

PLANNING COMMISSION
October 30, 2013
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, October 30, 2013**, beginning at 10:04 a.m. at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL by Gail Creech

PLANNING COMMISSION MEMBERS

William Wiatt, Chair	Present
Jeb Hale	Present
Elizabeth Lustberg	Present
Ron Miller	Present
Denise Werling	Absent

STAFF

Townsley Schwab, Senior Director of Planning and Environmental Resources	Present
Susan Grimsley, Assistant County Attorney	Present
Steve Williams, Assistant County Attorney	Present
John Wolfe, Planning Commission Counsel	Present
Mayte Santamaria, Assistant Director of Planning and Environmental Resources	Present
Joe Haberman, Planning & Development Review Manager	Present
Mitch Harvey, Comp Plan Manager	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Matt Coyle, Planner	Present
Gail Creech, Planning Commission Coordinator	Present

COUNTY RESOLUTION 131-91 APPELLANT TO PROVIDE RECORD FOR APPEAL

Mr. Wolfe stated it was not necessary to read County Resolution 131-92 into the record because there will be no hearings heard at this meeting.

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Gail Creech confirmed receipt of all necessary paperwork.

SWEARING OF COUNTY STAFF

Mr. Wolfe stated it was not necessary to swear in County staff at this meeting since no hearing will be held on any matter.

APPROVAL OF MINUTES

Motion: Commissioner Lustberg made a motion to approve the minutes of the September 25, 2013 meeting. Commissioner Miller seconded the motion. There was no opposition. The motion passed unanimously.

CHANGES TO THE AGENDA

Ms. Creech announced that Items 2 and 3 were withdrawn.

Mr. Wolfe stated it was anticipated there would be a hearing on the Oceanside Marina matter. However, the advertising was defective. Both staff and the applicant have agreed it would not be prudent to go forward. There was concern many people would still appear to be heard on this matter. Mr. Wolfe stated the comments made by speakers today will not be part of the record because this matter will be officially heard at the November 15, 2013 Planning Commission meetings. Staff feels it will be beneficial for the Commissioners to hear the matter today even if for discussion only. The Commissioners will vote on November 15, 2013 based on what they hear at that future meeting.

MEETING

New Items:

1.Oceanside Marina, 5950 and 5970 Peninsular Avenue, Stock Island, Mile Marker 5; 24930 Overseas Highway, Summerland Key, Mile Mark 25; 21585 Old State Road 4A, Cudjoe Key, Mile Marker 22; 5671 MacDonald Avenue, Stock Island, Mile Marker 5; and 5176-5180 Suncrest Road, Stock Island, Mile Marker 5:

A request for approval of a Development Agreement between Monroe County, Florida; Summerland Palms Investors, LLC; Coco Palms Developers, LLC; R & S of Key West, Inc.; H-Try, LLC; 5671 MacDonald LLC; Singh Investors, LLC; Suncrest Landing, LLC; and Oceanside Investors, LLC allowing the transfer of up to 46 market-rate Residential Rate of Growth Ordinance (ROGO) exemptions from sender sites at 24930 Overseas Highway, 21585 Old State Road 4A and 5671 MacDonald Avenue to a receiver site at 5950 and 5970 Peninsula Avenue, in accordance with Monroe County Code Section 130-161.1. On the sender sites, the residential swelling units in which the transferred market-rate ROGO exemptions are derived shall be converted to, or replaced with, affordable housing units. The Development Agreement covers:

A.Receiver Site Property located at 5950 and 5970 Peninsular Avenue, Stock Island (legally described as Block 60, portions of Lots 1, 2 and 3, Block 61, portions of Lots 1, 2 and 3, the portion of Maloney Avenue lying between Blocks 60 and 61, McDonald's Plat, PB1-55, also described as parcel of land in Sections 26, 34, 35 and 36, Township 37 South and Range 25 East, having real estate numbers 00127420.000000 and 00127420.000100), 24930 Overseas Highway;

B.Sender Site Property located at 24930 Overseas Highway, Summerland Key (legally described as Lot 55 and a portion of Lot 54, Summerland Yacht Harbor, PB2-142, having real estate numbers 00194741.000100, 00194741.000200, 00194741.000300, 00194741.000400, 00194741.000500, 00194741.000600, 00194741.000700, 00194741.000800, 00194741.000900, 00194741.001000, 00194741.001100, 00194741.001200, 00194741.001300, 00194741.001400, 00194741.001500, 00194741.001600, 00194741.001700, 00194741.001800, 00194741.001900, 00194741.002000, 00194741.002100 and 00194741.002200):

C. Sender Site Property located at 21585 Old State Road 4A, Cudjoe Key (legally described as Lot 30, Sacarma, PB2-48, having real estate number 00174960.000000).

D. Sender Site Property located at 5671 MacDonald Avenue, Stock Island (legally described as Block 31, Lots 9, 13, 14, 15, 16, 19, and 20, McDonald's Plat, PB1-55, having real estate numbers 00124430.000000 and 00124470.000000).

E. Sender Site Property located at 5176-5180 Suncrest Road, Stock Island (legally described as Lots 27 and 28, Sun Krest, PB1-107, having real estate number 00132680.000000).

The Development Agreement involves the redevelopment of the Receiver Site Property. The redevelopment includes the addition of up to 78 new, market rate residential dwelling units, which may be used as vacation rentals, up to 5 new hotel rooms, a new restaurant, and other improvements related to the existing marina and accessory development. The residential density would not exceed 100 permanent residential units and 5 transient units. Not including accessory structures related to the residential uses, the nonresidential floor area would not exceed 40,000 square feet. New residential or nonresidential buildings shall not exceed 35 feet in height.

(File 2013-069)

FOR DISCUSSION ONLY:

Oceanside Marina, 5950 Peninsular Avenue, Stock Island, Mile Marker 5: A request for approval of an amendment to a major conditional use permit in order to redevelop the existing marina by improving the marina's facilities, constructing 78 new market rate residential dwelling units, constructing 5 new hotel rooms, constructing a new restaurant, and carrying out associated site improvements. The subject property is legally described as Block 60, Lots 1, 2, and 3, McDonald's Plat, PB1-55, having real estate numbers 00127420.000000 and 00127420.000100.

(10:14 a.m.) Joe Haberman presented the preliminary informal staff report. Mr. Haberman will prepare a new staff report and new staff recommendations for the November meeting. The staff report presented today will be used to get the Commissioners familiar with the project. Mr. Haberman stated staff has reworked the agreement with the applicant a great deal, but some issues still need to be worked out. The applicant will use this as an opportunity to explain where they are headed with the project.

Mr. Haberman stated the agreement involves a conceptual approval of the site plan of the Oceanside property, which will require a major conditional use which will be decided upon by the Planning Commission. The applicant needs the ROGO exemptions to make that project work. That will not be decided upon at the November meeting. If during the review the Commissioners feel changes are necessary, there is room to do that. The uses and density are locked in, but issues such as landscaping and parking can still have changes made and conditions added.

Mr. Haberman explained that this project is consistent with the mobile home transfer ordinance. There are three mobile home parks that will help the applicant get the necessary ROGO allocations they need: Summerland with 22 market rate ROGO exemptions, Cudjoe with 17 market rate ROGO exemptions, and it may have five transient units which would help with the hotel, and Stock Island with seven mobile homes. A site was advertised that had eight mobile homes, which is not part of this agreement. The market rate units would be moved to the

Oceanside property. There is a previous development agreement with 32 units and 32 TDRs, which is relevant, but not subject to this agreement. The second part of the agreement is the conceptual site plan and conceptual approval of what they want to do at the Stock Island property. A development agreement gives them ten years to carry out improvements. The applicant needs to still acquire some TDRs, minor conditional use permits to finalize the movement of these units and building permits. The only thing the Planning Commission will see is this development agreement and conditional use.

Mr. Haberman reviewed the sites with the Commissioners. The first site is the Oceanside site, which is to the east of Safe Harbour. Mr. Haberman described the physical characteristics of the site and surrounding properties. Aerial photographs were shown of the property. The second site is the Summerland Palms site, a traditional mobile home park. Mr. Haberman described the property and showed pictures of the site. The third site is the Cudjoe site, which is very similar to the Summerland site. A description was given of this site and photographs were shown. Another site is the Suncrest site down on Stock Island. This does not have a mobile home designation, but is zoned mixed use and native area. The last is the McDonald site. This site is not subject to the agreement before the Commission at this point.

Mr. Haberman said that Florida Statute lists the required components of a development agreement, which are all resolved in this agreement. County code has other criteria needed in the agreement. The staff report lists the criteria. The County wants deed restricted mobile homes to be of a certain standard. The applicant has sent out a private consultant to determine which units need to be upgraded and/or replaced. Second, mobile home parks have evolved over time and some mobile homes have been replaced by RVs that don't meet the definition of a mobile home or a permanent housing unit. Staff is requesting language when these are going to be replaced with a mobile home or modular home and the time table associated with addressing that issue. Mr. Haberman added a third condition that includes language that clearly states while the Planning Commission reviews the conditional use the Commissioners can make changes to the conceptual site plans. The applicant does not control all of the wet slips, but staff is requesting that the applicant require 20 percent of the slips they control be designated for commercial fishing. The applicant is asking for a ten-year development agreement. Staff wants the conditional use to be synced to the ten-year development agreement. The legal description needs to be written in one consistent manner. Staff wants the official land use district maps used.

Commissioner Miller believes the language in the agreement is circumventing the two-for-one language specified in the code. Mr. Haberman stated that issue is addressed in the staff report. The preference is to send units to platted lots. The language specifies it is two for one if going to a multifamily project. The major issue with that is "multifamily" is not defined. This is attached residential dwelling units, which is defined, but does not specify multifamily or single family. The definition for apartments does say multifamily. Staff's interpretation of this is included in the staff report. The applicant has the required parcel for each unit. Staff interpreted that in favor of the applicant that it is one unit under each parcel, which is not defined as multifamily in terms of attached units. The Board of County Commissioners (BOCC) will have the final decision on that. Commissioner Miller questioned whether redevelopment would fall under inclusionary affordable housing. Mr. Haberman responded that it would. If the applicant were

not doing mobile homes, they would be required to do 30 percent of the total as inclusionary affordable housing.

Chair Wiatt is concerned with the vacation rental provision because there is no prohibition of the developer requiring the 78 units to go into the vacation rental program. Chair Wiatt wants the owner to be able to live there permanently. Mr. Haberman stated some existing units are vacation rentals, some are second homes and some are permanent housing. Staff changed “shall” to “may” in the language when referring to vacation rentals. The applicant is comfortable with that. Staff will tighten that language up. Chair Wiatt is concerned the term “may” can work both ways. The applicant wants to manage their own vacation rentals, which is allowed if the development is gated and the applicant’s management is on-site. Chair Wiatt wants to give the property owners of the 78 units full rights to do whatever they want with their property, whether they live there permanently or vacation-rent through themselves or the applicant. Mr. Haberman stated the property owners will not be able to manage their own vacation rentals. Chair Wiatt wants as much flexibility for the property owners that the code will allow.

Commissioner Miller had it clarified that the density on the sender sites will be retained and exemptions equal to that amount will be transferred. Mr. Haberman responded that every one of the sender sites, besides Suncrest, is over density. There is a section of code stating that existing residential density is not considered nonconforming. There is no issue in deed-restricting those units for 99 years to remain affordable housing. Mr. Wolfe stated the whole point of that language in the code and comp plan is to preserve primary residences. Commissioner Miller asked if this project would be allowed if it were not affordable housing. Mr. Haberman stated this is the only mechanism to move a market rate unit anywhere. Commissioner Miller asked if the mix of affordable on this project will reflect what is there now, low income and middle income. Mr. Haberman explained that code requires that the applicant shall try to maintain as close to a 25 percent ratio to each different type of affordable housing as possible. What levels are available are not known when a project is started. Staff tried to show what the numbers were at this time in the staff report. The applicant wants all moderate. A breakdown could be included in the agreement, but that would be difficult. A development agreement cannot override code requirements. The applicant will have to get a reservation of affordable units from the BOCC and it will be a decision of the BOCC. Asking for all moderate is allowed, but the code requires a mix be attempted.

Pritam Singh, the applicant, addressed the Commissioners. Mr. Singh stated his son has been managing the sites involved in this project and has come to know the residents. Mr. Singh gave the background on who developed and how the Oceanside property was developed. This was the lead sport-fishing marina in the Florida Keys at one time. There has been no money put into the infrastructure of this property. Mr. Singh showed a site plan of this property and defined what is owned by the applicant and what is not. The applicant owns all the parking, but the neighboring residents have an easement to park on his property. There is no master property association among all the owners in this area. The property has become a low-rent district in Stock Island.

Commissioner Miller asked about the ownership of the wet slips. The applicant stated he may develop 15 wet slips, but currently does not own any of the wet slips. Mr. Singh continued to present the history of the property becoming bank-owned and the degradation on the property.

The applicant actually owns an upland parcel adjacent to the marina. Mr. Singh continued to outline and describe the Oceanside property among the multi-faceted surrounding properties on Stock Island from an aerial photograph. Mr. Singh believes his proposed development will fit in this area.

Mr. Singh described the agreement with the previous developer. Ms. Singh stated the residents on the Summerland property will be able to remain there, as well as the Cudjoe residents may remain on the Cudjoe property. A lot of those residents have been living there for a long time, over ten years. Their leases have been extended. The applicant's intention is that after a year from approval the applicant will go upgrade the communities to meet current standards. The RVs will be replaced with new modular or mobile homes. Commissioner Miller received confirmation that the residents spoken of are the current residents. Mr. Singh stated that all residents fall within the level of affordable requested, which is moderate. This is not a tax credit project, which requires a low income level. Current rents are not high. These properties are running well and the applicant is trying to maintain that. Affordable housing will protect these communities. Mr. Singh stated that 40 TDRs will be bought.

Mr. Singh then described what is proposed for the property. The applicant is designing a project to fit within all of the properties owned by other owners. Mr. Singh described a proposed harbor walk that will be open to the public during daylight hours giving access to a restaurant and park. Easements have been negotiated with surrounding property owners for shared parking. Storm water and on-site water systems will be built which will address water quality. Commissioner Miller asked if the easements will be included as part of the development agreement. Ms. Grimsley stated it is not required because that is an agreement between different property owners, but it can be added to the development agreement. Mr. Singh stated all property owners have access easements to their properties, but do not have utility easements, which the applicant is giving them. The applicant agrees to put that language in the development agreement. Mr. Singh showed the landscaping plan to the Commissioners. A large number of trees are going to be installed on the property. Proposed elevation of the buildings was shown. Mr. Singh said this will resemble Tranquility Bay, which Mr. Singh developed. Each unit will be a vertically stacked condominium with unobstructed open access. Mr. Singh then discussed the owners' rights to live in their units. Rentals will be handled through the homeowners' association management.

Mr. Singh believes this development will create a tremendous upgrade and protection of affordable housing, protection of conservation lots, resolve the takings issue and, lastly, improve a derelict piece of property that has not been improved in over 40 years that needs investment. Mr. Singh believes this property should be a tourist destination, which fits the community character. Mr. Singh stressed that nobody is being displaced. The property will create a lot of jobs for Stock Island residents and the large investment will improve the tax base and clean up crime in the area. Mr. Singh believes this project is appropriate and meets all the goals of the County.

Chair Wiatt asked for public comment.

Jim Wilson, the president of the dry Oceanside boat storage condominium, stated Oceanside Marina used to be the premiere recreational marina in the area. Mr. Wilson gave a brief history of the wet slip ownership in the area. Mr. Wilson stated most of the slips in the original sell-out in 2003 and 2004 were in the \$64,000 to \$75,000 range. Most of those doubled in the 2007-2008 timeframe. Most recently when the bank has been in control the past three or four years everyone's investment has decreased to \$20,000 for the dry slips. Mr. Wilson stated individual unit owners were excited when Mr. Singh bought the adjoining property because of his reputation of building beautiful projects. Mr. Wilson reiterated the last six years there has been no management of the upland, which affects the dry slips, and very little maintenance. There have been security issues in the area with theft. Mr. Wilson reiterated his position in favor of the development and asked the Commissioners to consider approving it. Mr. Wilson pointed out on the site plan the dry storage that he is the president of and their easement access.

Robert Mongelli, owner of restaurants on Stock Island and owner of a wet slip and dry slip in Oceanside Marina, stated he had a vision for Stock Island years ago and moved his businesses in town out to Safe Harbour Marina. Mr. Mongelli has experienced the good and bad of Stock Island. Mr. Mongelli believes the Oceanside Marina project will make Stock Island a legitimate destination and brings it up to a level it used to be many years ago. Mr. Mongelli is 100 percent in favor of this project on Stock Island and believes all of the property owners and residents will feed off of this improvement in Stock Island. Mr. Mongelli envisions miles of a harbor walk through all of Stock Island.

Karen Hedrick, manager of Oceanside Residential Condominium, read a letter from the president of their board. The president in his letter stated he is very pleased with the proposed project under consideration and believes it will be a great asset for his association and its members. The president supports approval of this project. Ms. Hedrick stated she has seen a great improvement over the last few months in the area. Mr. Singh got up and again pointed out the different properties on Stock Island. Mr. Singh pointed out that he is currently managing Oceanside Marina and is hoping to create a master association among the different property owners in the area.

Chair Wiatt asked for further public comment. There was none. Public comment was closed.

Mr. Wolfe stated the Commissioners have the opportunity to make comments or observations today, but will vote at the November 15 meeting. Commissioner Lustberg commented that it would be nice to receive documentation at the November 15 meeting showing the moderate level of affordable is what will work for the residents already there. Commissioner Miller agrees that the applicant needs to confirm the current residents will fall within the moderate category. Mr. Singh responded that he will address that at the next meeting in a very specific way. Mr. Singh informed the Commissioners that a public meeting was held with neighbors and over 100 people attended. Another public meeting will be held before the conditional use application comes before the Planning Commission. Commissioner Miller inquired if anyone from the County attended that meeting, to which Mr. Singh replied no.

2. Wrenn Eklom Development LLC Property, 479 Barracuda Boulevard, Key Largo, Mile Marker 103.7: A request for approval of a variance of fifteen (15) feet from the required

twenty-five (25) foot front yard setback along the property line abutting the right-of-way of Turbot Street in order to construct a new single-family residence. The subject parcel is legally described as Block 7, Lot 32, Anglers Park Subdivision (PB1-159), Key Largo, Monroe County, Florida, having real estate number 00552340.000000.
(File 2013-052)

The matter was withdrawn before the meeting.

3.Wrenn Ekblom Development LLC Property, 578 Bonito Avenue, Key Largo, Mile Marker 103.8: A request for approval of a variance of fifteen (15) feet from the required twenty-five (25) foot front yard setback along the property line abutting the right-of-way of Turbot Street in order to construct a new single-family residence. The subject parcel is legally described as Block 7, Lot 1, Anglers Park Subdivision (PB1-159), Key Largo, Monroe County, Florida, having real estate number 00552030.000000.
(File 2013-053)

The matter was withdrawn before the meeting.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 11:41 a.m.