

PLANNING COMMISSION  
**October 24, 2018**  
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, October 24, 2018**, 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 Debra Roberts

**PLANNING COMMISSION MEMBERS**

Denise Werling, Chair	Present
William Wiatt	Present
Ron Miller	Present
Kristen Livengood	Present
Tom Coward	Present

**STAFF**

Emily Schemper, Acting Sr. Director of Planning and Environmental Resources	Present
Steve Williams, Assistant County Attorney	Present
John Wolfe, Planning Commission Counsel	Present
Cheryl Cioffari, Comprehensive Planning Manager	Present
Bradley Stein, Planning and Development Review Manager	Present
Debra Roberts, Planning Coordinator	Present
Deborah Griffin, Assistant	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. Debra Roberts confirmed receipt of all necessary paperwork.

**SWEARING OF COUNTY STAFF**

County staff members were sworn in by Mr. Wolfe.

**CHANGES TO THE AGENDA**

Ms. Emily Schemper requested that Items 7 and 8 be heard first, and that Items 5 and 6 be read together.

**APPROVAL OF MINUTES**

**Motion: Commissioner Livengood made a motion to approve the September 26, 2018, meeting minutes. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.**

**MEETING**

**7. WASTE MANAGEMENT OF FLORIDA, INC. WASTE TRANSFER STATION, 143 TOPPINO INDUSTRIAL DRIVE, ROCKLAND KEY, MILE MARKER 9 BAY SIDE:**

**A PUBLIC HEARING CONCERNING A REQUEST FOR A MAJOR CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A PROPOSED WASTE TRANSFER STATION. THE SUBJECT PROPERTY IS DESCRIBED AS A PARCEL OF LAND IN PART OF GOVERNMENT LOTS 5, 6 AND 7, SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, ROCKLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00122070-000300, 00122080-000101 AND 00122080-000301. (FILE # 2018-106)**

(10:06 a.m.) Mr. Bradley Stein, Development Review Manager, presented the staff report. This is an aggregation of two parcels for a Major Conditional Use Permit for Waste Management, Inc. of Florida. The proposed use is for a solid waste transfer station. The use would add 5,040 square feet for tipping and sorting. Currently, the property is already approved for a 1,400 square foot office and a 6,000 square foot repair facility. The property has 103 parking spaces, 63 for auto and 40 for truck, and 17,000 square foot of outdoor storage. The majority is in compliance with the exception of the variance request for a solid fence which will be addressed in Item 8. Staff recommends approval with the following conditions: Any lighting must be in compliance with the photometric plan, and approval of the proposed transparent fence in Item 8. Prior to Certificate of Occupancy the landscaping must be in compliance. The scope of work has not been reviewed for compliance with the Florida Building Code and Flood Plain Administrator. FDOT must review all proposed work within the State right-of-ways. All required permits must be obtained prior to starting any work. The applicant, Greg Sullivan was present for any questions.

Chair Werling asked if the applicant wanted to speak. He did not. Chair Werling asked for public comment. There was none. Public comment was closed.

**Motion: Commissioner Livengood made a motion to approve. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.**

**8. WASTE MANAGEMENT OF FLORIDA, INC. WASTE TRANSFER STATION, 143 TOPPINO INDUSTRIAL DRIVE, ROCKLAND KEY, MILE MARKER 9 BAY SIDE:**

**A PUBLIC HEARING CONCERNING A REQUEST FOR A VARIANCE TO THE REQUIREMENT IN SECTION 130-82(c)(3)a THAT ALL OUTSIDE STORAGE AREAS BE SCREENED FROM ADJACENT USES BY A SOLID FENCE, WALL OR HEDGE AT LEAST SIX FEET IN HEIGHT. THE REQUESTED VARIANCE WOULD ALLOW FOR A TRANSPARENT FENCE, RATHER THAN A SOLID FENCE, FOR SECURITY PURPOSES AT A PROPOSED WASTE TRANSFER STATION. THE SUBJECT PROPERTY IS DESCRIBED AS A PARCEL OF LAND IN PART OF GOVERNMENT LOTS 5, 6 AND 7,**

SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, ROCKLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00122070-000300, 00122080-000101 AND 00122080-000301. (FILE # 2018-187)

(10:11 a.m.) Mr. Bradley Stein, Development Review Manager, presented the staff report. This is the sister item to Item 7, for the variance as stated. The applicant provided a letter from the Monroe County Sheriff's Office stating they would prefer to be able to see within the property for security. Staff is recommending approval of the variance for the fence based on the site plan and providing the approval does not waive or reduce any other requirements of the LDC.

Commissioner Miller asked about the variance for parking. Mr. Stein indicated that was an oversight, that this is a request only for the fence.

Chair Werling asked for public comment. There was none. Public comment was closed. Commissioner Miller asked if normally there would be a solid fence to screen this from residential areas. Mr. Stein indicated that was correct, but that this is within the middle of the Rockland Key Industrial area and has no adjacent residential. The options are a wall, a solid fence or shrubs. Commissioner Coward asked if the request was specifically for a chain-link fence. Mr. Stein indicated that that was correct, so that the Sheriff's Office could see through to secure the site, adding that there is also landscaping required.

**Motion: Commissioner Livengood made a motion to approve. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.**

**2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING THE MONROE COUNTY TIER OVERLAY DISTRICT MAP FROM TIER III-A TO TIER III AS REQUESTED BY LIZ HOMES, LLC FOR A PARCEL OF VACANT LAND LEGALLY DESCRIBED AS BLOCK 9 LOT 31 INDIAN MOUND ESTATES, SUGARLOAF KEY PLAT BOOK 4 PAGE 132, SUGARLOAF KEY, HAVING REAL ESTATE NO. 00171070-000000; AS PROPOSED BY THE MONROE COUNTY DEPARTMENT OF PLANNING AND ENVIRONMENTAL RESOURCES; 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 TIER OVERLAY DISTRICT MAP; PROVIDING FOR AN EFFECTIVE DATE. [File #2018-136]

(10:15 a.m.) Ms. Cheryl Cioffari, Comprehensive Planning Manager, presented the staff report. This Tier Overlay Amendment is for 19612 Tequesta Street on Sugarloaf. It currently has a Tier Designation of III-A, Special Protection Area, and this application is to amend that to Tier III. The property is currently scarified, lies within the Improved Subdivision Zoning District, and prior to clearing for a building permit in 2006, the property consisted mostly of nuisance invasive exotic vegetation. According to the criteria established in Chapter 130-130 sub (c)(2), lands that are not designated Tier I shall be designated Tier III. The subject parcel does not contain any upland habitat, is not contiguous to tropical hardwood hammock of one acre or more, and

therefore it does not meet the criteria of a Tier III-A property. In accordance with Code Section 102-158, this falls under a data update. Staff recommends approval of the proposed amendment.

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

**Motion: Commissioner Miller made a motion to approve. Commissioner Wiatt 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 TIER OVERLAY DISTRICT MAP FROM TIER III-A TO TIER III AS REQUESTED BY LIZ HOMES, LLC FOR A PARCEL OF VACANT LAND LEGALLY DESCRIBED AS BLOCK 9 LOT 32 INDIAN MOUND ESTATES, SUGARLOAF KEY PLAT BOOK 4 PAGE 132, SUGARLOAF KEY, HAVING REAL ESTATE NO. 00171080-000000; AS PROPOSED BY THE MONROE COUNTY DEPARTMENT OF PLANNING AND ENVIRONMENTAL RESOURCES; 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 TIER OVERLAY DISTRICT MAP; PROVIDING FOR AN EFFECTIVE DATE. [File #2018-137]

(10:18 a.m.) Ms. Cheryl Cioffari, Comprehensive Planning Manager, presented the staff report. This property is next door to the prior parcel, 19590 Tequesta Street on Sugarloaf. It is scarified and currently has a designation of Tier III-A, Special Protection Area, and is within the Approved Subdivision Land Use District. Prior to a 2006 building permit, the property contained nuisance and invasive exotic vegetation that was cleared. The subject parcel does not meet the Tier I criteria and parcels not designated Tier I are to be designated Tier III. It does not contain any native upland habitat, is not contiguous to tropical hardwood hammock of one acre or more and therefore does not meet the criteria for Tier III-A. Consistent with Code Section 102-158, this is a data update. Staff recommends approval of the proposed amendment.

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

**Motion: Commissioner Coward made a motion to approve. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.**

**4. 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 5650 E. LAUREL AVE., STOCK ISLAND, MILE MARKER 5, AS PROPOSED BY 5650 LAUREL, 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 2018-141)

(10:20 a.m.) Ms. Cheryl Cioffari, Comprehensive Planning Manager, presented the staff report. This property is located on Stock Island and currently has a Land Use Designation of Residential Mobile Home, and a Future Land Use Designation of Mixed Use Commercial. The applicant states the reason for the proposed change is to make the Zoning District consistent and compliant with the existing Future Land Use Map Designation, so the proposal is to change the Zoning to Mixed Use. A community meeting was held on August 29, 2018, to discuss the proposed Land Use Amendment, and the item was also considered at the DRC on September 25, 2018. According to staff's review and analysis and as shown in the blue portion of the Table on pages three and four of the staff report, the proposed Zoning Amendment would result in a decrease of one unit in permanent allocated residential development potential, an increase of one unit of maximum net density residential potential for market rate units with the use of TDRs, an increase of two units of affordable residential maximum net development potential, an increased development potential of one room or space for transient units, and an increase in non-residential development potential of 2,500 square feet. The proposed Zoning Map Amendment is not anticipated to adversely impact the community character of the surrounding area and is consistent with the Mixed Use Commercial Future Land Use Map District. The maps in the staff report indicate the majority of the Zoning District in that area is all Mixed Use already. These are some of the last parcels that are proposed to be changed. Consistent with Monroe County Code 102-58, the issues highlighted for the need to change the Zoning Map Amendment are new issues in recognition of additional detail or comprehensiveness, and the existing Zoning District is not consistent with the existing FLUM category. It is required to be consistent, so the proposed change to Mixed Use would make it consistent and compliant. No adverse change to the community character is anticipated as the property surrounded by commercial and mixed uses. Staff recommends approval of the amendment.

Commissioner Livengood asked if anyone had come to the community meetings. Ms. Cioffari responded that there was no one at the community meeting and she did not recall if anyone attended the DRC meeting. Commissioner Coward asked what the applicant was planning to do with the property. Ms. Cioffari stated that the applicant was present and could answer any questions about that. Ms. Schemper interjected that when considering a Zoning Amendment, all potential uses on the property should be considered because what the applicant states they may be planning to do is not what is actually evaluated. Commissioner Livengood asked if the applicant could potentially develop three units instead of two. Ms. Cioffari explained that under the max net density, the maximum number of units would be two. Right now, under Urban Residential Mobile Home, the affordable residential max net density is not applicable or available. Under Mixed Use, there is a potential of 18 dwelling units per buildable acre, which means this parcel has the ability for two affordable units.

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

Commissioner Miller asked if any increase in density would be only for affordable. Ms. Cioffari responded that with the changed Zoning, the market rate density with TDRs would be increased from zero to one, but for affordable residential, it's from zero to two. It already has an existing mobile home that has been determined to be legally established. Ms. Schemper interjected that the market rate density was not actually changing, that one market rate unit could be done today and one could be done with the zoning change, and affordable could be two units. For

clarification, density requirements cannot be added up and done together. One category needs to be chosen or a percentage of each; i.e., two affordable plus one market rate could not be done, the choice is either affordable or market rate. Commissioner Coward asked if a 1,200 square foot commercial building plus one affordable could be done. Ms. Schemper responded that that would be possible, as the affordable housing does not count against the non-residential development potential.

**Motion: Commissioner Coward made a motion to approve. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.**

Mr. Wolfe reminded the Commission that Items 5 and 6 would be read together and voted on individually.

**5. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING THE 2030 COMPREHENSIVE PLAN TO CREATE GOAL 109, OBJECTIVE 109.1, POLICIES 109.1.1, 109.1.2, 109.1.3, 109.1.4, 109.1.5, 109.1.6 TO ESTABLISH A HURRICANE IRMA RECOVERY PROCESS TO PROVIDE FOR THE DEVELOPMENT OF WORKFORCE HOUSING FOR A PERIOD OF 2 YEARS, DEFINING THE TERM WORKFORCE HOUSING, ESTABLISHING WORKFORCE HOUSING SHALL BE A PERMITTED USE IN CERTAIN LAND USE DISTRICTS, PROVIDING DENSITY BONUSES FOR WORKFORCE HOUSING, AMENDING THE DEVELOPMENT REVIEW PROCEDURES AND AMENDMENT PROCEDURES TO FACILITATE WORKFORCE HOUSING, AS RECOMMENDED BY THE BOCC; 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 2018-010)

**6. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** CREATING MONROE COUNTY LAND DEVELOPMENT CODE CHAPTER 140 “HURRICANE IRMA RECOVERY GOAL” AND AMENDING SECTION 101-1 “DEFINITIONS” TO ESTABLISH A HURRICANE IRMA RECOVERY PROCESS TO PROVIDE FOR THE DEVELOPMENT OF WORKFORCE HOUSING FOR A PERIOD OF 2 YEARS, DEFINING THE TERM WORKFORCE HOUSING, ESTABLISHING WORKFORCE HOUSING SHALL BE A PERMITTED USE IN CERTAIN LAND USE DISTRICTS, PROVIDING DENSITY BONUSES FOR WORKFORCE HOUSING, AMENDING THE DEVELOPMENT REVIEW PROCEDURES AND AMENDMENT PROCEDURES TO FACILITATE WORKFORCE HOUSING, AS RECOMMENDED BY THE BOCC; 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 LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2018-092)

Mr. Wolfe then informed the Commissioners that several comments/responses had been received after the five-day cutoff, so it must first be decided whether they will be accepted and considered

for these hearings. Mr. Steve Williams added that the ones the Commission had already received were the ones received by the Planning Department prior to the ordinance and the ones received after that are the ones the Commission must decide whether to include and accept in the record today.

Commissioner Livengood asked Ms. Roberts if the Commissioners had seen any of these at all and how many there were. Ms. Roberts responded that these were comments that had come in since Friday, October 19, 2018, through today. They have not been counted but are available for the Commission if desired. Commissioner Wiatt stated that this has happened in the past and the real issue is that the Commissioners haven't had time to read them. Having them made part of the record without having an opportunity to review them is inappropriate. Commissioner Miller asked Chair Werling if it would be possible to take five minutes to review them and then vote whether to accept them into the record. Mr. Williams indicated that that was the Commission's choice. Mr. Wolfe added that it would give them an opportunity to determine whether they are capable of digesting all of the information in this short period of time. So a five-minute recess was taken for that purpose.

After which, Mr. Wolfe asked the Commission whether they were willing to accept these items received less than five days before the hearing, indicating that a motion was required.

**Motion: Commissioner Livengood made a motion to accept the items. Commissioner Miller seconded the motion. There was no opposition. The motion passed unanimously.**

Mr. Wolfe then asked the Commission to indicate for the record what the items were that were being accepted as the public had also not seen them. Chair Werling stated that it was input from various organizations and individuals, both pro and con, on the topic.

(10:27 a.m.) Ms. Cheryl Cioffari presented the staff report, indicating that she would first go through the Comp Plan, which is Item 5, and then through Item 6 which is the LDC, explaining that they essentially mirror each other. The language for the Comp Plan is the basis for the LDC and the language is pretty much exactly the same, though the LDC does contain some additional detail, specifically to the Overlay option that was discussed. Staff had been directed at a November 2017 BOCC meeting to incentivize workforce housing and provide different methods to do that. There have been two community meetings, one for the Comp Plan Amendment January 9, 2018, and one for the Land Development Code on June 26, 2018. The Comp Plan and LDC were also considered at two DRC meetings where public input was received. Public input and comment was received throughout the process and that feedback has been reviewed and considered by staff as the proposed amendment was moved through the review process and presented to the different bodies.

On page three of the staff report, there is a table which is up to date as of October 10. The table has been updated but generally, the concerns expressed in emails have stayed consistent. The main identified concerns are opposition to increased density, traffic, workforce housing in the cities, retaining the protest procedure, change in community character, enforcing vacation rentals and the Lower Keys remaining low density. Those are the most commonly expressed concerns. Ms. Cioffari will continue to update the table throughout the process.

The proposed Comp Plan Text Amendments start on page four of the staff report. Goal 109 lays out the framework and idea of what this is, which is to incentivize workforce housing and prioritize the development of safe, code compliant and resilient projects. The first objective lays out the time frame of two years from effective date and the definitions of development and redevelopment and what would qualify under Goal 109. At page five under Policy 109.1.1 workforce housing is defined as being interchangeable with attached or detached dwellings, employee housing or commercial apartments included in Land Use Districts. It would be a permitted use in all Land Use Districts where attached and detached dwellings, employee housing or commercial apartments are included as a permitted use. The workforce housing is still subject to all other requirements in the Land Use District such as size requirements, buffer yards, access, open space and parking. Policy 109.1.2 lays out what workforce housing is, which is for people deriving 70 percent of their income as members of the workforce in Monroe County that meet the affordable housing income categories as defined in the Code. Density provisions are clarified that workforce housing may be developed at a maximum net density of 25 dwelling units per buildable area in the Urban Residential Zoning District and 18 dwelling units per buildable area within the Mixed Use and Suburban Commercial Zoning Districts, and will not require TDRs which is not a change to the current Zoning Districts. Workforce housing can include units in the moderate income category without use of TDRs. Notwithstanding the density limitations in Policy 101.5.25, for this two-year period there is a 50 percent density bonus for affordable housing which can be applied to the development of workforce housing units that are exclusively rental and are very low, low and median income categories without the use of TDRs in the UR, MU and SC Zoning Districts. The 50 percent density bonus increase allows 27 dwelling units per buildable acre in MU and SC, and 37.5 dwelling units per buildable acre in UR.

Commissioner Wiatt questioned whether the categories of very low, low and median were being treated the same, and Ms. Cioffari confirmed that to be correct. Commissioner Miller asked if the density was 50 percent over the existing Code. Ms. Cioffari explained that currently in Mixed Use and Suburban Commercial the max net density is 18 dwelling units per buildable acre so it would go from 18 to 27, and in UR it would go from 25 to 37.5.

Ms. Cioffari continued. The next policy specifies that workforce housing receiving these development benefits shall be required to maintain the project as workforce housing for a period of 99 years pursuant to the deed restrictions and other mechanisms specified in the Land Development Code, consistent with the current regulations. Currently, all affordable housing projects greater than 20 dwelling units are required to come before the Planning Commission. That requirement is proposed to be removed during this two-year period. Ms. Schemper clarified that they would not be required to come before the Planning Commission just by virtue of being 20 units, though Major Conditional Use requests do come before the Commission. Developments over 18 units require a MCU permit which is not proposed to be changed. Though a workforce housing proposal of 24 units would not be subject to Planning Commission review per this paragraph, it would still be subject to review through the MCU permit.

Commissioner Wiatt noted that at that point in time, the Planning Commission's decision would be based on a CUP and not the way it is right now. Ms. Schemper indicated that that was

correct. Commissioner Wiatt noted that this is a major change. Ms. Schemper added that there are a few categories such as UR where more than 20 units can be developed without a Major Conditional Use permit, so it is definitely relevant to the changes being proposed and is a means of expediting the process. Something that normally would only require a Minor Conditional Use permit would not need to go through the extra Planning Commission step, but that this will not eliminate all Planning Commission review for workforce housing projects.

Commissioner Coward asked if the process would be the same where the Planning Commission would evaluate Major Conditional Use versus the greater than 20 provision. Ms. Schemper stated that it still requires a Planning Commission hearing at some point. The difference is the criteria that the Commission evaluates the project against. In the current Code, it states the Commission must give its stamp of approval.

Ms. Cioffari continued. Workforce housing projects requiring a Major Conditional Use during this two-year program under Goal 109 would not be subject to the written protest provision. Currently under Major Conditional Uses, if 20 percent or more of the people required to be noticed submit written protests, then the Major Conditional Use application cannot be approved except by a concurring, supermajority vote of four Commissioners before the full board. That is proposed to be changed under Goal 109. There are some options that have been developed in response to feedback received such as modifying the percentage of people needed to elevate that protest request. Policy 109.1.4 lays out the development processes for workforce housing. Under the recovery process, the main change is a reduction of time for the community meetings. Currently, community meetings are required to be held 45 to 120 days prior to Planning Commission review. Under the proposed recovery process that is proposed to be reduced to 30 to 60 days. They would still be required to go to DRC, Planning Commission and the BOCC. The same is proposed for Conditional Uses. Options proposed for removal of the protest procedure are, (1) to increase the percentage, (2) leave it the way it is, and, (3) possibly something yet to be developed. Staff has provided an option where a written protest under the recovery option would require 50 percent or more of the people required to be noticed. In that case, a supermajority vote before a full board would be required. An option originally presented in the DRC meetings to appeal a Planning Commission decision directly to the BOCC has been removed following legal input because regardless whether it's an affordable, workforce or market rate project, if any of those are appealed, they need to be treated the same. It is still required to go to DEO and, if appealed, goes to DOAH under the same process. No changes are proposed for Minor Conditional Uses.

Next is the Comprehensive Plan and Map Amendments. For Comprehensive Plan Text Amendments, the concept meeting and BOCC impact meeting are proposed to be removed. Currently, the Code requires a meeting be held three months prior to Planning Commission. The first option is to remove the requirement, and another option is to amend the time frame. Staff has provided the option of 30 to 60 days prior to the first meeting that needs to be held. Otherwise, the same process remains of DRC, Planning Commission, BOCC, DEO, BOCC and adopt. The FLUM Amendment main change is the reduction of the time frame for community meetings to 30 to 60 days. For the protest procedure, currently 20 percent or more can submit a protest to Map Amendments which requires a favorable vote of four members of the BOCC. The first option developed was to remove that protest procedure. Based on feedback, staff has

provided the option of modifying the percentage, similar to the conditional use, to 50 percent or more. The remainder of the process is the same. Of note, there are map amendments that can be processed as small-scale map amendments which still would come before the Planning Commission and are only required to have one BOCC meeting, which is the adoption meeting. That is by Florida Statute.

Next is the LDC Text Amendment. Concept and impact meetings have been eliminated. The original drafting had the community meetings eliminated. Staff developed an option similar to the others, requiring the community meeting 30 to 60 days prior to the Planning Commission meeting. The main change to Zoning Amendments is reducing the time frame for community meetings to 30 to 60 days, and another protest procedure with options to remove it or modify the percentage that can call a protest.

Policy 109.1.6 specifies how the ROGOs would be distributed under Goal 109. This has been drafted with 75 percent of the remaining allocations available to be used for very low, low and median income, and 25 percent toward moderate. Chair Werling noted there were no breakdowns for the very low, low and median. Ms. Schemper interjected that that was correct, and that currently in the Code, those are the two categories that are set; one pool for moderate and one for very low, low and median. Commissioner Wiatt asked if that was being changed now. Ms. Schemper responded that he was correct and that the Commission can adjust that. Ms. Cioffari continued, adding that at the conclusion of the two-year period of Goal 109, the Planning Commission would set the proportion of very low, low, median and moderate. Commissioner Wiatt noted that historically, the Commission had been doing that for projects of 20 or more in the Planning Commission meetings, which would not happen if this goes through as is. Ms. Cioffari stated that this concluded the processes and changes proposed with options for the Comp Plan Text Amendment.

Next, going to Item 6, Ms. Cioffari stated that this mirrors Goal 109, Objective 109.1, and lays out what the workforce housing initiative is and the definitions, purpose and intent. It is almost verbatim to the Comp Plan. Section 140-2 specifies who it applies to, and for a two-year period from the effective date. Applications received and determined to be complete within the two-year period shall be considered eligible for the incentives identified. The cutoff date has been an item of concern and this tries to narrow it down. Commissioner Coward wanted confirmation that this means the application must be complete, approved and ready to go, but not shovels in the ground. Ms. Cioffari further explained that the applications would be completed, the proper fees paid, every required document submitted and a County staff member determining completeness within 15 days of receipt. Chair Werling asked, hypothetically, if someone met the two-year criteria, could they drag that out for the same time periods allowed today without a requirement to start right away, since this is being rushed down the river. Ms. Schemper responded that some sort of time frame would have to be an added requirement, but every individual workforce housing proposal would be very different depending on what type of approval is needed making it hard to figure out an overall time limit. Ms. Cioffari suggested that an appropriate cutoff time may be something that continues to be massaged, that staff has provided definitions consistent with those in the Comp Plan.

The next section specifies eligible Land Use Districts, clarifying that workforce housing is interchangeable with attached, detached, commercial apartments and employee housing, again still subject to all other requirements. Workforce housing may be developed at a max net density of 25 dwelling units per buildable acre in UR and 18 units per buildable acre in MU and SC without the use of TDRs, mirroring the Comp Plan Policy. This clarifies that workforce housing is also able to develop to these standards which is not a change. This can include units in the moderate income category. The options appear in subsection (c) which lays out that the 50 percent density bonus can be applied to the development of workforce housing which is limited exclusively to rental units in the low, very low and median income categories without the use of TDRs, and it provides the same density table.

Below that is the alternate option which would allow for an Overlay District. The public feedback has been that maybe it's okay for a density bonus increase in some places but not for every parcel within the specified Zoning Districts. Staff has proposed a workforce housing overlay specifying in the UR, 25 dwelling units per buildable acre and 18 in MU and SC, but then goes one step further and states that the overlay must be applied for. The purpose of the overlay would be to identify compatible areas for the development of workforce housing. Some of the feedback has been that though it's zoned Mixed Use, it's not appropriate for workforce housing at the density being discussed. One way to modify or limit which parcels are eligible is to set up criteria through an overlay. The Overlay District clearly specifies which properties are eligible, and the use is subject to all other controlling regulations with the exception of density. The Overlay gives the ability to get to the density level. The criteria developed by staff is open to change and comments. Proposed is that the property contain a minimum area of .5 acres of upland, be located within Tier III, have all infrastructure in place meeting adopted standards for potable water, wastewater and stormwater, not within a CBRS, one additional visitor off-street parking space for every five dwelling units, a continuous pedestrian access provided to the public sidewalk, bike path or street edge pavement to encourage connectivity options for different transportation methods, and that structures shall not be located in a Velocity Zone. This would require an amendment to the Land Use Zoning District Map requiring another process to go through, but would allow criteria to be established and considerations to be given. Another thing to consider is that maybe it's not a minimum parcel to consider, but a maximum size parcel. In some cases, the density bonuses proposed on a larger parcel is a lot more because of the land area. Deed restrictions and income qualifications mirror what is found in the Comp Plan. Again, the requirement of projects greater than 20 units coming before the Planning Commission is proposed to be removed. The protest procedure in the current draft is proposed to be removed, but mirroring the Comp Plan, this has been modified to provide an option with 50 percent or some other percentage. Subsection (c) the process, again, no changes. The community meeting time frame is proposed to be reduced and the protest procedure. Ms. Schemper noted that these tables are the same as for the Comp Plan. Ms. Cioffari confirmed that the remainder was the same as for the Comp Plan.

Commissioner Wiatt asked what if anything in the amended language would assure that a new affordable housing development wouldn't end up being 100 percent median. Ms. Schemper responded that, same as today, there is nothing to restrict that. It would be based on ROGO allocations being awarded and the Planning Commission Review of a Major Conditional Use permit if that were required. Commissioner Wiatt responded that it is no longer required. Ms.

Schemper stated that conditions can be put on a Major Conditional Use permit. Commissioner Wiatt reminded everyone that there is nothing in the language to prohibit a new affordable housing project going forward with all median except for the Major Conditional Use conditions and that the median maximum monthly rental rates for a two bedroom are \$1,985 per month. The best information found from April 2016 from the University of Florida and HUD indicates that the current market rate for a two bedroom apartment in Monroe County is \$1,682. So for a project that is all median, the developer could charge as much as \$1,985 per month with the market rate being below that. Commissioner Wiatt expressed concern that affordable housing that is not affordable is being incentivized and folks are being asked to put up with extra density for market rate housing, which is a problem. This problem has been identified every time the Commission has a project of over 20 units and ends up negotiating for low-income rentals, which now that process is being removed. Expediting the process or even eliminating Planning Commission meetings is not a problem, but allowing a developer to build all median is.

Ms. Cioffari clarified that the removal of the requirement to have a hearing for developments of 20 units or more was only if the project is not subject to a Major Conditional Use. If the project is subject to a Major Conditional Use, it is still required to come before Planning Commission to receive that. Commissioner Wiatt suggesting addressing these changes in the language so it doesn't have to be addressed under a Major Conditional Use permit. If everyone agrees projects of 100 percent median should not be promoted, then it should be put in writing and then all the developers know what they can do. In past meetings, the Commission has pushed and, in most cases, gotten 50 percent of low income in the larger projects. Commissioner Wiatt expressed a preference that this be stated in the language so the Commission wouldn't have to go through all the drama in every meeting for affordable housing projects. Ms. Cioffari stated that was a recommendation that the Commission could make. Commissioner Wiatt stated he would be more than happy to make that recommendation for at least 50 percent.

Chair Werling then asked for public comment. Mr. Wolfe reminded the public that this being a legislative matter, they were not required to be sworn in, but to please state their names for the record and speak into the microphone. Chair Werling added that comments would be limited to three minutes for individuals and five minutes for those speaking on behalf of a group. Mr. Bill Hunter raised a point of order, stating that it has just taken an hour and fifteen minutes for this item to be presented and has been on the table for a year. Some folks have worked hundreds of hours to try to understand this and provide input, and may need more than five minutes. He asked that the Commission please be a little lenient. Chair Werling indicated that would be allowed.

Ms. D.A. Aldridge of Tavernier spoke on behalf of Last Stand, who supports the County's prioritized goal of addressing the workforce housing challenge. This issue has been a deep and troubling problem for years aggravated by Hurricane Irma. While the County staff has been directed to propose changes to the Comp Plan to meet this challenge, Last Stand cannot support their efforts as written in Goal 109 and related Land Development Code for a number of reasons. Community character was first recognized as an important critical planning element in the Florida Keys in the 1986 Comprehensive Land Use Plan. Protecting and enhancing the unique community character and quality of life of the Florida Keys is one of the dominant land use determinants and the current version of the Comp Plan is written in Goal 101, Objective 101.5

and Policy 105.2. Community master plans were created between 2000 and 2012, including the Lower Keys, Big Pine and No Name Keys, Tavernier and Key Largo Livable Community Plans. These plans clearly and unequivocally express the communities' desires and goal to maintain their low-density rural or otherwise community island character. Goal 109's proposed density bonus, on top of the already existing affordable housing bonuses, would create density in rural and suburban island communities that is higher than the current residential maximum anywhere in the County. It is completely the opposite of the communities' goals as expressed in these plans. These plans have been ratified by the County and are enforceable planning documents on which residents and businesses have relied since their inception. The environmental sensitivity of much of the land in Unincorporated Monroe County is a major issue relative to this proposal. Some of the larger parcels to which the increased densities would apply have critical habitats or listed species, intact coastal mangroves and/or ecological sensitivity. Avoiding further loss of natural resources is a major requirement of the Comp Plan based on the Florida Keys Carrying Capacity Study. In addition, Goal 109 would have environmental and land use impacts by allowing urban sprawl. The proposed plan amendment, contrary to State Statutes and Comp Plan provisions, promotes, allows and designates significant amounts of urban development in all areas. Last Stand urges the County to direct its commitment to solving the workforce housing problem in some of the following ways. (1) Make 80 percent of the current County's ROGOs available to workforce rental housing for a three-year period for very low, low and median income residents. (2) Direct the County Housing Authority to work with developers to build workforce housing on available County-owned sites in Marathon and Key West. (3) Use the Monroe County Workforce Housing Advisory Committee Report in all planning to meet the housing needs of our workforce. (4) Have what has been proposed in Goal 109 meet what is specified in Objective 109.1 which states, "In order to advance the recovery from the impacts of Hurricane Irma, Monroe County shall incentivize the development and redevelopment of resilient workforce housing to improve the safety and welfare of County residents, preserve the quality of life and the economy of the Florida Keys, reduce the need for workforce housing, and better protect the County from future damage." It has now been a year since Hurricane Irma has occurred and more time will be needed for Goal 109 approval by the County and State. Building of high-density units will require years. Those who have lost their housing due to Irma will have found other housing or will have left the County when the housing would become available. So the main purpose of Goal 109 to assist in the housing recovery of Hurricane Irma will be moot, since other forces, especially time, will have determined the housing outcome from Hurricane Irma. Let the County continue focusing on workforce housing with the tools it currently has without creating environmental and quality of life problems that every resident will forever have to deal with.

Mr. Jack Marshott of Sugarloaf Shores stated that Hurricane Irma destroyed a lot of the workforce housing and the BOCC mandated the Planning Commission to produce a plan to accelerate the process for more housing, but one plan does not fit all situations. Each part of Unincorporated Monroe County is unique and different from the others. In Sugarloaf shores there are two businesses that have employees, the Sugarloaf Lodge and a car repair shop, a grand total of 15 employees. Goal 109 would allow 171 affordable houses to be built on the two lots bordering Route 1 that a developer has just purchased, 171 new units to be built at the entrance to a neighborhood that only has 97 homes. We don't need a little city and ultra-high density urban sprawl for the 15 available jobs on rural Sugarloaf Key. Build the houses where the jobs

are. Except for Big Pine, the Lower Keys are primarily rural, suburban single-family neighborhoods with little or no need for employee housing. The BOCC removing public notice to disallow abutting neighbors to protest doesn't smell good. "Not in my back yard" may be politically incorrect, but this is talking about my front yard. Public input should not be restricted in any manner whatsoever. The Planning Commission and BOCC should be protecting living conditions as detailed in the current Comp Plan, not degrading them and creating high-density urban housing areas within rural suburban neighborhoods. We bought and built our homes because we wanted this type of life. Don't make changes today that will affect us forever. Every year our Keys become more like Miami. Don't make this a huge step towards accomplishing that in the near future.

Mr. Woody Hutchinson spoke for the Cudjoe Gardens Property Owners Association, which directed him to make these remarks. There are no more than 15 public businesses in Cudjoe Key and most are owner-operated, very small and staff themselves. There are a few small-scale that require additional staff that live on Cudjoe Key. They are very small and are supposed to be in the Comprehensive Plan. The CGPOA sees no reason to increase the density on Cudjoe, Sugarloaf or any other Keys in the Lower Keys when there is not a need. We do not want to become bedroom communities for Marathon and Key West. The Comp Plan is designed to keep the Lower Keys rural. The density requirements currently in place should be more than enough. We are also opposed to eliminating the protest vote and community meetings. Public input must be part of all proceedings. Bonus density workforce housing is also opposed for hotel-motel sites. At a combined max of 35 units per buildable acre, the housing would not be limited to employees of the hotel-motel, contrary to the Planning Commission's previous instructions to staff. As an example, this could result in the construction of a 250-housing unit at Sugarloaf Lodge which makes no sense. The rural low-density nature of the Lower Keys is what makes it special and we're asking you to try to keep it that way.

Ms. Ann Olsen spoke for Friends of the Lower Keys and had a power point presentation. This group is concerned with the density bonuses of Goal 109, high-density workforce housing going into low-density suburban neighborhoods, and elimination of community meetings and the four-fifths protest vote. Anyone living in the Keys understands the need for workforce housing. It was a problem before Hurricane Irma and the loss of so many affordable homes has only exacerbated the problem. Though Ms. Olsen applauds the definition of workforce housing and hopes the definition is used to incentivize workforce housing development, it should be done in the right way. The County has already provided developers with affordable housing density bonuses, and more with more density is not needed. In the Lower Keys Livable CommuniKeys Plan the County and the residents spent years developing these plans with a great deal of research, analysis and back-and-forth communication, as well as agreement between the County and the residents and this is not the time to dismiss this work and change agreed-upon land use plans, especially without the same level of communication and consideration that went into the process in the first place. It is important to note that it is not really clear how many residents are aware of Goal 109 and all of its ramifications because there hasn't been the same level of public involvement or communication. For most residents, this past year has been focused squarely and unequivocally on hurricane repairs, cleanup and very little else. Most aren't following Planning Commission or BOCC meeting notes. Please follow the Livable CommuniKeys Plans and the smart planning guidelines that go into them. The very first plans specifically mention low-

density residential and open space. This terminology was not made up and there are Keys that don't have these restrictions in their plans. The very first plan speaks of community character, physical characteristics and scale. Objections to the density bonuses are not about NIMBY-ism, it's about putting the right thing in the right place. Ms. Olsen presented slides of typical housing compared to housing built by developers with the already existing density bonuses, explaining that Goal 109 doubles what was pictured. She then presented examples of photos of 27 units per acre compared to photos of bike paths and bike lanes in the Lower Keys. The Heritage Trail is the only sidewalk for walking and cycling in the Lower Keys and most of them require crossing U.S. 1 with no flashing lights and limited signage. Daily traffic is bad and becomes worse and more dangerous during peak season. The reason smart growth principles dictate developing workforce housing within existing employment centers rather than building in distant low-density areas on previously undeveloped land is to not add to the traffic problem. Ms. Olsen presented photos of traffic today indicating that adding 1,300 more developed ROGOs would increase that traffic. Most people moved to the Lower Keys because of its rural low-density character to get away from big city congestion and traffic. Everyone will not evacuate safely when the next Hurricane Michael slams into the Keys with only a 48-hour notice. Staged evacuations only work with plenty of notice. Evacuation can become horrific or potentially deadly. Goal 7 of the CommuniKeys Plans encourage citizen involvement and monitoring, so community meetings are frequently the best and only way residents become aware of potential development and the chance to learn about a given proposal in layman's terms. Please keep the requirement of a four-fifths vote for a Zoning change. This 32-year-old protest provision is an important protection for adjacent property owners. Future or potential development shouldn't have a greater right than the current residents. And if the zoning change is a good one, it should not be hard to garner four out of five votes. The goal here is really about the right project in the right place.

Mr. Stuart Schaffer of Sugarloaf Shores Property Owners Association, representing nearly 350 homes on Lower Sugarloaf Key, stated that Ms. Cioffari had given an excellent presentation. SSPOA supports the County's goal of incentivizing the development of workforce housing that was lost in Irma. As to density, the County is proposing the maximum net density for workforce housing be increased by 50 percent in three Zoning Districts, on top of a large density increase that occurred some years ago. This proposal would apply to the three Zoning Districts throughout Unincorporated Monroe County. SSPOA believes there is more than enough density allowed under current law for most of the Keys. The 18 units per buildable acre is very dense and increasing that is now being discussed. High-density housing is inappropriate for the entire Keys. It is more appropriate for areas of the Keys that are in or near the main employment centers of the Keys. There is a State Statute that says affordable housing should be built in or near employment centers. The employment centers are Key West, Stock Island and Marathon. The added traffic along U.S. 1 would greatly affect quality of life, public safety and the environment if these projects were built 20 miles from employment centers which this proposal will allow. High-density housing is also inappropriate in areas where it would be inconsistent with existing low-density development. This introduces issues of quality of life and aesthetics, affecting not just locals but tourists as well. The Lower Keys Livable CommuniKeys Plans are part of the County's Comp Plan. This is the current law. It states that future development in these areas should be lower-intensity development. These plans cover the Torch Keys to the Saddlebunch Keys, which includes Sugarloaf. The LCPs for the Upper Keys are similar in

language and intent. SSPOA opposes Goal 109's increased density throughout the Unincorporated Keys. If density is needed, it needs to be in the right areas, and should be nowhere but Stock Island and perhaps Big Coppitt and Rockland. These are the areas in or near the main employment centers and do not have plans prohibiting high-density development. As to the increased density, many affordable housing projects are being proposed in the form of Subarea Policies or Overlay Districts. These are generally targeted provisions that apply to a particular parcel and get into the detail of what can be built on that parcel. These state the maximum density for a very specific project. The request here is if you do recommend any increased density that it not be available for any project covered by a Subarea Policy or Overlay District unless that District specifically allows that density. If a project was approved a year ago and it says 18 per acre, it shouldn't get to piggyback onto Goal 109 now. It was carefully negotiated. As to the effective date, the incentives in Goal 109 are being proposed as temporary emergency measures in the post-Irma world. As now proposed, the incentives would be available for any project for which a completed application is received by staff within two years after the effective date. This is very open ended. Oftentimes, projects are not actually built for years, even decades after the application is submitted. We request you add more to the effective date provision, perhaps saying substantial completion within five years, perhaps breaking ground within five years. Otherwise, these are permanent. Finally, the protest procedure, SSPOA supports most of the proposals that would streamline and accelerate the approval process but do not believe it's appropriate for Goal 109 to tip the scales in favor of the developer. The protest procedure and its supermajority voting requirement have been in place in Monroe County for decades. SSPOA opposes elimination of the protest procedure and also raising the percentage of nearby homeowners who can trigger the procedure. It's 20 percent now for Major Conditional Uses, and 10 percent now for map changes. Going up to 50 is a drastic change. SSPOA supports a full board be required, four out of five, not four out of four. Finally, as to the very low, low and median income levels, please note that the increased density, as proposed, is not available for moderate, so don't slip in any moderate for the increased density.

Mr. Phil Kaffenberger of Sugarloaf Shores, Southpoint, stated he had sent the Board emails and wants to emphasize his concern for high density development in this program. Most of the citizens of Sugarloaf Shores oppose this program.

Mr. Andrew Tobin, Esquire, representing the Southpoint Homeowners Association, stated that the previous speakers had identified the problem with a one-size-fits-all solution to a 25-year problem. If this ordinance goes to the BOCC as an emergency, that will get ingrained into the Planning Commission's future decisions. In an emergency, the typical criteria that would normally be applied to a major development project goes out the window. There is no criteria for Major Conditional Use so with an emergency mandate of the BOCC and no criteria, there is very little control that the Planning Commission will have over the placement of these projects, the density and open space. Mr. Tobin stated he had sent an email earlier suggesting there be some sort of cap on these projects of a two or three acre project. Developers are very clever and a six-acre project could be cut into three different LLCs to avoid the cap, so there should be separation between projects. Maybe there should be more interaction between the Cities and County and have the elected officials get together and talk about these things. There seem to be some viable solutions such as on Stock Island or Rockland Key, both of which are close to the urban center, the County has a 35-foot height limitation. A Comp Plan Amendment or ordinance

could easily be passed that allows the Planning Commission to go up to 60 feet in an appropriate area so instead of having two stores above parking, you could have three or four stories above parking. Sonny McCoy used to say that the 35-foot height limitation was the tree line. There are some areas where that doesn't work. There were two developments that resulted in Islamorada and Marathon incorporating. Those are gas stations in the middle of Marathon and in the center of Islamorada. As it turned out, the Raceway project didn't get built, but two blocks away there was another gas station. As previous speakers have stated, one size does not fit all. And with no criteria to review these projects, they're going through and Planning Commission won't be able to stop them. Even if they are stopped, someone will go to court and get the denial overturned because it's an emergency and there are no criteria and you are arbitrary and capricious in denying something. For all those reasons, Mr. Tobin is asking that the Commission not support this and send the BOCC the recommendation that this ordinance, as proposed, with all due respect to staff, has lost sight of the fact that this would have serious consequences.

Mr. Bill Hunter of Sugarloaf spoke on behalf of the Lower Keys Alliance. Though Mr. Hunter supports workforce housing, it needs to be done right in the right place. The top two issues throughout the County are workforce housing and traffic. Goal 109 affects both of those for Unincorporated Monroe. Key West and Marathon are where the jobs are. They have local roadways, back roads, traffic lights, stop signs and turn lanes. They can change their density and speed up their approval process. They should be encouraged to do it. Unincorporated Monroe consists of suburban and rural areas with no infrastructure, one highway, which is hard to get on and off of. The residential density in the suburban and rural Unincorporated Monroe County today averages three to five per acre. The Suburban Commercial that lines the highway in some places in front of that residential development is, as of right, three to six. So how did we get to 18? The purpose of Suburban Commercial is for commercial uses intended primarily to serve the needs of the immediate land area and reduce trips on U.S. 1. 18 affordable can be put on Suburban Commercial because a while back, the County realized affordable housing on top and behind these small mom-and-pop businesses makes a lot of sense. It's a small business, a small parcel, and you've got to give them a lot of density so they can put a couple units on top of or behind. A couple of decades later, the 18 per acre started to be used to build affordable-only projects on Stock Island. You could take a whole parcel of Suburban Commercial and use 18 to build just housing, no commercial. It was in a good place, was a good project, people supported it and we see that today. It can be done today in Suburban Commercial. The Quarry Apartments, close to employment, 18 per acre with two and three bedroom built very dense and maxed out. Increasing that over 18 would turn the three bedrooms into three one bedrooms, and the two bedrooms into two efficiencies or two studios. Some could be used on Big Pine, which is out of ROGOS, but these are needed close to the employment centers in Key West and Marathon. The existing density in the County is adequate to do what is appropriate. The message today is we're talking about urban sprawl. The employment centers should put their large, dense workforce housing projects close. Keep the traffic off the highway. Also, there aren't unlimited ROGOS. With the Quarry at 208, there are only so many big projects that can be approved. It is up to the Planning Commission to decide where in Unincorporated Monroe County they are going to go. Please don't put them in the middle of nowhere, in the suburban areas. There are large parcels of cheap land in Unincorporated Monroe and cheap land lowers the per-unit cost from a land perspective. But federal and state money is coming to this county as a result of Irma and that money can subsidize these projects. Let's not let cheap land in the suburban area convince us to

do something that, though the window of approval is only open for two years, these things are deed restricted for 99. Once approved and built, it's there for a long time and the impacts will be with us for a long time. Please listen to what you're hearing today. Mr. Hunter stated that he has come to realize that community meetings are where the community gets a layman's understanding of what is going to happen, where the dialog and informal Q&A take place. On a project like this, these things take three to five years. If a couple of months before the approval meetings the developer can't explain in layman's terms what they're about to do, then there is something wrong with that project. Zoning gives everybody property rights, so asking to Re-Zone or get a Major Conditional Use are big deals and should be looked at closely. The protest procedure has been in place for a long time. Eliminating it sends a message to the Commission that they can't decide what a good project is and is an insult. The full board should be present, but if enough of the existing percentage of protestors are supplied, then four out of five should decide. Mr. Hunter also echoed the statement that Ms. Cioffari had done a great job as this is complicated stuff.

Ms. Jan Edelstein of Cudjoe Key also had a Power Point presentation. What everyone has said applies up and down the Keys, throughout Unincorporated Monroe County. The County's current affordable density goal does work, which is demonstrated by the Quarry Partners Project on Rockland Key and Caya Place on Big Pine. There are a number of other projects in the Lower Keys that are in the works. All of these are at the current County bonus density. In the cities, one company, Tri-Star Development, either recently built or plans to build over 280 units. These projects do seem to work financially. There are significant federal and state financial incentives provided to developers. Ms. Edelstein suggested a requirement be added that the developer disclose what the financial contributions are from all government entities. Increasing density to 27 and 35 units is simply wrong for the County island communities. It is inconsistent with State Statutes and the Comp Plan. There is a letter in the record from Attorney Richard Grosso, Environmental Law Professor, dated May 1, 2018, which describes all of those provisions. Both the State Statutes and the Comp Plan call for looking at the Comp Plan as a whole rather than picking out just one goal to the exclusion of all others. Ms. Edelstein presented examples through photographs of what Goal 109 could affect on the ground in areas of Cudjoe Key where the Zoning is Suburban Commercial. One example given was Dave's Auto Shop with one acre for sale advertising that liberal zoning allows for liberal uses, where it is a relatively un-intense use at present. Ms. Edelstein then presented photographs of what 27 units would look like. The Ryan Roofing property sold in the spring. Coco Palm which is on 1.7 acres with 17 units, under Goal 109 would allow 46 units, severely changing the character. On those three pieces of property under Goal 109 there could be 100 units. Even though they are one-acre lots, if you put a couple of one-acre lots together, all of a sudden you have a village. The Commission has been urged that one size doesn't fit all. Ms. Edelstein also suggested the Commission resist the Overlay District. Looking at 18 versus 27, an Overlay is not needed and 18 is more than enough. With an Overlay District, you dangle out to the developer the idea that they can do this. As Commissioner Wiatt pointed out, affordable is not different than market rate. If the definitions need to be changed, then change them. There is also concern about workforce versus affordable because affordable, you can be retired. If it needs to be restricted to workforce, that should be done in the general definitions.

Ms. Ginny Donaldson of Ramrod stated she is a layman and other laymen can't be at meetings because they work. She was surprised to come back to town and see a Sonic knowing that workforce housing is a problem. She suggests there be no more business permits to corporations or franchises that promote low-wage jobs because then the employees can't afford to pay the rent and it then falls on the County and the State to supply the food, the rental assistance and medical care. Let's slow things down. It's a privilege to live here. Ms. Donaldson originally lived in a bright yellow trailer on Summerland Key. She moved to Nashville which has a horrible traffic and affordable housing problems. Ms. Donaldson wants to protect the environment. There are all kinds of things going on and asks that we slow everything down. It is not an entitlement to live here, it is a privilege.

Mr. Joe Messer of Summerland Key spoke on behalf of Safe Summerland Native Areas. SSNA recently participated with 13 other community organizations representing thousands of residents Keys-wide. Getting two to agree on anything is difficult. So getting 14 organizations to agree on something is remarkable and impressive and these 14 organizations all agreed on a position statement. Replacing workforce housing lost to Irma is essential, but do it right in the right places. SSNA opposes the County's attempt through Goal 109 to again change the laws intended to protect the low-density suburban island neighborhoods from high-density development. Low-density workforce housing should be in suburban island neighborhoods, high-density workforce housing where the work is. This was all supported by the Florida Keys Chapter, the Isaac Walton League of America, the Florida Keys Citizens Coalition, Florida Keys Environmental Fund, Friends of the Lower Keys, Island of Key Largo Federation of Homeowners Association, Key Deer Protection Alliance, Last Stand, Lower Keys Alliance, Safe Summerland Native Areas, Upper Keys Association, Cudjoe Gardens Property Owners Association, Southpoint Homeowners, LLC, Sugarloaf Shores Property Owners Association and Upper Sugarloaf Residents Association. In addition to that, up through October 19, 116 letters had been sent to the Commission in opposition to the three main items on Goal 109, and only one for and that was from a developer. It is clear what the community feels and the Planning Commission has the opportunity to stop the three specific areas in Goal 109 dead in its tracks. The Lower Keys LCP is highly comprehensive, 105 pages long, compassionate, fair, encourages affordable housing in zone-appropriate areas. In the Future Land Use Map, in the LCP, there are 241 acres already zoned for medium density, 47 acres zoned for high density, and 57 acres of Mixed Use Commercial existing right now. Workforce housing should be built where the infrastructure and zoning already exist. Mr. Messer cannot imagine that the Commission would want to give up the right of the protest vote. To override local residents' written protests, it better be serious. And if four of the Commissioners can't agree on that, it's callous and sets a dangerous precedent. Mr. Messer strongly recommends the protest vote not be eliminated. Reducing community meetings to speed the approval process is nonsense. It does not slow the process. The permit applications proceed while the community meetings take place. The elimination is to keep the public in the dark and they should not be eliminated. There are developers that have written letters to the Commissioners claiming NIMBY. Mr. Messer agrees that it's NIMBY on the developers' part. Look at all of the developments put in by these developers and see how many of them have workforce housing on their property where they already have the land, the zoning and the ability. It's their own workers and they won't do it because they know they can always get taxpayer assistance to do it for them. And then they have the audacity to claim NIMBY against the residents.

Ms. Alicia Putney spoke on behalf of Key Deer Protection Alliance. A letter was previously sent with a chart on the front page as the focus of her thought was going to be we already have the density we need to solve this problem. The chart clearly shows there are very dense developments already happening under the existing rules. The aerials show there is very little room for parking with the existing density. These density incentives were put in the Comp Plan years ago and have been working. To double this is absurd. Part of the reason in the 1986 plan that community character became such an issue wasn't just to protect the neighbors and the neighborhood and the trees and the existence of what the Keys are. It was also to protect the uniqueness of the Keys so the economy would remain strong. In 1978, there were bumper stickers that said "Don't Cannibalize the Keys," and that's what this ordinance is doing. We have the existing rules and tools and brains in Monroe County with this staff and the Commission to solve this problem without changing the rules. In the change from the 2010 Comp Plan to the 2030 Comp Plan, the development review process was changed. In doing so, the idea of a text or map amendment goes to BOCC in a concept meeting, sometimes in both concept meeting and implement meeting, so direction was going to the BOCC before the DRC or Planning Commission and before staff reports are written. That was a bad change because when the BOCC first heard this, which was right in the emergency panic after Irma and losing all of those houses in the Lower Keys, they didn't realized that we have the existing density to move forward and solve this problem. The changes before the Commission today are not needed and Ms. Putney hopes the Commission recommends denial.

Mr. Joe Walsh stated that he has a different opinion. The greatest problem facing Monroe County is the lack of quality workforce housing. The idea behind Goal 109 to incentivize that housing is consistent with Objectives 5 and 6 of the Affordable Housing Advisory Committee's suggestion that Monroe County ought to be looking for additional density. It is also consistent with Goal 4 in the LCP which is Monroe County shall pursue locations, solutions and partnerships to establish an affordable housing base for Lower Keys residents and workers. Talking about housing that was lost to Irma and replacement of workforce housing, that housing wasn't in Stock Island or Rockland Key and wasn't in Key West. The workforce housing that got destroyed is in the Lower and Middle Keys and with a few exceptions in Islamorada. So the Lower Keys is where substantial amounts of workforce housing is needing to be replaced at present. There doesn't seem to be much disagreement in changing the definition for affordable to workforce. To Commissioner Wiatt's point from earlier in terms of building in a guarantee that workforce or affordable housing is in fact affordable, Mr. Walsh stated he would be a big supporter of having half of a project be low income in order to qualify and ask for the density bonus or the right to build it at all. That affordable housing in fake air quotes isn't actually affordable is a significant problem and he supports that position. There is a protest provision already available for a major development plan. Anybody who is aggrieved has the ability to protest. The supermajorities required show a lack of respect for this Board or the BOCC. The entire purpose is designed to throw obstruction into it. If a project comes before the Commission and it's terrible, it won't get approved whether it's three, four or five Commissioners, and the same with the BOCC. It's an argument for throwing up more roadblocks and not really helpful for actually stopping that project. In terms of the density, there's three critical pieces to affordable housing and why there isn't more of it. There is a very limited amount of available land that's zoned so that affordable housing can be put on it in Tier III. Tier III is not

environmentally sensitive when adjacent to areas already scarified or developed. It must be both of those things. Land, money and political will are the three key issues. There's not much Tier III land zoned correctly. In terms of money, this allows the effective cost of the land to be reduced to be allowed to develop more units on it and reduces the cost per unit on development. It does nothing for the political will portion. It does incentivize additional workforce housing.

Commissioner Miller asked Mr. Walsh how increased density over what we already have contributes to quality affordable housing. Mr. Walsh responded that he is not sure he sees an exact correlation to the units per acre and quality affordable housing. There is not a provision in the proposal to change the open space or setback requirements. Commissioner Miller referred to the photos shown with a certain number of units, and then those with increased density and what the buildings looked like. He does not see how that increases the quality of affordable housing. Mr. Walsh responded that additional density, all by itself, doesn't automatically increase it. In terms of the photos shown, perhaps there should have been some more work done on the architecture or landscaping on those. Commissioner Miller then asked about the argument that if the increased density isn't built in one place, then you will contribute to urban sprawl because it has to be built anyway. Mr. Walsh stated that his point was if you have certain pieces of land on which you build more densely, then there would be other pieces of land on which you wouldn't need to build. Commissioner Miller argued that if building were stopped completely, that argument might make some sense. But continuing to build, and he doesn't see development stopping in the Keys, then that argument doesn't hold water. Mr. Walsh responded that the building of additional housing at this point is, to some degree, a function of the loss of previous housing. The only way that Monroe County will be able to maintain workforce housing would be with some form of apartment complexes because the internet accessibility of short-term or medium-term rentals is taking vast amounts of housing stock that once upon a time were used as workforce housing out of that pool. The only way to maintain workforce housing for any period of time is with a deed restriction and as a natural way of managing those projects, they need to be larger projects.

Ms. Dottie Moses of Key Largo spoke on behalf of The Federation of Homeowners Association, stating that the Federation, representing over 2,400 property owners residing in 22 different subdivisions, does not support Goal 109. Key Largo residents have a long history of community involvement. Elimination of community meetings is opposed. Key Largo has the last remaining fragments of tropical hardwood hammocks in the continental United States, largely due to the efforts of Dagny Johnson, a social resident and environmental activist who, with the Upper Keys Citizens Coalition and several other organizations, stopped development that was planned for much of North Key Largo. Dagny Johnson Key Largo Hammock Botanical State Park was once slated to become a condominium development. This park contains one of the largest tracts of West Indian Tropical Hardwood Hammock in the United States. Additionally, Key Largo is home to Crocodile Lake National Wildlife Refuge which was also entirely platted for residential development and today provides habitat for the endangered crocodile, the Schaus butterfly and other endangered species. Native hammocks are carefully protected land because of their importance in sustaining wildlife, yet they are still significantly threatened by development in the Keys. Tropical hardwood hammock has been heavily impacted by outright destruction, conversion to agriculture, exotic plant and animal species, collecting, pressure of plants and animals, manmade fires and alterations in hydrology. Another space that was once slated for

development was Rowell's Waterfront Park. Through efforts of the local residents, that development was stopped and the property is now owned by the County and in the process of becoming a community park. Community input is what kept one of the last parcels of open space from becoming apartments in Key Largo. The community again stepped forward and participated in helping to create the Livable CommuniKeys Plans. In Tavernier, the result of that effort was to identify the defining characteristics of green spaces made up of native habitat, both upland hammocks and wetlands. Vegetation not only buffers the residential neighborhoods from the major highway in the Florida Keys, but also provides a feeling of a green belt between the traditional towns of Tavernier and Rock Harbor, Key Largo. The plan ensures the preservation of the natural vegetation buffer on U.S. 1 in the median. In Key Largo's Liveable CommuniKeys Plan, the community called for the protection of natural resources, preserving our undersea environment, enhancing the quality of life and maintaining the small coastal town ambiance. In spite of these efforts and pronouncements to keep our community preserved, we find we are losing ground. Our natural environment is deteriorating in alarming ways. Our quality of life is being impacted. Monroe County struggles to keep up with accelerated losses. Our corals are not only sick, but now are dying. The Florida Bay suffers from algal blooms that are killing off the marine life. Our hardwood hammocks are being illegally cleared. County-owned hammock lots set aside for conservation are often cleared and encroached upon to store cars and boats. There are more and more complaints of noise and trash, which affects the quality of our lives. Parking is becoming a problem. Even though this Commission and County staff plans for parking, designated parking spaces get used for other things such as storage or signage. Existing affordable housing projects are inappropriately used for transient tourists. A photograph was presented of a project in Key Largo where this is happening. When these concerns are referred to the Code Compliance Department we are told they have no time to deal with them. We have lost faith in the County's ability to manage things as they are now, so we cannot imagine what would be the result if even more density were to be allowed. The density increases would come with variances of setbacks, parking, open space and landscaping. Possibly, there would be conditions attached, yet as just shared, there is no consequence for non-compliance. We expect abuses would continue and the small-town ambiance of our communities to further decline, and the preservation of our green spaces to be neglected. We are opposed to the density increases for these reasons. In addition, there have been quite a few affordable housing projects built in Key Largo with the present allowable density bonuses. Photographs of these were presented; the Villas, Bluewater Apartments, the Hammocks, Paradise Point. In addition, Key Largo has many neighborhoods that contain housing that meets the County's definition of affordable housing. After a brief review, Ms. Moses was able to come up with 17 subdivisions containing listings that met the County's parameters of affordable housing. Within eight of those neighborhoods, there were four homes for sale and four for rent. Though the rents are high, that is what is allowed for median if workforce housing apartments were built under Goal 109. Key Largo may have more workforce housing than any other island. It is unfair to ask for denser projects than we presently have. We want to preserve our island community, its green hammocks and maintain a small-town atmosphere. Denser projects would put unreasonable pressure on our environment and community. We are also opposed to the elimination of the four-fifths protest vote and opposed to the elimination of Planning Commission approval for units over 50. We have been avid defenders of our natural resources and wish to protect our quality of life and we are starting to lose those now. Key Largo should not shoulder the burden of denser workforce housing because other communities have mismanaged their housing needs. For these reasons,

we need to maintain every opportunity to weigh in on any development that is proposed for our island. The Florida Keys does not have the capacity to support every single development that people may envision. A slow, careful approach must be taken. Let's not abandon the opportunities to look again at projects that may do more harm than good. Hurricane Irma was very disruptive but let's not destroy what was not destroyed by opening up the door to faster and more frequent Zoning changes. This community does not want to find that down the road we have lost our green spaces to concrete apartments, our endangered species to Zoning changes, and our last remnants of hardwood hammock to expedited building. Please vote to not support Goal 109. There will be a mad rush to submit applications in this two-year period which will not have to be built right away and we will forever change our community and environment.

Mr. Chuck Weitzel, a local CPA, stated he just ran as the Republican candidate for BOCC District 2. He is representing the thousands of people who had voted for him as his platform was protecting the quality of life in Monroe County. Goal 109 does not do that. Please listen to the people who have spoken today and let's protect what we've got. Mr. Weitzel owns affordable workforce housing units on Stock Island that were destroyed by the hurricane. Yes, workforce housing needs to be provided, but let's not do it in suburban areas. Leave the high-density workforce housing where it belongs which is in the city areas of Marathon, Key West, Stock Island and such. Developing on Big Coppitt, Sugarloaf and Cudjoe is not going to improve the quality of life for the residents of Monroe County.

Mr. Rick Richter spoke on behalf of Tavernier Community Association, announcing that their meetings are on the first Thursday of the month and always have complementary refreshments. TCA had submitted comments back in July based on Ms. Schemper and Ms. Cioffari giving a very detailed presentation of Goal 109, and TCA supports affordable housing. Commissioner Wiatt hit an incredible point today with this concept of median. If this Board wants to make a drastic improvement with one line today, it is to make affordable housing for very low and low exclusively. That would make a huge dent. A couple of areas of main concern are that we don't believe the density bonus is actually needed. The Bluewater development in Tavernier is an example of a project that is beautiful and fully utilized by affordable housing people. Finally, the protest vote is very important and is not a way to stop development. It's a way to allow the public to have leverage in the development process. When the developer comes forward and knows the public has a sincere interest and wants to be involved, that allows the developer to work with the public, not against the public, to come together with a prime solution for an affordable project that is beautiful, just like Bluewater. As to the idea of expediting dates for the purpose of expediting, if you've ever driven down U.S. 1, there are a lot of folks that expedite their driving in the center turn lane. Sometimes it works, sometimes it doesn't. So be aware that when you expedite, there are consequences.

Captain Ed Davidson, resident and business owner in Marathon, property owner in Islamorada and Marathon, Chairman of the Florida Keys Citizens Coalition for over 30 years, and the School Board Appointee to the recent Affordable Housing Task Force, stated he has made a total of 53 appearances in front of the Governor and Cabinet and State Agencies on behalf of preserving the wonderful character and environment of the Florida Keys. Everybody wants more actual affordable workforce housing, but done right in the right places and without disrupting community character or destroying the growth management protective accomplishments of the

last 30 years, most of which were instituted by citizens' groups such as those we've heard from today and other ones who have written in with objections to increased densities and underestimated impacts. For those who don't know the lawyer who wrote the letter on behalf of our citizens' group, Richard Grosso was the former Director of the Environmental Land Use Law Center at Nova University for many years. He is currently a law professor there. He was the lawyer who pursued many of these issues and won legal challenges on behalf of some of the citizens here and others in the past. That's where the no high-rise limits, extensive and detailed community character plans, and the low historical densities derive from. All of which efforts culminated in the Florida Keys Carrying Capacity Study that very few people in official positions seem to remember. It was authorized by the Governor and Cabinet in response to a lawsuit that we won, and which the judge ruled that we had already exceeded the environmental carrying capacity of the Florida Keys more than 20 years ago. It was reviewed twice by the National Academy of Sciences. Everyone should look into that because it was a foundational document for the Area of Critical Concern designation and very few people are aware of its contents. The findings were mandated by the Governor and Cabinet to be adopted in the local Comp Plans and LDRs. These provisions often amount to stipulated settlements to legal challenges and cannot be lightly dismissed by local legislative fiat. They are based on much stronger precedent than that. The Goal 109 density bonuses added to existing density upgrades along with Governor Scott's campaign gesture of 1,300 additional units will lead to upwards of 10,000 more people in the Florida Keys than live here today, at three people per unit. There are about 2,000 units still in the system. Another 1,300 times three and there you are. If you increase densities, that just exacerbates all those. These are not free. They're portrayed in all the public discussions as free and as a bonus and as a favor, but they're not. As some may remember, while I spent the last five years of my life on the School Board, and the demographics are that workforce affordable people tend to have families, kids. And for every 400 to 600 kids, we have to build a new school in the Florida Keys. That's the capacity, 500 to 600 in most of our schools. The last three schools that were authorized while I was on the School Board cost 37, 38 and 39 million dollars each, and that's on land we already owned. So a little bit of inflation over a couple years, you've got a 40-million-dollar school and five to ten million bucks for property to build it on. The School Board tax is already the biggest element of everybody's tax bill in this room. You want to add another 50 million bucks for every 500 or 600 new kids in the Keys, that will be a pretty pricey problem. What most people don't know is that in the more than 200-million dollars obligated for new school construction in the last handful of years, none of them buys any significant increased capacity. 40 and 50 year-old decrepit buildings are replaced that could no longer be maintained and upgraded at any sensible cost, and it bought practically no capacity to afford more students of an increased population cap. Most of the Keys schools are already near capacity and some are over capacity. That's just one of the problems. The cost of sewage treatment for increased numbers, there's a lot of infrastructure expense that nobody's paying much attention to. Captain Davidson was deeply involved as the School Board appointee to the Affordable Housing Task Force and the chief element that nobody is discussing is that the best, cheapest, most economical and quickest way to deal with new affordable housing is for the public agencies who are the chief employers in the Keys to contribute some public land that the taxpayers already own to build affordable housing on without land costs, which could make it really affordable. And as much as you can control things like retirees coming down and moving into affordable housing instead of younger working class people, there are lots of ways to solve this problem. The increased densities are just not necessary and messing with the well-

established and well-documented community character that thousands and thousands of people have been involved in is not the way to go.

Mr. Bart Smith, attorney representing Wrecker's Cay, which he believed Ms. Edelstein had confused with Tri-Star when she was speaking about the 280-unit project on Stock Island, stated that Wrecker's Cay is looking to do a project on Stock Island. The rural areas outside of Stock Island, Key West and the City of Marathon are where the public is stating this Goal 109 is inappropriate. Mr. Smith addressed the area where no one had stated this couldn't work. Stock Island is one of the most densely population areas in the Florida Keys. There are about 4,500 people in a very small, condensed area, and a lot of areas that can be redeveloped. There are two lanes each way with stoplights, carrying capacity, and the infrastructure for such projects. It is a place that is appropriate for high-density projects such as this. Based on everything stated today, Mr. Smith suggested that if the entire ordinance is looking as though it isn't going to work, limit it to Stock Island as there are projects that are appropriate there. This density bonus would assist in getting those projects off the ground. Having personally been involved both as the attorney in projects and as someone that's developed projects, the more density, the cost per unit goes down which allows it to be more affordable. Commissioner Wiatt had talked about projects with 50 percent low. The big Lihtec projects are 45 percent low, not 50 percent. At 50 percent low, it would probably kill even low-income housing taxpayer profits. The number between 45 and 50 percent is a tremendous threshold when you get to the financing stages. When those projects come about, they're already coming in stating this is what we can do. In fact, there are different types of Lihtec Funding. There are some that are all low and there are others that you have to do 25 percent of median income, so there are all different types. They're all going to be coming forward with this funding. There are areas that are more appropriate than others. With these projects we look at the carrying capacity, the roadways, concerns of the neighbors and all of these considerations. All of these considerations still are in effect as the development standards are not being thrown out. If the community meetings are kept in place, the developer will still go to the community meetings. With the exception of one project that Mr. Smith has brought forth, he was the only one in attendance at the community meetings. If the public is interested in community meetings, perhaps there needs to be more people showing up for them. If that's a requirement to keep it in place, then so be it. There are appropriate places for density bonuses that will allow projects to be built where the workforces are. Stock Island has the Sheriff's Office, the Hospital, the college, is right next to Key West, and is an appropriate place for more high-density projects. Primarily, the entire island is zoned Mixed Use. There are pockets of other Zoning categories. There is only one parcel zoned Urban Residential. Perhaps this can be limited to the areas that are appropriate. Most of the appropriate areas are incorporated and they will have to do this separately, but South Stock Island would be an appropriate place to leave in the density bonus.

Commissioner Miller asked Mr. Smith when Wrecker's Cay started looking at affordable housing, and whether they had already come to the County about a plan to build affordable housing. Mr. Smith responded that they have. Commissioner Miller asked if at that time, the density wasn't enough. Mr. Smith explained that they had looked at it after Goal 109 was proposed and their reliance is actually on Goal 109 for the density bonuses. Commissioner Miller stated he had information to the contrary. Mr. Smith responded that his information was incorrect. Right now, with the current density, some of the parcels are over its density and would

be non-conforming. Commissioner Wiatt asked if, with the added density, the developer would give 50 percent. Mr. Smith stated he could not speak to that today but that this project would be back in front of the Planning Commission. There are land use changes as a part of it and he will have the answer by the next time he appears in front of the Commission.

Commissioner Livengood asked Ms. Schemper if the Wrecker's Cay project were to come forward without Goal 109 going through, whether they would still be able to ask for a density increase without Goal 109. Ms. Cioffari responded that they would be able to. If they were asking to go above the number of dwelling units per buildable acre which is 25, they would have to apply for a Text Amendment to the Comp Plan, which would be a little bit different than the Subarea Policies as it would require potentially changing other policies within the Comp Plan to create the FLUM category that allows that increased density.

Chair Werling noted that it was 1:00 o'clock and asked about taking a break. A break was taken from 3:00 p.m. to 3:06 p.m., at which time public comment was resumed.

Mr. Jose Bagan of Sugarloaf Shores stated that he and his wife had moved her from Fort Lauderdale. After living in Fort Lauderdale for a few years, the condominiums went up and 40,000 cars were on the road. You had to make an appointment just to go to lunch and it was very, very difficult. They bought three-quarters of an acre on Sugarloaf and moved here because of that. On three-quarters of an acre, a builder can propose to put 27 units in the space where his house is. He cannot imagine that would improve his way of life or the value of his property. Mr. Bagan stated he is a retired federal regulator of 37 years, six months, nine days and several hours, so he understands regulations. He imagines that years ago in this environment the citizens said, if you're going to build more, it has to meet this standard. The house can't be something that doesn't match my house, it can't be something that's going to make my way of life worse, it can't be something that will diminish the value of my property, and they put it on paper. They put it on paper so that going forward, it can be looked at it and say, we're going to change this and we've got to go back to that, either that or we'll tear this up. This has no value. Because all the time that those people spent doing this means nothing, absolutely nothing. They didn't meet just willy-nilly, and this can't be looked at willy-nilly. There's a reason why they put it on paper. They did it so the value of his property and the quality of his life would remain, and guaranteed it just like the Constitution guarantees certain things. Either we throw it away or we adhere to it. Mr. Bagan asked the Commission to look at the people who are here because they're worried about the value of their properties and the quality of their lives. Mr. Bagan stated that he doesn't understand half of the things presented but he knows that 144 houses per acre or in his neighborhood will not improve his quality of life or the value of his property.

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

Commissioner Wiatt began Board discussion by stating he had already addressed his concern about the lack of language to prohibit development being 100 percent median, which is currently well above market rate. To build 100 percent median and then call it affordable workforce housing isn't doing anybody any good, so that's an issue that must be addressed. There has got to be some change in language to address that. Commissioner Wiatt also expressed concerned that the workforce housing isn't being located in or near the employment centers which is

something the majority of the folks present are concerned about. This would also best be addressed in the language. Commissioner Wiatt stated that he does not want to lose the opportunity to build workforce housing in places like Stock Island or Rockland Key and that part of the Keys so it seems some geographic limiting may be needed in the language. He would suggest something in the neighborhood of Big Coppitt and parts west which might make this acceptable and still promote some affordable workforce housing. Once you get out of the median range into more appropriate rents, the projects don't make financial sense, so there needs to be some give and take on that. Commissioner Wiatt would be willing to do that depending on where in the Keys these projects were located and if they were truly in or near where the need is.

Chair Werling asked Ms. Schemper if that was doable, to limit the area. Ms. Schemper stated that it could be specified. Commissioner Miller asked about Wrecker's Cay and whether they could come in and build a certain number of units without Goal 109. With this being for Unincorporated Monroe County, it appears we're building affordable housing for Key West. Ms. Schemper responded that Wrecker's Cay has already applied for a Zoning Amendment with a Comp Plan Text Amendment that would, in general, give them the provisions of Goal 109 even if it doesn't go through. However, staff has been working with them to make it a workable application. Commissioner Miller asked if they were asking to get rid of the supermajority or other things. Ms. Schemper stated that they were not. That any party could come in and ask for something similar, but it requires a full Comp Plan Amendment procedure. Commissioner Miller asked if it was similar to an Overlay for that property. Ms. Schemper responded that in some ways, it is similar to the Overlay option where the individual properties would be considered based on their individual characteristics, et cetera. Commissioner Miller stated that he understands the Stock Island scenario, but he does not see the data and analysis to support the fact that there is not enough density in the Comp Plan to build affordable housing in the Keys. Ms. Schemper explained that this was not based on an overall number of available potential density units based on the current Zoning. The idea was more about how to make affordable housing viable on individual properties.

Commissioner Coward asked if it is known how many units could come from properties in Stock Island and Rockland Key. Ms. Schemper responded that staff had not done that analysis, but did identify the three zoning categories in their packet and then hatched them based on what is currently vacant. This does not mean others would not be able to redevelop, but just to show what's actually sitting vacant at this time. Chair Werling asked if Stock Island would be where there would be a potential for a fair amount of redevelopment. Ms. Schemper responded that she could not say that for Stock Island over other places in the Keys. Commissioner Livengood asked if the language for Goal 109 could potentially say for redevelopment only and not new development. Ms. Schemper responded that that could also be recommended. Commissioner Miller noted that the one thing he likes is the definition of workforce housing, but besides that, he does not see this as an emergency measure, this streamlining, by the time this stuff is built. If these are going to be built in three or four years after Hurricane Irma, there is no emergency. Secondly, he believes this initiative has actually kept developers from going ahead with affordable housing because they are waiting for a bigger payday, which brings to mind what another speaker had said about buying their property and wanting to depend on what is written down and decided on. The point of law called stare decisis means let the law stand. Let people rely on this. And when you start speculating, this is the mess you get into.

Commissioner Coward added that he is struggling with this because there are 3,000 to 4,000 units that have been identified that the County is short in workforce housing, and we're potentially not going to be able to address that. Commissioner Miller asked if he meant it would not be able to be addressed without increased density. Commissioner Coward clarified he was referring to in a potentially timely manner. Commissioner Miller asked why it couldn't be addressed with the density already provided in the Comp Plan. Commissioner Coward stated he was also getting at the streamlining of the process and that three or four years out, some of these proposals could shrink that number down and make a more efficient process going forward. Commissioner Coward believes parts of Goal 109 address that and would get more shovels in the ground quicker. Commissioner Miller asked if he'd be willing to do that without the increased density over what was already given. Commissioner Coward stated he could not comment on that. Commissioner Miller then asked staff how much quicker affordable housing would be developed from this. Ms. Schemper responded that it was impossible to say but that the actual issue is that everything helps when it comes to affordable housing. Commissioner Miller then asked how the supermajority either held up or streamlined the process. Ms. Schemper responded that it was an additional obstacle for development to go forward. Commissioner Miller stated that it takes place at the same time you vote and there is no added time frame. Commissioner Coward argued that a number of different options have been highlighted which reduce public noticing and community meeting time which would save a month and-a-half to two months so eliminating some of the different meetings for the input would reduce the time. Commissioner Miller responded that today is a good example of why public input is needed and Commissioner Coward agreed, adding that the proposals do not remove all ability for public input. There are still mechanisms for public input.

Mr. Wolfe suggested that in an effort to expedite this, the Commission should first come to grips with whether they want to agree to go forward or not. And if you want to move this forward, address what changes are needed to make the approval, as a number of different issues have been discussed.

Commissioner Wiatt stated that he felt he had made himself pretty clear. He would be willing to support this with a significant change associated with ensuring all median was not being built, and putting in limitations to ensure this would be in or near the work centers. Chair Werling added that they need to specifically state the locations. The majority of the people living in the Lower Keys work in Marathon or Key West, so Stock Island and all are bedroom communities to the work centers, but Stock Island would be logical because it's closer and would reduce traffic. The housing lost in the Lower Keys are mostly single structures, not a big affordable housing complex, and will likely be put back as individual structures. Commissioner Wiatt thought it would make sense to first determine whether there's enough support on the Board for an amended Goal 109 or whether or they should just say no. He is willing to support it with some fairly substantial modification. Chair Werling agreed, noting that having lived in the Keys for 30 years, there has always been a need for affordable housing and developers haven't stepped up to the plate way before now. They should just bite the bullet and maybe they can't make as much, but they would not be building at a loss. And, they will never be able to build enough. Commissioner Livengood indicated she would support it being restricted to Stock Island and the community meetings from 30 to 60 days instead of 45 to 120 days, the time line being shorter

but not eliminating them or the supermajority vote. Commissioner Miller agreed on the time line of 30 to 60, adding that affordable housing is being built for Key West and there is the density on the books right now to build in Unincorporated Monroe County. No one is up in arms with the current density. Commissioner Miller also indicated support for limiting it to Stock Island, but this comes back to the fact that Wrecker's Cay could do the same thing now without Goal 109, without talking about getting rid of the meetings or anything, with everything in the Comp Plan now. Chair Werling asked Ms. Schemper how difficult it would be for a project to come in and get whatever they need to increase the density without Goal 109. Ms. Schemper responded that it is expensive and they would have to start the process over, doing the community meetings for the Comp Plan Amendments, et cetera. Goal 109 makes it slightly less difficult than it is right now. Commissioner Coward asked if the concern was for the larger projects. Commissioner Wiatt noted that there is an economy of scale for the larger projects to move forward as they make more financial sense and are cheaper with higher density. Commissioner Wiatt added that really what is being done is 50 percent affordable and 50 percent market rate, so affordable housing ROGOs are being burned on market rate units to make up the difference to get at least some low income, and that is a very unfortunate situation. Commissioner Wiatt wants to make sure the ROGOs are being applied in a way that actually provides low income housing. The actual monthly rental for a low income two bedroom is \$1,588, and even that is kind of a push for a lot of folks. Making it median pushes it up to 2,000. The rent control is higher than the market rate. The fact of the matter is we need a few of those to get what we want and make all these compromises. These folks don't want to compromise in their back yard and he doesn't blame them, and agrees in that their back yard is not in or near the need. Chair Werling added that it would add so much traffic to an already horrible traffic situation. Commissioner Wiatt added that he hates to eliminate Rockland Key. Though he'd like to help Marathon, there's the 7-Mile Bridge to the west, and to the east is Duck Key and Conch Key and that's it. Some good could be done by limiting this to the areas of Rockland and Stock Island, and make sure that, at a minimum, we are doing some low-income affordable housing.

Commissioner Coward agreed on the very low to low. Commissioner Wiatt noted that very low is subsidized housing. Commissioner Coward stated that the larger projects seem to be the biggest concern as nobody wants 200 units going next door do them. With a geographic restriction on some of these, he asked if it would it be a possibility to potentially do a cap for the size of the parcel, therefore the number of units in some of these other areas wouldn't impact the overall density of those communities as much as the 100-unit projects. Ms. Schemper responded that a cap could be done regardless of the size of the parcel. Commissioner Coward added that with a quarter-acre parcel, to allow that to use the density bonus to put in a workforce housing unit was his point.

The Commissioners decided to move forward with limiting Goal 109 to Stock Island and Rockland, with 50 percent low. Chair Werling noted that the type of people who end up in the affordable units are making a decent amount of money and it's not quite the affordable some may imagine. Commissioner Wiatt agreed that it's for teachers, firefighters and nurses, not someone that's being subsidized. Commissioner Coward thought the amendments should be worked on.

Mr. Wolfe suggested there seemed to be consensus on some already, and perhaps they should discuss the community meetings and protest procedure. Commissioner Livengood wanted zero changes to the protest procedure, and is okay with the community meetings being 30 to 60 days. Chair Werling agreed. Commissioner Miller added that he is okay with 30 to 60 days and nothing else be changed when it comes to public input, limit to Stock Island and the 50 percent low. Commissioner Wiatt suggested saying low or very low, and include Rockland Key. Commissioner Miller suggested being within five miles of 30,000 residents. Ms. Schemper asked whether Big Coppitt would be included. Commissioner Wiatt stated that could be discussed but they had just approved a huge project on Big Coppitt so they probably wouldn't need to be included in this. Commissioner Coward thought it should go to Mile Marker 11 which is the other side of Big Coppitt, right before Shark Key. Commissioner Wiatt thought there wasn't much support for that because they had just received the go ahead for a 200-plus project. Commissioner Miller noted that the public meetings actually make the development go faster because the developer knows what the public objects to, and now it's being stated that it holds up the project.

Ms. Schemper summarized the Commission's desires, that there be four changes to the proposed draft language provided by staff: (1) Keep the protest procedures as is in the existing code. (2) Keep the community meetings for Text Amendments using the shorter time frame of 30 to 60 days and other community meetings remain with the 30 to 60 day time period. (3) Limit the entire Goal 109 and the expedited process to Stock Island and Rockland Keys. (4) For all projects proposed under this Goal, at least 50 percent must be very low and low.

Commissioner Coward asked if the protest procedure would be kept at 20 percent and not moved to a higher number, and Chair Werling indicated that would be correct as there may only be two or three affected people in the whole neighborhood. Commissioner Coward reiterated the idea of keeping the other areas of the Keys and confining them to smaller parcels as every unit counts right now. Commissioner Wiatt stated he didn't disagree with that entirely. Commissioner Miller added that this was not discussed in the Goal 109 to begin with. Commissioner Coward added that there also wasn't a geographic restriction discussed. Commissioner Wiatt asked staff how much of that has happened where someone went from two single family homes to four units, two being affordable or along that line. Ms. Schemper responded those were generally smaller projects connected with commercial establishments where they wanted to add a couple of units above their store. There are very likely smaller parcels in the Keys where under the current regulations, they may only be able to build one affordable unit or maybe zero, and with the density bonus they may be able to then build a unit, or two or three instead of one, though that analysis has not been done. Commissioner Miller stated that the testimony was that when the density for affordable housing went to 18 units it allowed the mom and pop to put something over their store. Commissioner Wiatt agreed. Commissioner Miller did not want to get into that right now. Commissioner Wiatt agreed there was already that 18 on density bonus. Ms. Schemper referenced a 3,000 square foot parcel with 18 units per buildable acre you would need just over 3,000 square feet to do one affordable housing unit. Commissioner Miller stated that would take care of the mom and pop store, as people don't have a business on anything that small.

Ms. Schemper re-summarized the four changes to the proposed language. (1) Keep the protest procedures as they are in the existing code. (2) Keep the community meetings for Text Amendments using the 30 to 60 day time frame; other community meetings remain with the 30 to 60 day time period. (3) Limit the entire Goal 109 and the expedited process to Stock Island and Rockland Key only. (4) For the density bonus, all projects must provide at least 50 percent low or very low income categories.

**Motion for Item 5.**

**Motion:** Commissioner Miller made a motion to approve with language specifically itemized by Ms. Schemper. Commissioner Wiatt seconded the motion.

**Roll Call:** Commissioner Livengood, Yes; Commissioner Wiatt, Yes; Commissioner Coward, No; Commissioner Miller, Yes; Chair Werling, Yes. Motion passed, 4-1.

Ms. Schemper stated that to make a consistent recommendation for the Land Development Code as was made for the Comp Plan, it would be to approve the language as proposed by staff without the Overlay Option and with, again, four changes. (1) Keep the protest procedures as they are in the existing code. (2) Keep the community meetings for Text Amendments using the 30 to 60 day time frame; other community meetings remain with the 30 to 60 day time period. (3) The entire set of regulations would apply to Stock Island and Rockland Key only. (4) For the density bonus, all projects must provide at least 50 percent low or very low income categories. Mr. Williams clarified that it would basically be the same as Item 5, plus removing the Overlay.

**Motion for Item 6.**

**Motion:** Commissioner Miller made a motion to approve with language specifically itemized by Ms. Schemper. Commissioner Wiatt seconded the motion.

**Roll Call:** Commissioner Livengood, Yes; Commissioner Wiatt, Yes; Commissioner Coward, No; Commissioner Miller, Yes; Chair Werling, Yes. Motion passed, 4-1.

**1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 139-1, AFFORDABLE AND EMPLOYEE HOUSING, ADMINISTRATION: TO SPECIFY THAT WHEN CALCULATING OVERALL DENSITY ON A PARCEL, AFFORDABLE HOUSING DENSITY AND HOTEL/MOTEL DENSITY SHALL NOT BE COUNTED CUMULATIVELY AGAINST EACHOTHER (OPERATING AS A DENSITY BONUS FOR THE DEVELOPMENT OF AFFORDABLE/EMPLOYEE HOUSING ON PROPERTIES WITH A HOTEL/MOTEL); 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 CODE; PROVIDING FOR AN EFFECTIVE DATE. (File 2017-075)

(2:13 p.m.) Ms. Cheryl Cioffari presented the staff report. This item had come before the Commission on May 30, 2018, and the Commission chose to continue the item and requested the applicant to meet with staff and address the following items before scheduling this public hearing today. The proposed amendment is to modify the Land Development Code text to specify that affordable housing units do not count against hotel/motel units so it would be an affordable housing density bonus for properties with hotels and motels. At the May 30 hearing, the Commission had requested the applicant to (1) limit the proposal to employer-owned rental housing per the definition in Section 101-1; (2) to limit the ROGO allocations to the very low and low income categories with a small percentage to be median income; (3) to provide a potential cap, either an actual number or percentage of total density, so that would be the cumulative affordable housing density and hotel/motel; and, (4) clarification that the density applies to redevelopment only, so either existing recognized transient units that are on the ground or recognized through the LDRD process.

Staff received revisions from the applicant on August 27 shown in the staff report. The applicant has amended the language to specify that the affordable units be developed as deed-restricted employee housing. The Commission requested employer housing, the applicant proposed employee housing consistent with 101. The ratio of affordable dwelling units developed on any parcel would adhere to the following schedule: The applicant proposed a maximum of 25 percent moderate income and a minimum of 25 percent low or very low. On page five of the staff report, staff has proposed amendments to that language to clarify that for the minimum percentage of very low or low, either 25 percent or one dwelling unit, whichever is greater. So if 25 percent was a half a unit, they get kicked up to the one unit. So in that case, you're at least having a full unit provided.

Commissioner Wiatt interjected that it looks as though this would be 75 percent moderate and median. Ms. Cioffari responded that that was possible. Commissioner Wiatt stated that it wasn't going to fly. Ms. Cioffari continued, the third change is that the total maximum net density of any parcel shall not exceed 35 dwelling units per buildable acre for hotel/motel rooms and affordable housing combined, and in no case would hotel/motel rooms or affordable housing units exceed the maximum density established within the density tables. For example, if destination resort allows a maximum of 25 hotel rooms or spaces and 18 dwelling units per buildable acre of affordable housing, the total maximum that could be put on a parcel would be 35. So if the applicant chose to do 25 hotel or motel rooms, they would only have 10 other dwelling units to play with. That cap was proposed by the applicant with some additional language proposed by staff to clarify for consistency. Any such development would not be available to parcels containing hotel or motel units which were transferred transient allocations after the effective date of this ordinance or awarded. There are currently no ROGOs for transient units but if that were to change for some reason, the request was made here that they apply only to redevelopment. The final two items are the applicant proposes that the owner of the hotel/motel must provide employees a right of first refusal for the lease of any affordable housing to be developed under this subsection, and that the subject property must be designated Tier III. Affordable ROGO allocations can only go to Tier III. With that, staff recommends approval. The applicant is present for questions.

Commissioner Coward asked if there was an enforcement mechanism in terms of keeping the workforce housing. Ms. Cioffari responded that any affordable dwelling units allocated through the ROGO process are required to be deed restricted for 99 years.

Mr. Bart Smith spoke on behalf of the applicant Longstock II, LLC, primarily known as Stock Island Marina Village located at Safe Harbor. As background, this developed originally that Stock Island Marina Village in Safe Harbor had significant excess land because developing a hotel even with 100 units of density does not take up a significant amount of space. It takes up about 3 acres of space. Also, this property has multiple other commercial uses as well. The idea was how to get infill that can be utilized for affordable housing for either the workers here or workers for the area. That concept evolved into

infill. If the property didn't have a hotel and only had commercial buildings, there is already a mechanism that says the affordable housing wouldn't count towards the marine repair shop or marina on site. And affordable housing units would not be restricted to just employees of that site, but for the area. This is Stock Island, an appropriate place for increased density. The idea of a hotel, which is measured in a residential type of density, operates as a commercial venture and has a lot of employees. So the concept is that the hotel density shouldn't be counted towards something that provides residential density for employees. The idea was this could be utilized throughout the Keys for projects that have infill. Playa Largo did this across the street on another parcel because it didn't have the density. After looking at the revisions, the primary concerns were the affordable ratio. The mechanism used was the same as for the Quarry. Low or very low do not build themselves or make money with the cost of construction in the Keys. The smaller the project gets, the more cost per square foot for construction costs. This can be 300,000 per unit, plus insurance, taxes, operation, wear and tear. Low and very low are not capable of being developed unless they're subsidized. Commissioner Wiatt stated that the added benefit is having employees housed at or near the location so it's hard to put a figure on that. Mr. Smith agreed there was some benefit, but if there are units open with no employees needing housing on site they should be able to be rented. Commissioner Miller then asked why the applicant was asking for more density if it wasn't needed for the hotel. Mr. Smith responded that the space would be able to be used up. The example given was the density for a hotel is 10 units per acre, requiring 10 acres. The space it will use is 3 acres, leaving 7 acres vacant which could be used for other commercial uses or, in this case, affordable housing, which would be a benefit in Stock Island. Commissioner Miller added that the hotels get some of the highest rates in Florida. Mr. Smith stated that if he wanted to debate hotels and rates they could be here all day. Mr. Smith explained that on a median income unit, there is not only a limitation on how much you can charge, but how much you can make and how much two people can make living in the unit.

Mr. Smith presented a spreadsheet of a typical hotel and employees, color coded by qualifications of employees for a unit, reflecting that for the two person unit, over 75 percent of the employees wouldn't qualify for the unit because their income is too high. So the income threshold is another limitation. There can be a minimum threshold for low, a maximum threshold for the moderate, and place the rest at median. Even if you aren't going to rent it at that rate, more people qualify for that unit. Commissioner Wiatt stated that in reality, when folks start making enough money where they cannot qualify for the low income housing rate, they are getting close to being able to afford market rate. A moderate two bedroom is \$2,118 per month. The market rate is in the high 1,600s. Mr. Smith disagreed with that figure and believed Commissioner Wiatt's numbers were outdated. Commissioner Wiatt expressed concern that with this proposal, it will end up 75 percent moderate and median because it is allowed. Mr. Smith added that it would be a maximum of 25 percent moderate with a remainder of 50 percent median. Commissioner Wiatt stated that there was a good chance that 75 percent would be right with market rate, and they would be burning 75 percent of the affordable housing ROGOs on market rate. Mr. Smith stated that he understands, but that actual market rates are higher. The applicant has attempted to create a mix that works for this area and this project. If the Commission needs to limit it to this area and project, that's a limitation the applicant is willing to accept to have the numbers work.

Mr. Smith continued by explaining the need to not leave a unit vacant, which is why they added the right of first refusal for employees. Commissioner Livengood asked if it was rented to someone other than the employees, if they would get a year lease, and then when employees need to stay in the units if they would have 30 days. Mr. Smith explained that the problem is with it being limited to employees, they must be making 70 percent of their income in Monroe County. If no employee wants it and there is someone else in the community who wants to live there and their income qualifies, they aren't going to want a 30 or 90-day lease. It is more detrimental to the workforce to not be assured that they have a place for a year, and people want stability. Chair Werling noted that there is a large amount of reasonably-priced housing on Stock Island now, though maybe not as nice as this will be. Mr. Smith stated that he owns un-deed-restricted mobile homes and for 600 to 700 square feet, they rent for \$2,000, and that is the

market. If too many restrictions are put on this project, it won't work. And if infill can be put where infill is appropriate, then it needs to be done. The conditions were limited to work for this project, but Mr. Smith believes they could be utilized in other places. He understands there is concern about Sugarloaf Lodge, which is Zoned Destination Resort, which has a maximum net density for residential of 18 units per acre and there are 19 acres, so 250 market rate or affordable units could be built there today, and if they're detached, it's permitted as of right. If someone actually wanted to develop that, it is an extremely dense site with a lot of land. Most properties that have a hotel, when it's redeveloped, they utilize that, or near that, maximum hotel density. This project is infill. There is no perfect solution to affordable housing in the Florida Keys and inroads can only be made in certain areas. Mr. Smith is requesting this be approved County-wide, but he understands if it is restricted for Stock Island.

Commissioner Wiatt added that not long ago, someone had wanted to develop affordable housing in Key Largo and it was shot down, and they were willing to go close to 100 percent low. Commissioner Wiatt again expressed concern with the 25 percent low with three-quarters being very close to market rate. Commissioner Livengood expressed concern with it not being just for the employees of the hotel/motel. Mr. Smith stated that with that restriction, no hotel owner would develop. Commissioner Livengood mentioned Hawk's Cay having employee housing only. Mr. Smith responded that Hawk's Cay has a very small portion of their housing contributed by its owned property, and they have a significant number of employees that live off site. They have about 300 employees and 20 employee housing units. A 20-unit or 50-unit hotel doesn't allow for that to be reasonable. It can be stated first come, first served, and they are at the front of the line, but if it must be for them, the risk of it not being occupied could eliminate ability for bank financing. Commissioner Wiatt admitted that market rate is different for Key Largo and Stock Island. Allowing for only 25 percent low income in Key Largo could cause median and moderate to be higher than market rate. Three affordable ROGOs are being given up with only gaining one low income unit. Mr. Smith suggested then limiting it to Stock Island. Commissioner Wiatt reiterated that giving up affordable housing ROGOs three to one is doomed. Mr. Smith asked if the Commission had a recommendation. Commissioner Wiatt expressed feeling like a used car salesman. Commissioner Miller asked for the maximum allocated density for this property. Mr. Smith believed it be 13 acres, two units per acre, less 20 percent for open space, so it's actually 1.6 units per acre, equating to about 20 units. Commissioner Miller noted that this is proposing 35 dwelling units per buildable acre, and that this wasn't written as an issue of affordable to the number of hotel rooms. Mr. Smith responded that if someone has a 20-unit hotel and wants to build five units, why would they be restricted from building those five units. Everything in the Code is built on maximum densities, not ratios. Commissioner Livengood asked if Stock Island Marina Village had to put in any employee housing to build. Mr. Smith responded that they did not, as there is no requirement under the Code for hotels to provide affordable housing. Chair Werling expressed concern about unscrupulous outside entities that could come down and in conjunction to their hotel, could build "x" amount of affordable and somehow not find people to rent them to their liking, and it would sort of slush into extra hotel units. Mr. Smith explained in detail the requirements for owners of affordable housing units to prevent that type of thing, adding that the County could field test it and that that could be said about anything. One of the reasons they don't want to limit it just to the hotel employees is because they have a marine repair shop. The first priority is the hotel but there will be others and typically it will be people from the area. This is expanding a concept that is already in place and has already been used.

Commissioner Wiatt reiterated that he cannot get past the three for one. Numbers have been thrown around about a non-affordable housing ROGO being worth anywhere from \$50,000 to \$60,000. By giving away a market rate ROGO for every one affordable housing ROGO, then \$180,000 worth of value is given up for one real low income affordable housing unit. Where is the hotel pony-ing up the \$180,000? He can't justify it. Mr. Smith asked if a third of each would work or where the line would be, as it seems arbitrary. Commissioner Wiatt believes that if this is as good as it is going to get, then the County is in deep trouble. Commissioner Coward asked if 50 percent low was the answer. Mr. Smith

stated the Commission could make that suggestion and they could figure out whether it would work at all. Commissioner Livengood reiterated that it should be employee housing and not for other people. If it is not for the hotel's employees then there is no need for it at all. Commissioner Coward asked about the numbers of employees and Commissioner Miller asked if those numbers were realistic. Commissioner Coward asked if he was looking at needing approximately 20 units of workforce housing. Mr. Smith stated that would work, and there could be up to 20 people to fill those units, but if they weren't filled, why wouldn't the additional units be desired if there is available land. It's infill, not just the idea of being for employees of the hotel, which misses the larger picture of the shortage. Commissioner Coward referenced the Sugarloaf Lodge example which could have upwards of 150 workforce housing units and there would not be nearly that number of employees. Mr. Smith agreed that after listening to the public today, the appropriate place is Stock Island, and that limitation can be put on this. Commissioner Wiatt stated he likes the project and location, but not the numbers. The Quarry was referred to as having 45 percent low. Mr. Smith agreed, adding that it is a competitive process to get those subsidies and they are limited. Many projects that may be infill would likely not reach the 30-unit threshold required.

Chair Werling asked for public comment. A break was taken from 3:00 p.m. to 3:06 p.m.

Mr. Bill Hunter speaking for Lower Keys Alliance stated that what Mr. Bart Smith is calling infill, is density. He believes hotels and most businesses in the Keys should build workforce housing for their employees on site. The employer should either pay the employee or subsidize the housing by building workforce housing. But, as with many things, it's how it gets done and what the impact is. Stock Island has a unique Zoning of Maritime Industries. Building 20 is not onerous for that area, but today in Unincorporated Monroe, the maximum hotel density anywhere is Destination Resort and is 25. The maximum residential density anywhere is Urban Residential and is 25. Those are the maximums anywhere in the County except for 2.5 acres on College Road on Stock Island where Key West just upped the density to 40. The ceiling today is 25, and today, there was hours-worth of emotional testimony about raising it higher than 18 and 25. Start adding up the numbers and the total potential density was 43, 45. The original request had pretty high densities and Mr. Smith acknowledged that and his solution to that is 35, today it's 25. We were just talking about 27 and 37 and saying that's not appropriate anywhere on Stock Island. Mr. Hunter stated that he believes Mr. Smith has recognized that 35 may not be appropriate anywhere on Stock Island. The impacts of commercial on a community are during the day. Residential impacts are at night. The impacts of those two different uses conflict a little bit are more synergistic than most. A hotel, while it is commercial, it is residential requiring ROGOS. That's why the maximum residential densities for all of these different Zoning Districts that could be impacted have maximums today. Those maximums were created with the assumption that you're either going to do all this, or all this, or a mix that doesn't go above. We're being asked to take both maximums and add them together and cap it at 35, and 35 is unacceptable in some areas of the County. This Commission is just for the County and the applicant is in the County. Mr. Hunter continued that affordable housing has the same impacts as market rate except the cost is different. Employee housing has all of the impacts of affordable housing with the exception of having to make 70 percent of their income in the County. The way to keep the vehicles off the road is by making it employee housing for those who work on that site. The two biggest problems in Monroe County are workforce housing and traffic. This solves one and doesn't create a problem with the other. It is unlikely there would be a vacant unit that nobody wants. Commissioner Wiatt wants a certain income level and Mr. Smith says it can't happen. But if this is employer housing then the employer is collecting the rent, setting the rent, paying the salary and it is all under the control of the hotel. That hotel owner can make it work. Employees of the right income level can be in that housing for that business and it is a win-win. Any time you raise the density in Unincorporated Monroe, the only way you should be able to do it is if that employee doesn't leave the property.

Ms. Dottie Moses of Key Largo stated this is the same thing again, density increases. If you are allowed 25 hotel rooms and add another 10, that's a 40 percent increase in density which is high. There have been hotels in Key Largo where they inherited the development and variances in parking, and if they were to come back and try to add housing now, they presently can't park their clients. The hotels are renting houses down the street so they can use the yard for parking and they still have to park along the right-of-way. There are a lot of very tightly developed hotels now. Ms. Moses is very worried about density increases. Though she likes the idea of workforce housing, she believes the number is high and she is very concerned about how this will impact Key Largo. If the developer is taking the full density of the hotel rooms, then the affordable housing units should be smaller.

Mr. Stuart Schaffer spoke for Sugarloaf Shores Property Association. Foremost in his mind is the Sugarloaf Lodge. Contrary to what Mr. Smith said, the residents are aware of the density allowed there now, but this would increase the number that could be built there. The applicant states this proposal is needed to level the playing field between non-residential and the special category hotel/motel, that you get a bonus for non-residential, so why not for hotel/motel. Mr. Hunter alluded to the distinctions. Hotel/motel space is housing and is very similar in terms of the impact on the community to housing primarily because of the effect on traffic patterns. It is very distinguishable from other commercial non-residential uses. This is why, back in May, that this should be limited to employer-provided housing for employees working on site. The point has been made that the housing will never get built because who would risk building two large buildings to house their people. It will get built and there are lots of areas in the Code that provide for employer-provided housing on site. The revised proposal would allow it for any employee housing. Mr. Schaffer requests the bonus be limited to on-site rental housing for employees of the hotel, and he would add full-time employees, not someone getting hired for two hours. The cap is important and 35 per acre is too large for most of the County. Mr. Schaffer would be happy limiting it to Stock Island, but this is very dense. Commissioner Miller mentioned a percentage to the hotel rooms and that is not a unique concept. The Code has areas such as in Destination Resort, that if you build a hotel, you must build 10 percent on-site housing. Rather than a cap of 35, Mr. Schaffer suggests going with 10 percent of the number of hotel rooms on site to get this bonus. Mr. Schaffer does not see anywhere in the staff report where this is limited to rental housing and he thought the concept Countywide was that any increase in density should be limited to rental housing. On the redevelopment point, the revised proposal says it's limited to hotels where the transient ROGOs were not awarded or transferred after the effective date of the new law. Mr. Schaffer requests this be after the date of the new law was introduced to prevent people from gaming the system over the next number of months before this takes effect. Cut it off on that date to prevent the transfer of ROGO shenanigans onto properties that are not existing hotel properties.

Mr. Chuck Weitzel, CPA, stated he owns property on Stock Island and Big Coppitt that he rents out. The reality is there is a problem where business owners either have to pay their employees more or find some way to subsidize their housing and it is a huge burden. Stock Island can handle higher density better than other areas of the County with the infrastructure there. \$2,400 isn't much when looking for an apartment nowadays. There is a strong difference between affordable housing and employer housing. Mr. Weitzel is for bringing in the high-density for employee-type housing, not necessarily affordable. Businesses need to house the people who keep the wheels running day in and day out. He would like to see the emphasis on employment housing.

Captain Ed Davidson said this is déjà vu all over again. He has heard this argument for 40 years from developers poor-mouthing the regulatory agencies and demanding that they be subsidized significantly at the expense of the quality of life of the folks in the Keys, at taxpayer expense, in order to do what should be required as the cost of doing business in the Keys. The basic discussion is how much they should be subsidized and it is right to agonize over consuming three market-rate permits to get one affordable permit. That never pays, it has always been a bad deal, and developers have been getting away with it for

decades. They are not philanthropists. They take markup, profit and overhead on every part of the deal. It would be much cheaper to pay somebody to build affordable units at what they cost. Very few modern hotels in the Florida Keys have gone bankrupt. But every few years, complexes like that sell for a couple-million bucks at least more than they had invested in them. He has had business over the years where he has tolerated a break-even revenue pattern because the real estate value goes up six or seven percent a year. Being in the tourism business in the Florida Keys has been historically a pretty reliable lucrative business that doesn't need to be subsidized particularly consuming the limited number of units left on a three-for-one bad deal. One-for-one should be demanded and let the developer figure out how to simulate that as the cost of doing business and see if they withdraw. Alas, he suggested this a long time ago that every big operation that comes to the Keys should provide employee housing as simply the cost of doing business here. Lots of folks made a lot of money in that business and the taxpayers don't need to be subsidizing them for doing that. It should be one affordable housing unit for every ROGO permit as there are only so many left.

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

Mr. Bart Smith asked to offer rebuttal. Going through the comments, the idea that the employers have to either subsidize rents or pay more goes to one of the issues about low income. Subsidization of rent has to be reported as income, which means if you're subsidizing the rent as the employer, that's reported as income and puts the employee above that income level. Renting to an employee under market rate would be something looked at by the IRS as additional income to the employee. Commissioner Miller added that all hotel units being full aren't reported. Mr. Smith stated he did not think that comment was relevant. Mr. Wolfe suggested getting back on point. Mr. Smith continued, this is infill on existing property and he is comfortable limiting it to Stock Island, and having it as employee housing with the right of first refusal. The problem with employer, when you put the thresholds on it, no entity will build something that remains vacant. That is the risk. Even at 25 units total, that is a reasonable number for Stock Island. If the only issue is the income categories, he would ask for a recommendation from the Commission. Mr. Smith cannot speak for his client as to whether one-for-one would be a workable number or if there is a number in between there that works. Mr. Smith asks for a recommendation of approval for up to 25 units total density, employee housing with the right of first refusal, and a 25 percent minimum low, not to exceed 25 percent moderate, whatever it is in between.

Commissioner Miller asked Mr. Smith if he was saying 25 instead of 35, and Mr. Smith confirmed that to be correct. Commissioner Wiatt asked what would be more difficult to swallow, increases in low income or the idea of making it employee housing for just the employees working on site, and Mr. Smith responded it would be the latter as it is too difficult to fill units with employees on site. That would be death to the concept. Commissioner Wiatt suggested then going back to the right percentage. Commissioner Miller added that the idea that these people don't get counted in hurricane evacuation is a sham, as they will leave for an evacuation so that strategy doesn't work. Ms. Cioffari interjected that that had not been included. Commissioner Wiatt thought that was in another project package. Commissioner Coward asked what number seemed right, 50 percent or 75 percent of low and very low. Commissioner Wiatt responded that if it is first right of refusal which doesn't limit the employer to how many employees they actually house, then it's got to be at least 50 percent low. Though he hates to say it, he believes there is some validity to the employees on the property being paid by the landlord takes away from the importance of what rate it is as there would be some dealing back and forth on that. With first right of refusal and they don't have to house any of the employees, then he would go back to at least 50 percent low. Commissioner Coward summarized the proposal as 50 percent employer housing and 50 percent low. Chair Werling agreed. Commissioner Miller suggested the ratio but thought the cap at 25 was doable. Mr. Smith asked for a clarification on the employee of the property, as there is the hotel and marinas and all sorts of things which would allow some leeway. Chair Werling stated this property had a larger pool to pick from, so 50 percent employee on the property with a cap of 25 units. Commissioner

Miller confirmed this would only apply to Stock Island. Commissioner Coward stated he would take issue with that, as 54 percent of the hotel units in the County are over 50 years old so there should be some incentive to get those redeveloped, so he would not agree with that. Commissioner Miller asked about specifying only on existing development. Mr. Smith stated that it was not for new transient ROGOs as there is a moratorium on transient ROGOs. Commissioner Livengood stated a preference for 75 percent employee housing rather than 50. Mr. Smith stated that wouldn't be possible. Commissioner Coward asked if that would include contractors working for the employer that was not an employee. Mr. Smith said the higher that number the higher it was to meet. With 20 units, 15 would have to be for employees and only 5 with flexibility. Commissioner Livengood saw that as a good number. Commissioner Wiatt thought it would be easier to get the employees in the units if the rent was commensurate with their income. There are a large number of people not making a lot of money at these facilities. Chair Werling thought 50/50 and max 25 units per acre was reasonable on this project. Mr. Smith also requested this be just for Stock Island.

Captain Davidson called for a point of order, if the applicant was amending his application, then the public had a right to discuss that. Mr. Williams stated that public input was closed.

Commissioner Coward asked if this was project specific or Countywide. Mr. Wolfe responded that it is Countywide, but the Commission can choose to limit it. Commissioner Miller stated he would prefer to limit this to Stock Island. He would like to see what the impact to the rest of the County would be instead of making it for the whole County today. Commissioner Wiatt agreed, particularly since the applicant was asking for that. Chair Werling added that something else may need to be done for smaller projects. Commissioner Livengood asked about the parking situation, and Mr. Smith responded there are 370-plus parking spaces. Ms. Schemper interjected that by adding affordable housing to the site, additional associated parking would need to be required for those units, which is more than for hotel units.

**Motion: Commissioner Wiatt made a motion to approve with the change of 50 percent low allotted to on-site personnel, cap the total density at 25, and limited to Stock Island. Commissioner Miller seconded the motion.**

**Roll Call: Commissioner Livengood, Yes; Commissioner Wiatt, Yes; Commissioner Coward, Yes; Commissioner Miller, Yes; Chair Werling, Yes. Motion passed unanimously.**

### **ADJOURNMENT**

The Monroe County Planning Commission meeting was adjourned at 4:00 p.m.