

DEVELOPMENT REVIEW COMMITTEE

Tuesday, February 25, 2020

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, February 25, 2020**, 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 Debra Roberts

DRC MEMBERS PRESENT

Emily Schemper, Senior Director of Planning and Environmental Resources
Cheryl Cioffari, Assistant Director of Planning
Bradley Stein, Development Review Manager
Mike Roberts, Assistant Director, Environmental Resources

STAFF MEMBERS PRESENT

Steve Williams, Assistant County Attorney
Mayte Santamaria, Senior Planning Policy Advisor
Debra Roberts, Senior Coordinator

APPLICANTS & PUBLIC PRESENT

Jess Goodall Janet Lee Joyce Newman Stuart Schaffer Chelsea Vanadia

CHANGES TO THE AGENDA

Item 1 was continued to the April 28, 2020 meeting.
Items 3 and 4 were moved to the end of the agenda.

MINUTES FOR APPROVAL

Approval of the meeting minutes for Tuesday, January 28, 2020.

MEETING

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT CODE TO AMEND SECTION 101-1 AFFORDABLE HOUSING DEFINITIONS BY CREATING A DEFINITION FOR AREA MEDIAN INCOME, WORKFORCE AND WORKFORCE HOUSING; AMEND CHAPTER 139-1 TO CLARIFY THE AFFORDABLE AND EMPLOYEE HOUSING ADMINISTRATION, TO INCORPORATE NONRESIDENTIAL AND TRANSIENT INCLUSIONARY REQUIREMENTS BY PROVIDING REGULATIONS REGARDING THE PROVISION OF AFFORDABLE HOUSING FOR THE DEVELOPMENT AND REDEVELOPMENT OF NONRESIDENTIAL AND TRANSIENT USES; MODIFYING THE LINKAGE

PROVISIONS; AMENDING AND/OR ADDING FOR CONSISTENCY PURPOSE RELATED PROVISIONS; 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 2019-097)

Ms. Mayte Santamaria, Senior Planning Policy Advisor, presented the staff report. This is the creation of a new code section to incorporate commercial and transient inclusionary requirements. This initiated in 2016 when recommendations were received from the Affordable Housing Advisory Committee and a new policy adopted by the BOCC in the 2030 Comp Plan. The data and analysis for the rational nexus, the demands and the needs are based on the 2017 report received from Clarion Associates and RRC Associates, which were presented to the BOCC. Definitions were created within Section 101-1, the main change being the creation of workforce and workforce housing as directed by the AHAC committee. The purpose was provided within the General Affordable Housing Administration Section. There are clean-ups of duplicated information or wrong citations throughout. Section (c) is the same text that used to be subsection (f) which was moved to the beginning of Compliance and Administration to make clear what applies to the various affordable housing requirements. On the staff report, text in blue has been moved, and red text means it's been edited from the original version. Subsection (g) has been moved to (d), and the ability to transfer affordable allocations between jurisdictions, was also moved up. Original subsection (b) is now (e) and is the residential inclusionary with cleanups and the inclusion of a waiver if there is a natural disaster indicating that the BOCC would approve a resolution for waiver to the inclusionary requirements. Subsection (f) is the new provisions for non-residential inclusionary housing requirements providing the purpose and intent for workforce housing.

Mitigation would be building workforce housing, paying a fee, deed restricting existing units or donating land as possible options. The mitigation rates have been proposed at 50 percent, but this would be a policy decision by the BOCC. There are calculations provided by use per thousand square foot providing the rates from the nexus study, and example calculations of the mitigation units and in-lieu fees are provided. A provision is included for building very low and low income units allowing for a potential discount in terms of total mitigation from the proposed 50 percent to 40 percent, along with edits to the linkage of the projects where it could not be linked if the project has been CO'd for more than three years or where financial investment from the County is received. This is all based on the AHAC recommendations.

Ms. Emily Schemper, Senior Director of Planning and Environmental Resources, asked for staff questions and comments. There were none. Ms. Schemper then asked for public comment.

Mr. Stuart Schaffer, Sugarloaf Shores Property Owners Association, stated that workforce housing throughout was a great change. The (f)(e) special rule for low and very low still contains the sentence from before when this was all for workforce housing with the shorter distance requirement and the 70 percent income requirement in the County. To eliminate confusion, he suggested taking that out. Additionally, a more substantive point, the general rule is that the new deed restricted housing must be within 15 miles of the non-residential project.

Though that is an improvement over the original 30, he is still concerned about minimizing traffic along U.S. 1 and believes workforce housing should be as close to the work as possible. Mr. Schaffer is concerned developers would go for the cheaper land or property to designate and construct workforce housing on which tend to be farthest from the employment centers. If they are close to the new commercial project, that's fine, but if commercial development goes in on Stock Island, Sugarloaf Key is within 15 miles. Mr. Schaffer suggested that with the goal of keeping traffic off U.S. 1 as much as possible and to encourage housing as close as possible to the work and to shorten the commute distance, instead of focusing on number of miles from the new commercial project, consider the number of miles from the main employment centers of the County. Then it would be okay to build some housing on Stock Island if the commercial project is on Summerland because that workforce housing would still be needed on Stock Island as well since it's close to an employment center. Mr. Schaffer first suggested dropping this down to five miles and adding within five miles of either the commercial project or within five miles of the main employment centers of Key West, Stock Island and Marathon. Mr. Schaffer had noted a precedent in a Comp Plan Policy that states if the County is putting funding into an affordable housing project that the project should be within five miles of an employment center. He understands that is limiting and strict but suggests using within some miles of a new project or an employment center, suggesting within 10 miles of a project, or maybe 5 or 10 of the main employment centers of Stock Island or Marathon, but 15 is too long.

Ms. Joyce Newman, a 45-year resident of Big Pine Key, expressed concern about traffic and the incremental increase over the years. If there is an option for employers to provide housing either on site or within a really short distance, it would help the traffic situation considerably. Ms. Schemper asked if she was suggesting a requirement or an option. Ms. Newman clarified that an option would give some incentive or motivation to build it on site. The transportation options for the lower rungs-of-the-ladder workforce are very limited and whatever can be done to encourage housing closer to employment, and even Big Pine and Summerland as minor employment centers, maybe those minor areas could be within 3 miles.

There was no further public comment. Items 5 and 6 were then read together.

5. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY FUTURE LAND USE MAP FROM RESIDENTIAL HIGH (RH) TO INSTITUTIONAL (INS), FOR PROPERTY LOCATED AT 32 OCEAN REEF DRIVE, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING PARCEL ID 00081740-000100, AS PROPOSED BY OCEAN REEF CHAPEL, INC.; 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 2019-220)

6. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM URBAN RESIDENTIAL (UR) TO SUBURBAN COMMERCIAL (SC) / INSTITUTIONAL (INS) OVERLAY, FOR PROPERTY LOCATED AT [32 OCEAN

REEF DRIVE, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING PARCEL ID 00081740-000100, AS PROPOSED BY OCEAN REEF CHAPEL, INC; 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 2019-221)

Ms. Cheryl Cioffari, Assistant Director of Planning, presented the staff report. These items are a FLUM and Zoning Map Amendment for property at 32 Ocean Reef Drive. The reason for the proposed amendment is the applicant is seeking to redevelop the property and under the current Zoning District there is no allowance for any FARs. The proposed Suburban Commercial Institutional Overlay would provide for the redevelopment of the chapel. A community meeting was held on January 8, 2020, with one person in attendance having questions about the design process. The proposed zoning change which has the institutional overlay allows for maintaining the underlying Zoning District so all of the requirements for Suburban Commercial would stand with the exception of density and intensity. This would result in a decrease of 7.66 market rate units, 12.26 market rate units using TDRs, a decrease in 25.5 affordable units, an increase of 6.39 transient units, and a potential increase of 16,688 square feet of nonresidential floor area. The proposed FLUM is not anticipated to adversely impact the community character of the surrounding area. Staff finds this consistent with the 2030 Comprehensive Plan, the Monroe County Land Development Code, and recommends approval of both the proposed FLUM and Zoning Amendments.

Ms. Schemper asked for questions or comments from staff. There were none. Ms. Schemper asked if the applicant had any comments. Ms. Chelsae Vanadia thanked staff for their work on the application. Ms. Schemper then asked for public comment.

Ms. Joyce Newman asked what the initials FAR stood for. Ms. Cioffari responded that it stood for Floor Area Ratio. Ms. Newman stated she had not been able to note the decreases and increases, but it appeared that residential units were being switched for transient units. Ms. Cioffari clarified that the residential and transient development potential would decrease under the proposal, and would increase the potential of nonresidential floor area ratio. There was no further public comment.

7. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT CODE TO AMEND SECTION 122-4(B)(4) TO ELIMINATE THE ABILITY FOR A MANUFACTURED/MOBILE HOME TO BE PLACED AT AN ELEVATION BELOW BASE FLOOD ELEVATION AND SECTION 130-53 TO AMEND THE PURPOSE OF THE URBAN RESIDENTIAL MOBILE HOME—LIMITED DISTRICT (URM-L) TO ELIMINATE PROVISION THAT PROVIDES FOR A MANUFACTURED/MOBILE HOME TO BE PLACED AT AN ELEVATION BELOW BASE FLOOD ELEVATION AND SECTION 130-100 TO ADD DETACHED DWELLINGS AS AN AS-OF-RIGHT USE WITHIN THE URBAN RESIDENTIAL MOBILE HOME—LIMITED DISTRICT (URM-L); 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 2020-017)

Ms. Mayte Santamaria presented the staff report. This is a proposed amendment to the Land Use District as well as the Floodplain Regulations specific to the Urban Residential Mobile Home Limited District where the Code currently reflects an exception to flood elevation as provided in the Federal Regulations. The BOCC has directed staff to eliminate this exception, particularly after the impacts of Hurricane Irma where a lot of homes that were not elevated received extensive flood damage, so this would improve the public health, safety and welfare for residents within the parks, but also because the County is trying to qualify for a Class 4 Community Rating System where the entire community would receive additional discounts within the flood insurance. To qualify for that category, certain prerequisites have to be met so that all homes within the County are being protected equally. The agency that reviews the applications has stated the Code needs to be amended to potentially qualify. This would be changing the URM-L District, which is the only district that allows mobile homes to be placed below flood, to eliminate that exception. This also changes the Floodplain Section which previously allowed that exception only for mobile homes contiguous to and surrounded by other mobile homes below base flood. As an incentive to make homes even more resilient, an option of detached dwellings has been added. Staff recommends approval. This would potentially impact eight parks all within the Lower Keys. The majority are on Stock Island, with one on Big Coppitt and one on Cudjoe. The list of mobile home parks are on page four of the staff report with an estimate of the number of mobile homes on site, along with an estimate of the number of mobile homes that are currently below base flood, those already above base flood, and the potential number of units that would be further required to elevate if the Code change happens which is about 152 of 775.

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

Ms. Joyce Newman asked for the definition of detached dwellings. Ms. Santamaria responded that it would be a modular home or site-built home, concrete or stick built, a regular house that was not a manufactured home. There was no further public comment.

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE / COMMERCIAL (MC), FOR PROPERTY LOCATED AT 105020, 105040, AND 105050 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 105, LEGALLY DESCRIBED AS BLOCK 3, LOTS 1-10, REVISED AMENDED PLAT OF RIVIERA VILLAGE (PLAT BOOK 2, PAGE 80), MONROE COUNTY, FLORIDA, HAVING PARCEL ID NOS. 00510550-000000, 00510560-000000, 00510570-000000, 00510590-000000, 00510610-000000 and 00510630-000000, AS PROPOSED BY ROBERT M. AND YVETTE DOHERTY, LORI STEPHENSON AND 3JL, 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 AND FOR AMENDMENT TO THE FUTURE LAND USE MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-191)

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM IMPROVED SUBDIVISION (IS) TO MIXED USE (MU), FOR PROPERTY LOCATED AT 105020, 105040, AND 105050 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 105, LEGALLY DESCRIBED AS BLOCK 3, LOTS 1-10, REVISED AMENDED PLAT OF RIVIERA VILLAGE (PLAT BOOK 2, PAGE 80), MONROE COUNTY, FLORIDA, HAVING PARCEL ID NOS. 00510550-000000, 00510560-000000, 00510570-000000, 00510590-000000, 00510610-000000, 00510630-000000, AS PROPOSED BY ROBERT M. AND YVETTE DOHERTY, LORI STEPHENSON AND 3JL, LLC; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-157)

Ms. Cheryl Cioffari presented the staff report. This is for a proposed FLUM and Zoning Map amendment for ten platted lots currently within the Residential Medium FLUM category and the Improved Subdivision Zoning District. The proposal is to go to the Mixed Use Commercial FLUM and Mixed Use Zoning Districts. A community meeting was held December 10, 2019, with one attendee other than the applicants who had questions about the map amendment process. Under the current Zoning of Improved Subdivision, there is the potential for a maximum of 10 dwelling units, and no potential for nonresidential square footage. Under the proposed Mixed Use Zoning District there is a potential decrease of 9.21 units of market rate allocated density, an increase of 7.54 units of market rate density with TDRs, an increase of 11.31 units of affordable density, an increase of 3.93 to 7.85 rooms or spaces for transient allocated density, and a maximum nonresidential square footage of 13,683 square feet. There are ten platted lots owned by three different property owners. The breakdown is in the staff report listing existing uses on the property. Lot 1 is vacant with the exception of a billboard. Lots 2 and 3 are vacant. Lots 4 and 5 are permitted as single-family residence. Lots 6, 7 and 8 are permitted as single-family residence with approved outdoor storage, locally known as the Bayside Plumbing business building. Lots 9 and 10 have a single-family residence currently under construction. The immediate uses within the vicinity are residential to the north and west, vacant residential land to the east across U.S. 1 with a small parcel containing lawfully nonconforming commercial development, and commercial uses to the south. The property is located on U.S. 1 across from predominantly vacant parcels within the Suburban Residential Land Use District, and the parcels to the north contain primarily residential uses within the Improved Subdivision District. There are limited commercial uses north of the property within approximately one-half mile of Winn Dixie. Traveling further north there are some more commercial uses on the southbound side of U.S. 1.

Based on the analysis of the uses within the immediate vicinity it is anticipated that the proposed LUD amendment may adversely impact the community character of the surrounding areas. Of the ten platted lots, there are three single-family residents that exist. While reviewing the FLUM

and Zoning Amendment, staff looked at it collectively as if it were one application, acknowledging there are different property owners, which is not controlled by the County. Depending on how the lots are developed in the future, a portion for the property may remain over density based on current density and intensity standards and based on the proposed Zoning District that's selected. Page six of the Land Use Map Amendment shows the density standards established under Mixed Use, Suburban Commercial and Urban Residential, and how over density would come with the change. Staff finds the proposed amendment may not be consistent with the Goals Objectives and Policies of the 2030 Comp Plan as listed in the staff report for both the LUD and FLUM amendment, and that it may not be consistent with some of the policies listed in the Key Largo CommuniKeys Plan and the Land Development Code. In the application there was an assertion that there was a data error with the mapping of the property, specifically speaking to Lots 9, 10 and 11, and it should be noted that prior to 1986, the properties were zoned commercially. It was the BU-1 District, Light Business District, prior to September 15, 1986. But subsequent to that, it was within the Improved Subdivision District as it currently remains. Staff is recommending denial of the proposed amendments.

Ms. Schemper asked for staff comments and questions. Ms. Santamaria asked for clarification, that there are three existing single-family homes and with the proposed amendment, would those become nonconforming or over dense. Ms. Schemper responded that with the proposed FLUM and LUD Amendment to Mixed Use, considering the entire area as a whole it would be over density for the Mixed Use Zoning category. If the properties were split according to their current ownership and looked at each ownership portion individually they would be over density, creating non-conformity, but the use would be allowed. Ms. Schemper then asked if the applicant wished to speak.

Ms. Janet Lee, the applicant, stated she owns Lots 6, 7, 8, 9 and 10. Lots 6, 7 and 8 are the location of Bayside Plumbing, the business location for 20 years in Monroe County, which she has operated as her primary business since 2016. It was purchased intentionally as a business and she has a letter of understanding and letter of use by the prior owner. It had been used as a mobile home reparation business prior to that for up to 15 years. Since owning that property, the corner property referred to as 9 and 10, but actually 9, 10 and 11 were bought together. Lot 11 is currently zoned as Mixed Use Commercial. It is adjacent and not separated by a street to Lots 9 and 10, and is what she is considering as the Marlin to Tarpon parcel to U.S. 1. Lot 11 had a small commercial/unsure building structure whose prior owner had started the process of the rezoning. It was suggested that she try to incorporate some of the other units but since it was so far in the process, she hadn't done it at that time, and proceeded with the ongoing process. The intent was been to apply for this rezoning primarily because of the existing business on the property. The corner was already rezoned in Mixed Use. The property on U.S. 1 was purchased with a single-family dwelling sandwiched in between a business and a Mixed Use Commercial property. The intent is to use the residence as a vacation rental which is allowed in Mixed Use Commercial, but is not allowed under Improved Subdivision. In Ms. Lee's opinion, it is the highest and best use for both her and the County due to the incomes that can be generated for the County and the Tourist Development Counsel and sales taxes. This would prevent overpopulating the front of U.S. 1 with permanent residential units. Speaking on behalf of the other property owners of Lots 1, 2 and 3, it is their intent to build a small storage building. The other two lots would remain residential but that owner felt it would be adverse to have a

residential property sandwiched between Mixed Use. This rezoning would put the property into its best usage for the owners and the community. These properties are surrounded by Key Largo Elementary School, Winn Dixie, and a newly-permitted 10,000 square foot Baptist Church which will actually be in a residential neighborhood. There is Cameron Bay, Moon Bay, and a park. These are all large, high-use properties surrounding the subject properties.

Ms. Schemper asked if the property where Bayside Plumbing was purely commercial. Ms. Lee responded that it is zoned residential with a letter of use. It has an office building, storage, and a residential unit on the inside. Ms. Schemper clarified that it would then have both uses, and the new single-family residence would stay single-family but be used as vacation rental, the tiny building on the corner which is not part of this application is a commercial building, the Lori Stephenson property is being used as a single-family residence, and the Doherty property would become commercial self-storage units. Ms. Schemper stated the Planning Department could possibly work with them more knowing these intentions, but that this meeting was not the venue to go back and forth with it. There are some unique factors with this property, including a lot of areas designated as hammock and Tier III-A which are well protected in the Keys which had been a consideration in the recommendation.

Ms. Joyce Newman stated that with all due respect to the applicants, as a member of the community, she did not see a compelling public need for the changes being requested as it would change the community character to some degree. To convert a single-family residential home to vacation rental works against affordable housing and workforce housing, and that's a problem seeing how many people have, in prior years, been able to get a long-term rental; but with the proliferation of legal and illegal vacation rentals, people are forced to travel further distances and pay a greater percentage of their income just to stay in the Keys and work. That is the basis of her concerns.

There was no further public comment.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 1:47 p.m.