

PLANNING COMMISSION
April 29, 2015
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, April 29, 2015**, beginning at 10:02 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

Denise Werling, Chair	Absent
William Wiatt, Vice Chair	Present
Beth Ramsay-Vickrey	Present
Elizabeth Lustberg	Present
Ron Miller	Present

STAFF

Mayte Santamaria, Sr. Director of Planning and Environmental Resources	Present
Steve Williams, Assistant County Attorney	Present
Pete Morris, Assistant County Attorney	Present
John Wolfe, Planning Commission Counsel	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Matt Coyle, Senior Planner	Present
Mitzi Crystal, Planner	Present
Gail Creech, Planning Commission Coordinator	Present

COUNTY RESOLUTION 131-91 APPELLANT TO PROVIDE RECORD FOR APPEAL

County Resolution 131-92 was read into the record by Mr. Wolfe.

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Gail Creech confirmed receipt of all necessary paperwork.

SWEARING OF COUNTY STAFF

County staff members were sworn in by Mr. Wolfe.

CHANGES TO THE AGENDA

Ms. Creech stated Item 1 has been withdrawn.

APPROVAL OF MINUTES

Motion: Commissioner Miller made a motion to approve both the March 19, 2015, and March 25, 2015, meeting minutes. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

New Items:

2. Longstock II LLC, 7009 Shrimp Road, Stock Island, Mile Marker 5: A public hearing concerning a request for a 5S (Hotel, package sales) Alcoholic Beverage Special Use Permit. The subject property is described as a parcel of land and submerged lands in Section 35, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida having real estate numbers 00123720.000100, 00123720.000100, 00123720.00200 and 00123760.000200. (File 2015-057)

(10:05 a.m.) Mr. Coyle presented the staff report. Mr. Coyle reported that Stock Island Marina Village is requesting another alcoholic beverage special use permit. In 2013 the Planning Commission approved a 2COP special alcoholic beverage permit for the property and this request is specifically for the hotel that was approved as part of the development agreement and major conditional use in the prior meeting. This permit would allow package sales from the hotel once it has been developed. Mr. Coyle recommended approval with a few conditions. Those conditions were then outlined.

There were no questions or comments from the Commissioners. Vice Chair Wiatt asked for public comment. There was none. Public comment was closed.

Motion: Commissioner Miller made a motion to approve. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

3. Oceanside Marina, 5948, 5950 and 5970 Peninsular Avenue, Stock Island, Mile Marker 5; 24930 Overseas Highway, Summerland Key, Mile Marker 25; 21585 Old State Road 4A, Cudjoe Key, Mile Marker 22; 5176 Suncrest Road, Stock Island, Mile Marker 5; 5350 3rd Avenue, Stock Island, Mile Marker 5: A request for approval of an Amendment to a Development Agreement between Monroe County, Florida; Summerland Palms Investors, LLC, Coco Palms Developers, LLC, Suncrest Investors, LLC, Singh Investors, LLC, Stock Island Holdings, LLC, and Oceanside Investors, LLC allowing the transfer of market-rate Residential Rate of Growth (ROGO) exemptions from sender sites at 24930 Overseas Highway, 21585 Old State Road 4A, 5176 Suncrest Road and 5350 3rd Avenue to a receiver site at 5948, 5950 and 5970 Peninsular Avenue, in accordance with Monroe County Code Section 130-161.1. On the sender sites, the residential dwelling units in which the transferred market-rate ROGO exemptions are derived shall be converted to, or replaced with, affordable housing units. The Development Agreement also involves the redevelopment of 5948, 5950 and 5970 Peninsular Avenue, the receiver site, for the addition of up to 79 new, market-rate residential dwelling units, which may be used as vacation rentals, up to 17 new hotel rooms, a new restaurant with up to 150 seats, and other improvements related to the existing, partially condominiumized marina and

accessory development, 22 existing, market-rate permanent units (under condominium ownership), a boat barn (under condominium ownership), marina slips (under condominium ownership) and ancillary/accessory buildings would be maintained. The residential density, under maximum net density, would not exceed 101 total permanent residential units and 17 transient units. Not including accessory structures related to the residential uses, the nonresidential floor area would not exceed 40,000 square feet. Dockage owned by the developer would include 8 new slips, for a total of approximately 16 slips, of which at least 20% (3 slips) shall be reserved for commercial fishing vessels. New residential or nonresidential buildings shall not exceed 35 feet in height. Public access will be provided from 7:00 am until dusk. The Development Agreement concerns properties located at 5948, 5950 and 5970 Peninsular Avenue, Stock Island (legally described as Block 46, Lots 30, 31 and ½ Lot 32, Block 60, portions of Lots 1,2 and 3, Block 61, portions of Lots 1, 2 and 3, the abandoned portion of Peninsular Avenue lying between Block 46 and Block 60, the abandoned portion of Maloney Avenue lying between Blocks 60 and 61, McDonald's Plat, also described as parcel of land in Sections 26, 34, 35 and 36, Township 37 South and Range 25 East, having real estate #'s 00126210.000000, 00126220.000000, 00126230.000000, 00127420.000000 and 00127420.000100), 24930 Overseas Highway, Summerland Key (legally described as Lot 55 and a portion of Lot 54, Summerland Yacht Harbor, having real estate #'s 001294741.000100, 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), 21585 Old State Road 4A, Cudjoe Key (legally described as Lot 30, Sacarma, having real estate #00174960.000000), 5176 Suncrest Road, Stock Island (legally described as Lots 27 and 28, Sun Krest, having real estate #00132680.000000) and 5350 3rd Avenue, Stock Island (described as Lots 19, 20, 21, 22 and 23, Block 53, George L. McDonalds's Plat, Plat Book 1, Page 55, Monroe County, having real estate #00126770.000000).

(File 2014-175)

(10:09 a.m.) Mr. Coyle presented the staff report. Mr. Coyle reported that this is the second amendment to the original development agreement approved in early 2014. Since the first amendment the County has abandoned a portion of Peninsular Avenue. This agreement would encompass that piece of property and provide more land area for density purposes. The acreage would, therefore, be amended. This would also allow the transfer of one additional TRE associated with the permanent residential dwelling unit from the sender site at 5350 3rd Avenue, Stock Island. The total number of units allowed at the Oceanside Marina would be amended from 78 up to 79 new market rate residential dwelling units. The total number of deed restricted and affordable ROGO allocations would be amended from 46 to 47 allocations and from 23 to 24 moderate income affordable ROGO allocations. Finally, the conceptual site plan approved by the existing agreement would be amended to include the aforementioned road abandonment and to modify the buildings to accommodate 79 market rate residential dwelling units. Mr. Coyle recommended approval. Mr. Coyle described three minor revisions being requested to the document, which he believes have already been carried out. Mr. Coyle noted that this item will be heard by the BOCC on June 10, 2015, in Marathon after 3 p.m.

Mr. Coyle explained to Commissioner Miller that the 5350 3rd Avenue, Stock Island, property is a new property. An application for a letter of development rights determination has been submitted. Ms. Santamaria further explained that the red strike-through language in the document is the previous sender site that has been removed and the new sender site language is in blue.

The applicant, Pritam Singh, was sworn in by Mr. Wolfe. Mr. Singh explained for Commissioner Lustberg that the new sender site is a rental property. The rent for the 16 units range from \$1,500 to \$2,000 a month. Commissioner Miller asked if the sender site property will have the same agreement that the rental rate will remain as is for seven years. Mr. Singh replied that has not been contemplated on this property. Mr. Singh does not own this property, which would make it difficult to include that in the agreement. The deed restriction remains on the affordable units. Mr. Singh invited the Commissioners to visit the other sender sites since the improvements have been made to them.

Vice Chair Wiatt asked for public comment. Two unidentified speakers announced from the audience they were happy with the changes made, but did not come up to the podium to identify themselves or speak.

Commissioner Lustberg asked staff what the number is for deed-restricted affordable units in the moderate category. Ms. Santamaria supplied those numbers. Mr. Singh clarified that the new sender site unit currently is not rented and is a two-bedroom unit. Commissioner Lustberg asked for the rental rate on a two-bedroom in the median category. Ms. Santamaria supplied that number. Commissioner Lustberg believes that median number would be more reasonable for this one unit. Mr. Singh replied that those numbers have already been set and it is not up to the Planning Commissioner nor the applicant to change them. Mr. Singh emphasized that \$2.5 million has been spent upgrading these sender site trailer parks and the applicant has followed the rules throughout this process.

Commissioner Miller voiced his frustration that the citizens of Monroe County do not always benefit from the affordable housing being built in the county. Mr. Singh commented that this process locks the price in for these trailers, which is the County's affordable housing stock. Commissioner Miller believes the illegal short-term rentals are putting pressure on the affordable housing in the county. Mr. Singh agreed that illegal short-term rentals drive up the general rents because they take a large amount of permanent housing out of the marketplace. Mr. Singh pointed out that trailers and mobile homes provide a benefit of additional outdoor space to residents. Commissioner Miller asked Mr. Singh if allowing a height increase to 40 feet, especially in URM and URM-L, would create an incentive to abuse the vacation rental ordinance. Mr. Singh responded that, although he is personally opposed to the 40-foot height proposal, it may be necessary to raise elevation by a foot or two. Mr. Singh also discussed the issues arising from property being rented via the internet sites. Commissioner Miller noted that in his neighborhood the properties that have built to the max are the ones renting out short term and he believes a proposed 40-foot height limit is an incentive for more abuse by these property owners.

Commissioner Lustberg stated she believes Monroe County has shortages of housing for people of assorted income levels, not just those who are very poor. The code suggests when doing projects to divide the categories by four so the categories are evenly distributed. Commissioner Lustberg feels this project is skewed heavily towards the moderate category and believes it is appropriate for the deed-restricted affordable unit to reflect the current value of the property and deed-restrict it as such. Mr. Singh replied that the BOCC awarded X number of the different types because they want the lower ones going into those projects which have federal funding.

Motion: Commissioner Lustberg made a motion for approval with the change from moderate to median on the one deed-restricted affordable unit. Ms. Santamaria clarified that the BOCC has reserved 46 allocations for this project, 23 moderate, 12 median and 11 low, and the 47th has not been reserved by the BOCC yet. Ms. Santamaria explained the Planning Commission can recommend changes to the development agreement, but the BOCC will decide if they want to go with the median or moderate category. This development agreement is planned to go before them in June, as well as the reservation for the ROGO allocation. Mr. Singh asked that the one additional unit be left at moderate and clarified that the price controls for seven years are only for existing tenants. Mr. Singh pointed out that had never been done before. Ms. Santamaria clarified there is no requirement for a certain type of lease or length of lease. The previous version of the development agreement had two three-year terms plus one additional extension based on the offer at that time in the development agreement, but there is no requirement for that in the code. **Commissioner Miller seconded the motion.** Commissioner Ramsay-Vickrey stated she sees no reason to restrict this last single unit. **The roll was called with the following results: Commissioner Ramsay-Vickrey, No; Commissioner Lustberg, Yes; Commissioner Miller, Yes; and Vice Chair Wiatt, No.**

Motion: Commissioner Ramsay-Vickrey made a motion to approve with staff's recommendations before the Commissioners. Vice Chair Wiatt seconded the motion. The roll was called with the following results: Commissioner Ramsay-Vickrey, Yes; Commissioner Lustberg, No; Commissioner Miller, No; and Vice Chair Wiatt, Yes.

Vice Chair Wiatt asked if the Planning Commission could make a recommendation for approval and request that the BOCC decide whether or not there is a need to move this unit from moderate to median. Mr. Wolfe proposed the Commissioners make a recommendation to approve as presented, but on the record make no recommendation as to which category. **Motion: Vice Chair Wiatt made a motion to approve with the caveat that the Planning Commission is not going to approve this one unit being moderate and leaving that determination up to the BOCC. Commissioner Miller seconded the motion. There was no opposition. The motion passed unanimously.**

BOARD DISCUSSION

Vice Chair Wiatt discussed that trailers as part of sending sites can be moved over into affordable housing as long as they pass a safety inspection. Ms. Santamaria explained that the life safety inspection consists of compliance with hurricane standards established in the Florida Building Code and the habitability standards established under the Florida Landlord/Tenant Act. They also must meet the fire safety code standards. The only amount of elevation required is what is required by FEMA. The home inspection report contains what work needs to be done

and checked off before being deed-restricted. Code requires the inspections be completed and passed prior to the final development of the receiving site.

Commissioner Lustberg commented that agreeing to keep some deed-restricted units at lower prices for a certain amount of time is not prudent because affordable housing will clearly be an issue in the future. Commissioner Lustberg believes the affordable deed restriction should be the number that is appropriate for the particular property. Ms. Santamaria noted that the County's Affordable Housing Committee is gearing up. The County recently received the report from the FSU Consensus Center. This topic will be an important item before the BOCC and the Planning Commission in the future. Ms. Santamaria explained that the rental rates are based on the HUD numbers and based on percentages that were adopted by the BOCC. Policymakers have to decide if this is something that should be changed in the future.

Commissioner Miller again stated that short-term rentals are what is pushing the affordable housing to a crisis level and a policy needs to be implemented to prohibit those rentals. Commissioner Lustberg asked if any cities or counties are legally trying to change vacation rental rules. Mr. Williams stated he does not know of any and nothing has happened in the Legislature to change them. The preemption language causes everybody to proceed with the utmost caution. Commissioner Lustberg asked if property owners that have been cited for illegally renting have any barriers put before them when trying to obtain permits. Ms. Santamaria replied that it is in the code that the Planning Director can suspend the review of their application. Commissioner Lustberg recommended that all code violations be addressed in order to get a building permit. Mr. Williams explained that orders from special magistrates typically contain cease and desist orders and frequently very large fines are included.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 11:18 a.m.