

DEVELOPMENT REVIEW COMMITTEE

Tuesday, May 29, 2018

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, May 29, 2018**, 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 by Emily Schemper

ROLL CALL by Ilze Aguila

DRC MEMBERS

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| Emily Schemper, Assistant Director of Planning and Environmental Resources | Present |
| Mike Roberts, Sr. Administrator, Environmental Resources | Present |

STAFF MEMBERS

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| Steve Williams, Assistant County Attorney | Present |
| Bradley Stein, Development Review Manager | Present |
| Devin Rains, Principal Planner | Present |
| Cheryl Cioffari, Principal Planner | Present |
| Ilze Aguila, Sr. Planning Commission Coordinator | Present |

CHANGES TO THE AGENDA

There were no changes to the agenda.

MINUTES FOR APPROVAL

Approval of the meeting minutes for Tuesday, April 24, 2018.

MEETING

1. GARVEY PROPERTY, VACANT LAND, BIG PINE KEY, MILE MARKER 31 (SENDER SITE) AND SUMMERLAND RESORT PROPERTIES, INC., 231, E SHORE DRIVE, SUMMERLAND KEY, MILE MARKER 25 (RECEIVER SITE): A PUBLIC MEETING CONCERNING A REQUEST FOR A MINOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE TRANSFER OF 5.0 TRANSFERRABLE DEVELOPMENT RIGHTS (TDRS) FROM THE SENDER SITE ON BIG PINE KEY TO THE RECEIVER SITE ON SUMMERLAND KEY. THE SENDER SITE IS LEGALLY DESCRIBED AS BLOCK 1, LOTS 6, 8, 13, 14, AND 15, PINE HAMMOCK SUBDIVISION, PLAT BOOK 3, PAGE 163, BIG PINE KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00250660.000000. THE RECEIVER SITE IS LEGALLY DESCRIBED AS LOT 17, SUMMERLAND ESTATES, PLAT BOOK 2, PAGE 167, SUMMERLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00200610.000000.
(OUR FILE 2018-065)

Mr. Devin Rains, Principal Planner, presented the staff report. This application has been reviewed pursuant to Land Development Code Sections 130-157, 130-160 and 130-162 and has been found to be in compliance both with regard to the sender site and receiver site for the purpose of these transferred development rights. Staff recommends approval with the condition to satisfy the requirements of LDC Section 160, where prior to the application for a building permit authorizing the development of a dwelling unit on a receiver site, requiring a development right, the sender site shall (a) be dedicated to the County or, (b) be placed in a conservation easement prohibiting its future development. This conservation easement shall be reviewed and approved by the Planning and Environmental Resources Department prior to its recording in the official records of the County.

Ms. Schemper asked for questions or comments from staff. Mr. Roberts asked another type of instrument could be used for the sender site other than a conservation easement or deeding to MCLA because other than the fact that the property is adjacent to habitat, there is limited conservation value on the property, unless it were to be restored, which isn't being done with the Land Authority right now.

Mr. Rains responded that by having the conservation easement, redevelopment for single-family development use would be prohibited. Mr. Roberts indicated he understood, but wondered if there would be another way to retire the development rights. Ms. Schemper explained that since the Code requires a "conservation easement" that is what may need to be used, though the easement language may be able to be adjusted since most of what is in the standard conservation easement language is probably not appropriate for this site, and the language could perhaps focus more on development rights rather than on maintaining the non-existent hammock. Mr. Steve Williams asked if that would require Mr. Peter Morris to make another 30-page easement. Mr. Roberts thought it could be done by deleting several lines of language. Ms. Schemper added that the language already contains the prohibiting of development. Mr. Roberts thought the language could be tweaked. Ms. Schemper asked what the down side would be to using the standard language. Mr. Williams interjected that once the property is designated a conservation easement, it automatically goes into Beth Berg's world. Mr. Roberts added that if it stays in an easement and also remains owned by the current property owner, that property owner would be responsible for maintaining the property and keeping the exotics out of it. Ms. Schemper understood the present property ownership would be retained, but noted that this could be worked out with Mr. Morris when the time comes, adding that this situation may come up more often now as there are upcoming situations where the primary purpose will be to extinguish development rights rather than for conservation.

Ms. Schemper then asked if the applicant would like to speak. Mr. Brian Hawks indicated he did not. Ms. Schemper then asked for public comment.

Mr. Bill Hunter asked if this property was the fruit farm. Ms. Schemper responded that he was correct. Mr. Hunter then asked who approves this permit. Ms. Schemper indicated that as a Minor Conditional Use permit, it is approved through DRC. Mr. Williams asked if this property was clear of all code violations. Mr. Rains stated that he had reviewed for that and the notes indicated it appeared everything had been cleared up. Mr. Williams suggested checking with Ms. Windsor and Ms. McPherson as there had been a long history of code issues. Ms. Schemper

stated that she believed any remaining code violations were on another portion of the property, but that it would be checked. There were no further comments.

Ms. Schemper indicated that Items 2, 3 and 4 would be heard together.

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY COMPREHENSIVE PLAN AS A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, CREATING POLICY 107.1.7 COCO PALMS AFFORDABLE HOUSING SUBAREA; ESTABLISHING THE BOUNDARY OF THE COCO PALMS AFFORDABLE HOUSING SUBAREA; LIMITING THE PERMITTED USES OF THE SUBAREA TO DEED RESTRICTED AFFORDABLE HOUSING DWELLING UNITS; LIMITING MAXIMUM NET DENSITY FOR AFFORDABLE HOUSING IN THE SUBAREA; AND ELIMINATING ALLOCATED DENSITY AND FLOOR AREA RATIO; FOR PROPERTY LOCATED AT 21585 OLD STATE ROAD 4A, CUDJOE KEY, APPROXIMATELY MILE MARKER 22, LEGALLY DESCRIBED AS A PORTION OF LOT 30, SACARMA A SUBDIVISION OF GOVERNMENT LOTS 3 AND 4 IN SECTION 29, TOWNSHIP 66 SOUTH, RANGE 28 EAST, CUDJOE KEY, MONROE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 48 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00174960-000000, AS PROPOSED BY SMITH HAWKS, PL ON BEHALF OF MOBILE HOMES HOLDINGS COCO, LLC; TO ACCOMPANY A PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP (FLUM) FROM RESIDENTIAL HIGH (RH) AND RESIDENTIAL CONSERVATION (RC) TO MIXED USE / COMMERCIAL (MC); 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 #2018-050)

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY FUTURE LAND USE MAP AS A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FROM RESIDENTIAL HIGH (RH) AND RESIDENTIAL CONSERVATION (RC) TO MIXED USE / COMMERCIAL (MC), FOR PROPERTY LOCATED AT 21585 OLD STATE ROAD 4A, CUDJOE KEY, APPROXIMATELY MILE MARKER 22, LEGALLY DESCRIBED AS A PORTION OF LOT 30, SACARMA A SUBDIVISION OF GOVERNMENT LOTS 3 AND 4 IN SECTION 29, TOWNSHIP 66 SOUTH, RANGE 28 EAST, CUDJOE KEY, MONROE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 48 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00174960-000000, AS PROPOSED BY SMITH HAWKS, PL ON BEHALF OF MOBILE HOMES HOLDINGS COCO, LLC; CONTINGENT ON ADOPTION AND EFFECTIVENESS OF PROPOSED SUBAREA POLICY 107.1.7 OF THE COMPREHENSIVE PLAN TO PROVIDE LIMITATIONS ON DEVELOPMENT AND SPECIFIC RESTRICTIONS ON THE SUBJECT PROPERTY; 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 AND FOR AMENDMENT TO THE FUTURE LAND USE MAP; PROVIDING FOR AN EFFECTIVE DATE.

(File #2018-051)

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM NATIVE AREA (NA) AND URBAN RESIDENTIAL-MOBILE HOME (URM) TO SUBURBAN COMMERCIAL (SC), PROPERTY LOCATED AT 21585 OLD STATE ROAD 4A, CUDJOE KEY, APPROXIMATELY MILE MARKER 22, LEGALLY DESCRIBED AS A PORTION OF LOT 30, SACARMA A SUBDIVISION OF GOVERNMENT LOTS 3 AND 4 IN SECTION 29, TOWNSHIP 66 SOUTH, RANGE 28 EAST, CUDJOE KEY, MONROE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 48 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00174960-000000, AS PROPOSED BY SMITH HAWKS, PL ON BEHALF OF MOBILE HOMES HOLDINGS COCO, LLC;, CONTINGENT ON ADOPTION AND EFFECTIVENESS OF A CORRESPONDING FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE.

(File #2018-052)

Ms. Cheryl Cioffari, Principal Planner, presented the staff report. These three applications were submitted by Smith Hawks on behalf of Mobile Homes Holdings Coco, LLC. The application for the site-specific text amendment is proposed to accompany the proposed FLUM amendment from Residential High and Residential Conservation to Mixed Use Commercial for a portion of the property at 21505 Old State Road 4A. The amendment would provide additional development restrictions on the upland portion of the subject property limiting the permitted use for only affordable housing and accessory uses. The proposed sub-area policy and FLUM amendment would be processed as a small-scale Comprehensive Plan Amendment pursuant to Section 163.3187 of the Florida Statutes. As stated, the applicant also requested a corresponding Land Use District Zoning Map amendment from Urban Residential Mobile Home and Native Area to Suburban Commercial.

Ms. Cioffari first went through the Comp Plan Sub-Area Policy. The property is currently developed with 17 mobile homes which are deed restricted affordable through a declaration of affordable housing. The adjacent land uses include vacant land to the west, open water to the north, commercial and residential uses to the east, and single-family and multi-family uses to the south across U.S. 1. The property was historically used as a mobile home and RV park, and a restaurant locally known as Coco's Cantina. The applicant is requesting a text amendment to the Comp Plan to establish a site-specific sub-area policy to accompany the FLUM. The applicant states that the reason for the proposed amendment is to ensure that the property is only used for affordable housing and accessory uses to bolster the ability for residents to obtain affordable housing in close proximity to the Key West and Marathon employment centers, and on change

projections, especially in light of the loss of resident housing as a result of Hurricane Irma. The applicant cites the Florida Housing Data compiled by the University of Florida and the Monroe County Housing Report dated November 2007. The applicant's full justification is provided in the file.

Ms. Cioffari then went through the proposed text amendments indicating a couple of recommended changes beginning at page 10 of the staff report. As to the boundary area of the sub-area, there should be a simple map showing the boundary of the property within the proposed sub-area policy. The subdivision name Sacarma should be corrected. Under the density provisions of subsection 3(a), the text of that section should be amended to eliminate the allocated density to zero. The proposed language behind the site-specific amendment is just to allow for maximum net density of affordable housing, so the allocated density should be reduced to zero. Under subsection 3(b), it should be clarified that there shall be no maximum net density standard available for market rate dwelling units or transient units. Additional suggested changes to section 3(d) tie back to the text earlier in the sub-area policy; subsection 3(a) should be amended to limit allocated density to zero and add a section to the table to limit the transient allocated density to zero so that it's very clear when looking through the sub-area policy. A statement should be added under section 4(a)(1), to state that all new dwelling units on the subject property will be subject to the ROGO permit allocation system.

Ms. Cioffari explained that the proposed amendment had been reviewed for consistency with the goals, objectives and policies of the Monroe County 2030 Comp Plan and found that this furthers several of the goals and objectives specifically related to affordable housing which are listed throughout the staff report. The amendment was reviewed for consistency with the Principles for Guiding Development and was found it to be consistent. Staff recommends a couple of additional data and analysis corrections. Clarification is needed on the exact square footage of the existing URM. The survey submitted shows the square footage for the existing mixed use portion, but the square footage of the existing Residential High and Residential Conservation is also needed so that it is clearly spelled out. The surveyor needs to correct the spelling of the subdivision name. A Level 1 traffic study submitted with the application was only for the additional units. Based on Code Section 114-200, the traffic study needs to include the gross daily trip generation for the complete site, inclusive of any existing development. That will need to be updated and should be a Level 2, as it falls between 250 to 500 trips. Ms. Cioffari indicated that with the changes noted in the staff report and the additional requested documentation, staff is recommending approval of the proposed amendment.

Ms. Schemper asked if Ms. Cioffari would go through the density changes for the FLUM and the zoning and wrap it up together. Ms. Cioffari noted the main changes for the FLUM are found on the table on page 7, but are clarified on page 9 at the end of the table, which shows the net change in development based on the FLUM with the site-specific policies. With the site-specific sub-area policy, the proposed change would result in a decrease of 9 units in permanent allocated residential development potential, a decrease of 18 units in maximum net density residential potential for market-rate units with TDRs, an increase of 3 units in affordable residential development potential, a decrease of 23 rooms or spaces for transient units, and a decrease in non-residential development potential of 20,535 square feet.

Ms. Ciofari then outlined the Zoning changes, highlighting a similar table reflecting the changes just with the land use and factoring in the proposed sub-area policy. There is a reduction of 6 units in residential development potential for market rate units, a decrease in 2 units for maximum net density for residential potential for market-rate units with the use of TDRs, a decrease of 8 units in development potential for transient units, an increase of 18 units of affordable residential development potential, and a decrease in non-residential development potential of 15,620 square feet.

Overall, for both of the tables, the residential allocated density drops down to zero, the TDR market-rate residential maximum net density drops down to zero, the affordable residential maximum net density will increase to a maximum of 33 units based on the upland square footage provided within the survey, the transient allocated density is reduced down to zero, and the non-residential intensity is reduced down to zero. With that, staff recommends approval of the FLUM amendment contingent on the sub-area policy, and the zoning amendment contingent on the FLUM amendment.

Ms. Schemper asked for questions or comments from staff and pointed out that this was a Tier 3 property. Ms. Ciofari indicated that was correct, adding that the upland portion is pretty much all developed, and there were no changes to the mangrove fringe and the remainder of the submerged portions of the lot. Mr. Roberts wanted to confirm the applicant was not requesting any conditions within that sub-area policy to relax design criteria relative to setbacks or anything like that. Ms. Ciofari confirmed that to be correct.

Ms. Schemper then asked if the applicant had any questions or comments. Mr. Brian Hawks indicated he did not. Ms. Schemper then asked for public comment.

Mr. Bill Hunter asked if the fees for these three applications were being waived because they were affordable. Ms. Schemper responded affirmatively. Mr. Hunter then asked if the change to Suburban Commercial would not include the mangrove fringe toward the back. Ms. Ciofari responded that it would remain as Native Area and Residential Conservation. Ms. Schemper added that staff was asking for further clarification on the survey so that staff could produce maps based on clarification of that boundary line so it could be seen. Mr. Hunter asked if the density was dictated by the sub-area policy or by the underlying Land Use District. Ms. Schemper stated that the sub-area policy would further limit the density provisions. The FLUM category will have its density provisions for this specific site, and the sub-area policy will override that and provide that this site only has the max net density for the affordable. Mr. Hunter asked if that was in perpetuity. Ms. Schemper responded that it would be, unless the sub-area policy was repealed at some point. Mr. Hunter pointed out that with Goal 109, the process to take advantage of that would be a new sub-area policy. Ms. Schemper stated the sub-area policy would have to be updated and staff would need to re-analyze things such as the discouragement policy, etc., which probably wouldn't apply because it's still going to be max net and not allocated. The big picture would need to be looked at and it wouldn't be a simple change.

Mr. Hunter then asked about the type of housing that would be built since this is Urban Commercial, whether it would be employee housing and not affordable housing. Ms. Schemper

explained that it would be limited to employee housing. The other housing option in Suburban Commercial is commercial apartments, however this site is restricted from having any non-residential development on it so commercial apartments could not be built. This could be only attached or detached employee housing. There is the workforce housing incentive text amendment on the horizon, and the wording of that allows workforce housing wherever housing is allowed throughout the Code. The density would still be controlled by this sub-area policy, but this could potentially be opened up to workforce housing which may have a slightly different definition than employee housing. The workforce housing definition has not yet been adopted. The proposed definition has a slight difference in where and how the 70-percent income is earned, though they are essentially the same. Staff could include language to clarify that after discussion with the applicant. Mr. Hunter indicated that in his opinion, he didn't see a need, that density is the issue. Ms. Schemper continued that regarding the density, if the applicant was thinking more density could be obtained after the workforce housing amendment goes through, then this should be specified so everyone knows what's getting approved.

There was no further public comment. Public comment was closed

ADJOURNMENT

The Development Review Committee meeting was adjourned at 1:30 p.m.