

PLANNING COMMISSION

June 28, 2017

Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, June 28, 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	Absent
Teri Johnston	Present
Ron Miller	Present
Beth Ramsay-Vickrey	Present

**STAFF**

Mayte Santamaria, Sr. Director of Planning and Environmental Resources	Present
Steve Williams, Assistant County Attorney	Absent
Peter Morris, 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 Tolpin, Planner	Present
Janene Sclafani, Sr. Planner	Present
Martine Vray, Principal Planner	Present
Ilze Aguila, Sr. Planning Commission Coordinator	Present

**SWEARING OF COUNTY STAFF**

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

**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.

**CHANGES TO THE AGENDA**

Ms. Aguila stated that a request had been received to continue Items 4 and 5 to the August 30, 2017, Planning Commission Meeting. Mr. Wolfe explained that the applicant is entitled to a

one-time automatic continuance out of a sense of due-process fairness, but that the Commission still needed to vote to continue both items.

**Motion: Commissioner Miller made a motion to continue Items 4 and 5 to the August 30, 2017, Planning Commission Meeting. Commissioners Johnston and Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.**

#### **APPROVAL OF MINUTES**

**Motion: Commissioner Ramsay-Vickrey made a motion to approve the May 31, 2017, meeting minutes. Commissioner Johnston seconded the motion. There was no opposition. The motion passed unanimously.**

### **MEETING**

#### **Continued Item:**

**1. 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)

(10:08 a.m.) Mr. Wolfe instructed the Commission that the County Code provides that in the event that there are written protests signed by the real property owners of 20 percent or more of the people required to be noticed for a Major Conditional Use Hearing, the application must be approved by at least four Commissioners. Since there are only four Commissioners present today, the vote would have to be unanimous and the applicant has been advised of this. Chair Werling then announced that public speakers would be limited to three minutes and asked for the staff report.

Mr. Kevin Bond, Development Review Manager for the Planning and Environmental Resources Department, presented the staff report, refreshing everyone's memories of the project since the first meeting in March. This is a Major Conditional Use Permit for a project located near mile marker 95.3 ocean side in Key Largo. The proposed development includes 28 attached residential dwelling units designated as employee housing. Employee housing is affordable housing under the County Code and is called employee housing because it has the added requirement that the households derive at least 70 percent of their household income from gainful employment in the County. This is proposed to be a 100-percent affordable housing project with 16 of the 28 units being low-income level and the remaining 12 units would be at the moderate-income level. The proposal includes a 450 square-foot office and cabana building,

a swimming pool and 60 off-street parking spaces. Since the March meeting, the applicant has increased the amount of open space from 35 percent to 36.8 percent. This project is located in the Suburban Commercial Land Use District and the Mixed Use Commercial FLUM Category and is within the Tier III in-fill area, and also within the Tavernier Creek to mile marker 97 U.S. Highway 1 Corridor from 2005.

Mr. Bond presented a power point slide of the subject property with a yellow arrow indicating the area classified as T3 Suburban, characterized by intermittent occurrences of open space, residential development of diverse densities, and industrial and general commercial uses. The area around the project includes KLOR to the south, and Lime Grove Estates to the north on the ocean side. An aerial photo was shown with a site plan overlay to indicate where the buildings would be in relation to the surrounding properties. The Snapper Lane homes were visible with two vacant lots to the left, both of which are pending permits for new housing. The aerial was zoomed out to show the surrounding road network. Mr. Bond then went over some changes made to the survey and plans. The applicant had the native tree islands on the property added to the survey which were highlighted yellow. One of the main changes included shifting of the driveway running left to right a little further north to preserve more of the hammock. The driveway on Snapper Lane currently is a two-way driveway. On site improvement plan, sheet SI-1, there is some additional detail of the driveway including right-turn-only striping and right-turn signage, along with fencing and lighting detail.

Mr. Mike Roberts then pointed out changes, revisions and discrepancies between the originally-submitted landscape plan and then the revised landscape plan. A power point slide was show comparing the original and revised landscape plans. Across the top band in the original landscape plan where there is no planting, the site improvement plan shows that band is intended to be planted. There are some discrepancies there between the revised site plan, the landscape plan and the site improvement plan that need to be coordinated, revised and corrected, but it is the applicant's intent to plant an 18-foot buffer between the existing residences and the development. The original stormwater site plan was also revised adding swales between the residential units to collect the stormwater associated with the roof outlines and swales along the western edge of the property. Mr. Roberts pointed out that the stormwater swale is intended to be a planted landscape, appropriately sized to contain the required stormwater volume and are dry retention swales, not intended to contain water constantly. The 8,000 square feet of hammock that will remain is primarily in the lower half of the buffer adjacent to existing residences. There was roughly 12,000 square feet of hammock on the property. The applicant is proposing to clear roughly 4,000 square feet. Current Code would allow 4,800 square feet to be cleared. Mr. Roberts pointed out that while the site appears to be somewhat more wooded than 12,000 square feet, a good deal of the existing vegetation, particularly along U.S. 1, consists of Brazilian pepper and sapodilla, both of which are nuisance exotic vegetation and do not count towards hammock. In the areas where that density of the nuisance and exotic vegetation constitutes more than 40 percent of the canopy cover, that area is not considered hammock. The proposed clearing limits, landscaping and stormwater all meet County Code and the Comp Plan.

Commissioner Miller asked Mr. Roberts what the density of the plantings would be in the 18-foot buffer area. Mr. Roberts responded that the specific landscape plans had not been provided at this point but would be required at the point of building permit. Mr. Miller added that one of

the conditions previously discussed had been a more-dense buffer and asked if this could be made one of the conditions. Mr. Roberts confirmed that could certain be made a requirement.

Mr. Bond then explained there had been minor changes to the elevation plan. Building Type A has a proposed height of 28 feet, 2 inches; and Building Types B and C, 29 feet, 2 inches. The maximum height allowed is 35 feet from crown of road. The office cabana building, a one-floor building, would be 15 feet, 2 inches. The applicant had also voluntarily held a community meeting on May 23, 2017, which was not required since the application was complete prior to the new Land Development Code becoming effective. The meeting was held at the Key Largo Library and Mr. Bond counted a little over 30 people in attendance. Mr. Bond then went over a couple of things regarding traffic and road-related concerns. As to the driveway location and design, the County's Fire Marshal, County Engineer and the County's Transportation Consultant have all found the design to be acceptable and there are review letters attached to the staff memo documenting that. Although the applicant was not required to do a traffic study, they did conduct a Level 3 traffic study to address traffic-related concerns expressed by the surrounding community. This traffic study looked at existing and future traffic conditions at three intersections along U.S. 1; Snapper Lane, Lobster Lane and Dove Road. All three intersections were found by the applicant's traffic engineer to operate at an acceptable level of service and would continue to do so after the project is completed. The traffic study included a recommendation for a deceleration lane at the southbound U.S. 1 and Lobster Lane intersection for turning left or to do a U-turn. Based on that, staff is recommending this as a condition of approval if it is found to be warranted. The standard level of service on U.S. 1 is Level of Service C. This Segment 22 in Tavernier where the project is located is currently at a Level of Service A. A few different trip generation numbers have been submitted by the applicant and the County's consultant, which are outlined at the bottom of page nine of the memo. The general consensus is that the trip generation would be about a 180 daily trips for the 28-unit project. Lastly, the study included a link analysis with level of service impacts. The study concluded that U.S. 1 through Key Largo has access capacity to absorb the maximum impacts generated by the project and the intersections and local roadways in the sub-area would continue to operate at an acceptable level of service. Mr. Bond noted that the County's Transportation Consultant had five comments regarding the latest traffic study which were contained in a June 12 memo. The applicant did provide a response but staff has not made a full review of those yet. Staff is recommending a conditional approval to address those comments if the project is approved.

Mr. Bond continued that staff recommends approval with the 11 conditions outlined on pages 25 through 27 of the staff memo and highlighted two conditions already mentioned. First, the applicant must address the County Traffic Consultant's comments. Second, the applicant must coordinate with FDOT to investigate whether a dedicated southbound left-turn lane is warranted and, if so, language has been included to make sure that happens. Mr. Bond stated he was available for questions now or later.

Mr. Peter Morris, Assistant County Attorney, interjected that in anticipating a possible appeal, he wanted to ask some questions of Mr. Bond for the record. Mr. Bond responded that his present title is Planning and Development Review Manager, that he had held this position for two years

in July, and explained he had previously presented analyses of Zoning and Comprehensive Plan provisions in conjunction with conditional use approvals. Mr. Bond had also held positions of Planner at the Village of Islamorada for six and-a-half years, Planner for the City of Key West for two years, and now with the County for two years. Mr. Bond identified his academic degrees and certifications as a bachelor's degree in geography and a master's degree in urban and regional planning, along with being AICP certified with the American Institute of Certified Planners.

Commissioner Miller asked what impact the southbound deceleration lane would have on FDOT and whether it could be made a condition of approval. Mr. Bond responded that staff was recommending it be looked into further, noting that the County's Transportation Consultant was present and could probably better address that question. Ms. Santamaria interjected that FDOT would have to approve it as it on their right-of-way. Commissioner Miller indicated he understood that but was trying to figure out how to go about getting it done. Ms. Santamaria pointed out page 26 of the staff report at the top to a proposed condition that prior to issuance of any building permits for the residential units, the applicant shall submit to the County a notice of intent for a permit from FDOT stating that the additional access and improvements are necessary and permitted, to have something in hand that says FDOT says it's okay to move forward. Mr. Bond clarified that FDOT would not approve a deceleration lane unless it meets their criteria. Commissioner Miller asked if FDOT's threshold was the number of cars that would be turning. Mr. Bond indicated that was correct. Commissioner Miller then asked if the 180 trips found to be generated would meet that threshold. Ms. Santamaria responded that the County could not speak for FDOT and staff did not know those details. Commissioner Miller believed this should be a condition.

Chair Werling asked if there were any further questions. Mr. Wolfe interjected a procedural comment reminding both the Commission and the public that the March hearing had been fairly extensive and everything previously presented by staff, the applicant and the public remained a part of the record. Mr. Wolfe also confirmed with Commissioner Johnston that she had thoroughly familiarized herself with the record of the prior hearing as she had not been a sitting Commissioner at that time.

Mr. Patrick Stevens, attorney for the applicant, thanked the Commissioners for the opportunity to speak and also provided a power point presentation, indicating he would be brief to allow those wanting to speak against the project to do so. Afterwards, the project engineer and traffic study expert would be available to respond to any concerns. Mr. Stevens stated he was excited about this workforce housing project and quoted from the Marathon Weekly where Commissioner Neugent had said, "We talk all the about affordable housing and for twenty years, all we've done is taken affordable housing and made it unaffordable." He then quoted Commissioner Carruthers as saying, "Call me cynical. We talk about this all the time but never do anything about it."

Commissioner Miller interjected that Mr. Neugent had also said, many times, that, "We cannot build our way out of the affordable housing crisis." Mr. Stevens continued that there had been many meetings and an Affordable Housing Task Force where plans come up such as buying back deeds, building other developments, tax credits and there's the ROGO allocations, but here is a property that's unique. No one is asking for tax credits or any help as this property is already

owned by the developer and doesn't require a huge acquisition cost of the land. Mr. Stevens explained that the Riehl family has owned this land for a number of years, they still live there, and this project will be built right next to their own house because they believe it is the best use of the space, to make sure that it's preserved for housing.

Mr. Stevens presented a drawing of the proposed project, comparing it to the lots on Snapper Lane and noting that each building was spaced about equally to the lots on Snapper Lane. He pointed out the zoning and what could be built on the property such as retail, restaurant, bowling alley, tennis courts or even a small hotel. However, the owners preferred to keep the use as residential to keep it in tune with the neighborhood. Mr. Stevens compared aerial photos from the Property Appraiser's website from 2012 and 2015 to present, showing where houses had been built on Snapper Lane since that time and explained that each individual house built there had cleared approximately 3,000 square feet of hammock. This project proposes clearing 4,000 square feet for the total property which is less than what two individual houses cleared when they were built back in 2013. The developer is clearing less than what is allowed by Code by coming down to 4,000 square feet and is also replanting hammock, has a hammock augmentation plan, to make it thicker and denser. Staff has recommended approval with conditions. At the first hearing for this project the neighbors had asked for a continuance to provide more information to this Commission and get more data. Since that time, the applicant has gotten a Level 3 traffic study and had a voluntary community meeting, both of which were not required, and has been doing everything possible to be a good neighbor, yet also have this project work. With the present layout, the project can actually work both financially and by making sure that the land is least impacted.

Mr. Stevens mentioned the 2014 ALICE report which indicated that 54 percent of the residents in the Key Largo area were spending more than 35 percent of their income toward rent. Having 16 low-income units would give people the ability to not be rent poor and not have to work three or four jobs. This project is consistent with community character of a residential area. A shopping center could be built without a conditional use, but doesn't seem like it fits and is not what the landowner wants to live next to. The project will consist of a new Keysey-style construction, will look nice and be very well done. The eaves have been moved back a little bit to stay within all of the setbacks and increase the buffer to 18 feet. The developer is now proposing to connect six-foot fencing across peoples' back yards to make it consistent. Commissioner Miller asked if they were proposing another fence behind the neighbors' fences. Mr. Stevens replied that Mr. Pla could better speak to that.

Mr. Stevens summarized that the project fits within the Land Development Code and permitted uses, at 36.8 percent minimum open space which is above the 20 required, and that 28 units are allowed for this project. The buffer has been increased to 18 feet. The lighting proposed is downward lighting to eliminate as much light pollution as possible. The biologist determined which trees were to be removed. The sapodilla in Mr. Borders' power point must be removed. The biologist, Ms. Chen, worked very closely with the County Biologist to make sure these things got taken care of within Code and to have the least impact on the trees that are there. The amount of hammock being removed is down to 4,000 square feet. A traffic study was completed

indicating 182 trips. The traffic consultant, Karl Peterson, is present to speak on this and has indicated a shopping center would generate 2,267 trips and an office building would generate 434 trips. The traffic study addresses U.S. 1 and three neighborhoods close by. A traffic control device was attempted but was not going to work so there will be painted signs and conditions in the lease requiring tenants to follow the traffic rules.

Chair Werling indicated that could be an enforcement nightmare. Mr. Stevens responded that they were doing everything possible. Commissioner Miller asked if the lease could require tenants not to turn left onto Snapper Lane. Mr. Stevens responded that the lease agreement would require adherence to the rules of the association. Mr. Miller stated he had never heard of such a thing and didn't think the public highway could be regulated by a lease. Chair Werling asked if there was a fee associated with the association. Mr. Stevens stated there was not.

Mr. Stevens continued that the Planning Commission should approve this project as it is workforce housing and the developer had agreed to make 16 units low-income and affordable. Commissioner Miller interjected that this was affordable housing, not workforce housing. Mr. Stevens responded that it is employee housing where one restriction is that the tenants will have to earn their income in Monroe County. These would be people that live here and work here, have a sense of community, are volunteers, the people that coach soccer, baseball and get involved with things such as Rotary, which is a huge benefit of a project like this.

Chair Werling asked if the leases would require the renters to have worked in the County for a certain period of time or to have lived in the County prior. Mr. Stevens responded that all of the rules and regulations of the Housing Act would be followed. Mr. Peter Morris interjected that that wouldn't be able to be done under the Federal and Florida Constitutions. Mr. Stevens reiterated that staff had recommended approval and the applicant wanted to be a good neighbor and make sure the project has the least impact on the surrounding neighbors.

Mr. Pla then summarized what had been done since the last meeting. He explained that he had first called Commissioner Murphy over a year ago for input on the project so this project had been worked on for quite some time and it took quite a while to get this far. The project had been vetted through several processes. Mr. Pla stated that the Level 3 traffic study indicated there were really no traffic problems in this area, but indicated a willingness to cooperate as required. He knows everybody laughs about the lease clause, but it's something, and it's better than nothing to try to prevent people from going through the neighborhood, although the traffic study does not indicate that people would actually do that. Fencing would be added along the front and sides where no fencing exists. An additional biological review was done out of an abundance of caution and the islands were added. Even though they don't technically meet the definition of hammock, they had agreed to cooperate with that process. The buffer was increased from 16 to 18 feet and there would be no swale in that area. A hammock augmentation plan was provided by Julie Chen. The 18-foot buffer spaces where there is no hammock will be filled according to the planting standards to be considered as hammock. The hammock loss is fairly small after the augmentation of 1,383 square feet. With the 4,005 square feet proposed to be cleared, the net removal is 2,622 square feet of net hammock loss. The project is at 175 percent of the required green space and will have 16 low-income units.

Chair Werling asked if a member of the public wish to speak on this item.

Mr. Charles Borders of Snapper Lane spoke about a letter written to the County Commissioners by Mr. Frank Pla citing that he is a fraud, incompetent and that he had misrepresented himself professionally. Mr. Borders presented his landscape architecture license registered in the State of Virginia, adding that he had never stated he was registered in the State of Florida. He also requested that that slanderous and unprofessional letter be removed from the record. Mr. Borders then expressed concerns about the site engineering, environment and community impact that were not addressed by the developer and believes no substantial changes were made in response to the Commission and the public comment. The fencing, planting and painted traffic island appear to be the only noteworthy changes. The density of the project remains the same with 28 units. The spacing of the proposed buildings is 10 feet with a swale, whereas the spacing of the homes on Snapper Lane is 25 feet and heavily planted in between. A few additional trees were added along U.S. 1, but there is still a discrepancy and contradiction in the plans that were discussed earlier between Sheet C-1 labeled the protected hammock and Sheet L-1. L-1 shows the clearing of the protected hammock to accommodate the roadway. The developer has proposed or discussed additional planting to go into this area, but it is not protected hammock to remain as is shown on the plan. The revisions now propose a turn arrow and a right-turn sign. The paint will not prohibit anyone from turning left onto Snapper Lane. The lease limits on the term would put limits on an action into the County right-of-way. The proposed drive on Snapper Lane is around 85 feet from the line, just a few feet off Key Lime Products. There were 60 vehicles to be coming out of the proposed development which will impact the community's two streets, doubling the current traffic volume in the neighborhood. The volume and density of this development is not appropriate to connect to the secondary residential street. This is commercial development next to a residential street.

Ms. Aguila announced time. Mr. Borders continued that there had been a push to utilize the 700 affordable ROGO points and 42 percent of those are currently in Key Largo. There is a deficit of the planned ROGO points. Chair Werling interrupted indicating his time was up. Mr. Borders continued, asking for the Commission to deny this request. He then asked for a response as to getting the letter removed from the record. Mr. Morris stated there is no basis for it and under the Sunshine Law, it would be prohibited. Mr. Borders reiterated that he did not misrepresent himself. Chair Werling called for the next speaker.

Mr. Roland Muench of Dove Road stated that the additional traffic had not been addressed relating to Key Largo Ocean Resort located less than .25 miles south of this proposed development. KLOR is a massive development projected to include 286 units already being heavily promoted for rent, lease or sale. Applying the same formula for trips to this development using the same section of U.S. 1, the same neighborhood streets and Sunrise Point, which is immediately adjacent to it, adds 2,000 trips and adds to the anticipated trip volume from Southcliff Estates. He questions whether the traffic studies included this projected traffic in addition to traffic already there, adding that the trip volume will be additional, cumulative and simultaneous to what Southcliff Estates will generate. Mr. Muench thinks this is totally unsafe, will result in chaotic conditions on U.S. 1, both entering and exiting both intersections and

adjacent intersections. An additional southbound deceleration lane will not alleviate the additional volume. This development will create a traffic hazard, will be unsafe and create massive congestion on U.S. 1. Ms. Aguila called time. Mr. Muench continued that the project should be denied in its entirety based on safety concerns alone.

Mr. Tom Ahern of Dove Road stated that he used to live in San Francisco near a development that had been converted to low-income housing run by the city. Because of the disaster that occurred, they were then converted to owned units with subsidized housing. The city-run rented units were a disaster with drug people and windows had been knocked out and replaced with plywood. When there are a lot of renters, there are problems. Police calls in that area were to that side. Where the units had been converted to owner-occupied like Habitat for Humanity, they were beautiful, had lawns instead of dirt, glass instead of plywood in the windows, landscaping and security patrols. He suggests adding a twelfth condition that these not be rentals, but rather subsidized housing where people have a vested interest in keeping up the neighborhood. It would be safer for the neighbors who don't want a bunch of police problems.

Ms. Sharon Housman of Snapper lane first thanked the Commissioners for serving and objected to the Southcliff project as having a direct impact on the value, quality of life and properties in the surrounding neighborhood. Ms. Houseman stated she had heard the Commission's denial of the Shrimp Farm project on Summerland Key back in March and was encouraged that it would also be denied as the Southcliff project has many of the same issues. Two Commissioners had stated that the Shrimp Farm project was the right project in the wrong location and that if all the ROGO projects were approved, they would have a negative 129 and they needed to be very careful about the projects allowed doing the most good, providing the most benefit and having the least community and traffic impact. Commissioner Lustberg had stated these projects should match the rest of the development and should not be out of alignment with the character. Chair Werling had stated that Key Largo is the lowest priority as far as the Keys affordable housing projects. There are many affordable housing projects in the Key Largo area and the need is not there. The Bluewater affordable housing development is two miles south. Ms. Houseman has recently seen classified ads in the local paper with rentals as low as 750 which is affordable. The Southcliff project would greatly impact traffic on Snapper and Lobster Lanes. The developer's proposed solution is signs saying "no left turn" and/or a surveillance camera which will not deter anyone from going left on Snapper and will increase traffic where children play. Snapper Lane was not designed with the intention of having a very quick and dangerous left turn from a residential lot that was intended to be a home. Unlike the Shrimp Farm project on Summerland Key, this project is not a quarter-mile away from their homes, it is literally in her back yard, 10 feet away with a street, mosquito-attracting retention ponds, dumpsters where residents will be dumping their smelly trash and loud recyclables all day and night. This is not in alignment with character of a neighborhood of single-family detached homes and is somewhat rule setting. She questioned the Commissioners whether they would want this project in their backyards. She believes the project should be denied as affordable housing is not needed in Key Largo and the ROGOs should be used where needed in Key West and Marathon.

Ms. Karen O'Donnell of Duck Road in Lime Grove Estates asked the Commission to reject the Southcliff Estates project as being not consistent with the community character or the vision of the Livable CommuniKeys Master Plan for Tavernier Creek Bridge to mile marker 97, which describes the area as an island community committed to preserving its heritage, its small-town unique character, natural setting, lush natural environment and water orientation. During the workshop and when responding to surveys the citizens of the planning area identified the most important qualities to be preservation of the natural environment and small-town island character. This project does not preserve, but rather disrupts the small-town, unique character and lush natural environment. Within the analysis of Community Need section of the master plan, there is a mention of housing types which states, "The residents expressed concern that employee affordable housing developments will not fit into this community of small conch-style houses and mobile homes. They do not see their community as wanting any additional garden-style apartment complexes which are being used in other areas and provide affordable housing in the County." This proposed apartment-style complex is exactly what the residents of this immediate community expressed they did not want. This type of housing does not fit in this community and should be developed within the business locations, the closest being four miles away. Ms. O'Donnell asked the Commission to consider the existing Land Development Code Policy 101.5.6 and to seriously consider the voices of community residents who had dedicated their time assisting in the development of the master plans and to reject the proposed project.

Ms. Alicia Lozano of Silver Shores Mobile Home Park, a community located just one mile north of the proposed project, stated that there are 279 homes in the Silver Shores community. The proposed employee housing project means more traffic on the highway which has already increased dramatically in the past few years, more people traffic on the bike path as residents of this project will possibly be using to ride their bikes and walk north and south of the project and more trespassers into the Silver Shores community just wandering around. She recommends this developer seek other areas where there would be less impact on existing surrounding neighborhoods and communities and requested that the Commissioners deny this project.

Mr. Barry Patterson hoped the Commission had his presentation in front of them which he had submitted as an exhibit and indicated that he was representing Lime Grove Estates Homeowners Association. Mr. Patterson stated that the association is totally opposed to this project based on its density and intensity. In his Exhibit A at page five were acronyms used in his presentation. In Exhibit B at page six was the Monroe County Comprehensive Plan Update. Policy 101.5.6 stipulates that the County shall continue to take a proactive role in encouraging the preservation and enhancement of the existing community character around the neighborhood. The Comp Plan, the LDC, the LCP and the Corridor Plan do not support the proposed residential density analysis for this project as shown on page 14 of the staff report. Exhibit C, page seven and Exhibit D, page ten, show the proposed major conditional use application and residential density analysis for the project is not in compliance with the Land Development Code Section 130-128, specifically the Corridor Plan Overlay to the existing zoning. The overlay in Tavernier covers the mile marker 97.8 area and designates this property as low density. In keeping with the intention of the Corridor Plan, the subject property is eligible for the lowest density which is six dwelling units per buildable area for a total of nine dwelling units for the complete property,

which is 1.57 acres. Exhibit C, page seven, is LCD Section 101.1, which defines density, maximum net as the maximum number of dwelling units which may be permitted per buildable acre for affordable housing. Exhibit F, page 15, has Comp Plan Policy 101.5.25 which allows a maximum net density of 6 to 18 dwelling units per buildable acre for deed-restricted affordable housing dwelling units. For affordable housing, you may build at the maximum density of 18 dwelling units per buildable acre on this particular property, but Exhibit C, page seven and Exhibit D, page ten, which goes back to the Land Development Code Section 101-1 and 101-2, and the LDC Section 130-128, allow low-density dwelling units within the Tavernier Creek and Mile Marker 97 Corridor at 6 dwelling units per buildable acre. Exhibit G, at page 18, the Comp Plan Policy 101.19.1 contains an element to ensure the community character of existing residential areas are addressed and protected through the site and the building guidelines. This policy supports the Corridor Plan protection with the suburban overlay. The planner had stated that this is in a Suburban Zone, but the overlay restricts the development to low-density residential of 6 units per buildable acre. Exhibit H, page 21, the Corridor Plan, Figure 4 illustrates the T-3 Suburban Zoning being consistent with a low density intended in this particular Corridor Plan.

Ms. Aguila called time. Mr. Patterson continued, Exhibit C, page eight and Exhibit 3, page 14, the Corridor Plan Glossary, defines overlay and suburban, intended to superimpose a district that changes the rules of the development from the underlying zoning and government development of the property, permitting low-density residential. Mr. Patterson requested he get five minutes as he was representing a group. Ms. Aguila stated the five minutes had already passed. Mr. Wolfe confirmed this. Mr. Patterson continued stating he wouldn't go over any more exhibits as he certainly did not want to bore the Commission, but wanted to finish up by saying the maximum density permissible on this property is 6 units per buildable acre for a maximum number of 9 residential units for the subject property.

Mr. David Parker of 1015 Snapper Lane asked that the Commission deny this permit. He stated he has worked from mile marker 15 to 85 in the Keys, had lived in Key Largo and worked in Marathon for two years because there was no place to rent in Marathon and does not believe there is a low-income or worker-housing problem in Key Largo. The proposed driveway, claimed to be 100 feet off the road, is about 85 feet and he's measured it twice. It cannot be 100 feet as there is a 120 or 112-foot lot after the easement. The traffic study was done on a weekday where it could have been done through a holiday weekend to show the actual problem with traffic in the area. Being done on a Tuesday or Wednesday is not an accurate traffic study. Another thing done to dismiss the drivers using Snapper Lane was to use a distance and a time study for this turnaround. The people use Lobster and Snapper Lane as a convenience, not to save time. The surrounding properties have seven housing units in the same space this project proposes 16 units so it's not the same context as the rest of the housing in the neighborhood. He will have a road in front and in the back of his house with traffic, dumpsters and garbage trucks disturbing his sleep and quiet space and wants the Commission to deny this project.

Mr. Ruben Pasos of 1021 Snapper Lane stated he and his wife had built their house five years ago and had made a nice contribution to Snapper Lane in Key Largo. He never thought his

American dream would be in jeopardy. Now, with this employee housing, a road will be built a few feet from his property line. The impact of over 200-plus residents to Snapper Lane would be devastating. His grandchildren won't be able to play in the streets or in back yards which he thought was a conservation area and will no longer be safe. This project will be an environmental disaster and not benefit anyone except the builder and the developer. Key Largo does not need employee housing so close to Homestead. This developer has totally disregarded and neglected his neighbors and the well being of this community with 28 buildings in the middle of a residential neighborhood and it will look like Kendall Drive or Brickell in Miami. The Florida Keys is a very fragile environment and it should be protected. Mr. Pasos stated that it is a known fact that renters living in this community will not get involved in local government, will not elect Commissioners or anyone in local government, but he will. He asked the Commission to help them out, adding that this is wrong.

Ms. Alice Riehl, the owner of the property, stated she had been on this property for 42 years. Taxes are up to \$32,000. Her property has been used and abused for 42 years by the people, including those people living on the block. Trash is dumped on her property. Her husband died, her partner died and she is in charge of the whole thing now at 80 years old. Something has to be done with the property. Ms. Riehl stated she was sorry that people had bought their houses thinking that her property was going to add to the value of their property, but it's her property and she pays the taxes on the property. The neighbors have no right to think that her property should enhance their property. When she was first presented with this project over a year ago, Mr. Pla was only going to put in 20 units which would come down Snapper Lane to get to the property. She had told him, absolutely not. It will make Snapper Lane into U.S. 1 and she wouldn't allow it. At that point, Mr. Pla got a contract to buy the two lots on the road so nobody could come down Snapper Lane. That was the only reason she had agreed because she would never let anything happen to Snapper Lane. This project will be beautiful and not be the mess that that property is in now. Right now, it's a dump. Every two years she brings dumpsters and machinery in to get rid of other peoples' junk. Ms. Riehl stated she does not know numbers or codes, but knows something has to be done with the property to give her a little bit of tax relief.

Ms. Slaon Muench of 1001 Dove Road, first apologized as she is a stroke victim and may get discombobulated. She also had a brain concussion because she was hit by a car crossing the bike path. The driver got a ticket and she got the brain concussion. She no longer uses the bike path because it's too dangerous. Building more housing will cause more traffic and endanger more people. She is opposed to the project because of its intensity and the danger it poses to everyone using the Florida Keys Overseas Heritage Trail or the bike path. Right now, the area of the Trail is used by many people walking, jogging, biking and enjoying the greenway. According to the trip generation rates used, the estimated increase of daily trips across the bike path will be 293.25 which is a significant increase. Policy 101.5.6 talks about things being consistent with the community character and the natural environment. This type of population would cause a problem and she would appreciate the Commission looking fully into the aspects of this proposal from the safety perspective before making a final decision.

Ms. Dottie Moses, President of the Island of Key Largo Federation of Homeowners Association, drove this neighborhood, heading north and making a right turn off U.S. 1. In taking the right, because it's a narrow road, she found herself taking this wide turn and there was an oncoming car. If that car had been closer or exiting, she might have run into them. The same thing happened when she exited. Another car coming off of U.S. 1 did the exact same thing. These are very narrow lanes. The congestion from another 200-some people coming through there would be quite dangerous. The traffic now is very unsafe. Eventually, there will be a collision at these intersections. She finds the traffic pattern for this development to be precarious and would advocate that something be addressed in that area. As a Federation representative, the neighborhoods expect due diligence when these sort of things come up. Additionally, Ms. Moses does not think Snapper Lane is legally wide enough. When passing another car, one car had to go off the road onto the shoulder to even pass. She wasn't sure whether the traffic study took that into consideration, but is very concerned about the turning on and off that road with that many more cars being added there. Commissioner Ramsay-Vickrey asked Ms. Moses whether she thought the dedicated southbound turn lane was warranted and if it would address her concerns. Ms. Moses responded that it would not when taking a right turn onto Snapper Lane as it requires a wider turn than normal and drivers find themselves in the oncoming lane, it's a 90-degree angle. Increasing the traffic would definitely create more conflict.

Mr. Bill Hunter of Sugarloaf had been debating whether to speak, but Commissioner Ramsay-Vickrey's question had made his mind up. Mr. Hunter stated that a left turn onto Snapper from U.S. 1 would be happening on the other side of U.S. 1, decelerating, and the problem Ms. Moses had mentioned is the speed on U.S. 1. He appreciates anyone building affordable housing, especially when it's employee housing as that's what is needed, and recognizes some of the frustration heard from the neighbors, but this housing is just market-rate housing with a price cap. It has the same impacts that market rate housing has. So when talking about these densities, that's why this is a major conditional use and this is a big deal. It's a lot of density. The impact of it is something that the neighbors' concerns justify taking into consideration. The County has been so focused on hurricane evacuation and Level of Service on U.S. 1, doing everything they can to keep the speed up and the volume moving. Sheriff Ramsay had said this is a freight train, don't pass, you're going to get there at the same time. But the County is trying to keep that freight train moving as fast as possible to keep the LOS up. The County is not measuring the impact of this on residential side streets and that's a lot of what the neighbors are complaining about is getting in and out. Everything the County does to keep the LOS up is on U.S. 1. The deceleration lanes, acceleration lanes, turn lanes and no traffic lights cause this freight train to get longer and longer and move faster and faster and there are no gaps. A situation is being created where there are very few gaps to get in and out safely and that's the issue on Snapper.

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

Mr. Patrick Stevens asked to have the applicant's traffic expert address some of the issues that had been brought up. Mr. Karl Peterson of KBP Consulting acknowledged that there was certainly going to be an increase in traffic as the site is vacant today and therefore generates no

traffic today. Anything done on this property with respect to development will result in more traffic, but this project of 28 residential units is a fairly small traffic generator. The initial review done by the County before his involvement had concluded that the traffic associated with this development was so insignificant it did not warrant a traffic study. The County's consultant did perform some traffic analyses and concluded that there were no issues. Some design considerations had to be further vetted, though the background volumes were low. The projected traffic volumes associated with this development were low and the driveway was adequately located. Mr. Peterson had a follow-up conversation with the County's consultant discussing some of the cut-through concerns but they both do not anticipate cut-through traffic associated with this development. Mr. Peterson became involved in the project six or seven weeks ago and reviewed some of the concerns expressed, the staff report and the consultant's analyses. Actual ground counts were done in May. Traffic study standards in the industry are to have studies done on Tuesdays, Wednesdays and Thursdays. This data was collected on a Tuesday for a.m. peak-hour counts, p.m. peak-hour counts and midday counts. A Level 3 traffic study included a full analysis of the intersection and the links of the roadway network. There were 182 daily trips, the a.m. peak-hour had 14 trips, midday had 19 trips, and p.m. peak-hour had 17 trips. Generally, this is about a vehicle every three to five minutes. In the world of traffic, that's a fairly insignificant amount. Segment 22 of U.S. 1 which is the Tavernier section has 10,466 available daily trips of remaining capacity. This project would consume 1 percent of that. This segment is operating at Level of Service A and the standard is C. It really doesn't get much better than that. Mr. Peterson acknowledged that anyone traveling in this area and throughout the Keys knows that weekend and holiday traffic is a challenge, but in terms of the standards of the industry and the standards that Monroe County has established, average weekdays are used in terms of analysis. A supplemental trip generation analysis was done indicating traffic for other potential development at this site. Office space would generate 250 more trips above and beyond this development on a daily basis. Retail space would theoretically result in about 2,100 additional trips. An operational analysis was conducted for the three intersections most impacted by this project, meaning Dove, Snapper and Lobster. All operate at Level of Service B or C, which is acceptable. A queuing evaluation was conducted to assess the number of vehicles would likely expect to wait to make a turn at these driveways to give a sense of how much demand is there and how much delay might be experienced. And 95 percent of the time, the queue would be no more than one vehicle; 5 percent of the time you might get two or three vehicles. Mr. Roland Muench had referenced the Key Largo community under construction to the south. That was taken into consideration in the analysis. Traffic volumes along this segment of U.S. 1 have declined dramatically over the last couple of years. There's a count station that's monitored by the DOT right around Dove Road. In order to account for additional traffic associated with the development under construction, they had grown the background traffic by almost 10 percent to reflect that additional traffic. There was a lady that had referenced an increase of 293 daily trips, but the traffic study showed 182 additional trips for this use. Mr. Peterson indicated he would be happy to answer any questions.

Commissioner Ramsay-Vickrey asked about the right turn situation onto Snapper Lane. Mr. Peterson responded that this is more of a design issue. There is the transition from U.S. 1 to Snapper and what is being referenced is radius. There is a radius at this turn and this isn't exactly

a 90-degree intersection. There is no curb, but there is a swale area there. Based on his experience in making that exact maneuver, he did not encounter that difficulty, though the lanes are narrower than on U.S. 1.

An unrecognized speaker from the audience asked to add one thing. Chair Werling stated public comment was closed, but that information received at other meetings is still part of the record.

Mr. Stevens asked if the engineer, Darrel Osborn, could address some of the distances. Mr. Darrel Osborn with Keys Engineering Services, the firm developing the design documents for this project, stated they had coordinated with the local utility agencies, the fire marshal, wastewater and FDOT and adequate services are available. The design documents were developed with the intent of being in full compliance with the Monroe County development regulations and that has been achieved. Construction will be in full compliance with the Florida Building Code and the Monroe County design regulations. This is a straightforward project. No deviations or variances were asked for and all of the Monroe County Codes and government regulations were met.

Mr. Stevens asked Mr. Frank Pla if he would like to say anything. Mr. Pla added that documents provided Judy Clark, the traffic engineer at the County, indicated they are putting out for bid a widening of Snapper Lane. Commissioner Miller asked Mr. Pla if he had an email or anything to show what he'd said about the widening of Snapper Lane. Mr. Pla responded that Mr. Bond had forwarded it to him. Ms. Santamaria stated Mr. Bond was looking for it. Mr. Pla continued that of the 28 units, there were a total of 42 bedrooms which would indicate how many people would be living there, and 60 parking spaces. With a 20-unit project, that would reduce density to 50 bedrooms total and reduce parking to 50 spaces so there would not be a whole lot of advancement in dropping the density.

Mr. Stevens summarized that the two different votes for today were for the allowance of 28 units and the major conditional use. Pursuant to the Code, the Commission has discretion on the 28 units. As to the major conditional use, there has to be competent substantial evidence brought in front of the Commission that the project is either good or it violates the Code. The neighbors had asked for a continuance in March so they could present evidence, yet they had not one expert. They would say, "I think the traffic," "I think this may happen," and "this is what I believe," but that is not competent, substantial evidence. The applicant has done a Level 3 three traffic study to address concerns which says there is not an effect. Mr. Bond has stated this is consistent with the Code and in compliance with a staff recommendation of approval. One of speakers talked about mosquito ponds which are actually dry swales. There will probably be less standing water after this project is done than there is now. The amount of hammock being cleared versus the amount cleared on Snapper Lane when those homes were built was discussed at length. Mr. Stevens asked that the Commission approve the 28 units and the conditional use.

Chair Werling asked the Commission if there were any questions or comments.

Mr. Bond interjected that he had asked Judy Clark, the County Engineer, via email if there would be a widening of Snapper Lane and she responded that it would not be widened as it is a low-volume road.

Commissioner Miller asked Mr. Bond if he could address what Mr. Patterson had presented about the corridor plan and the overlay and what kind of weight should be given to that in the Commission's consideration. Ms. Santamaria responded that they were grabbing the old Code as well, since this project was reviewed under the previous Land Development Code, to make sure that Section 130-128 existed at the time this project had been found complete. Commissioner Miller pointed out at the bottom of page 65, number 8, and also under Policy 101.19.1, that each community master plan will include a community character element that will address the protection and enhancement of existing residential areas and the preservation of community character through site and building guidelines. His question was whether that was incorporated into the Comp Plan prior to this application. Ms. Santamaria responded that, yes, it was. Commissioner Miller asked if 130-128 was also in the Code. Ms. Santamaria responded that it was. Commissioner Miller stated that based on that, he had concerns as to the number of units on the property and though he believes there are solutions he's being told they aren't feasible. One solution would be a separate curb cut onto U.S. 1. Ms. Santamaria stated that would require the Planning Commission to issue a variance to the access standards and all eight standards would need to be met for the variance. Commissioner Miller stated he would be all for that as it would solve a lot of problems. He would also want a denser buffer.

Chair Werling asked if he was referring to a road completely to the other side, not Snapper. Commissioner Miller clarified, where there would only be one way through the development and mentioned some drawings that he had handed out at the last meeting to the other Commissioners and staff. The deceleration lane when coming south on U.S. 1 is also an important safety issue. And fewer units would be in order. Commissioner Miller stated those were his concerns and solutions.

Commissioner Johnston asked staff how to go about getting a secondary road raised on the priority level to be re-paved. Ms. Santamaria responded that it would be done through Judy Clark, the County Engineer, to see if it's a possibility. It wouldn't be Planning Department's determination and there is no formal procedure, but the Commissioner can start that communication with Judy Clark. Mr. Wolfe interjected that it would be done through the Engineering Department. Commissioner Ramsay-Vickrey pointed out that the question was with widening, not re-paving. Commissioner Johnston agreed that was what she had meant.

Commissioner Ramsay-Vickrey asked Ms. Santamaria if she could address Mr. Patterson's concerns about the density, Item C of his submittal, pages 7 through 9. Ms. Santamaria explained that at the top of page 7, Mr. Patterson had an excerpt from the staff report which provided the density standards from the Comp Plan. Suburban Commercial allows from 6 to 18 dwelling units per buildable acre under max-net density; 6 dwelling units when using TDRs and transferring in density from another location, retiring it. And, if in the right Zoning District, market rate units could be built. Under the affordable housing incentives, extra density is provided and 18 dwelling units per buildable acre are permitted in this Zoning District. Commissioner Ramsay-Vickrey stated she had wanted that clarified for the record.

Commissioner Johnston indicated she would start the ball rolling, first thanking everyone for their participation and then thanking staff for the hundreds of hours spent on this application

which she believes meets and exceeds the County's requirements. Staff has recommended approval twice because it meets every single guideline. The County clearly sees the need for affordable housing. Employee housing even puts one more requirement on it, which is that the tenants must derive 70 percent of their income from the County of Monroe. Regarding increased traffic, the thought that grabbed her is the fact that these people already work in Monroe County so they are already on U.S. 1 every single day. So while it may change the traffic patterns, without discounting the fact that there are going to be some more people right in that area, it certainly does not change the traffic pattern on U.S. 1 or add a group of people. Commissioner Johnston heard the very disparaging comments about not wanting low-income housing next door and recognizes there is a not-in-my-backyard mentality with every affordable housing project. However, she has seen a number of them in 17 years and believes this is a very, very good affordable housing project. The applicant has gone to every extent to meet and exceed the requirements. Commissioner Johnston stated that she was sorry Commissioner Wiatt wasn't present because his major issue was the fact that this development didn't have more low-income housing. Mr. Pla and Ms. Riehl changed that adding additional low-income affordable units which is very, very important. The comments about not wanting low-income housing are misguided as these are the community's police officers, firefighters and school teachers, not 28 families of slugs, and these are the heart and soul of Monroe County. All of these properties are in the Suburban Commercial Zone which allows certain things. Ms. Riehl has property rights which say that she can build affordable housing and the County has added an additional requirement which is employee housing. The Code gives that right for the density of 18 units per acre. The applicant has done everything correctly and gone above and beyond without asking for variances to parking, etc. The property owner has property rights and this project is well within their property rights. Everyone in this neighborhood built their homes in the same zoning district which allowed certain property rights which were used to build a single-family home and this property owner is choosing to contribute to employee housing by building 28 units. These are lovely units that have been done with a great deal of taste and consideration.

Commissioner Johnston continued that with everyone quoting Commissioner Neugent today at this meeting, she wanted to share a quote from recent meeting that the County Commission had just had, where Commissioner Murphy was present, where the BOCC had been discussing ways to retain deed-restricted properties so they didn't have to deal with the NIMBYS. And Commissioner Neugent commented at that point that what it would take to get affordable housing is simply political will, the political will to make some unpopular decisions but to make decisions that are in the long-term best interests of this County. And so, for that reason, Commissioner Johnston stated she would vote yes for this project.

Commissioner Ramsay-Vickrey thanked Commissioner Johnston for her comments about the working families that could be going into this project. She also thought the comments were disturbing. These are the teachers, staff, firefighters and sheriff's deputies. The comparison to the Shrimp Farm is not accurate. This project is more akin to the Toppino situation. The Shrimp farm is 25 miles away from any employment. The Toppino situation was a residential neighborhood that did not want lower-income, affordable, workforce housing behind them. The Toppinos could have used that property for a multitude of heavy industrial uses but it was more

appropriate for that residential area to have more residential families behind them. Commissioner Ramsay-Vickrey did express concern about the right-hand turn off of U.S. 1, but noted there are turns like that all throughout the Keys and that is an FDOT issue. She would support this project.

Chair Werling stated she had no further comments. Mr. Wolfe reminded the Commissioners they needed to make two motions, first to approve the 28 units pursuant to Section 130-161 (A)(6)(H). And then, if that passed, another motion would be needed for the major conditional use. If that point is reached, Mr. Wolfe would have some additional conditions to recommend.

**Motion: Commissioner Johnston made a motion to approve the increase to 28 affordable housing units. Commissioner Ramsay-Vickrey seconded the motion. The roll was called as follows: Commissioner Ramsay-Vickrey, Yes; Commissioner Johnston, Yes; Commissioner Miller, No; Chair Werling, Yes. The motion passed.**

Mr. Wolfe clarified that there is a super-majority requirement for the major conditional use, but that a twelfth condition needs to be added as follows: Pursuant to LDC Section 130-161(a)(6)(h), the Planning Commission shall have approved 28 units in this affordable housing project. To approve the major conditional use, the increase must be approved, which was just done.

**Motion: Commissioner Johnston made a motion to approve the conditional use with the 12 stated conditions and based upon the staff report and all evidence and testimony in the record. Commissioner Ramsay-Vickrey seconded the motion. The roll was called as follows: Commissioner Ramsay-Vickrey, Yes; Commissioner Johnston, Yes; Commissioner Miller, No; Chair Werling, Yes. The motion failed.**

Mr. Wolfe explained that the motion had failed because it required all four votes.

A recess was taken from 12:15 to 12:28 p.m.

#### **New Items:**

**2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM URBAN RESIDENTIAL-MOBILE HOME (URM) TO MIXED USE (MU), FOR PROPERTY LOCATED AT 5660 LAUREL AVENUE, SOUTH STOCK ISLAND, MILE MARKER 5, LEGALLY DESCRIBED AS BLOCK 31, LOT 6, MALONEY SUBDIVISION (PLAT BOOK 1, PAGE 55), STOCK ISLAND, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00124400.000000; AS PROPOSED BY PICCOLO KEY WEST, LLC; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE.**

(File 2017-033)

(12:28 p.m.) Ms. Emily Schemper, Comprehensive Planning Manager, presented the staff report. She explained that this amendment is a request to change the zoning from Urban Residential Mobil Home to Mixed Use for a property on Stock Island at 5660 Laurel Avenue. This property was given its current zoning with the 1986 Zoning Maps, URM. In 1997, it had been given its current FLUM designation which is currently Mixed Use Commercial. Urban Residential-Mobil Home Zoning is not consistent with a FLUM designation of Mixed Use Commercial. There are several zoning categories that would fit with that FLUM. They include Suburban Commercial, Urban Commercial, Destination Resort, RV, Mixed Use and Maritime Industries. This applicant is requesting to amend the zoning of the property to Mixed Use which would be consistent with the zoning of the majority of the surrounding properties. There are a couple of parcels to the west that also still have URM Zoning that have not had any map amendments yet. Those properties are also under the Mixed Use Commercial FLUM so it's possible that in the future they will also be switched, though staff has not yet received any applications for those.

Ms. Schemper explained that the current use on the site is vacant, it is scarified and Tier III, approximately .14 acres or 6,250 square feet. The proposed zoning amendment would also be consistent with Florida Statute which requires Land Development Regulations and Zoning Maps to be consistent and implement the Comp Plan which includes the Future Land Use Map. Additionally, the Livable CommuniKeys Plan for Stock Island includes two action items that this would be consistent with, particularly Action Item 2.1.1, which states to initiate and complete a land use classification reevaluation plan for Stock Island; and also Action Item 2.3.1, which states, continue to recognize Land Use Districts and FLUM categories as a regulatory tool used for evaluating individual proposals for compliance with Land Development Standards such as type of use and intensity of use. This will continue to recognize the existing FLUM designation. Also, the Comp Plan Policies, including the FLUM, take priority over Land Development Code Policies when there is a conflict. So the Mixed Use Commercial FLUM Category would already take precedence over the inconsistent URM Zoning Category.

A change from URM Zoning to Mixed Use Zoning on this property would result in a slight decrease in the potential residential development of .9 dwelling units, no change in potential development of transient uses, and an increase in potential non-residential development of 2,500 square feet. Staff has looked at concurrency requirements in the Comp Plan and has not found any anticipated adverse impacts to the level of service for any of those public facilities. Staff finds the proposed amendment would be consistent with the Monroe County Year 2030 Comprehensive Plan and the Monroe County Land Development Code. Specifically under LDC Section 102-158, this amendment would address new issues and the recognition of a need for additional detail and comprehensiveness, specifically that the current FLUM designation is Mixed Use Commercial, which is inconsistent with the URM Zoning. And under Florida Statute it is required that the Land Development Regulations are consistent in the Comp Plan. Staff is recommending approval of this proposed zoning amendment. The applicant is present and available for questions.

Chair Werling asked if the applicant wished to speak. He did not. Chair Werling asked for public comment. There was none. Public comment was closed. Chair Werling asked the Commissioners for questions or comments.

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

**3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM SUBURBAN COMMERCIAL (SC) AND SUBURBAN RESIDENTIAL (SR) TO SUBURBAN COMMERCIAL (SC), FOR PROPERTY LOCATED AT 101 MAGNOLIA STREET, KEY LARGO, MILE MARKER 100, LEGALLY DESCRIBED AS SQUARE 20, OCEAN ACRES (PB1-188), KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00454520.000000, AS PROPOSED BY MAGNOLIA 101, LLC; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE.

(File 2014-173)

(12:35 p.m.) Ms Emily Schemper presented the staff report. This request is for a zoning amendment from Suburban Residential to Suburban Commercial for approximately half of the property. The entire property currently has a FLUM designation of Mixed Use Commercial which is inconsistent with the SR Zoning on the other half of the property that the owner wishes to change. Staff is requesting to amend the Zoning Designation to be consistent with the FLUM Category. Suburban Commercial is consistent with Mixed Use Commercial. This is consistent with the Florida Statute which requires our LDRs to be consistent with and implement the Comp Plan. Ms. Schemper noted that in April of this year, the BOCC adopted Resolution 110-2017 which confirmed a boundary determination regarding the FLUM and to clarify, the Future Land Use Map Designation for this entire property is indeed Mixed Use Commercial. That is one of the new issues that came up to now bring forward this zoning amendment. The applicant had applied for this back in 2014, but staff needed to work out the FLUM issue prior to processing this. The change from Suburban Residential to Suburban Commercial would result in a potential residential development increase of 1.15 dwelling units, a potential increase in transient units of 4.6 rooms, and a potential increase in non-residential development of 3,000 square feet. Staff has done the concurrency analysis and has not found any anticipated adverse impacts to any of the facilities to be reviewed and finds it to be consistent with the Comp Plan, the Livable CommuniKeys Plan and the Land Development Code. That would be based on number 4, new issues, and number 5, recognition of a need for additional detail or comprehensiveness based on the SR Zoning District not being consistent with the Mixed Use Commercial FLUM and the change to Suburban Commercial making that consistent with the MC FLUM, and being consistent with the Florida Statute regarding the Land Development Code and Comp Plan. Staff recommends approval of this amendment.

The way this is stated, just to be clear, because the property currently has a split zoning, the ordinance is drafted to say an amendment to the Land Use District Zoning Map from Suburban Commercial and Suburban Residential, the mix, to Suburban Commercial for the entire property, for the property located at 101 Magnolia Street. This is to comply with Florida Statute Sections 163.3194 and 163.3201. The applicant's agents are here and available for questions.

Mr. Don Horton, agent for the applicant, thanked staff for their hard work and their complete review and recommendation. The request is simply to correct an inconsistency in the zoning. Staff is recommending approval and he obviously agrees with staff, and he hopes the Commission agrees as well.

Commissioner Miller asked about the pending restoration of hammock on a portion of the site. Mr. Horton responded that the restoration had been done on a bunch of the site already. He believes the final approval was done. There were some things hanging out there about still having to remove some exotic vegetation on some of the site. As this gets approved and they further the development, buffers will need to be put in. Ms. Schemper interjected that there were some ongoing legal matters going on that the County Attorney could speak to if there were further questions. Mr. Peter Morris indicated that the County is currently in litigation with the applicant in a Code Enforcement action in Circuit Court. However, Mr. Morris' conclusion is that there is no meaningful relationship with this application in conjunction with that litigation such that the County Attorney's Office needs to intervene to recommend denial or anything of that sort. What is before the Commission doesn't permit them to contemplate what potential bad actions the property owner might undertake, despite the fact there is litigation. The Commission is fairly restrained in the discretion they could exercise right now. The other is some background relating to land clearing, which is the subject of the County's litigation.

Mr. Horton responded that his client had inherited some land clearing that had happened years ago which he is trying to fix. Commissioner Miller asked Mr. Morris if that was his estimate of the situation. Mr. Morris responded that that was not the County's position, but he did not want to litigate in the wrong forum, reiterating that this is not really relevant to the Commission's consideration of this item.

Mr. Scott Black, attorney for the property owner, stated he had been working with Mr. Horton for quite some time on this property, though he'd gotten involved late in the process. The property owner, Mr. Lindback, is present and has been working with the County for a number of years. Mr. Black indicated they were very close to having this property in compliance and this is essentially the first major step in bringing the property into compliance. There is some mitigation which is going on currently. The planting of a portion of the property is almost done, but that is essentially the major remaining violation that remains outstanding. While there is litigation ongoing on the property, correcting the inconsistency with the zoning is a major step towards bringing the entire parcel into compliance. This application has been pending since 2014. It is one piece of the puzzle regarding compliance that really is not impacted by the litigation in any significant manner, but is certainly a key piece to bringing this entire parcel into compliance and to correct an interpretation error in the current Land Use District Map and FLUM.

Commissioner Ramsay-Vickrey asked Ms. Schemper about one half of the land being Suburban Commercial and the other half being Suburban Residential, and the owner wanting to take it to Suburban Commercial to correct the zoning. She asked if it could be taken to Suburban Residential to correct the zoning. Ms. Schemper stated that would be inconsistent with the FLUM Category on the site so there would have to be an amendment to the FLUM Category

from Mixed Use Commercial to Residential Low, and then a zoning amendment could be done to make the entire parcel Suburban Residential.

Commissioner Miller asked if the decision here today would in any way impact the problem with the restoration of the hammock. Mr. Morris clarified that approval would not negatively impact the County's litigation position. Mr. Wolfe echoed what Mr. Morris had stated, as to the litigation being largely irrelevant to the Commission's decision. Commissioner Miller stated he understood, but that he is an environmentalist. Chair Werling added that she wouldn't want to reward bad behavior. Commissioner Miller clarified that that was what he was trying to say.

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

### **ADJOURNMENT**

The Monroe County Planning Commission meeting was adjourned at 12:45 p.m.