

PLANNING COMMISSION
March 29, 2017
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, March 29, 2017**, beginning at 10:00 a.m. at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL by Ilze Aguila

PLANNING COMMISSION MEMBERS

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

STAFF

Mayte Santamaria, Sr. Director of Planning and Environmental Resources	Present
Steve Williams, Assistant County Attorney	Present
John Wolfe, Planning Commission Counsel	Present
Mike Roberts, Senior Administrator, Environmental Resources	Present
Emily Schemper, Comprehensive Planning Manager	Present
Kevin Bond, Planning & Development Review Manager	Present
Devin Rains, Principal Planner	Present
Thomas Broadrick, Sr. Planner	Present
Barbara Bauman, Sr. Planner	Present
Janene Sclafani, Sr. Planner	Present
Ilze Aguila, Sr. Planning Commission Coordinator	Present

COUNTY RESOLUTION 131-92 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

Ms. Aguila confirmed receipt of all necessary paperwork.

SWEARING OF COUNTY STAFF

County staff members and all potential public speakers were sworn in by Mr. Wolfe.

CHANGES TO THE AGENDA

Ms. Aguila stated that Item 5 had requested to be heard sooner. Item 10 had requested to be continued to the April 26, 2017, Planning Commission Meeting.

Agreed: The Commission unanimously agreed to move Item 5 up to the Item 2 position on the agenda.

Agreed: The Commission unanimously agreed to continue Item 10 to the April 26, 2017, Planning Commission Meeting.

Chair Werling announced that due to the large attendance at the meeting, the three-minute rule would be invoked for individual speakers, and the five-minute rule would apply for speakers representing a group.

APPROVAL OF MINUTES

Motion: Commissioner Lustberg made a motion to approve the February 22, 2017, meeting minutes. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

Continued Items:

1. ROTTEN RALPH'S OF KEY WEST LLP DBA BOBALU'S, 301 AND 305 OVERSEAS HIGHWAY, BIG COPPITT KEY, MILE MARKER 10 BAYSIDE: A PUBLIC HEARING CONCERNING A REQUEST FOR A 6COP SFS (BEER, WINE, AND LIQUOR BY THE DRINK FOR CONSUMPTION ON PREMISES ONLY) ALCOHOLIC BEVERAGE SPECIAL USE PERMIT. THE SUBJECT PROPERTY IS DESCRIBED AS LOTS 18, 19, AND 20, BLOCK 1, AMENDED PLAT OF COPPITT SUBDIVISION (PLAT BOOK 4, PAGE 50), BIG COPPITT KEY, MONROE COUNTY, FLORIDA HAVING REAL ESTATE NUMBERS 00149560-000000 AND 00149570-000000.
(File 2016-189)

(10:05 a.m.) Mr. Devin Rains presented the staff report. This is for a 6COP SFS alcoholic beverage use permit and is in light of a change by the State of Florida allowing for alcoholic beverage consumption on premises only of beer, wine and liquor under a new designation SFS which came about January 18, 2017. Mr. Rains explained that a lot of these types of applications are coming in for this new designation. The applicant had requested a continuance from the previous meeting to adjust the real estate and lot numbers for the site is comprised of Lots 18, 19 and 20, whereas the previous request had been only for Lot 20 which is for Bobalu's at the intersection. The applicant now wants to reflect the additional parcels to the northeast. Prior county actions include a 1COP alcoholic beverage license for beer sales on and off premises, a 2015 building permit for a change in accessibility parking, and then approximately a year ago an approval for a 2COP alcoholic beverage use permit for beer and wine on and off premises. The difference here is that with the 6COP SFS, they will not have the ability to sell off premises, beverages must be consumed on premises, and this does expand ability to serve liquor on premises; comparing this to the previous approval, there will be no package sales from this site. The application includes the parcels to the northeast where the applicant intends to improve

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parking in the future, requiring additional planning approval and permits. Illustrations of the site were presented. Staff recommends approval with conditions that any objection from surrounding property owners that may adversely affect this decision would cause the recommendation to be reevaluated. These permits run with the land and subsequent ownership would retain all rights and obligations originally granted to the applicant. Alcoholic sales and consumption shall occur only within the areas allowed for the use approved for all three lots since the property line goes through the existing outdoor area. Patrons will not be limited to this invisible boundary, alleviating the risk of compromising the license. In the event the applicant's State of Florida alcohol license expires or lapses, this special use permit approval will become null and void.

Commissioner Miller asked about problems previously identified with this property, and if they were being allowed to get the permit now and make improvements afterwards. Mr. Rains explained the parking had been the primary concern in the past, but parking counts are based on seating, not the change in use. This would limit them to on-site service. Commissioner Miller clarified his concern that this problem had been identified in 1991 and the approval does not incentivize the applicant to make the improvements. Mr. Rains responded that he didn't know how that process would apply with regards to an alcoholic beverage license. Commissioner Miller stated he knows how it would apply, that if the Commission voted no, it would provide incentive. Mr. Rains further explained that the applicant had acquired the additional land in order to make the future parking expansions possible, which the applicant would be addressing.

Commissioner Ramsay-Vickrey asked if they were being given a liquor license to consume liquor on an empty lot. Mr. Rains clarified that the alcoholic beverage license itself requires them to provide a site plan showing the areas of consumption which must be approved by the Planning Department. On the illustration, Mr. Rains pointed out the courtyard area and how it crosses over the property line, adding that any future development would need to be reviewed for both parcels. Aggregation of lots would occur, allowing the on-site parking to be considered.

Chair Werling asked if the applicant wished to speak. Mr. Steve DiGiovanni introduced himself and Ms. Tina Heimann as the applicants. Mr. DiGiovanni explained that the 1991 application was from the prior owner who had not owned the adjacent property. The vacant land would allow another 20 parking spaces and the plan to develop the parking lot is in the works. Ms. Heimann added that the site, drainage and landscape plans were being done by Perez Engineering and Architects. She had hoped to have the plans prior to this request, but needed to move forward sooner as the property line comes right up against the side of the building. If a patron steps outside with an alcoholic beverage, they could be in violation of their license. Additionally, regular customers often request liquor. For these reasons, along with the law change, is what brings them here today for this approval.

Chair Werling asked for public comment. There was none. Public comment was closed.

Commissioner Ramsay-Vickrey asked Chair Werling if the courtyard area being discussed spilled into the adjacent lot now owned by the applicant. Chair Werling responded that it did, and she believed that years back there had been an actual seating area back there. Commissioner Ramsay-Vickrey indicated she was struggling with this because they didn't really have an

outdoor seating area. Chair Werling explained her belief that if this was granted, they couldn't separate the lots, it would be one parcel. Mr. Rains interjected that the approval would state that the three lots are being approved together.

Motion: Commissioner Wiatt made a motion to approve. Commissioner Lustberg seconded the motion. The roll was called with the following results: Commissioner Ramsay-Vickrey, Yes; Commissioner Wiatt, Yes; Commissioner Lustberg, Yes; Commissioner Miller, No; and, Chair Werling, Yes.

New Item (Heard Out Of Sequence):

5. TARPON BASIN VILLAS, 101900 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 102: A PUBLIC HEARING CONCERNING A REQUEST FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE RENEWAL OF AN EXPIRED MAJOR CONDITIONAL USE PERMIT PREVIOUSLY APPROVED THROUGH PLANNING COMMISSION RESOLUTION NO. P08-04 FOR THE REDEVELOPMENT OF AN EXISTING SINGLE FAMILY RESIDENCE AND NINE (9) TRANSIENT UNITS AND THE DEVELOPMENT OF TWO (2) NEW OFFICE BUILDINGS, 1,000 SQUARE FEET AND 2,000 SQUARE FEET, FOR THE EXPANSION OF THE RESEARCH AND EDUCATION CENTER, DOCTOR'S OFFICE AND ONE (1) POOL AS ACCESSORY TO THE NINE (9) TRANSIENT UNITS ON THE PROPERTY. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS PART OF TRACT 1, AND PART OF TRACT 2, AND TRACT 3 LESS THE NORTHERN 20 FEET, AND ADJACENT BAY BOTTOM, AND PART OF STATE ROAD 5, FIRST AMENDED PLAT OF LEE SHORES, (PLAT BOOK 2, PAGE 90), KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00542940-000000 AND 00542940-000100.
(File 2016-013)

(10:20 a.m.) Ms. Barbara Bauman presented the staff report. This is an amendment to a major conditional use. This site is located at mile marker 102 bayside within the suburban commercial district. Ms. Bauman presented an aerial of the developed site from 2005. A major conditional use was received in 2004 which expired. To complete the development and receive CO's the applicant needs to renew the conditional use via this amendment. This is the redevelopment of a single-family residence, nine transient units, a pool and two offices. Ms. Bauman presented the approved site plan which showed the residence, transient units and pool at the north side of the property and the two offices at the south side of the property. Some deviations not addressed in the original conditional use approval were made a part of this amendment, including three shade structures, a walkway and a freestanding awning. A new survey was submitted yesterday showing the different structures. Staff recommends approval with conditions: Prior to issuance of the development order, the applicant shall submit an updated site plan, signed and sealed by the architect or engineer, dictating the current conditions of the site including updated open space calculations. Any deviations to the previously-approved conditional use shall be incorporated into the requested amendment. The updated site plan shall be labeled with the new structures added to the site and submitted within 90 days of the Planning Commission meeting at which this application was considered. If not received within the time frame, the application will be deemed withdrawn. Any deviation from the approved major conditional use shall require

Planning Environmental Resource Department review. Clear-sight triangles shall be maintained and nothing shall be allowed to be erected, placed, planted or allowed to grow in a manner to limit or obstruct sight to motorists entering and leaving the driveways to Dolphin Cove.

Commissioner Miller asked how many transient ROGOs were associated with this property. Ms. Bauman responded that there were nine. Commissioner Miller asked if they were proposing to get or already had the transient ROGOs. Ms. Bauman stated they already had them, that this was just a redevelopment. Commissioner Miller then asked about the updated site plan. Ms. Bauman responded that some of the accessory structures which weren't part of the original approval had needed to be either added or removed, and that they had added the three. Commissioner Miller asked if the Commission would be reviewing this item again after the updated site plan was submitted. Ms. Santamaria responded that, as written, it only needs the Chair's signature and wouldn't come back before the Commission unless they elected to continue it, but the Planning Department would review it for compliance. Commissioner Wiatt asked if it would come back before the Commission if there were additions, and Ms. Santamaria indicated that would be correct. Commissioner Wiatt added he would prefer where it says "review" that it say "review and approval." Commissioner Miller noted that the traffic study was 13 years old and things have changed quite a bit over that time. Ms. Santamaria responded that they Commission can request further information; however, staff did compare the traffic study against the current public facilities report. This segment is a Level of Service A and Planning Department thought it was okay to move forward. Commissioner Miller added that he wonders when the traffic will affect the level of service as it never changes. Ms. Santamaria added that another report was coming soon.

Chair Werling asked if the applicant wished to speak and perhaps clarify some of the questions. Mr. Erich Borguss stated he would be happy to answer any questions. Commissioner Miller asked him about updating the 13 year-old traffic study. Mr. Borguss agreed the traffic is terrible, but as far as any complications with traffic, he has never had any issue. Mr. Borguss wanted to state that Monroe County and the Building Department had always been very helpful and he appreciates the support. Chair Werling thanked him, noting this was always nice to hear. Commissioner Miller also confirmed with Mr. Borguss that none of his dolphins were missing.

Chair Werling asked for public comment. There was none. Public comment was closed.

Commissioner Wiatt asked if anyone else thought they should add "approval" in addition to "review." Commissioner Lustberg thought that adding that would be fine. Chair Werling agreed. Commissioner Miller asked about the traffic study. Commissioner Wiatt felt that would be penalizing the applicant to make them do a traffic study after all of the approvals they've gone through, and the traffic study would only come back with the fact that there's a lot of traffic. Commissioner Miller reluctantly agreed and acquiesced that he would accept Ms. Santamaria's statements.

Motion: Commissioner Wiatt made a motion to approve Item 5 with the addition of "and approval" at the end of condition number two. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

Back to Continued Items:

Mr. Wolfe interjected that staff had proposed reading Items 2, 3 and 4 together as the staff report will address all three at one time; but they are still three separate hearings requiring three separate votes.

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 107.1.6 SHRIMP FARM AFFORDABLE HOUSING SUBAREA; ESTABLISHING THE BOUNDARY OF THE SHRIMP FARM AFFORDABLE HOUSING SUBAREA; LIMITING THE PERMITTED USES OF THE SUBAREA TO DEED RESTRICTED AFFORDABLE HOUSING DWELLING UNITS; ELIMINATING ALLOCATED DENSITY AND FLOOR AREA RATIO; ADDRESSING WETLAND AND SHORELINE SETBACKS AND HEIGHT WITHIN THE SUBAREA FOR PROPERTY LOCATED AT 23801 OVERSEAS HIGHWAY, SUMMERLAND KEY, MILE MARKER 24, DESCRIBED AS A PARCEL OF LAND IN SECTION 27, TOWNSHIP 66 SOUTH, RANGE 28 EAST, SUMMERLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00114840-000000, AS PROPOSED BY SUMMERLAND KEY PROPERTY CORP.; TO ACCOMPANY A PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP (FLUM) FROM AGRICULTURE/AQUACULTURE (A) TO RESIDENTIAL HIGH (RH); 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 2016-136)

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 AGRICULTURE/AQUACULTURE (A) TO RESIDENTIAL HIGH (RH), FOR PROPERTY LOCATED AT 23801 OVERSEAS HIGHWAY, SUMMERLAND KEY, MILE MARKER 24, DESCRIBED AS A PARCEL OF LAND IN SECTION 27, TOWNSHIP 66 SOUTH, RANGE 28 EAST, SUMMERLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00114840-000000, AS PROPOSED BY SUMMERLAND KEY PROPERTY CORP.; CONTINGENT ON ADOPTION AND EFFECTIVENESS OF PROPOSED SUBAREA POLICY 107.1.6 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 2016-137)

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM NATIVE AREA (NA) TO URBAN RESIDENTIAL (UR), FOR PROPERTY LOCATED AT 23801 OVERSEAS HIGHWAY, SUMMERLAND KEY, MILE MARKER 24, DESCRIBED AS A PARCEL OF LAND IN SECTION 27, TOWNSHIP 66 SOUTH, RANGE 28 EAST, SUMMERLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00114840-000000, AS PROPOSED BY SUMMERLAND KEY PROPERTY CORP.; 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 2016-138)

(10:32 a.m.) Ms. Emily Schemper presented the consolidated staff report. These three items are requests for three amendments. There is a Future Land Use Map and Zoning Map amendment, and a Comprehensive Plan Text Amendment to add a Subarea Policy for this particular site. The site is commonly known as the old shrimp farm and is located on the west end of Summerland Key around mile marker 24. Aerial views of the site were shown. The current FLUM designation is Agriculture/Aquaculture, current Zoning designation is Native Area, in Tier 3, and consists of 8.2 acres of upland area. Existing use is vacant. Historically, the property was used as a shrimp farm with other aquaculture uses, but has been vacant for several years. Existing habitat and vegetation is a mix of developed or previously developed land, some submerged land with some manmade ponds, mangrove habitat and salt marsh. The surrounding land uses to the east include vacant land; to the north and west is open water; to the south across U.S. 1 is an institutional use, the Boy Scouts of America Sea Base Camp; and, southeast across U.S. 1 is single-family residential.

The proposed amendments include amending the FLUM designation from Agriculture/Aquaculture to Residential High; the Zoning Map from Native Area to Urban Residential; and, adding a Subarea Policy to the comp plan. Ms. Schemper presented a bulleted list summarizing what these proposed amendments would result in which included staff's recommended edits. The staff report contained detailed changes. Development would be limited to a maximum of 163 deed-restricted affordable employee housing dwelling units, which is consistent with the max net density of Urban Residential Zoning. Affordable ROGO allocations would be required and no other uses would be allowed on the site. No docks would be allowed. The site would be subject to adopted environmental policies such as shoreline setbacks. The wetland setback area would be protected under a conservation easement. The three northwestern ponds are considered mangrove habitat and would need to be retained and not be filled in and built on. The site would be subject to the County's adopted LDRs including setbacks, open space, height, etc. The site would be required to provide bicycle/pedestrian links with the County trail system along U.S. 1. Per current code, affordable housing units are expressly prohibited from being used as vacation rentals.

Ms. Schemper presented slides comparing existing and proposed Future Land Uses and Zoning of the site and the surrounding areas. Another view was presented looking from the west down U.S. 1, indicating that the proposed subarea would be generally in the red circled area on the left. The Subarea Policy would include additional restrictions limiting development to affordable employee housing and no other uses. Existing development in the area was also shown on the right of the view. The applicant's basis for the proposed amendments is to allow the abandoned shrimp farm to be adaptively reused for affordable housing purposes and to further promote incentives for affordable housing in the comp plan to alleviate the ongoing and worsening affordable housing crisis. The applicant cited the United Way's ALICE Study of Financial Hardship of 2014, showing 56 percent of Lower Keys renters spend more than 35 percent of their income on housing which is considered cost burdened. Staff agrees that affordable housing is a primary issue facing residents of Monroe County. These proposals need to be evaluated based on that, but also on their consistency with Florida Statutes, Rules and internal consistency with the comp plan and other rules and regulations, taking a comprehensive look at all of the different issues that go into this. A slide was presented showing the existing deed-restricted affordable housing.

In evaluating this proposal, staff looked at the Lower Keys Livable CommuniKeys Plan which includes statements about remaining low-density and has strict growth management regulations, but also seeks to provide affordable housing in the community. Goal 1 calls for maintaining and preserving the rural and low-density community character. Goal 4 calls ~~for-out that~~ Monroe County ~~to-shall~~ pursue locations, solutions and partnerships to establish an affordable housing base for Lower Keys residents, ~~exemplifying the~~ We need to take a comprehensive look and weigh the different policy decisions and goals against what's being proposed to try and make a balanced decision. An aerial view of the site was presented showing the central portion of the site being mainly scarified with eight manmade ponds on the northwest end of the site. The three at the top of the view are the ones considered mangrove habitat that must remain. The other five could potentially be filled in. Staff's recommended language would limit development to 163 units regardless whether the applicant fills the ponds creating more acreage. Another slide presented indicated the main portion of the site is in Flood Zone AE10. The VE11 area at the northwest end is in the same area as the three ponds which cannot be filled.

Commissioner Miller asked for the elevation of the property, noting that it looks pretty low. Ms. Schemper did not know the actual elevation, but reiterated that the Flood Zone was AE10 in the main portion of the site, going to VE11 at the end of the peninsula. Ms. Schemper showed a 1986 aerial showing the site being almost completely scarified with 11 manmade ponds; then a 2010 aerial showing three ponds having been filled in with some development on the site. The exact date that the shrimp farm use was abandoned is unknown. Ms. Schemper presented the habitat analysis, with the central portion being what is considered developed land, the ponds being considered submerged land, and areas of mangrove habitat and wetland areas. A full existing conditions report has not been done, though the county biologist has been on the site and done an initial evaluation. The next slide presented the potential development area in red, and the five manmade ponds that could potentially be filled in were shown in yellow. Comparing the Subarea Policy with the extra limitations, there would be no change in residential market rate, staying at zero; market rate with maximum net density using TDRs would also remain at zero; affordable residential under the affordable max net density standard would be 163 dwelling units,

which would be a change from zero to 163; transient allocated would stay at zero; and non-residential would decrease by 89,227 square feet, down to zero.

Ms. Schemper presented the three staff recommendations, reminding the Commission they would need to make a motion for each one separately. In general, they are the same for all three items. Staff recommends the Planning Commission continue this to a later meeting for the applicant to provide additional information for staff to potentially update their analysis and recommendation. Staff is asking for justification of the applicant's proposed reduction in parking requirements as the recommendation is no reduction based on what has been provided to this point. Staff also requests additional data and analysis regarding consistency of the proposed amendment with the community character of Summerland Key and the Lower Keys Livable CommuniKeys Plan. Additionally, staff wants proposed percentages of dwelling units that will meet each of the county's various income categories for affordable housing; very low, low, medium and moderate, requiring they be consistent with recommendations of the Affordable Housing Advisory Committee and the need for affordable housing. A level three traffic study was received on Monday of this week so staff and the county consultant are still reviewing it. Staff will continue to review comments from surrounding property owners and any further submission of data and may update their recommendation if this item is continued. As to the Subarea Policy, staff's recommendation is for approval based on current information received with the edits in the staff report. Ms. Schemper stated she would be happy to entertain any questions, and that the applicant and members of the public also wished to speak.

Mr. Williams asked Ms. Schemper to state her position with the County and how long she has held that position. Ms. Schemper stated she had been the Comprehensive Planning Manager for two years, and the prior three years she was Principal Planner. Ms. Schemper stated she was familiar with comp plan amendments and had played a vital role in the recent update of the entire comp plan. Commissioner Miller asked Ms. Schemper if she liked her job, and she responded affirmatively.

Chair Werling asked if there were any questions of the Commission before moving forward. Commissioner Lustberg wanted to make it clear that she lives on Summerland Key and had been approached by a couple of people to discuss this issue, but had told them she did not wish to discuss the issue outside of the meeting. Chair Werling stated she lives on Cudjoe Key and a neighbor had asked her if this item was going to be continued or heard today. Mr. Williams asked if there were any further ex parte communications with Planning Commission members and there were none. Mr. Wolfe confirmed that none of those discussions would affect their vote on this matter. Chair Werling then asked if the applicant would like to speak.

Mr. Owen Trepanier spoke on behalf of the owners Mr. Joe Walsh and Mr. Claude Gardner, indicating that Mr. Walsh would be also be part of the presentation and, if the opportunity was available after the public comment, Mr. Gardner would respond to that. Mr. Trepanier stated that, as Ms. Schemper had presented, they are asking for three items; Zoning changes from Agriculture to Residential High and Native Area to Urban Residential, with a Subarea Policy to place a cap over the whole thing to limit the development. The entire property consists of 8.2 acres, with nearly half being environmentally sensitive to be placed into conservation easements. Of the remaining scarified parcel, approximately half of that would be built on, with the

remainder being landscaping, open space and amenities such as a playground, swimming pool and so forth.

Mr. Trepanier presented a slide of the Future Land Use Map of Summerland, with the subject property being in greenish-blue and in the center of the Lower Keys, halfway between Key West and Marathon; 6 miles from Big Pine, 7 miles from Sugarloaf Lodge, 15 miles from Rockland, 16 from the Naval Air Station, 19 from Key West and Stock Island, and a little over 20 from Marathon. The trip generation study was submitted last August indicating that reserve capacity on U.S. 1 could accommodate the development. The traffic impact study analyzing in much more detail was finished the beginning of March and also shows reserve capacity on U.S. 1. This study does not deal with driveways, turning lanes, acceleration and deceleration as that is all part of the development review, so they haven't gotten there yet.

Mr. Trepanier addressed the parking reductions, indicating there were a couple of studies showing that the general parking requirements are onerous and too much parking is required. Further, affordable housing projects generally require between 25 and 50 percent fewer parking spaces than market-rate developments. These studies show they have 25 percent too many parking spaces in the codes in general. When affordable housing is associated with a transit, the reduction can be up to 50 percent. The applicant is asking for a 29-percent reduction. This is important to the applicant because the excess parking drives up the cost of the affordable units and takes away land from open space and amenities. The project can be done if all of the parking is required, it will just be less attractive and have less open space.

Commissioner Miller asked if what Mr. Trepanier was saying is that because this is affordable housing, these people bicycle to work or something. Mr. Trepanier responded that people that qualify for affordable housing generally own fewer cars, making do with the minimum cars necessary for their everyday life. Commissioner Miller pointed out that the nearest employment centers were about 25 miles in each direction, requiring transportation. Mr. Trepanier corrected that Key West was 19 and Marathon was 23, and that there are lots of businesses right on Summerland and other jobs up and down the Keys.

Mr. Trepanier presented another slide relating to the community character of Summerland showing that the high-density is located along the strip of U.S. 1, and moving away from U.S. 1 is lower-density single-family. Therefore, the applicant is not asking for a FLUM designation that does not already exist on Summerland as Residential High and 25 to 30 acres of Mixed Use Commercial is already present having an affordable housing density of 18 units per acre. Though they may not want to mention it to Pritam Singh, 25 units of hotel per acre could also be accommodated on the commercial strip on Summerland. The shrimp farm is on that strip and the applicant is asking for affordable density of HR. The LCP has a vision statement, quoting, "The Lower Keys will remain a low-density primarily residential community with strong social fabric." Mr. Trepanier believes that adding non-transient working families to Summerland builds social fabric. The LCP also talks about protection of natural environments, and Mr. Trepanier pointed out that 45 percent of the shrimp farm would be dedicated conservation easement. The mission statement also says, "We seek to renew our commercial areas and provide affordable housing in our community." The LCP talks about the character of the Lower Keys having a wide range of intensities and patterns of land use and identifies 114 acres of

FLUM-designated areas with 18 to 25 units per acre for affordable housing that exists right now. The LCP also states that the Lower Keys serves primarily as a bedroom community supporting the more intensely-developed employment centers of Stock Island, Key West and the Upper Keys.

Mr. Trepanier continued that Summerland is predominantly residential with the commercial strip running through the middle. The LCP also identifies community centers stating future economic activity in the planning area will be focused in a few locations; Lower Sugarloaf, Cudjoe, Summerland and Ramrod. The goals for those community centers include affordable housing overlays and to buffer this development from existing residential. The nearest residential structure to this development's nearest structure is over a quarter-mile, separated by land in conservation easements, clearly buffered from the existing residential area. The LCP discourages urban sprawl and urges protection of natural resources, enhancing community character by, "encouraging in-fill development in established commercial areas." Mr. Trepanier believes this is exactly what the applicant is asking to do. The community character of the LCP talks about a perception of development, that the Keys are being over-developed. The plan says that the Keys actually are not being over developed, that over the last 20 years the rate of development has decreased when compared to the prior 20 years. With development being directed into already developed areas along U.S. 1, the perception of over development is created because the development is easily seen. In reality, development has slowed down. The plan strives to preserve the low density of single-family neighborhoods and this project does not alter that in any way, as this development is located within the existing high-intensity, high-density strip along U.S. 1. The plan encourages bus stops. The applicant's original plan included a bus stop but at a neighborhood meeting, no one liked the idea of a bus stop. The applicant is willing to put it in but if the community doesn't want to, they won't do it. Goal 4 of the plan discusses locating affordable housing within community centers, the strip of existing commercial activity.

Mr. Trepanier then proceeded to address the rental rates, stating that affordable housing is an issue of economy of scale. The applicant cannot determine what the lowest levels of rents can be until they have an idea of the number of units they are dealing with. The applicant believes the appropriate time to address that categorization is when they are in front of the Commission with an actual plan showing the number of units on the property.

Commissioner Miller asked Mr. Trepanier how long he had been working on this project. Mr. Trepanier responded, about a year. Commissioner Miller asked if after that time he still didn't have an idea of what would go into this property as far as low, medium, etc. Mr. Trepanier stated that Mr. Walsh would address those numbers, but that he believes the appropriate number of units is somewhere between 150 and 163 units. Once they know the number of units, they can easily calculate how low the rents can be to still keep the project economically viable. Mr. Trepanier closed his comments stating we are in an affordable housing crisis and these applicants are trying to address that.

Commissioner Miller asked about page 939 where the applicant stated, "while maintaining hurricane evacuation and carrying capacity," and asked him how he would explain that. Mr. Trepanier responded that since all of this development would happen within the framework of ROGO, every unit built there would be accounted for. Commissioner Miller then asked how

taking a property with zero density and putting 163 units on it would further the goals of hurricane evacuation. Mr. Trepanier stated that hurricane evacuation is regulated by ROGO and this project would be totally regulated by ROGO. Commissioner Miller added that properties would be developed according to what the density allocations were under the comp plan, not changing the FLUM to increase the density. Mr. Trepanier responded that hurricane evacuation is only tenuously connected to density, that density is the potential to develop and hurricane evacuation is regulated by ROGO. The applicant is not asking to be exempted. Commissioner Miller asked if what he was saying was once this property is developed and there are no more ROGOs, density hasn't been increased. Mr. Trepanier stated that, in terms of units, that's what he was saying. Commissioner Wiatt asked, regarding parking, if he had heard correctly that the parking issue is more of an aesthetics issue with respect to the number of spaces. Mr. Trepanier stated that was correct, that they would rather build open space and playgrounds than parking spaces.

Mr. Joe Walsh then spoke of affordable housing being a critical problem facing the Lower Keys and that this property provides an opportunity to make an impact on that problem. He appreciates the work and supports the findings of the Affordable Housing Advisory Committee to the BOCC. Particularly important is item 10, which directs staff to evaluate and develop comprehensive plan and LDC amendments to create a workforce housing overlay which can be applied to properties through map amendment to provide additional density bonuses for workforce developments that offer only workforce housing rentals in perpetuity in Tier 3 designated lands. He believes this is precisely what this project does. Another challenge is the LCP concerns and Summerland and Cudjoe Key residents' concerns about what this project will do to their quality of life and community. He may not have a satisfactory answer for some of the residents, but would suggest the goals identified as Goal 4 in the LCP be given an appropriate level of weight, which is, "Monroe County shall pursue locations, solutions and partnerships to establish an affordable housing base for the Lower Keys residents and workers, while also ensuring compatibility between new and existing residential development." Mr. Walsh stated this area is a peninsula separated by U.S. 1 and a significant amount of landscaping buffers from its nearest neighbors. He believes it is an appropriate spot for affordable housing. In terms of rental amount percentages, it would be as many as possible, as low as possible. He expects that 30 to 40 percent of the units would be in the 80 percent category and the rest in the moderate category as it stands right now. The economics of affordable housing are challenging, but Mr. Walsh believes a significant amount of the challenge is how to find an attractive location for people wanting to stay in the Keys and this apartment project fits that bill.

An unrecognized speaker from the audience asked about how much the rent would be. Chair Werling stated that there are no back-and-forth conversations, and that anyone speaking must be at the podium. Chair Werling also instructed those present that it would be appreciated if there is no cat-calling, clapping or otherwise, so that everyone can hear what everyone is saying and the meeting moves along. Chair Werling then opened up public speaking. Mr. Wolfe reminded everyone to state their name at the podium and that everyone had previously been sworn in.

Mr. Bill Hunter from Sugarloaf stated he would love to discuss the creative reading of the Livable CommuniKeys Plan as being incredible, but there was not enough time. He encourages the Commissioners to read Goal 4 for themselves, as the goal and policy spells out exactly what

the community wanted to say. Mr. Hunter wanted to express the fact that the need for affordable housing began with tourism, snow birds, retirees and lately vacation rentals have been competing with the workforce in the Keys for decades. Limited growth, pressure from global wealth and low wages will continue into the future. The desperate need for affordable housing has been with us for a long time and will likely continue, but this isn't about the desperate need. The question today is about the supply. A decade ago, the county couldn't give away an affordable housing ROGO. Suddenly there are more affordable proposals in the pipeline than the county has ROGOs to allocate. There is now serious competition for the 700 remaining affordable ROGOs. In December of last year the county transferred 162 affordable ROGOs to four projects in Marathon, all to be developed on appropriately-zoned property. Last month it was recommended the BOCC approve up to 30 employee units at Caribbean Village on Big Coppitt zoned Suburban Commercial. The county just approved 10 units for a Habitat for Humanity development on Big Coppitt zoned Suburban Commercial. The Toppino project was down-zoned from Industrial to Mixed Use and the county has preserved some ROGOs for a 213-unit affordable housing project. The Dolphin Marina project just submitted a development agreement currently zoned Suburban Commercial and it includes 5 employee housing units. There is a 28-unit employee housing project on the agenda for later today zoned Suburban Commercial. The developer of Rockland Shopping Center, down-zoned from Industrial, would like a couple-hundred affordable housing units on top of those buildings. These projects are either down-zoned property or property already zoned for affordable housing. This application proposes to up-zone Native Area to high-density Urban Residential for a 150-unit development in the middle of the rural Lower Keys. Approval of this rezoning would not be recommended if it was market rate. Affordable housing has the same impact on the environment and the community as does market-rate housing. The only difference is the desperate need for affordable housing, which is a constant. So it isn't about the need, it's about the supply and allocating the remaining ROGOs to the projects that do the most good with the least negative impact. Mr. Hunter believes it's time to shift from a first come, first allocated, to a closer consideration of the zoning changes and variances that are needed to make a project viable. The Planning Commission is best equipped to understand what this Subarea Policy impact will be on the Keys. It's time to take a closer look at how those 700 ROGOs are going to be used and which projects provide the housing needed without the need for variances and negative zoning changes. Mr. Hunter thanked the Commission for the work they were going to do today.

Chair Werling thanked Mr. Hunter and noted that Mr. Bill Hunter was on the Affordable Housing Committee, and believed he was speaking as a representative of that group. Mr. Hunter clarified that he had spoken individually.

Dr. Leslie Thompson, a 20-year resident of Summerland Key, stated she is the closest to this development, 600 feet, not a quarter-mile, and has lived there prior to the Boy Scout camp and while the shrimp farm was operating at this location. She used to fly kites with her kids on the Boy Scout field. She has paddle boarded extensively around the property proposed for development and there is all kinds of wildlife present; bonefish, ospreys, hawks, etc., and there is a wetland going into the property. The Heritage Trail used to come across where the boardwalk is now and you could run through the back end of the shrimp farm where there's a little loop. But many times at mid or even normal high tide, seawater was in there. Her kids would catch minnows and have fun collecting caterpillars. There is also deer down there. So this is a very

active wildlife center. To say this is scarified really isn't an accurate representation. Dr. Thompson provided some photographs labeled A and B from the property appraiser's website showing that the shrimp farm property was fully green in 2015, yet now you can it's all been cleared out. The northernmost point is where most of the wildlife is. Mangroves over the water have been cleared, where in 2015 that is all green. Dr. Thompson had noticed in 2016 that there were truckloads of giant branches and trees being drug out of the property. She reported it to the county but got no response. Dr. Thompson stated that the residents have a deep concern over this development and that the contractors have alienated the community. As Mr. Walsh had stated, there are a multitude of lots zoned for residential building in Summerland and the residents are not opposed to affordable housing, but want it where it's zoned to be. Dr. Thompson finds the comment regarding Pritam Singh's development concerning and inappropriate. She believes this is an example of what can go wrong in situations like this, where programs are presented and the final development is not what is expected.

Mr. Williams reminded Chair Werling that the Commission would need to vote to accept additional information provided after the filing deadline if they want it to be considered and relied upon in the record.

Motion: Commissioner Lustberg moved to accept all of the material received from both sides up until this meeting. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

Mr. John Quincy Adams introduced himself. Commissioner Miller wanted to make a comment but refrained due to the length of the meeting. Mr. Adams began explaining that he had moved to Cudjoe at the very end of 2012 and one of the big questions at that time was deep well or shallow well. They wound up with a deep well which is already coming very close to capacity with not that much more room to hook up new housing. Mr. Adams' question is whether the developer will put up a one-million dollar bond to pay for another deep well. Mr. Adams also has concerns that there is a causeway from Cudjoe to Summerland and going north, most cars do 50 miles per hour over the causeway. There would eventually be an accident as cars try to turn into this development. Mr. Adams' question is whether the developer will be required to put up a bond to cover the cost of a traffic light. There is no way to put in turning lanes as you can't go from a two-lane to a four-lane road coming over the causeway. Mr. Adams does not see any parking other than that below the buildings. The developer stated a preference to playgrounds for children over parking, yet there aren't any schools on Summerland, Cudjoe or Ramrod. Mr. Adams' question is whether the developer will be required to put up a bond to cover the cost of a new school for the additional students. Mr. Adams stated that last year he paid approximately \$4,300 for a connection to the main sewer line and wonders whether the developer will pay the approximate \$600,000 for the comparable hook-up fees as he did.

Mr. Raul Isern, who purchased in Summerland in 2002, noted that the LCP Goal Number 1 is to maintain the character of the community. Mr. Isern stated there is a reason why affordable housing and high-density housing are on certain islands such as Key West, Stock Island, Big Coppitt, Islamorada and Marathon, which is because the density is there and the infrastructure is there. There are 5.1 dwellings per acre allowed in Summerland Cove across the street, translating to roughly 10 people per acre. This plan puts 75 people per acre at 150 units, which

is a 750 percent increase. This is not consistent with the character of the community, rather is urban sprawl. Most residents purchased in Summerland because they wanted a single-family home in a rural community. If they had wanted urban communities, they would move to Key West. The infrastructure is not present and traffic would be a mess. The traffic study showed 975 cars in and out on a given day. Two-thirds of that will be opposing traffic or slowing it down. There is no median there to break up the traffic and provide safe passage. Eventually, these people are going to want a traffic light. DOT may also give them a crosswalk, further congesting traffic. This is the kind of damage that can't be reversed if allowed. You can't get to Goal Number 4 without taking care of Goal Number 1 first, which is the primary goal.

Ms. Elizabeth Schultz of Summerland Key lives on 1.5 acres on Dobie Street. The proposed development can have 18 units per acre. Ms. Schultz has a Mixed Use designation on her property and has been told she can build one extra residence on her property, not 30 or 20. She can have 2, her own house and another one. Ms. Schultz' chief concern in opposition to this project is that already, the traffic is so congested that to get out from Dobie Street to go south every week, it takes sometimes 10 minutes to make a left-hand turn because there is no turn lane so she must wait for both north and southbound traffic to cross both lanes to make the left turn. If this development is allowed, her fear is she will never be able to get out of her property. Ms. Schultz believes this property should be made into a Heritage Park at the end of the Heritage Trail.

Ms. Joyce Newman of Big Pine Key stated that allowing this project to go forward would substantially change the community character of Summerland Key. Ms. Newman hopes for denial of this project based on some findings of fact going back to the comp plan, the LCP and the code. Ms. Newman noted that the LCP is wholly incorporated into the comp plan by virtue of Ordinance 031-2012. Ms. Newman has carefully read all of the LCP and submits that there is not one policy that supports these three changes being requested. The comp plan states the overall goals for future land use should be based on the three critical land use determinants; carrying capacity limitations, natural resource protection and enhancement of community character. From the code section 130-2, the land use districts are established, "in order to carry out and implement the objectives of the plan," and that refers to the larger comp plan. Code Section 102-158 is specifically applicable to these three requested changes because it details the procedure that must be followed in order to change the land use maps. It states that changes, "are not intended to relieve particular hardships, nor to confer special privileges or rights on any person, nor to permit an adverse change in community character." That's found in subsection A. In order to grant a requested amendment, the BOCC must acknowledge that there have been changed conditions or incorrect assumptions involved, referring to Section D7B. To Ms. Newman's knowledge, the applicant has failed to provide evidence of changed projections, changed assumptions, data errors, new issues, recognition of the need for additional detail, and/or data updates to support those requested changes.

Ms. Ann Olson lives on Henry Street directly adjacent to this property, also less than a quarter-mile from it. Ms. Olson recently attended a March 16 FDOT meeting regarding resurfacing of U.S. 1 and was specifically told by the designer there, Charles L. Barrow, that there is no room to add any type of turning lanes as requested at Dobie Street and Henry Street. Specifically cited were the close proximity of the power lines, the walking path to the south, and the mangroves

and wetlands to the north on the Gulf side. Ms. Olson stated that she personally uses the Heritage Trail daily and for everyone on Summerland and the north side of Cudjoe, the only way to access that trail is to cross the highway. Ms. Olson will wait sometimes 10 to 15 minutes to safely go across. The same is true when leaving Henry Street in a car, but as a pedestrian there are no lights or indicators and you are taking life and limb in hand to simply use the Heritage Trail. This is true for almost the entire population of Summerland Key as everyone lives on the Atlantic side. Ms. Olson moved to Summerland Key 12 years ago and looked at real estate in Florida from Cape Canaveral to Key West and specifically chose the Summerland area because of the community and the rural nature of it. She is personally going through a renovation and must meet the County's constraints for everything from building height to setback limitations to where they can be from the water. Ms. Olson hopes these things will be considered for this project that these developers are asking for.

Mr. Andrew Daly, a 26-year resident of Cudjoe Key, began by noting the previous speakers had already made his points, but he would like to argue that while affordable housing may be a notable goal, the question to ask is whether there is a problem on Summerland, Cudjoe or Ramrod Key. Mr. Daly suggests there is not. Locating this development on Summerland raises existing problems with traffic at the "Y" for those going to Key West, and causes problems on Big Pine Key at the light for those going to Marathon. Mr. Olson believes the problem should be solved where it exists in Key West and Marathon. Regarding the road, the geography will not allow any additions. As regards public transportation schedules, they are more of a distant goal than operated as planned. Therefore, these people would be stuck one way or the other. This project is the wrong place, wrong time and wrong goal.

Ms. Deb Curlee, Vice President of Last Stand, previously submitted a letter in opposition. Last Stand has always been a supporter of affordable housing and supports the Affordable Housing Committee's pending recommendation to the BOCC for a definition of workforce housing, as long as the projects are located properly and do not adversely impact area residents' quality of life. The developer has stated that this project will help housing needs of his employees for several Key West businesses. Affordable housing projects are supposed to be located close to employment centers. Summerland to Key West is a long commute. Last Stand feels this project conflicts with the LCP which is part of the comp plan. While the developers insist their project is in keeping with the LCP, the very residents living in the area, many of whom participated in the formulation of the plan, strongly disagree. This project would increase traffic and decrease public safety in an already congested area, is not in keeping with expressed community character and will impact the natural area. Ms. Curlee is requesting this proposal be denied.

Ms. Joan Borel, a 30-year resident of Summerland Key, believes this is all about community character which encompasses the natural and built environment, the residential and commercial, the infrastructure and the amenities. Each island has a distinct personality. Summerland Key is very diverse having oceanfront mansions and affordable older bungalows, mobile homes and the commercial fishing district. What these friendly, stable neighborhoods all have in common, however, is they are low-density, single-family and rural. Local residents like their small business district which serves basic needs. There are no hotels or other tourist facilities or attractions and no hospitality draws. Summerland residents don't ask the County to provide ballparks, boat ramps, government centers, libraries and amphitheaters as they are here for the

natural attractions. Extensive wetlands supporting endangered species, diving at Looe Key and fishing on the flats in the back country is why residents chose to live in one of the least-developed areas. This special place in the heart of the Lower Keys is worth preserving. Ms. Borel asks that this project not be continued, but rather denied. Deny the changes in the comp plan and zoning that would destroy forever the natural values of this property and the character of Summerland Key. Ms. Borel presented the site plan with the proposed high-density, multi-building, multi-story, multi-unit urban development with all of its inevitable traffic congestion that is glaringly incompatible with Summerland's rural, low-density, low-rise, single-family communities. Affordable housing belongs in employment centers. Summerland is midway between Key West and Marathon, which means it is as far from employment centers as it is possible to be in the Lower Keys. There is no valid justification for asking Monroe County to abandon legal designations in adopted plans for this ludicrously out-of-scale, out-of-place development and allowing these changes would be a terrible precedent.

Ms. Vera Vasek spoke on behalf of the Upper Sugarloaf Residents Association. Ms. Vasek reminded the Commission that in November of 2015 they had fought a 199-foot communications tower proposed in the middle of Summerland and they won. It was brought to appeal and they won again. Ms. Vasek read an excerpt from Planning Commission Resolution No. P36-15 stating, "The geographic nature of the archipelago that is the Florida Keys provides for the existence of individual island communities. Each of these islands has their own distinct character and it is difficult to evaluate and quantify this character without the assistance from those who are permanent members of these communities." Ms. Vasek added that she agrees with everything said so far. She applauds the affordable housing initiative, but believes they belong in the centers where they are most needed such as Key West and Marathon.

Mr. Steve Summerhill of Cudjoe Key since 1992 agreed with many of the articulate statements made prior. Mr. Summerhill believes this project is beyond the realm of reasonableness. He doesn't believe anyone present has spoken against affordable housing, but this project is not reasonable.

Mr. Tom Muller, a new resident of Summerland Key, agreed with all of the previous comments and is surprised to see how many amendments, eliminations, shoreline setbacks and other amendments to FLUM would be required to get this project off the ground. If there are 163 units with four people in each unit, that adds 652 souls to the island which, according to the census, has 5,709 people. This is an increase of over 11 percent in the population from this single action. Mr. Muller completely agrees with the issues of traffic, congestion, dangerous situations, more potential accidents, injuries, and really does not get why the location of the housing is not where the workers are needed. As previously noted, this is right in the middle between Marathon and Key West, therefore the farthest away from where workers are needed the most. The car density at two cars per unit is 326 cars minimum. Dealing with ingress and egress issues on a U.S. highway without space to address lane-specific safety issues would raise a lot of trouble for the County and accidents to occur which would be one of his great fears. Mr. Muller likes to use the Heritage Trail and agrees that it take many minutes waiting to try to get a window to cross the road. Going to Key West every day, regardless of time of day, is a tremendous traffic headache. He does not see how this will make that anything but worse. Mr. Muller thanked the

Commission for their attention to the many issues, including the threatened wildlife species seen on the property.

Mr. Don Demaria of Summerland Key believes the prior speakers covered a lot of what he had to say, but traffic is his main concern. It is congested now and can only get worse, especially if a turn lane can't be put in. The side of the road is wetlands and he's not sure how you could expand into the wetlands. Another concern is that this applicant is asking for 163 units but the traffic study only goes for 150, so the two numbers don't jive. Mr. Muller does not believe you can just alter setbacks when it comes to endangered species, especially the rice rat, Key deer, marsh rat and indigo snakes which have also been seen on this property. The ponds may have to have an Army Corps of Engineers permit to be filled and he is not aware if the applicant has that yet. The shrimp farm is not really a part of the industrial strip or business strip of Summerland as it is way off to the west and bordered by natural land. In conclusion, Mr. Demaria's main concern is the traffic, as getting in and out of Summerland now is a job and he can picture the collisions, though he may have a different perspective since he has recently been in a car accident which is why he is limping around, but traffic will be horrendous unless the road can be widened for a turn lane.

Mr. Joe Messer of Summerland Key since 1999, stated that he first attended a meeting regarding this project at the Sugarloaf School. At that meeting he asked Mr. Trepanier if he was aware of the LCP. Mr. Trepanier admitted he was, and that he was involved in helping to draft it. Many years went into that plan at great taxpayer expense. Mr. Messer then asked Mr. Walsh if he was aware of the LCP and he responded that he was not. Mr. Messer was dumbfounded that the consultant hired to work on this project had not even made the owner aware of the LCP, and he finds that unfathomable. All of the speakers so far have clearly articulated point after point that this does not align with the LCP. A lot of this could have been avoided up front if the developer actually knew what the plan said and it wasn't even considered. This is the wrong project for the wrong location. Mr. Messer agrees with Mr. Hunter, that there is a lot of zoning that already exists for projects like this and this is out of place. One last item, the traffic study was just recently presented to the Commission and Mr. Messer would ask them to refer to page 20 which contains a site plan of what this site actually looks like, showing 14 buildings, covering virtually every inch of the property. It does not align whatsoever with the overlays presented earlier today. The ponds are covered, with almost every inch utilized, and that is not what's being presented. Mr. Messer is very concerned about bait and switch here as well. There are so many violations in this, his plea to the Commission is not to continue, that this needs to be denied now.

Mr. Charles Parks of Summerland Key first apologized for his ignorance of ROGO and setbacks, but in looking at this property, believes this is an absurd use of it and this is unimaginable. Mr. Parks urged the Commission to not continue and to deny this project.

Ms. Paula Phillips of Summerland Key since 1979, had lived in a Truman Annex condo in Key West prior and knows what high density is. Her husband has his captain's license and they are boaters, and this is why they chose to move to Summerland. Once they knew they wanted to live permanently in the Keys, they looked at every single Key from Key Largo down, and chose Summerland for the beautiful canals, mangroves and the beauty of it, the fact that it was small with one grocery store, one post office, a couple of filling stations and everyone knows

everybody. Ms. Phillips sits on the association board of the community. It is non-political, strictly social. She is non-political and has volunteered her time and energy ever since living in the Keys with various organizations and enjoys living here. She would like to see Summerland Key remain the beautiful place that it is. The traffic is already horrendous, especially at this time of the year. The Citizen is full of complaints regarding the traffic up and down the Keys. Ms. Phillips' husband has a heart condition requiring frequent doctor appointments from Miami, Marathon and Key West. For them to get out of their development to go anywhere is a major undertaking. Ms. Phillips hopes the Commission will vote to deny this project.

Ms. Michelle Chambers recently moved to Summerland Key about a year ago and enjoys the peacefulness and natural beauty of the Key, along with paddle boarding and all that nature has to offer. It is peaceful and quiet and is a very calm element where she feels safe and it has a nice pace. Ms. Chambers feels adding such a large structure would entirely change this and create more noise pollution. She presently can hear the traffic from her home and selected the location they are in to minimize the noise factor as well as allowing them to enjoy the natural noises. The environmental impact to this area would be very sad. Anyone going under the channel bridge there likes to see how natural it is and enjoys that landscape and view and sense of unspoiled natural beauty. Having a large structure there would change that and create a different atmosphere for the island all together. The residents of Summerland have invested in having a natural, beautiful place and she believes this development would spoil a lot of that. There are so many animals and beautiful things there that could be compromised having that many people. There would be more garbage and the sewer has just been put into place to increase the natural beauty and life that is there. Another part of the island that is special is the marine laboratory working towards restoring the natural environment. This development would counteract that work of preserving the natural beauty and special species and the lifestyle. Ms. Chambers would appreciate denial of this project.

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

The applicant, Mr. Claude Gardner, a resident of the County for 23 years, spoke on behalf of the project. Mr. Gardner explained that when he moved to the Keys in 1995, he started in real estate making less than 20,000 a year and rented an apartment on Fogarty Avenue that he paid \$780 a month for, living paycheck to paycheck. He eventually moved to Big Pine Key and then was finally able to purchase something in the Upper Sugarloaf area. He then bought a home in Lower Sugarloaf, which they just sold. Mr. Gardner explained that he and Mr. Walsh are not day-job developers, but are trying to fix a problem that both the County and residents of the County say that the employers should be fixing. Mr. Walsh has five restaurants employing over 300 people. Mr. Gardner deals with people up and down the Keys in real estate. He and Mr. Walsh are not bad guys, but rather are trying to fix a problem. They started this process two and-a-half years ago looking at Tier 3 properties which is what is required for building affordable housing on. So he hears everyone saying they're not against affordable housing "but." And that's the problem. They negotiated with a South American company who had foreclosed on this property. This property is rare in that it was zoned Tier 3, which is not environmental. Mr. Gardner stated he has not seen a Key deer out there. Someone from the audience stated they had. Mr. Gardner said that it probably should not be zoned Tier 3 then, which is where they started this process, that Tier 3 means it is not an environmentally challenged property. Mr. Gardner has

raised his two daughters in the Keys. He and Mr. Walsh started this project and wanted to get the most bang for their buck, but did not anticipate this type of public concern. When they first sat with Ms. Santamaria they asked what would be the maximum they could do which was Residential High with 25 units per acre. So that was the density that was picked, but does not need to be the density they end up with. People need to understand that there is other appropriately-zoned property that will not be available for affordable housing because of the cost. They were able to purchase this property at the right number to do it and are willing to work with the community. They held a town hall meeting that was not well attended. Someone from the audience stated they had never heard of it. Mr. Gardner said it was put out there and some people heard of it because they attended. The focus at the meeting was more on the tenants than the community character. In looking at affordable housing projects, the Little Torch Cottages started out in the \$2,000 a month range as market-rate housing, 48 brand new units. They are now asking \$3,000 a month for 1,000 square feet. That development is on the market for \$18 billion. This is a problem facing not only Key West and Marathon. This is a County-wide problem. With all due respect to Mr. Hunter, Mr. Gardner stated he is puzzled when reading the minutes of the Affordable Housing Advisory Committee and there does not appear to be anything in those minutes that took eight years to put together a plan that was finally delivered in June 2016 to the BOCC. Mr. Gardner and Mr. Walsh are trying to help fix a problem. If denied and this does not work out, they have another plan for the property, but Mr. Gardner thinks they could work with the community, have another meeting if possible and get with Ms. Santamaria to see if something can be done with density. Traffic is a big concern of theirs as well. The traffic study was sent but apparently lost in the mail and they have a record of that. They don't want accidents or people harming themselves, but do want to help fix a problem, whether here or somewhere else.

Chair Werling asked for questions and comments from the Commissioners.

Commissioner Miller stated that for him, this project has two fatal flaws. It's the wrong property and the wrong place. Secondly, it does not fit with the overall goals of the comp plan, carrying capacity limitations, natural resource protection and enhancement of community character. Thirdly, Commissioner Miller considers this reverse engineering, where you buy a piece of property and then try to make it fit your business model. He understands that it's noble to build affordable housing, but at this time, in his opinion, this project doesn't fly.

Commissioner Ramsay-Vickrey stated this is a good idea, but wrong location. Traffic, traffic, traffic, traffic, traffic. It's 25 miles from Marathon and Key West. Going back to the ROGO, looking at a ROGO report from Ms. Santamaria, if all of the projects in the pipeline go through, they will be negative 129. The Commission needs to be careful about what projects are allowed where and that they do the most good, provide the most benefit, have the least community and traffic impact. This project doesn't fit any of those whatsoever. Going through the traffic numbers, 975 daily trips, a.m. peak hours from 7:00 to 9:00 a.m., and only 77 going out. How, if this is a workforce housing community, are only 8 percent of the people going to work? Commissioner Ramsay-Vickrey also voiced another issue with the average trip length which seems to be half of the 25 miles at 13 miles. So people are only going halfway to work when they do leave. Commissioner Ramsay-Vickrey believes part of that problem is Segment 10 at Big Pine Key with only a maximum reserve volume of 394 people, so if half of these people

actually got to Marathon, there wouldn't be enough traffic reserves to get them there. She has huge issues with the traffic regardless of the numbers from the traffic report and cannot support this.

Commissioner Wiatt stated that his biggest concern is something that's not been talked about much by other than Mr. Bill Hunter, and that is the fact that we've got a project not devoted to low-income housing. Talking about median and moderate affordability gets into an oxymoron in a hurry. Commissioner Wiatt added that he could be willing to overlook some of the issues here, though not all because there are a lot of issues, if this were to be housing for low income because that's really where it's needed. The applicant themselves said it's not economically viable to do a hundred-percent low-income housing and without a commitment to do that, he cannot overlook all of the legitimate concerns, so he will be voting no.

Commissioner Lustberg, having read the LCP again, believes the project does not comply with the vision or the first goal. Even though residents of Summerland Key and the Lower Keys care about affordable housing, it was also put in the context that it should match with the rest of the development and should not be out of alignment with the character. That's fairly simply without getting into the traffic issues. But as to traffic issues, Commissioner Lustberg crosses over to use the Heritage Trail where she can use the suicide lane to get across U.S. 1, but when getting down to the other end where this project would be, she generally won't cross U.S. 1 to use the Heritage Trail, but will go on U.S. 1 to get to Cudjoe Key as it's too dangerous to get across the street.

Chair Werling commented that prior to living on Cudjoe in the late 1980s she lived in Summerland and worked at Murray's Food Market in the business area of Summerland. If memory serves, she doesn't believe there is a restaurant on Summerland that stays open past lunch, not that that couldn't change. Chair Werling does not believe anyone in the room is against affordable housing painting "those type of people" as she thinks we've all been "those types of people" at one time or another. Many of us have children who will have to find something they can afford to stay here because she doesn't think kids want to stay in the same house they grew up in until they're 50, but she does not see how the environment and traffic of this location is going to serve Marathon and Key West. Except for a couple of stores in Big Pine, there isn't a lot of employment in this area. Yes, affordable housing is needed, but we've created some circumstances in this County that has caused the hardship of affordable housing and we all know some of those issues. Chair Werling does not think that a worse location could have been picked.

Commissioner Lustberg asked if the Commission should go through the map amendments and the overlay proposal to vote on those and explain why they are voting the way they do. Ms. Santamaria stated a recommendation needs to be made on each of them. Mr. Williams stated the decision on this was to not make a recommendation to the BOCC, so if the decision were final, they will need a line item as to which policy is not being met and why, as this is the recommendation to the BOCC. Chair Werling clarified that they are never the final word for the granting or denial, other than for liquor licenses. Commissioner Lustberg clarified that the Commission does not need to go through item by item and specify. Mr. Williams stated there was nothing prohibiting them from that, that it's their recommendation and what they would like to say to the County Commissioners.

Chair Werling called for a motion for Agenda Item 2. Commissioner Miller stated he had already provided his reasons and proposes a recommendation of denial for agenda Item 2, which is the Subarea Policy. Mr. Wolfe reiterated that this was for the reasons previously discussed.

Motion: Commissioner Miller made a motion to deny Item 2, the Subarea Policy amendment, for reasons previously stated. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

Chair Werling called for a motion for Agenda Item 3.

Motion: Commissioner Miller made a motion to deny Item 3, the FLUM Amendment, for reasons previously stated. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

Chair Werling called for a motion for Agenda Item 4. Commissioner Miller stated Commissioner Ramsay-Vickrey would make the third motion.

Motion: Commissioner Ramsay-Vickrey made a motion to deny Item 4, the Zoning Map Amendment, for all reasons previously stated. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

(Recess Taken from 12:16 p.m. to 12:30 p.m.)

New Items:

6. LONG KEY SUNSET LODGE, LLC, 65651 OVERSEAS HIGHWAY, LONG KEY, MILEMARKER 65.6 BAYSIDE: A PUBLIC HEARING CONCERNING A REQUEST FOR A 2APS ALCOHOLIC BEVERAGE USE PERMIT, WHICH WOULD ALLOW BEER AND WINE PACKAGE SALES FOR OFF-PREMISES CONSUMPTION. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS A PARCEL OF LAND IN THAT PART OF GOVERNMENT LOT 1, SECTION 7, TOWNSHIP 65 SOUTH, RANGE 35 EAST, ON LONG KEY, MONROE COUNTY, FLORIDA, AND A PARCEL OF BAY BOTTOM LAND IN THE BAY OF FLORIDA, NORTHWESTERLY OF AND ADJACENT TO A PART OF GOVERNMENT LOT 1, SECTION 7, TOWNSHIP 65 SOUTH, RANGE 35 EAST, ON LONG KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00098880-000000.

(File 2016-185)

(12:30 p.m.) Thomas Broadrick presented the staff report. This is a simple review of the Sunset Lodge at mile marker 65.5 for a 2APS off-premises providing a convenience for people staying at the lodge or going out on boats. There is no prior alcoholic beverage use licenses issued for this parcel, there is no seating and parking isn't changing. It will only be part of the regular convenience of everything there. Staff recommends approval with the standard conditions.

Chair Werling asked if the applicant was presented and wanted to speak.

Mr. Joaquin Garcia, one of the co-owners, lives on Plantation Key. He is a retired firefighter from Miami-Dade County after 33 years on the fire boat. Commissioner Miller interjected he had 28. Mr. Garcia thanked him for his service. Mr. Garcia stated they basically have a small convenience store for guests and people going out on their boats and thought this would be beneficial to the community that he serves. Also, if anybody has seen it, they bought Edgewater Lodge three and-a-half years ago and have taken every penny of profit and put it right back into it, so it's transformed into a nice, special place right now. He is just looking for ways to make ends meet. Commissioner Miller asked about the proposal being for off-site consumption, but yet it says alcohol sales and consumption shall occur only within areas allowed for such use. So it says sales and consumption, but no on-site consumption. Mr. Garcia stated he had read that same thing and it was a little confusing. Commissioner Miller added that it must mean you could not pop a beer on the way to the boat. Mr. Garcia stated they don't have a bar or food, just a little convenience thing. What someone does with the package after they buy it, they really can't control whether they jump in the boat and leave or go to their house across the street, that it was the same as a convenience store. Chair Werling clarified that seating to consume on premises was not being provided. Mr. Garcia confirmed that was correct.

Chair Werling asked for public comment.

Mr. David Parker stated he worked down the street from this location and does not understand why there needs to be a beer and wine store right at the bridge where everyone is walking back and forth with their kids if they park in the area for fishing. There is a store possibly less than one mile up the road on the ocean side where people can go to get their alcoholic beverages. Commissioner Miller stated there wouldn't be any consumption. Mr. Parker asked if he didn't think people would be walking over from the bridge to the fishing pier. Commissioner Miller stated that would be illegal. Chair Werling stated it's illegal now for them to bring it from Miami to the bridge. Mr. Parker stated he drives the bridge every day and understands the people that are on there, but doesn't understand if you want to go get beer, it's only a mile up the road. Commissioner Wiatt stated he lives right by the bridge, too, and people consume alcohol on the bridge even though they're not supposed to due to the open container law. However, there is no difference in those folks getting beer at Edgewater versus driving to Layton and getting beer. They will drink it, regardless where they get it from. Those things are a law-enforcement issues as opposed to a County planning issue.

There was no further public comment. Public comment was closed.

Motion: Commissioner Wiatt made a motion to approve Item 6. Commissioners Ramsay-Vickrey and Miller both seconded the motion in unison. There was no opposition. Motion was approved unanimously.

7. PINECREST BAKERY 6 LLC D/B/A PINECREST BAKERY, 99100 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 99.1: A PUBLIC HEARING CONCERNING A REQUEST FOR A 2COP ALCOHOLIC BEVERAGE USE PERMIT, WHICH WOULD ALLOW BEER AND WINE SALES BY THE DRINK OR IN SEALED CONTAINERS FOR CONSUMPTION ON OR OFF THE PREMISES WHERE SOLD. THE SUBJECT PROPERTY

IS LEGALLY DESCRIBED AS TRACT "A" OF CAPE SUBDIVISION (PLAT BOOK 6, PAGE 92), KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00522411-000100.

(File 2016-201)

(12:37 p.m.) Mr. Thomas Broadrick presented the staff report, indicating there was no prior alcoholic beverage license on site, no change in seating and therefore no impact to parking. It's a regular nice little restaurant and they just want to have the ability to serve beer and wine on site. There is no change at all to the use of the premises.

Chair Werling asked if the applicant wanted to speak. Commissioner Miller commented there are no in and out signs at this property and he sees people going the wrong way into the property. The applicant, Ms. Gladys Valdez, stated there are in and out arrows painted. Commissioner Miller agreed, but noted there are no signs. When driving, you don't see the arrows painted and people get confused. Ms. Valdez stated going south, there are two ways to get in and out, but going north there's only one way. The drive-through helps people understand where to go in through, but this is something they would consider.

Chair Werling asked for public comment. There was none. Public comment was closed.

Motion: Commissioner Wiatt made a motion to approve Item 7. Commissioner Miller seconded the motion. There was no opposition. The motion passed unanimously.

8. MD SPERRY, INC D/B/A JERSEY BOARDWALK PIZZA, 101417 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 101.4 OCEANSIDE: A PUBLIC HEARING CONCERNING A REQUEST FOR A 6COP SFS (BEER, WINE, AND LIQUOR SALES BY THE DRINK FOR CONSUMPTION ON PREMISES ONLY) ALCOHOLIC BEVERAGE USE PERMIT. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS TRACT A LESS THE LIBRARY SITE, TRADE WINDS (PLAT BOOK 7, PAGE 42), KEY LARGO, MONROE COUNTY, FLORIDA HAVING REAL ESTATE NUMBER 00454611-000100. THE LEASED PREMISES IS DESCRIBED AS PLOT 36 LOCATED IN TRADEWINDS SHOPPING CENTER.

(File 2016-211)

(12:41 p.m.) Mr. Thomas Broadrick presented the staff report. This is the Publix, Kmart, library site and the tax collector's office is also there, right at mile marker 101. This is the same type of application as Mr. Devin Rains had mentioned earlier that we will be seeing a lot more of. This is an existing shopping center. All retail spaces and office spaces already have parking allocated. There are three active licenses on site at the Kmart and Publix liquor stores, and this one is for the Boardwalk Pizza Parlor. There is plenty of parking in front and in back. Staff recommends approval.

Chair Werling asked if the applicant wished to speak and asked if this was the third location. Mr. Broadrick confirmed that this was the third location. Chair Werling asked for public comment. There was none. Public comment was closed.

Commissioner Ramsay-Vickrey commented they had pizza people, a bakery and no samples.

Motion: Commissioner Ramsay-Vickrey made a motion to approve Item 8. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

9. SOUTHCLIFF ESTATES EMPLOYEE HOUSING, 95301 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 95.3 OCEAN SIDE: A PUBLIC HEARING CONCERNING A REQUEST FOR A MAJOR CONDITIONAL USE PERMIT FOR THE PROPOSED DEVELOPMENT OF 28 ATTACHED RESIDENTIAL DWELLINGS DESIGNATED AS EMPLOYEE HOUSING. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS THE NORTHWESTERLY 720 FEET OF A PORTION OF TRACT 6, SOUTHCLIFF ESTATES (PLAT BOOK 2, PAGE 45) AND LOTS 1 AND 2, BLOCK 1, REVISED PLAT OF SUNRISE POINT (PLAT BOOK 3, PAGE 11), KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00483370-000000, 00484390-000000 AND 00484400-000000.
(FILE # 2016-217)

(12:43 p.m.) Chair Werling asked Mr. Wolfe if there had been a request to postpone this item. Mr. Wolfe indicated that had been Item 10. Mr. Yagel stated from the audience that there had been a request to postpone based upon the public input. Mr. Bond interjected that staff had received a written comment letter from someone else concerned about the project and that person requested a postponement, but that the applicant had not. Mr. Wolfe stated the Planning Commission should rule on whether or not they would grant the postponement. Commissioner Ramsay-Vickrey thought it should be heard. Mr. Wolfe asked if the applicant wanted to go forward and the applicant indicated they did.

Commissioner Lustberg remarked that they got the letter asking that it be continued because of public notice concerns, and then got the informational email from staff that the property had been posted and the letters had gone out. She wanted to confirm everything had been noticed appropriately. Ms. Santamaria stated everything was mailed on time to 92 surrounding property owners and the property was posted timely. Commissioner Ramsay-Vickrey noted there were a lot of concerned residents in the audience who had taken the time to come here today, so she would hate to have to drag them back. Commissioner Ramsay-Vickrey proposed that the Commission go forward. Mr. Wolfe asked if that was a motion that they would not grant the continuance.

Motion: Commissioner Ramsay-Vickrey made a motion to deny the continuance and move forward with Item 9. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

Mr. Russell Yagel of Hershoff, Lupino and Yagel interjected that he had been retained by Charles Borders and the neighbors in the community, particularly Snapper Lane, which would be affected by this project. The folks in the audience are the folks impacted by the request. The continuance was made to allow them more time to compile information and to have more of a presentation. For that reason, the residents would prefer to have the additional time, notwithstanding the technical requirements with the code. This is a significant project and

significantly impacts the neighborhood and they just want more time so the Commission can be more informed. Mr. Pla, the agent for the applicant, asked if he could address this.

Chair Werling asked him to wait, and first asked if that changed any of the Commissioners minds. Commissioner Ramsay-Vickrey stated it might. Commissioner Wiatt pointed out that the applicant wanted to move forward. Chair Werling agreed and noted the residents were not a party to the application. Mr. Williams stated that if the applicant chooses to go forward with their application and it is legally tendered, then it's their prerogative to go forward. If not, you could have many landowners continue items ad infinitum. Commissioner Ramsay-Vickrey stated that it was properly noticed and there were a substantial amount of residents who could express their pleasure or displeasure at this time. Mr. Wolfe confirmed the prior motion had been voted on, adding that the Commission has the right, if they believe they need additional information, to continue the item after commencement of the item, that they are not foreclosed from doing that. Chair Werling clarified that, in that case, the continuance would be on the Commission. Chair Werling then asked for the staff report.

Mr. Kevin Bond was asked by Mr. Williams how long he had the position of Development Review Manager for the Planning Department, and Mr. Bond responded for almost two years. Mr. Williams asked him for his educational background. Mr. Bond responded he had a bachelor's degree in geography and a master's in urban and regional planning. Mr. Williams asked if it was in the normal scope of his duties to review such applications as this. Mr. Bond responded affirmatively.

Mr. Bond then presented the staff report. This request is for a major conditional use permit application. The proposed development is for 28 attached residential dwelling units that would be designated as employee housing. Employee housing is a form of affordable housing under the Land Development Code that has the added requirement of requiring the occupants to have 70 percent of their income derived from gainful employment in Monroe County. The property is located in the Suburban Commercial land use district. The 28 units would consist of three four-unit buildings along U.S. 1, labeled Type A on the plans, and are two-bedroom, one-bath units; and eight duplex buildings that would run perpendicular to U.S. 1 indicated as Type B and C on the plans. Also proposed is a small office building, a pool cabana, a swimming pool, 60 off-street parking spaces and 35 percent open space, including a little over 7,000 square feet of the existing hammock area.

The property is located at mile marker 95.3 ocean side at the corner of Snapper Lane and U.S. 1. The property is located in the Suburban Commercial land use district within the Mixed Use Commercial FLUM category and is designated Tier 3 for infill areas. The existing uses on the property include a single-family residence on the larger oceanfront parcel. There's a billboard on one of its U.S. 1 fronting lots and the second U.S. 1 lot is vacant. For orientation, there's an existing Key Lime business on U.S. 1 near this property which is just north of KLOR. The property is scarified and has a small disturbed hammock area on the property. Mr. Bond presented a survey of the property showing the hammock area in the middle of the larger parcel that backs up to the houses on Snapper Lane. The surrounding area is a mix of single and multi-family uses with commercial retail, offices, a mobile home park, a motel and undeveloped parcels.

Mr. Bond explained that this application had been reviewed under the prior Land Development Code. The new code became effective February 3, but this application was pending and complete prior that date. One difference between the codes is the notice requirement being 300 feet under the old code where now it's 600.

Mr. Bond highlighted points reviewed in the application and the criteria for conditional uses. The Policy 101.5.6 of the comprehensive plan, which is the principle purpose for the mixed use commercial FLUM category, does mention employee housing and commercial apartments as being permitted within this FLUM category. There is a provision in this policy about hammock areas having zero density and that area has been subtracted from the development potential of the property. None of the units are located in the hammock portion of the property, rather all are in the disturbed portion. The proposal is subject to ROGO and would have to obtain ROGO allocations for the 28 new units. Staff found that the proposed development would be in compliance with the SC land use district purpose, assuming the major conditional use is granted. Attached and unattached employee housing units of more than 18 units require Planning Commission review.

Staff found that open space is in compliance with 20 percent being required and 37 percent being proposed, and that includes some of the hammock area. Residential density was found in compliance. Affordable housing units in the SC district are allowed to utilize the maximum net density of up to 18 units per acre. The applicant's property contains 1.57 acres of buildable area, translating into a maximum of 28 possible units. They are proposing 28 units so all of the development potential would be used. This was approved. The proposed small office building would not count against the development potential since that's an incentive in the code for affordable housing. Required setbacks were found in compliance, and this is considering the property as an aggregated development site, but excluding the parcel that contains the existing house near the oceanfront which is proposed to be subdivided. The property would be subdivided between Lots 12 and 13 and the project does not take up the full oceanfront parcel. Staff found that height is in compliance with conditions, the condition being to correct a minor error with the existing grade measurement, but the buildings would measure 28 feet, 2 inches to 31 feet and be in compliance.

The applicant's stormwater management plan was found in compliance. Off-street parking is in compliance with conditions that a shared parking calculation be included on the plans. The code requires 61 parking spaces and with the shared parking option, that would be reduced to 60 spaces. Landscaping, buffer yards and street trees are in compliance. The Class A parking and landscaping requirement applies to this project of one street tree on Snapper Lane, plus a 20-foot Class D buffer yard along the IS portion of the property. A minimum 10-foot Class C major street buffer along U.S. 1 is also required. Mr. Bond presented the landscape plan. For the environmental design criteria, compliance is to be determined, but the applicant is indicating a 40-percent clearing of existing native vegetation, which is in compliance. Most of that existing hammock would be preserved. Compliance is to be determined on outdoor lighting, but will need to comply with the footcandle measurement that's adjacent to residential property. Compliance with access standards are to be determined because the applicant needs a driveway

connection permit from the County. The vehicular access proposed is via a single driveway and Snapper Lane, closer to the U.S. 1 side. Access to U.S. 1 directly is not possible because the County driveway separation standard of 400 feet could not be met. If this were evaluated under the current code, it still would not be eligible for the exception because the speed limit is above 45 miles an hour. Directly connecting to U.S. 1 isn't an option in this case without a variance, so a single driveway is proposed to Snapper Lane. Access to the existing residence would be through a right-of-way from Snapper Lane located towards the oceanfront which is already being used for access to that house.

Trip generation was estimated by the applicant at 189 trips per day. That's under the threshold for requiring a traffic study under the County code. Although not submitted in time for the Commission's consideration, the County's engineer did take a look at the site plan to provide some review comments that staff posted on the agenda. Clear-sight triangles are indicated on the plans and are in compliance. Solid waste and recycling collection areas are in compliance with 240 square feet required. Two 216-square-foot collection areas are proposed for a total of 432 square feet. County code states that affordable housing must be deed restricted for 99 years and must be at the median income limit which is the hundred-percent of average Monroe County income. Those rental rates and owner occupied limits are available if anyone has questions.

Staff recommends approval with conditions as outlined in the staff report. There are only a couple of conditions that are out of the ordinary to correct a couple of minor things identified with the plans. Mr. Bond stated he was available for questions and that the applicant was also present.

Commissioner Wiatt asked about conditions items one through eleven and if there were specifics on whether this is for very low, low, medium or moderate. Ms. Santamaria responded that there are no specifics from the applicant, just that the zoning category requires employee housing. Mr. Bond added that the highest it could be is at the median income limit level. Commissioner Miller asked for clarification. Ms. Santamaria explained that employee housing can be very low, low, median or moderate, but that the applicant has not yet specified which category they would apply for under ROGO. Ms. Santamaria also added that while the code has changed from a 300-foot radius to a 600-foot radius, which wasn't required of the applicant, staff did notice a 600-foot radius and 92 people had received the notice. Also, the reason the traffic engineer was asked to look at this site was because of the public comments received in the last week or so, not because a traffic study was required. Commissioner Miller asked if the county biologist had looked at this property. Mr. Roberts indicated that a county biologist had looked at the site numerous times. Commissioner Miller indicated it appeared the buildings were going to be smack dab in the middle of the hammock and that it appears the hammock is very dense in this area so he doesn't know how that jives with what is being said. Ms. Santamaria responded that people are allowed to clear a certain percentage. Commissioner Miller noted that it appeared they were taking out the whole hammock. Mr. Roberts added that there are portions of the property that have a canopy of hardwoods that do not qualify from a habitat standpoint as hammock. There is a difference between a closed canopy and an actual habitat type of hammock. Staff had evaluated both sites and a portion of the property on the northern end of the

site is a canopy of hardwoods, but not hammock. The applicant is permitted to clear 40 percent of the hammock in Tier 3, up to 7,500 square feet. This applicant is clearing less than that and it had been evaluated very carefully. Commissioner Miller continued adding this hammock is so dense it can hardly be walked through. Mr. Roberts responded that he was correct right at the highway, but behind the fringing layer at the highway, the understory is well mowed and maintained and has been for years. Commissioner Miller reiterated that he believes the area where the buildings are being proposed to go is very dense and has not ever been mowed. Mr. Roberts stated he understands, but that it counts into their clearing limits. Commissioner Miller remarked that is a shame, and also pointed out that a 20-foot wide road instead of 24 feet would preserve more of the hammock. Mr. Bond noted that if the applicant went with 20 feet they would need to apply for a variance. Commissioner Miller continued with one other suggestion that the planting between the existing residential and this project be planted more dense than what is showing as a noise buffer. Mr. Roberts asked if he was making a request or a recommendation. Commissioner Miller responded that it's an observation, and that if he were living there, he would like to see this buffer be denser than what's called for right now. Mr. Roberts stated that he was certainly able to make that recommendation.

Chair Werling asked for further questions or comments. Hearing none, Chair Werling asked if the applicant would like to speak.

Mr. Pla stated he was present on behalf of the Riehl family and the Cabrera family. The canopy trees referred to on the U.S. 1 are largely invasive species, including Brazilian pepper. The rest are a few hardwoods within that planting and it shows from the mitigation plan. The County engineer's report showed a lower traffic count of 153 than the applicant at 189. There is a 37-percent green space, nearly double the requirement for the project, and they have used the site as efficiently as possible to maximize it at 100 percent on the units. The Riehl family has been on this block since the mid 70s and owns all of the oceanfront parcel, more than what is shown, and will continue living there. They are doing this project being conscious of it being in their back yard as well. Mr. Pla would like to reserve further comment until after hearing from the neighbors and would like to address some of their comments at that time.

Commissioner Wiatt asked how many of the 28 units would be dedicated for low income. Mr. Pla explained they had started off reaching out to the County and the land bank to see how they could get involved in a public/private partnership and what options existed, but it was very difficult to pry that door open. He had reached out to Mr. Rosch and had no response. At this time, the intention is to have 20 percent go into the low category and the balance into median and moderate. If the county were to step up and offer some form of financial assistance, of course, that is open for discussion. Commissioner Miller thought moderate was not allowed, but Ms. Santamaria and Chair Werling both indicated it is. Mr. Pla stated he had reached out to the school where his daughter attends and in talking to those people, had learned teacher park was built in the Keys, too. There's a certain target market they would like to obtain, but he does not feel they are totally in control of that. Commissioner Wiatt added that it's a well known fact that very low requires some sort of subsidies. Mr. Pla stated the financial indications are that it's tough.

Chair Werling asked for public comment.

Mr. Yagel stated that his client, Mr. Borders, had a presentation and would request some deference beyond the three-minute rule. The primary objection to this project as it stands right now, though the information isn't before the Commission because everyone said a traffic study is not needed, is the ground effect traffic will have. Secondly are the environmental impacts which will address some of Commissioner Miller's concerns. At the end of the day, affordable is a politically popular thing; but also at the end of the day, an affordable application must be subject to the same level of scrutiny as market rate. At the risk of sounding negative, he suspects most people would be here with market rate projects if they could. This project has a significant impact on Snapper Lane by virtue of the fact of how traffic will be routed out of this project. Mr. Borders will show the detrimental impacts the southbound access points will have overall. Mr. Yagel would ask, at a minimum, that a traffic study and supplemental information be required before passing on this application.

Mr. Charles Borders, a resident at 1019 Snapper Lane, stated he is speaking on behalf of several residents of Sunrise Point who could not be here today. He is a registered landscape architect and has worked in that industry for 35 years. He offers comments and observations of these plans with his professional background as well as a concerned citizen. There is significant opposition to the major conditional use permit being proposed today. A major objection is the lack of notification in that 16 days ago was the first time the residents of Snapper and Lobster Lanes had heard of or seen any notification of this.

In reviewing the plans, 95 percent of this site will be cleared of native vegetation, including some of the existing mown space. The community character is significantly in jeopardy. The plan does not fit with a lot of the initiatives of Monroe County in fitting these types of communities into the character of the surrounding neighborhoods with a very narrow 17-foot-wide street. Mr. Borders would discuss the safety of the proposed 25-foot drive connecting to Snapper Lane last. He then presented an aerial photo showing that the majority of this site is treed, not cleared and the location of the proposed housing is not in the cleared areas. Mr. Borders then presented a view of the entrance to the south, a view northbound on U.S. 1 with an arrow indicating where you would turn right by Snapper Lane. Snapper Lane is a very narrow 17-foot-wide tree lined street, as is Lobster Lane, and there is no on-street parking.

Mr. Borders presented an overlay done with GIS mapping to portray the amount of clearing and impact that this development will have on the site with a small orange strip on the southern border reflecting the 10-foot wide, 420-foot long strip of native vegetation that would remain, which he will touch on later. As to safety and access, the trip calculation data is used by the Florida DOT trip calculation generated by the Institute of Traffic Engineers. The 28 units would generate 185 trips. Also on that same trip generation report is an option, at the discretion of the professional, to calculate the same number of trips using the number of vehicles. Equating the number of vehicles that will be on site by the number of parking spaces, and considering this is employee housing, the expectation is that most of these people would be going to work. That would indicate that 60 cars are going to be coming in and out of this site, which equates to 306 trips per day. This is why the residents are requesting a traffic study for U.S. 1, Lobster Lane

and Snapper Lane. This puts the trip generation report over the two-hundred-and-fifty. This trip generation tool provided by the Florida DOT provides discretion for the design professional to enter in a classification between apartment 220 and the low-rise apartment 221.

Regarding safety concerns along Snapper Lane and Overseas Highway, the location of the new entrance creates a four-way intersection at the intersection of Snapper, U.S. 1, Lobster Lane and Snapper Court. The manual on uniform traffic control devices would classify this as an offset four-way intersection with potentially 300 new trips in and out of there. This project proposes to add a 24-foot commercial drive to a 17-foot wide residential street. Two queued vehicles stopped at Snapper Lane waiting to turn northbound on U.S. 1 will block this driveway. Daily, multiple vehicles will be queued up in front of the exit of Key Lime Products, which is a one-way on Snapper Lane. The other conflict that will exist is if a vehicle is turning onto Snapper Lane from U.S. 1 and wants to turn into the new proposed development, they could potentially block traffic back out onto U.S. 1 with there being no turn lane. Limited access to southbound destinations forces the residents to use Lobster Lane to access U.S. 1 southbound. Touching on the peak p.m. trip totals generated out of the report from the Institute of Traffic Engineers shows that the 28 dwelling units generate a peak return of 16 trips; so saying 16 out of those 60 vehicles that will reside there will be coming home from work in the afternoon is not realistic. Mr. Borders had a conversation this morning with the Institute of Traffic Engineers based in Washington, D.C., to ask them about the classification of these two variables, the 220 and 221, and also the trip generation. They said that a lot of that information is information that they gather throughout the country and they generate this report for Departments of Transportation to use across the country.

As to site environment and community impact, the new drive is adjacent to two single-family homes on Snapper Lane. The access point is right past a concrete telephone pole, so traffic will use the community streets and congestion will create this four-way intersection of Snapper, U.S. 1 and then Key Lime over to the left. As to environmental impact, the location of the 12 buildings in the application states 28 units are located outside the existing hardwood hammock to minimize the impact. From the previously shown aerial photos, Mr. Borders does not know how 28 units would fit into the previously-cleared areas. The County Land Development Review Committee states on page three that all residential units are located in the disturbed portion. The plan states that the hardwood native hammock in the area shown on the front page of that plan is 10,854 square feet per the environmental report included in the packet. The area to be preserved is 7,269 square feet, which is the area located on the southern property line adjacent to the neighborhood. The engineering report that's included in this has a slightly different calculation, so there is some discrepancy. By measuring the area that is on the landscape plan Sheet L-1 is 10 foot wide and 420 feet long. That is the only hardwood hammock area that will be retained out of all the hardwoods on this site, so 95 percent of this site will be cleared or impacted for some kind of development such as a retention pond, roadway or housing.

Additionally in this report, there's a graphic showing blue areas outside. These are the native trees, the gumbo limbo and the mahoganies that were previously mentioned. Using the minimum DBH of four inches to calculate, you can count that there are another 81 hardwood

trees that are environmentally protected included in those areas that have completely been discounted. That is 324 caliper inches of hardwood natives to be cleared to site these units. Mr. Borders presented another graphic showing very clearly the orange strip on the bottom indicating the only area of hammock or any natives that will not be cleared. Mr. Borders' land backs up to that. The trees behind his house don't start for 12 feet, so there they will be completely cleared. There's some anomalies and voids within that hammock area. Mr. Borders thanked Commissioner Miller for bringing up the suggestion of planting in that area. Mr. Borders then presented the view from the highway, pointing out that the lower left is the view from Mr. Borders' back yard. This view shows this is not mown, maintained yard and is not all cleared.

Letters have gone out to coordinate with our utilities and they have not commented. This apartment complex is going to bring one-third more residents into this community. Mr. Borders is requesting that this be denied. A very key point regarding the safety and access is that Lobster Lane is the only access to southbound U.S. 1. The other access is to turn right, shoot across U.S. 1 in one of the most speed-controlled areas along U.S. 1. It is heavily patrolled by the Florida Highway Patrol and it is a speed concentration and enforcement area. There is a speed problem with people who are leaving Key Largo and coming out of Tavernier. All of the development traffic, 306 trips a day, in and out, will be through their small community.

Mr. Borders thanked the Commission for the accommodation on the time and requested that the application be denied due to the environmental impacts and the significant impacts to the character of the community. Mr. Borders again asked that this mega-use conditional permit be denied.

Commissioner Ramsay-Vickery asked Mr. Borders if the Commission had copies of what he had just presented. Mr. Borders stated he would give them his copy but had not made additional copies. Commissioner Ramsay-Vickery asked if he would leave his birds-eye view page up for their later discussions. Commissioner Miller asked about the red arrow going to the southeast and coming back onto Snapper Lane that makes the U, but on the site map it shows it's blocked. Mr. Borders stated there is a street that goes from Snapper Lane over to Lobster Lane and that is the only access the neighborhood has to U.S. 1. Any given morning or evening, folks have to queue up in the gap shown on the southern portion of U.S. 1 and get just enough time to shoot across U.S. 1. There is no way to safely do a U-turn to make it across two lanes to get onto Snapper Lane so they shoot across Lobster and go back up and around. Commissioner Miller clarified that the long U, the hook, doesn't exist on the site plan. Commissioner Wiatt also stated it was not on the site plan. Commissioner Ramsay-Vickery pointed out that it's a separate property. Commissioner Miller noted that the street is shown as being blocked off by vegetation. Commissioner Lustberg explained that he was looking on the right of the site plan, and that was the private property. Mr. Borders added that the developer's sensitivity to the neighborhood has taken the development and moved it several hundred feet away from their oceanfront property, down to impact the rest of the community. Commissioner Miller acquiesced that perhaps it's just the hatching that makes it look like it's blocked.

Mr. David Parker of 1015 Snapper Lane presented a video showing the view heading towards U.S. 1 on Snapper Lane, pointing out the Key Lime store on the left side where he had laid two

small pieces of PVC pipe down to indicate where the driveway would be to turn into the apartment complex to show how close U.S. 1 is to this entrance road. DOT recommends no driveway closer than 100 feet of a main highway and the beginning of this is about 65 feet off the main highway. There's enough room for only two cars to wait on Snapper Lane to make the right turn onto U.S. 1, with 60 people trying to get to work out of this development. Mr. Parker then presented a video of himself trying to do the U-turn approach. Moving at 50 miles an hour, he then slowed down to do the U-turn and then make a right turn onto Snapper Lane. He demonstrated a 5 to 10 mile-an-hour turn off of U.S. 1 onto Snapper Lane and how with the street being only 17 foot wide, it doesn't leave very much room. Mr. Parker demonstrated a left and then an immediate right doing less than 5 miles an hour when coming through the turn with the back end of his truck sticking out into the middle of U.S. 1. The speedometer in the video was shown for verification.

Mr. Parker then presented video of the hammock behind his property where he's seen burrowing owls in the trees on three different occasions. He has no pictures of them but noted they are a pretty distinct owl. Mr. Parker pointed out that the applicant is only talking about keeping 10 feet of the trees off the back side of his property and the remainder of the property will be cleared. Mr. Parker then presented a video of the Diver's Cove property, right on the fence line looking back into the development area which had been claimed to be mostly disturbed. The video clearly shows that it is not mostly disturbed. Mr. Parker presented the southeasterly portion of the property at the beginning of the start of the development, on Diver's Cove property looking into the development property. A little section along the fence which is about 15 feet wide is open now; but looking back on Google Earth images of 12/16, 2014, this was not open.

Mr. Parker then presented an approach to the U.S. 1 area where the woods get heavier and stated he did not see any Brazilians in the area. He presumes if there are Brazilians that they are right on Snapper Lane. The video shows mahogany trees and gumbo limbos and that the property is not majority-cleared. The buildings will be 5 feet off of Diver's Cove property and nobody should have to be forced into such a situation.

Chair Werling asked if he was close to being finished as public comment does not usually go this long. Mr. Parker stated that he had looked it up and did not see an actual rule allowing only three minutes. Mr. Williams and Chair Werling both interjected that the three-minute rule had been longstanding and in place for years. Mr. Williams added that they had stepped over the rule with two speakers in a row for this exchange. Mr. Parker agreed to stop.

Ms. Sharon Houseman, a resident of 1013 Snapper, stated that the length of this room would be the length of the development behind her. When she bought her home, she thought she would have a nice back yard and have a tranquil, Keys-like area to hang out. Now, in her back yard, they are going to clear any trees that are there, supposedly give a buffer with a road 10 feet after that. There will be dumpsters behind her house with 60 people dumping their trash in the dumpster. This is what she has to look forward to. Not to mention the impact on kids on the street, all these people are going to come out of those residents, make a left where all the children play year round on Lobster, and then make their left to supposedly go to work. This will impact her front yard as well as her back yard. She will have a road in back of her house and a road in

front of her house with extra traffic. She is appalled and does not see how the applicant can say this is not going to impact her quality of life on her tranquil, quiet, Keys street. She is very distraught over the proposal.

Mr. Bill White of Lobster Lane requested the Commission vote no on this application. He explained that presently, there are 24 houses, from his quick count, on Snapper Lane. Adding 24 residents also using Snapper Lane is like adding a second story on all of their houses. Mr. White lives on the corner of the private way between Snapper and Lobster so this will impact him very detrimentally and drive down his property value, along with all of the other property values in the neighborhood. Mr. White prefers they design a nice house with a pool and sell it off at market value rather than inundating their properties, adding that this is 10 pounds of excrement in a 5-pound bag. He implored the Commission to vote no.

Mr. George Leber of 917 Lobster Lane since 1998, stated he is the youth representative that came out with the troops from Lobster Lane. He has never seen anything like this happen before, but there's not a heck of a lot more to say because everyone has stolen the thunder with the previous coverage introduced. Chair Werling told him he needed to speak first next time. Mr. Leber continued, explaining he had looked at the map of this development. The neighborhood does not have sidewalks or a playground. The developer is offsetting this argument with a swimming pool which probably very few people will use, but they won't live by the pool 24 hours or 7 hours a day. By taking measurements between each one of these eight properties that will be set behind Lobster Lane, and looking at the parking space for each of the properties, plus the additional property for the three four-plexes going up on the highway, which he noted will show the highway the back of the houses, and there isn't a single spot for kids to play. Figuring the total number of families that would be to be living there, there will be children, and the only place that they have to play is on the street. This particular street has one entrance into the development with a dead end down below. For emergency vehicles, there is a three-point turnaround down at the end of that street, but considering the size of a fire truck and the wide turning radius of vehicles of that size, plus following ambulances, any emergency in that development is going to turn out to be a disaster. There should be a teardrop or a front-type turnaround so the vehicles can get back up that street. The safety factors and problems once they get out onto Snapper Lane and with trying to get out onto the highway have already been covered.

Mr. Leber then presented a petition. It had been circulated but they did not have very much time since notice wasn't received until March 13. There are about 50 houses between Snapper Lane and Lobster Lane and the petition has 52 signatures. Mr. Leber can state categorically that at least 98.5 percent of the people living in that area are unconditionally against this project. Mr. Leber asked if he should read the statement for the petition. Chair Werling indicated he could give it to the secretary and it would be made part of the record. Mr. Wolfe made sure the Commission was willing to take it in. Mr. Williams noted that he saw five head nods. Mr. Leber indicated he would be happy to read it, but Commissioner Miller told him he couldn't have his cake and eat it too.

Mr. Erik Sargent of Dove Road stated he had been a Keys resident for 29 years and a homeowner on Dove Road for 19 years. He had struggled and made it through. Mr. Sargent asked to address Mike Roberts and wanted to know what he does for the County. Chair Werling responded that he was the biologist for the County. Mr. Williams and Mr. Wolfe both told Mr. Sargent that he needed to address the Planning Commission. Chair Werling agreed. Mr. Sargent asked if Mr. Roberts had been on the property and done a study. Chair Werling responded that they had had that dialogue earlier in the meeting with one of the Commissioners, and it was answered that he had. Mr. Sargent stated that the property is a natural hammock with a lot of hardwoods and endangered species on it. He has walked the property adjacent to it. His major concern, as far as low-income housing, is that it is definitely needed down here, but the issue is more of the safety issue. He is also concerned, like the gentleman before him, as far as fire rescue and ambulances and turnarounds and trying to get in and out, it's very, very tough. So a major concern of his would be a safety issue for the residents in that area for the building and also parking. Traffic is also tough enough right now to get out onto U.S. 1, as he has to wait 10 minutes just to turn left or right onto U.S. 1 from the next street up on Dove Road. There are a lot of accidents in that area. There was a fatality two and-a-half, three weeks ago. Whether the development goes in or not, there will be a situation with parking. He doesn't know if there's going to be any streetlights or a stoplight in that area, but that would cause more congestion in this particular area. He's also concerned about the natural hammock and wildlife. He also has seen owls in there. Maybe the Commission could do something or continue this. Maybe the pool area could be turned into parking. He's never known of low income with a pool. He's done everything on his house on his own, worked on his own, and never had any help from anybody and was very successful at it. Mr. Sargent reiterated his safety concerns, adding hurricane evacuation as another problem.

Mr. Ariel Torres thanked Commissioner Miller for his service, stating he is also a fireman. He lives at 1023 Snapper Lane and works for the City of Miami Fire Department. Mr. Torres bought his property with a lot next to it. The previous owner separated the property and sold the house on its own, but had difficulty selling the lot because it has a lot of protected trees. He is the last house before you make either a right or left on Snapper Lane. The lot had so many protected trees that she couldn't sell it and anybody that wanted to develop on it, couldn't develop because of the amount of protected trees. Mr. Torres' future wife works at John Pennekamp and is a marine biologist. They are ecstatic with living on Snapper and in the Keys. Mr. Torres also stated that there are a lot of children that play on the streets, just as that older gentleman had said. He wants to have children also to be able to play on the streets and be able to enjoy the neighborhood. Getting into and leaving his house, taking Snapper Lane to make a right or coming in, he has to slow down and hope somebody doesn't hit him from the back. Making a left, he has to change over to Lobster Lane. The additional street will be right by the lot next to his house. There's no real buffer and it really destroys the community as a neighborhood and what he's worked hard for. He is newest resident, having moved in there in August. Mr. Torres doesn't want to see this beautiful neighborhood be destroyed by money and houses that will just exploit the area. Mr. Sargent is hoping the Commission will deny this request.

Ms. Laurinda Crandall stated she has lived on Dove Road for the last nine years. The reason she moved to the Florida Keys was for the quiet and the serene life. In the last six or seven years, traffic has tripled. Ms. Crandall walks around to Snapper Lane every morning. It is a very small street. She can't imagine cars going both ways because it's such a narrow street. Ms. Crandall likes walking down that street because it's so quiet and there's a lot of wildlife and it's really pretty. She worries about the increase in traffic that this complex would create for the community. With 28 units, two people per unit, that's 56 people, 60 cars, and then adding kids. When Ms. Crandall moved down here she knew that housing was going to be an issue and that it was expensive, but everyone knows that when moving to the Keys. She does not think there's a problem in the Keys with housing, that it's a choice to live here and the people that live here work very hard to be here. There are already three low-income housing buildings in Key Largo now with 226 apartments and another one shouldn't be added.

Mr. Ruben Pazos of 1021 Snapper Lane spoke about the hammocks in the back of his property being beautiful and full of native life, native trees, birds, and this was one of the reasons that he was motivated to purchase this property years ago. Watching the movie presented by one of the residents makes him want to cry that they're going to tear that down. A good portion of the hammock behind his property will be knocked down and an access road will be built. Mr. Pazos does not understand how this project ever got this far. Snapper Lane is a very narrow street. When two automobiles pass each other on Snapper Lane, one has to go over to the shoulder, at least half of the car, because they cannot comfortably pass each other there. Children play on Snapper Lane and if they build this project, it's not going to be very safe. Mr. Pazos doesn't think this project is for the residents or for this neighborhood, rather it is being built on greed and who knows what else. Mr. Pazos stated that the Planning Commissioners are the only ones who can do anything for them and asked them to please do the best they can to stop this project. This is a shame and should have never even been presented here.

Ms. Houseman asked if she could add something to her comments. Commissioner Ramsay-Vickery told her no. Chair Werling stated everyone gets one shot, to whisper it to the next speaker.

Ms. Susie Roebing stated she was from the Diver's Cove family. Diver's Cove is 5 feet away from this proposed development. Ms. Roebing is a contract biologist for Audubon part of the year and also for Fish and Wildlife, so she is familiar with the environmental issues. Her family bought this property 50 years ago next year and she grew up here, so she has a unique baseline of watching the changes in this neighborhood. This area has always been known as and marketed as the green belt area between Key Largo and Tavernier. Ms. Roebing believes it's another situation like the Summerland Key issue where it's an area in between more developed areas. Every year at the Christmas bird count, Audubon surveys her property for birds to get the best counts because there are a lot of migrating birds. Over the years she's seen the hammock become a little thinner on the other side of the fence. She is also concerned about the fire lane access. With the cap rock at grade, she has serious questions about stormwater and standing water in that parking lot. There is no southbound access at Snapper Lane to turn left. Traffic typically travels at 50 to 60 miles an hour through this area. The character of this area is the

slower more environmental green area of Key Largo with several wildlife environmental areas in this segment that she surveys. Ms Roebing stated that without a doubt, there are endangered species in this green belt area. She believes this is the wrong spot for this project and it is cramming 28 residences into maybe an acre and-a-half and she is asking the Commission to deny this project.

Chair Werling asked for any further public comment. There was none. Public comment was closed. Chair Werling then allowed the applicant rebuttal comments.

Mr. Frank Pla stated that fortunately or unfortunately, development happens and he does not know of a spot where the neighbors aren't going to complain. The county writings are replete with mentions of NIMBY, not in my back yard. Here today he has now heard NITBY, not in their back yard. People present here have enjoyed this land over the years, have had fire pits out there, left chairs and have thrown all of their organics back there and dumped on that land over the years. Reality is development does happen. This parcel is as good as any other, if not better than most. They have made no variance request and have nearly doubled the green space requirement. Mr. Pla heard the concerns about who's viewed the lot, and he has had two certified arborists out there confirming a lot of invasive and exotic species on the property. Many people would probably assume it is hardwood just by not knowing. A private biologist has had at least three meetings with county biologists, including one for examination of burrow holes and owls, all of which turned up negative. The biologists met on the site and reviewed how to classify the property.

Mr. Pla explained that the applicant has progressed through to a mitigation chart so every tree that is cleared is already known. The spacing from the back that everybody is talking about as 10 feet is actually 16 feet to the road, and that remains. The bulk of that area is hammock and will remain there.

Mr. Pla commented on the traffic study done by a government employee, John Arietta, who indicated that no four-way will be created. From the traffic lane of U.S. 1 to the roadway is approximately 100 feet, as required. The turnaround is called a hammerhead which comes straight out of the National Fire Safety Code and has been reviewed. There are dozens of other projects, much larger than this, that have entry on only one side of U.S. 1 and they have to go and turn around so it's not out of character with the roadway. These eight buildings are almost on equal-size lots to what is on Snapper Lane, so it's basically one for one. Mr. Pla agreed there are kids playing, and many of them are kids of the Riehl family and the Riehl family's friends. As to concerns about trash and dumpsters, although the code is met the way it is now, he prefers to go to cans, just like any other street on the block. Mr. Pla apologized that it had to be this neighborhood this time, but he feels they've done everything possible to be a good neighbor.

Commissioner Wiatt began with a request for staff to help him with the rent control rate for moderate attached one-bedroom, two-bedroom and three-bedroom units as this is important information for the Commission to look at, asking if it's 20 percent low and 80 percent moderate. Chair Werling interjected the question of whether these would be rental units, not purchased. Ms. Santamaria responded that they were rentals. Commissioner Wiatt then referred to page 18

of 22 of the staff report, Item 27 under other issues, quoting, "Affordable housing projects shall be no greater than 20 units unless approved by resolution and the County Planning Commission pursuant to Land Development Code Section 130-161(a)(6)h." He stated he is not familiar with that and wanted to know if this is something totally up to the Commission by resolution.

Ms. Santamaria responded that it simply says if it's over 20, the Planning Commission has to approve it. Commissioner Wiatt asked if the Commission would need to use one of the major conditional use requirements to cite against not supporting a project that has in excess of 20 units. Mr. Williams responded that it could be part of the rest of the conditional use consideration, but that there's nothing saying it's got to be. Commissioner Wiatt felt it would be important for them to hear the numbers and Chair Werling agreed. Commissioner Wiatt explained that there are as many as 700 affordable housing units in the queue, this project is asking for 28, and at 20 percent only 5.6 of those would be considered low-income. It is tough for him to approve a project with that percentage for low income. He also mentioned that he had sat on the Affordable Housing Advisory Committee and Key Largo was at the bottom of the list for need.

Ms. Santamaria then presented the rental rates for moderate; one bedroom, \$2,064; two bedroom, \$2,322; three bedroom, \$2,577. Rental rates for low income; one bedroom, \$1,375; two bedroom, \$1,548; three bedroom, \$1,718. Commissioner Lustberg asked her give the other categories. Ms. Santamaria continued for medium rental rates; one bedroom, \$1,720; two bedrooms, \$1,935; three bedrooms, \$2,148. These are the maximums they can charge.

Chair Werling stated she couldn't afford it and agrees with Commissioner Wiatt, not to shun Key Largo, but they are the lowest priority as far as the Keys affordable housing projects. There have already been some considerably large projects a while back in the Key Largo area. Commissioner Wiatt stated there are other issues here, too. One of the reasons developers don't want to develop low-income housing is because the rents are lower. This is understood, but you immediately run into this push-pull narrative because it costs so much to build anything here. Looking at a project like this, the developer is saying 20 percent low income and they've got a pool. He would prefer a higher percentage of low income without a pool. He feels there's a little bit of a disconnect. It appears that the ones losing out are the very folks they are trying to find housing for and 20 percent is not selling him. There are a very limited number of affordable housing ROGO units and they need to be going into truly affordable housing, not to moderate. Moderate meets the definition of affordable housing and it's unfortunate that it does, but if we have an opportunity under Section 130-161(a)(6)h not to pass projects in excess of 20 because the ratio is not right, then he believes the Commission is obligated to do that. Commissioner Miller agreed, but added that there are no criteria, basically. Commissioner Wiatt stated that was his point, but they can say 20 percent is not good enough, the 5.6 units. Chair Werling added that the Commission does understand the financial burden on the owners. Commissioner Wiatt added that he is also sympathetic and agrees that very low can't be done without subsidies, but low can be done without subsidies, augmented with some median or moderate, but the ratio here is not getting it.

Commissioner Miller asked about the exception made for the Dollar Store to the 400-foot curb cut onto U.S. 1 and if it were possible to have a curb cut to directly access U.S. 1 instead of coming onto Snapper Lane. Ms. Santamaria responded that the provision he's speaking of is for areas with a speed limit of 45 or below, and the posted speed limit here is 50. Mr. Williams added that Mr. Bond had addressed that in his opening presentation. Mr. Bond added that they would need a variance for that. Commissioner Miller noted that with a variance, the street could go straight out to U.S. 1 where building three is, adding that he was looking for solutions. He also asked how the county feels about a 24-foot street coming into a 17-foot street. Ms. Santamaria responded that in looking at the plat, the right-of-way is actually 30 feet wide. The pavement may only be 17 feet, but in the aerials it looks like there's gravel on either side. Commissioner Miller also suggested a more dense buffer between the project and existing residential. That would be important and if they could get out onto U.S. 1 instead of coming down Snapper Lane, he believed that would help the residents in the area. Also, building three could disappear to get the access onto U.S. 1.

Commissioner Wiatt stated that right now, the project says 28 units and the Commission can say no to all 28. When the applicant comes back with 20, then they would have to use traffic or one of the other provisions of a major conditional use. Commissioner Miller reflected that if the Commission said no more than 20, then the applicant would come back with a different plan, hopefully including a variance that has a curb cut on U.S. 1 instead of affecting Snapper Lane. Commissioner Miller then added that it's not a perfect world and everyone has the right to develop their property. Commissioner Wiatt responded that he didn't want the Commission to be rooting for projects under the guise of affordable housing when in fact it's basically market rate. Commissioner Miller then stated that at this moment, his recommendation is to deny the proposal.

Commissioner Lustberg referenced page four of the staff report showing densities and intensities and asked if they were to build market rate as opposed to affordable, if they could put in three dwelling units. Ms. Santamaria responded that they could only do commercial apartments, that there is no market rate available. But technically, yes, it's three units per acre. Commissioner Lustberg asked for an explanation of what could be done with this property if not doing affordable. Ms. Santamaria explained that a the definition of commercial apartment is for attached or detached residential dwelling units located on the same parcel of land as a non-residential use, so they would need some other non-residential use, that is intended to serve as permanent housing for the owner or employees of that non-residential use. This is Suburban Commercial, so there is an ability to have some non-residential uses and add housing on top of that under commercial apartments. Commissioner Lustberg confirmed whether they could have businesses of all different types and then put in three housing units with the business. Ms. Santamaria stated that was correct, provided the density/intensity works out and that those numbers work. Commissioner Wiatt added that they would then have NROGO and ROGO. Ms. Sanatamaria agreed. Commissioner Lustberg asked if the floor area allowed would be 2,500 square feet. Mr. Bond asked if she was looking at the future land use table, which she was. Mr. Bond responded that in the SC district, the maximum intensity floor area ratio is between .1 and

.45, depending on the use. Ms. Santamaria elaborated on that, explaining that using that .45 as the max, at 85,000 plus square feet, it would be 38,000 square feet.

Chair Werling asked if there were any other comments. Commissioner Lustberg stated she was still thinking. Commissioner Miller added she shouldn't do that. Commissioner Lustberg commented that she believes the problem is that this is a very intense use of the property that is for affordable, but is really not affordable. If doing affordable, it should be affordable as opposed to technically affordable but more than what you could actually rent it for. And even if this were not affordable, this could be commercial and residential. So there will be something there and it's not going to be preserved as open space. So before move on this in any yes direction, she would want to see a guarantee of more affordable.

Mr. Pla asked if he could address that. Mr. Peter Morris responded that if the applicant wanted to address it before a motion is made, it would be advisable for the Commission to entertain that, just for good parliamentary housekeeping. Commissioner Lustberg stated she would be happy to hear what he had to say. Mr. Morris asked Mr. Pla to come to the lectern.

Mr. Pla again stated that he had come to the County to see if there were programs from tax abatements to buying interest rates down, and though he knocked on every door in the County, there was no one serving the menu. It was very complicated to figure out who to talk to and where to go to for that. Concerning the rates read by Ms. Santamaria, Mr. Pla stated they were targeting \$1,200 dollars on the one-bedroom apartments, which would be all low, and there are 12 of them so that's 40-plus percent of the project. They targeted \$1,600 to 1,700 on the two bedrooms, and \$2,000 for the three bedrooms. They had purposefully dwindling the three bedrooms down. Mr. Pla then requested a continuance to be allowed to present rent charts, as he would prefer to not be denied prior to presenting that information.

Chair Werling responded that he was allowed to request a continuance, and if they chose to grant it, he could bring back the schedule and whatever else and the other side could also bring back more rebuttal. Commissioner Wiatt stated that the residents had wanted a continuance to begin with. Mr. Pla added that the residents should be proud of what they were able to present on such short order, that it had been a lot of data. Commissioner Miller asked if it was possible for Mr. Pla to look at another proposal as far as the configuration of the project. Mr. Pla stated the land dictated the configuration. Commissioner Miller expressed his desire to not use Snapper Lane and the possibilities of a variance, fewer units and more dense landscaping. Chair Werling suggested a possible neighborhood meeting. Mr. Williams interjected that the Commission could not be committing themselves to the granting or not granting of a variance, nor could they create their own hardship. Commissioner Miller stated he understood. Commissioner Wiatt thought that since both sides had had a chance to air their concerns, perhaps the closer everyone got to the middle, the more likely this project would move forward.

Mr. Pla asked for guidance as to what type of ratio the Commission wanted to see on the low compared to medium. He also added that the pool was something they believed they needed as an amenity to try and get this type of rent. Commissioner Wiatt responded he would want to see the majority as low. Mr. Pla asked if that was 60 percent. Commissioner Wiatt suggested 15

units, which would be 51 percent, that to use the affordable ROGOs wisely and be able to say that the majority of any project is low would be the baseline. Commissioner Miller added that they would still run into problems with the neighborhood, that it is a balancing act. Commissioner Wiatt agreed that some of the other concerns were valid, especially about traffic, but that he was not hanging his hat on those concerns right now. Chair Werling agreed that this was not the only issue. Mr. Pla asked if they had read the traffic report submitted yesterday. Commissioner Lustberg said she had. Mr. Wolfe told Mr. Pla that what he was getting here were ideas from the Commission, but that no one was committing to anything. Commissioner Ramsay-Vickery agreed. Mr. Wolfe explained that Mr. Pla had a difficult hand to play, but having heard the concerns of the Commission, he had an opportunity and time to come back. Mr. Wolfe then asked Mr. Pla if he wanted a one or two-month continuance. Mr. Williams thought he would need a two-meeting continuance considering all of the issues discussed, and that there was room to look and examine things and perhaps get to where the Commission may not have to get to a denial.

Commissioner Wiatt also wanted to let the neighborhood property owners know that they are beholden to understand that this is a developable piece of property. The idea that this is never going to be developed is probably a pipe dream. It would be nice to come up with a compromise, but this property is not a wildlife refuge.

Mr. Pla stated that he had watched staff and learned from them, seen that the turn out a formidable body of work with an incredible amount of technical detail to it. With what he has learned working with them he would request a one-month continuance.

Chair Werling asked if staff was comfortable with one month. Ms. Santamaria thought that was fine if Mr. Pla thought he could get the work done in time, as they needed time to review and update reports or anything else for the Commission. Chair Werling explained that it was really two weeks to accommodate the submittal deadlines. Mr. Pla elected to try for the one month.

Mr. Wolfe stated they needed a motion to continue this to next month. Mr. Yagel asked if he was able to address that. Chair Werling responded that it was the applicant's right to continue. Commissioner Lustbeg added that there are issues that may be able to be worked out to come back with a better proposal. The applicant was requesting more time to address concerns raised today which is what the residents had initially asked for prior to the meeting. Everyone would have more time to work on things. Commissioner Miller added that they're not obligated to vote yes on the next proposal, either, but that hopefully it would be closer to what everybody wants. Commissioner Ramsay-Vickrey asked if a motion had been received. Commissioner Lustberg responded that Commissioner Wiatt had started to make one.

Motion: Commissioner Wiatt made a motion to continue Item 9 to the April 26, 2017 meeting. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 2:35 p.m.