established for a variance by the master association. As in the previous item, in September 2017, the BOCC had adopted Ordinance 016-2017, with the corresponding amendment to the Land Development Code, Ordinance 017-2017, to allow that extra five feet for decorative features. The applicant is proposing to insert language in 131-2(a) that upon evidence by the master association the variance to height has been approved by the master association based on criteria established for a variance by the master association, but no building may exceed 80 feet. Staff finds the amendment is consistent with rules and restrictions of the master association. The internal variance procedure would permit Ocean Reef to maintain distinct community character. The proposed amendment does not affect aesthetic or design of any other areas within the County. The amendment will not change the function of the Comp Plan, and applies to the entirety of Ocean Reef. The amendment will encourage storm hardened and practicable development of raised structures to match the increase in rising sea levels and storm surge. The staff report provides details on ORCA's or the master association's building regulations and restrictions. On page eight of the staff report, staff proposes inserting "Ocean Reef" under subsection (a) in those

areas. Staff finds the proposed amendment to be consistent with the LDC Section 102-158(d)(7)(b)(1) change projections from those in which the text or boundary was based. The proposed amendment may provide protective measures for the public to combat the impacts of sea level rise/climate change, and incur storm hardened and practicable development of raised structures. The proposed amendment is consistent with goals, objectives and policies of Monroe County 2030 Comp Plan, furthers Goal 101, Objective 101.5, Policy 101.5.30, 32 and 33, Goal 1501, Policy 1501.1.2. The amendment is consistent with the Principles for Guiding Development for Florida Keys Area, Section 380.0552(7) Florida Statutes. With that, staff recommends approval with changes.

Ms. Cioffari asked if the applicant's agent would like to make any comment. Mr. Bart Smith again thanked staff for all of their hard work, indicated agreement with staff's recommendations, that revisions would be made and he would continue working with staff on anything that comes up, including the commenting agencies, to address their concerns. Ms. Cioffari asked for further staff comments. Deputy Fire Marshal Cassandra Cane indicated that her comments would be the same as prior. Ms. Cioffari then asked for public comment. There was none.

**5. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING THE MONROE COUNTY COMPREHENSIVE PLAN POLICY 101.5.25 TO PROVIDE A DENSITY BONUS ABOVE THE MAXIMUM NET DENSITY FOR AFFORDABLE HOUSING FOR A PROPERTY SUBJECT TO A SITE-SPECIFIC SUBAREA POLICY ESTABLISHED UNDER PROPOSED GOAL 111 OF THE COMPREHENSIVE PLAN; ESTABLISHING GOAL 111 AND OBJECTIVE 111.1 TO INCENTIVIZE AFFORDABLE HOUSING DENSITY BONUSES THAT EXCEED THE ESTABLISHED MAXIMUM NET DENSITY PROVIDED IN POLICY 101.5.25; AND CREATING POLICY 111.1.1 STOCK ISLAND WORKFORCE SUBAREA; ESTABLISHING THE BOUNDARY OF THE STOCK ISLAND WORKFORCE SUBAREA 1; LIMITING THE PERMITTED USES OF THE SUBAREA TO DEED RESTRICTED AFFORDABLE HOUSING DWELLING UNITS; ESTABLISHING MAXIMUM NET DENSITY FOR AFFORDABLE HOUSING, HEIGHT AND OFF-STREET PARKING REQUIREMENTS IN THE SUBAREA; AND ELIMINATING ALLOCATED DENSITY AND FLOOR AREA RATIO; FOR PROPERTIES LOCATED AT 5700 LAUREL AVENUE, 6325 FIRST STREET AND 6125 SECOND STREET, STOCK ISLAND; AS PROPOSED BY SMITH/HAWKS, PL ON BEHALF OF WRECKERS CAY APARTMENTS AT STOCK ISLAND, LLC; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (File #2018-120)

Ms. Cheryl Cioffari, Acting Senior Director of Planning and Environmental Resources, presented the staff report. This is a Text Amendment to the Comp Plan to create a new Goal, Objective and Policy. The Goal is to incentivize affordable housing on Stock Island, and establish site-specific Subarea Policies to apply to a specific property. The applicant has also submitted a corresponding Land Use Zoning Map Amendment for the property that is affected by the policy listed in the Text Amendment from Urban Residential Mobile Home to Urban

Residential; a Text Amendment to the Land Development Code Section 130-157 to allow for increased densities for properties within Mixed Use and Urban Residential Zoning Districts; a Development Agreement for the redevelopment of properties collectively known as Wrecker's Cay; a right-of-way abandonment for a portion of Laurel Avenue; and a right-of-way abandonment for a portion of Maloney and First Street. The subject property that's part of the Subarea Policy is currently developed with three mobile home parks and accessory uses and structures. A concept meeting was held August 27, 2018. It was determined not to have a County-wide impact as the project was limited to Stock Island. However, a community meeting was held on April 30, 2019, where the Text Amendment and pending Land Use Map Amendment was discussed. Comments at the public meeting included concern about the reason for inclusion of Suburban Commercial, rental or ownership of units, definition of workforce housing, transferring allocated density, impact of the protest procedure, and internal consistency between the proposed Goal, Objective and Policy. This was also reviewed for compliance with the Military Installation Area of Impact. No response had been received back from the Commanding Officer due to the fact that this is in the 64 and below DNL noise zone. The traffic study and parking analysis is currently under review. The first proposal under 101.5.25 is within the density table of the Comp Plan, and there is language to provide a new note that the density increase will be for above the maximum net provided when a property obtains a Subarea Policy under Goal 111.

Staff recommends approval of that section with modifications, amending language to specify that it's not a bonus but clearly that it's a density increase when established under Goal 111. Goal 111 provides the outline of what the goal is which seeks to create incentives for the development of workforce housing through increased density. There is no definition of workforce housing in the Comp Plan or the LDC. It does specify a definition for affordable housing, so staff recommends approval with modifications to amend the policy to use the term affordable housing, to add a statement that all new dwelling units are subject to the ROGO permit allocation system, and to modify the language within the proposed Goal to indicate that all affected regulations and/or development requirements that may be varied through the establishment of a site-specific Subarea Policy under Goal 111. The proposed Objective 111.1 would allow for the creation of site-specific areas in Stock Island. This whole Goal is limited to Stock Island, allowing for density bonuses or increases for workforce housing. The limitation of that Objective is specified, to allow for transference of ROGO exemptions in TDRs, to allow varied parking, and to allow for three stories above parking. Currently, two stories above parking is allowed. It also allows for a variance to the off-street parking requirements, the height of structure, TDRs and density. Those should all be included within the breadth of the Goal.

Under the specific Subarea Policy 111.1.1, staff is asking for clarification that there will be no maximum net density standard available for market rate or transient units for internal consistency, and to clarify that the maximum net density is based on buildable acre as opposed to gross acreage. The applicant has proposed 40 dwelling units per one acre. The Subarea Policy proposes modifications to TREs for transferring procedures. Staff recommends deleting the proposed language as transfer of ROGO exemptions are established through Policy 101.6.8 and the proposed language is inconsistent with Policy 101.13.2. Density must remain on the site proposed for development. The proposal to transfer off all allocated density would remove all development rights from the property and would prohibit any future development. Additionally,

there is currently a moratorium established through 011-2017, 020-2018 and clarified through Resolution 203-2018, which limits where you can transfer market rate ROGO exemptions to, and that's limited to Tier III legally-platted lots within an IS or URM Zoning District, same Subarea, and the receiver site is not a working waterfront. The proposed Text Amendment to fix the interim development ordinance for prohibiting the transfer of market rate TREs is scheduled for this DRC meeting and is moving forward, so hopefully this issue can be fixed as it moves forward. The Subarea Policy proposes buildings that are voluntarily elevated up to three feet include three habitable floors excluding mechanical components and elevator shaft. Similar language was proposed by the Affordable Housing Committee who had asked the BOCC to have staff look into creating an Overlay District that would allow the development of workforce housing projects up to a maximum of 40 feet. Staff recommends approval with modifications clarifying that mechanical equipment and elevator shafts are included in the calculation of overall height and shall not exceed the height limitations established in the Comp Plan and the Land Development Code. The Subarea Policy requests reduced parking requirements. The Stock Island and Livable ComuniKeys plans have specific action items that directly relate to reduction in parking requirements. One is to allow for credits for on-street parking spaces that are within the vicinity of the subject development, and to also allow for the use of scooter spaces in place of vehicular spaces. The parking analysis is currently under review so as comments are received from the County Engineers, they will be forwarded to the applicant. Staff requests language be modified that the parking requirements may be reduced based on acceptable data and analysis reviewed and approved by the Planning Director that evidences that sufficient inter-modal transportation including bus stops, bicycle paths and utilization of scooters exists. Staff concurs that non-residential uses be prohibited and asks that a statement be included to specify that the maximum floor area is zero, a statement that there is no market rate or transient units included, that there is no maximum net standard density available for market rate or transient units, just to be very clear. The protest procedures set forth within Section 102-158(d)(8) are applicable to applications submitted under this policy which require a favorable vote by the BOCC during the transmittal stage of the proposed Comp Plan Text Amendment. Staff-recommended changes start on page fifteen of the staff report and are noted in red. The proposed amendment is consistent with the Comp Plan, the Stock Island/Key Haven Livable ComuniKeys Plan, the Florida Statutes, and the Principles for Guiding Development. Staff recommends approval with changes and modifications.

Ms. Cioffari asked if the applicant would like to speak. Mr. Bart Smith thanked staff for their work to date on this project, indicating he would continue to work with staff, that the applicant agrees with a lot of the revisions and he will send back an adoption of most of them. As to the ones that there may be disagreement on or language needs to be worked on, he will continue to work with staff to move this forward. Ms. Cioffari then asked for staff comments. There were none. Ms. Cioffari then asked for public comment.

Mr. Stuart Schaffer had questions related to the changes staff had made to the applicant's language specifically referring to the Goal to incentivize affordable housing and it being limited only to Stock Island. Ms. Cioffari stated that that was correct, and was on page seventeen of the staff report. She explained that the Goal is the largest part, and then the Objectives and Policies follow. Mr. Schaffer suggested some tinkering be done with the words because the only thing he found in the Goal about Stock Island was a reference to density limits being increased. A new

sentence then talks about incentivizing the supply of affordable housing by providing for a few other things and that sentence ends, “to address the inadequate availability of affordable housing in the Lower Keys.” Understanding that the first sentence is general, the second sentence sets out incentives other than the density increase and is not limited to Stock Island. Similarly, the second sentence of the Objective is not limited to Stock Island. Arguably, it is, because it says such sites, specific areas, but his concern is that the Goal is not clearly limited to Stock Island; the density increases are, but whatever else is being incentivized is not specified. Secondly, on the Zoning Districts, the density increases are limited to Mixed Use and Urban Residential, but the incentives in the second sentence of the Goal are not limited to just Mixed Use and Urban Residential. Mr. Schaffer asked if that was the intention, that the non-density increase incentives were meant to be limited to those two Zoning Districts. Ms. Ciofari responded that the intent was that the density incentives are currently listed in the Objective, and the applicant will specify, but it is only for Stock Island. Mr. Schaffer then wanted to confirm that the density increases were meant to be limited just to Mixed Use or Urban Residential, and Ms. Ciofari confirmed that to also be correct. Mr. Schaffer then asked if the other incentives were also meant to be for only those two Zoning Districts. Mr. Smith interjected that he understood Mr. Schaffer’s point and believes there is a way to tweak the wording. Ms. Cioffari added that it was meant for the two Zoning Districts, though the language may change as things proceed.

Mr. Schaffer then asked about the change from workforce housing to affordable housing. Though he understands workforce housing is not a defined term currently in the Code, there is a definition of workforce housing working its way through the process, and there is also an existing definition of employee housing which is similar that could be used rather than the broader term of affordable housing. Ms. Cioffari stated that with no definition for workforce housing, the limitation that was proposed was for households that derive at least 70 percent of their household income from gainful employment in Monroe County, so staff has recommended that be put under the Subarea Policy. Mr. Schaffer then asked regarding the desire of staff to list the other specific incentives available other than density increases; so there is now language not proposed by the applicant that lists specific incentives and Mr. Schaffer thought the memo said to list all of them. The second sentence of the goal says “such as” which leads him to believe there might be others. If the intention was only for the three additional incentives, he would like to see “such as” changed to something else. Mr. Schaffer then stated he had read the applicant’s proposal as saying that the actual imposition of particular incentives were to be done on a project-by-project basis, based on policies such as 111.1.1; so the question is as others want to get these benefits, would they come in and 111.1.2, 3, et cetera. And further, if staff’s intention was that the only way to get the incentives under Goal 111 and Objective 111.1 is through the enactment of site-specific future policies; and, if that is the case, he would suggest looking at the drafting of this again because the only thing that talks about future policies is the density increase, which are authorized by the last sentence of the Goal and Objective. If the intention is that the only way to get any benefits under this Goal is through a future site-specific policy being adopted, it doesn’t really say that anymore whereas the original proposal did. Mr. Schaffer then commented that he likes to see limiters in the Goal and not leave it for the Policies; and he would request some kind of density increase cap. He realizes that a new Policy is required every time but he would prefer an across-the-board cap. Ms. Cioffari concurred and indicated she had thought about that but did not specify it in the Goal. The applicant had proposed 40 dwelling units per buildable acre and she believes that could be put in the Goal at this point.

Mr. Schaffer added that similarly, there are things such as no non-residential development and no market rate housing that the developer has agreed to, and he would prefer to see those concepts in the Goal as well, if workforce housing is what's truly being incentivized. Rentals had also been mentioned at the community meeting. Mr. Schaffer was also concerned with future developments seeking to enact a new policy under Goal 111 and the fact that if there's no Zoning change required for a project and it's all in Mixed Use or Urban Residential and a site-specific proposal, and does not have County-wide impact, that unless a Major Conditional Use is required there would be no protest requirement. Without a Conditional Use requirement, a community meeting is not needed. Ms. Cioffari responded that the intent was not to create a Goal that allows a waiver to any requirement of the Code, which is why staff has asked for clarification on what the incentives are.

Mr. Bill Hunter stated that the Policy itself talks about buildings elevated to three foot may be developed with three habitable floors, which doesn't speak to height, just the third floor. Mr. Hunter wanted to confirm that this was not asking for a height above what exists today, though recognizing that the envelope moves up. Mr. Hunter also asked for confirmation that the applicant was okay with 40 units per buildable acre, which is 32 per gross acre, and Mr. Smith indicated that was correct. Mr. Hunter also commented on the change from workforce to affordable housing. Since 2015, he had been working with the County on a committee and the charge from the BOCC was to define and figure out how to incentivize workforce housing. That has been the focus and most everyone involved recognizes that more affordable housing is not needed, but rather workforce housing. He had been surprised to see this had been changed to affordable housing since the definition of workforce housing is ready to go on the pending application page and could be processed in concert with this. Going back to affordable from workforce is troubling, and will be troubling to some others who want to support this. If this were kept as workforce housing, it would be much more supportable.

Ms. Dottie Moses stated that she wasn't sure where she had seen a picture of a map with the area being considered depicted in yellow, and it had included the spit of land that goes into the water. Ms. Cioffari responded that she had gone off the warranty deeds and surveys provided by the applicant. Ms. Moses asked if there was some disagreement on that. Ms. Aldridge interjected that at the BOCC meeting there was concern about abandonment of those roads which includes the referenced piece of property, and that the County Attorney had stated they were still looking into the ownership of that property.

Ms. Aldridge also commented on the background information and the inordinate amount of time spent by County staff on proposed Goal 111 with no mention anywhere about Goal 109. There's a lot of commonality between 111 and 109, and the BOCC voted four to one against that Goal. Ms. Aldridge believes it's not being considered why and how that happened when looking at the new proposed Goal and it should be included in there in some form or another. Ms. Aldridge also commented on the increase in density, explaining that the Island of Key Largo Federation has always been opposed to increasing density beyond what exists today in the Comp Plan, and there is an incentive for rental housing right now to increase the density. She would like to continue to see what is currently in the Comprehensive Plan. There was no further public comment.

**6. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 130-157, MAXIMUM PERMANENT RESIDENTIAL DENSITY AND REQUIRED OPEN SPACE, TO PROVIDE A DENSITY BONUS ABOVE THE MAXIMUM NET DENSITY FOR A PROPERTY SUBJECT TO A SITE-SPECIFIC SUBAREA POLICY ESTABLISHED UNDER PROPOSED GOAL 111 OF THE COMPREHENSIVE PLAN, AS PROPOSED BY SMITH/HAWKS, PL ON BEHALF OF WRECKERS CAY APARTMENTS AT STOCK ISLAND, LLC; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE. (File #2019-063)

Ms. Cheryl Cioffari presented the staff report. This is a proposal by Smith Hawks on behalf of Wrecker's Cay, Stock Island, to amend Code Section 130-157, and is the companion piece to the proposed Comp Plan Text Amendment. This would be required if the Comp Plan Text Amendment was adopted and became effective to allow for the increased density in the Code. The proposed changes are fairly minor and are shown on page four of the staff report. The language is similar to that expressed in the Comp Plan Text Amendment. Staff is asking that the word "bonus" be changed to "density increase." Above the max net density provided may be permitted for a property within the site-specific Subarea under Goal 111 of the proposed Comp Plan. It would get added as footnote (k). Staff recommends approval with changes.

Ms. Cioffari asked if the applicant wished to speak. Mr. Bart Smith thanked staff for all of their hard work, adding that the applicant agrees with the requested changes and will follow up with a letter indicating that agreement. Ms. Cioffari asked for staff questions or comments. There were none. Ms. Cioffari asked for public comment. There was none.

**7. 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 URBAN RESIDENTIAL (UR), FOR PROPERTY LOCATED AT 6325 FIRST STREET AND 6125 SECOND STREET, STOCK ISLAND, MILE MARKER 5; AS PROPOSED BY SMITH/HAWKS, PL ON BEHALF OF WRECKERS CAY APARTMENTS AT STOCK ISLAND, LLC; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE. (File ##2018-121)

Ms. Cheryl Cioffari presented the staff report. This is a Map Amendment submitted by Smith Hawks on behalf of Wrecker's Cay Apartments on Stock Island, for two parcels to change them from URM to Urban Residential. A community meeting was held on April 30, 2019, to discuss the proposed amendment. The proposal would result in an increase of 11.61 residential market rate units, 40.26 TDR or market rate max net units, 83.87 affordable max net units, 20.96 rooms or spaces transient allocated, which is no change, and zero non-residential square feet. However,

it should be noted that the applicant has also proposed a companion Subarea which would remove all market rate and transient unit development rights from the property, but there would be an increase in affordable residential dwelling units on the property. In accordance with Florida Statute 723.083, a mobile home relocation study was completed by Miami Economic Associates dated March 13, 2019. The purpose of the study was to determine that adequate mobile home parks or other suitable facilities exist for the relocation of mobile home park owners pursuant to Statute. Staff is currently reviewing that mobile home study provided and has requested additional information from the consultant. However, during the time that the applicant submitted the original application and the completion of the mobile home relocation study, the property owner did settle with the remaining tenants and has informed the County that each tenant will be conveying title to their mobile home, thus removing the applicability from or being subject to Chapter 723, though staff will still be asking for corrections to that mobile home study. Staff finds the proposed Map Amendment is consistent with the 2030 Comp Plan, Stock Island/Key Haven Livable CommuniKeys Plan and the Land Development Code. There are several criteria that the County considers and the BOCC will consider when this Map Amendment moves forward to adoption. The applicant has asserted that the map changes, due to change projections, changed assumptions, and new issues in recognition for additional detail or comprehensiveness. Under the new issues, the applicant has applied for a corresponding Comp Plan Text Amendment to create a Subarea Policy, and the proposed Land Use District of Urban Residential would allow for the development of affordable housing units on that property. The current FLUM designation is consistent with the proposed UR Zoning District. Staff finds the proposed Zoning Map Amendment to be consistent with several action items within the Livable CommuniKeys Plan, continues to recognize the current FLUM category of the subject property, reevaluates the land use classification of the subject property, and recommends approval.

Ms. Cioffari asked if the applicant wished to speak. Mr. Bart Smith thanked staff for their hard work on this adding that the applicant will continue to work with County staff. Ms. Cioffari asked for staff questions or comments. There were none. Ms. Cioffari asked for public comment.

Mr. Bill Hunter stated that the information on page nine of the staff report lays out in some detail the Livable CommuniKeys Plan for Stock Island, while a similar section for Goal 111 mentions a couple of the action items, and he believes this page is much more definitive as to what it is that supports what is trying to be done here. The same or similar verbiage could be included with the Goal, as he believes it further supports the Goal itself and he applauds the inclusion of that page. There was no further public comment. Mr. Bart Smith added that he did object to having any nautical-themed signage on the property which is a requirement of the Livable CommuniKeys Plan for Stock Island. Mr. Schaffer noted that his objection was in spite of the name Wrecker's Cay.

**8. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT CODE TO AMEND SECTION 138-22(B) AND SECTION 139-2(B) TO REVISE THE RECEIVER SITE CRITERIA FOR THE TRANSFER MARKET RATE EXEMPTIONS TO ANOTHER LOCATION, INCORPORATING THE BOCC DIRECTION WITHIN INTERIM DEVELOPMENT ORDINANCES ADOPTED VIA ORDINANCE 011-**

2017, ORDINANCE 020-2018 AND CLARIFIED VIA RESOLUTION 203-2018; 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 AND INCORPORATION IN THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE. (File 2019-114)

Ms. Cheryl Cioffari presented the staff report. This is a proposal to amend the Code to address BOCC-directed modifications for which there is an existing interim development ordinance. The community meeting will be scheduled shortly and published in accordance with the requirements, which is three months prior to Planning Commission. This is to fix the concerns identified and directed by the BOCC, and would allow for the transfers of market rate ROGO exemptions, provided the following criteria is met: The receiver site is a legally-platted lot; the receiver site is within the Improved Subdivision or Urban Residential Mobile Home Land Use District; the receiver site is located in the same Subarea as the sender site except that exemptions may be transferred from the Big Pine Key and No Name ROGO Subarea to the Lower Keys; and that the receiver site is not a recreational or commercial working waterfront. Those same conditions or criteria are also proposed under Section 139-9, the affordable housing incentive programs. Under the Minor Conditional Use requirements for transferring ROGO exemptions from mobile home parks, this clarifies and makes sure that specifics noted in the Comp Plan Policy are also specified in the Code, to include that the receiver site is not in a Velocity Zone or CBRS, is a legally-platted lot, is IS or URM, is not a recreational or commercial waterfront, limited to the same Subareas with the provision for Big Pine Key and No Name Key going to the Lower Keys, and that the receiver site includes all infrastructure including potable water, adequate wastewater treatment and disposal wastewater meeting adopted LOS, paved roads, et cetera. Staff recommends approval of the proposed ordinance.

Ms. Cioffari asked for staff questions or comments. There were none. Ms. Cioffari asked for public comment.

Mr. Bill Hunter noted that the last receiver site criteria had not specified a recreational or commercial working waterfront. All along, that has been that the receiver site not be a working waterfront, so the addition of recreational and commercial caught his attention and he read it as an either/or. Recreational and commercial working waterfront is defined and he questions whether this should be in caps to indicate it being a defined term. Ms. Cioffari responded that Muni-Code won't keep it in caps. However, staff can put it in caps for the purpose of the ordinance so that it is easily identifiable in the staff report. Mr. Hunter expressed concern that someone would pick that apart in the future. Mr. Hunter also complimented staff for being patient in sitting through all of these agenda items.

### **ADJOURNMENT**

The Development Review Committee meeting was adjourned at 3:07 p.m.