

DEVELOPMENT REVIEW COMMITTEE

Tuesday, December 14, 2021

MEETING MINUTES

The Monroe County Development Review Committee conducted a virtual meeting on **Tuesday, December 14, 2021**, beginning at 1:00 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER by Emily Schemper at 1:00 p.m.

ROLL CALL by Debra Roberts

DRC MEMBERS PRESENT

Emily Schemper, Senior Director of Planning and Environmental Resources
Mike Roberts, Assistant Director, Environmental Resources
Bradley Stein, Development Review Manager
Devin Tolpin, Principal Planner
Cassy Cane, Deputy Fire Marshal
R.L. Colina, Fire Marshall
Karen Taporco, Naval Air Station Key West
Shereen Yee Fong, FDOT Representative

STAFF MEMBERS PRESENT

Peter Morris, Assistant County Attorney
Debra Roberts, Senior Planning Commission Coordinator

APPLICANTS & PUBLIC PRESENT

No speakers.

CHANGES TO THE AGENDA

There were no changes to the agenda.

MINUTES FOR APPROVAL

Approval of the meeting minutes for Monday, November 15, 2021, by Emily Schemper.

MEETING

1. AN ORDINANCE BY MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP TO APPLY THE SAFE HARBOR COMMUNITY CENTER (SHCC) OVERLAY DISTRICT FOR PROPERTIES LOCATED AT APPROXIMATELY MM 5, 5700 4TH AVE., 6460 FRONT ST., 5550 5TH AVE., 6811 SHRIMP RD., 5550 5TH AVE., 5550 5TH AVE 1-10, 6630 FRONT ST., 6500 FRONT ST., 6840 FRONT ST., 6805 SHRIMP RD., 6803 SHRIMP RD., 6991 SHRIMP RD., 7009 SHRIMP RD., 7007 SHRIMP RD., 7011 SHRIMP RD., 7025 SHRIMP RD., 7075 SHRIMP RD., 7005 SHRIMP RD., BAY BTM. OF

SHRIMP RD., 7821 SHRIMP RD., 6810 FRONT ST., AND 7001 SHRIMP RD.; STOCK ISLAND, MONROE COUNTY, FLORIDA, HAVING PARCEL IDS 00123570-000000, 00123770-000000, 00127250-000000, 00127280-000000, 00127290-000000, 00127380-000000, 00127280-000200, 00123730-000100, 00123800-000101, 00123800-000102, 00123720-000400, 00123600-000101, 00123600-000102, 00123540-000000, 00123761-000100, 00123761-000200, 00123761-000300, 00123761-000500, 00123761-000600, 00123761-000700, 00123761-000800, 00123761-000900, 00123761-001000, 00123762-000000, 00123660-000000, 00123731-000000, 00123590-000000, AND 00123761-000400; AS PROPOSED BAMA ONE, LLC, BERNSTEIN BENJAMIN RESIDUARY TR B U/T/T, BERNSTEIN BENJAMIN TRUST B, BYRON COLLEY AND TONITA A DAVIS H/W, CONSTELLATION YACHTS, INC., HARBOR BAY INVESTMENTS, LLC, JKYD, LLC, K W RESORT UTILITIES CORP, KEY WEST TRANSFER STATION & HAULING SERVICE, INC, KEYS FRESH SEAFOOD, LLC, LONGSTOCK II, LLC; ROBBIE'S SAFE HARBOR MARINE ENTERPRISES; SAFE HARBOR ENTERPRISES, LLC; SAFE HARBOR PROPERTIES, LLC AND SIMV HOTEL 1, 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 2019-062)

(1:06 p.m.) Mr. Bradley Stein, Planning and Development Review Manager, presented the staff report for Cheryl Cioffari, Assistant Director of Planning. This application was submitted on April 19, 2019, with Mr. Bart Smith as the agent on behalf of the property owners. The file number is 2018-169. The proposed amendment applies to the boundaries of the new Safe Harbor Community Center Overlay District. The new applicable regulations would be set forth in Land Development Code Section 130-140, which has been proposed by the applicants. The purpose of the Safe Harbor Overlay is to implement goals, strategies and action items of the Comprehensive Plan Stock Island to Key Haven Livable CommuniKeys Master Plan, and the Stock Island Harbor Preservation Redevelopment and Intra-Island Corridor Enhancement Plan for development of a purpose and intent for, boundary transfers of non-residential square footage into Safe Harbor permitted and conditional uses, maximum density for the hotel/motel and minimum open space, maximum non-residential land use intensities and district open space, and parking setbacks and signage. Affected properties would maintain their underlying existing land use district or zoning designation but would be eligible to utilize the regulations developed with the Safe Harbor Overlay as identified in the proposed LDC Section 130-140.

Community meetings were held on June 30, 2020, and December 1, 2021, to discuss the proposed amendments. The density and intensity analysis for the Safe Harbor Overlay is shown on the table beginning on page eight of the staff report, with pages 10 and 11 containing most of the major changes. Mr. Stein presented the table. The major changes concern the transient density, going from an existing max net of 15 per buildable acre to a proposed of 20 max net per buildable acres. Also, proposed changes to floor areas would be commercial retail or restaurant, going to .45 for medium and low, and .3 for high intensity. Light industrial uses within the industrial FLUM would be permitted to be .6, but other FLUM areas that permit light industrial would only be allowed .45. There is the potential for increased residential transient and commercial development. Those main proposed changes are to the transient max net density and

to the FAR. As to the increases of the proposed FAR, it is important to note that the existing proposed non-residential land uses would utilize less development potential of the land than previously permitted under the existing FAR for MIMU zoning districts. There would be more development potential for transient and residential uses. Any proposed new residential use would be subject to the requirements of Chapter 138 of the Land Development Code related to the ROGO permit process, and proposed affordable dwelling units would need to be obtained with affordable ROGO allocations available at the time, prior to issuance of any building permit. The proposed amendment may not be consistent with the Monroe County 2030 Comprehensive Plan or with the Stock Island and Key Haven Livable CommuniKeys Plans, Volumes I and II, unless staff-recommended edits are included as part of the proposed companion text amendment to ensure internal consistency as noted in the staff report. The proposed amendment is consistent with the provisions and intent of the Monroe County Code and Land Development Code. In accordance with Monroe County Code Section 102-158(d)(5)(b), the BOCC may consider the adoption of an ordinance enacting the proposed change based on the factors identified therein. The proposed map amendment is needed pursuant to Subsection 4, new issues. The proposed LUD amendment would apply the Safe Harbor Overlay to the district properties and is consistent with the proposed text amendment and with the established mixed use commercial and industrial categories.

Ms. Schemper pointed out that this zoning amendment is sort of unique because this applies the proposed Safe Harbor Community Center Overlay District and the accompanying text amendment if and when adopted to specific properties around Safe Harbor within the established boundaries in what's proposed to be the overlay district. Normally the two items would be taken together. In this case, the text amendment portion previously went to DRC twice last year, so this zoning amendment is sort of playing catch up, and these are the properties that have currently requested to be included in the overlay. After this, the items will travel together to Planning Commission and BOCC, and the zoning change applying the overlay would be contingent on the overlay itself actually being adopted.

Ms. Schemper asked whether staff or anyone on the committee had any questions or comments. Ms. Karen Taporco, Community Planning and Liaison Officer for Naval Air Station Key West, asked for confirmation that this would be an increase to density and intensity standards. Ms. Schemper explained that it is not an overall increase for everything, but it would be an increase. Ms. Taporco stated that pursuant to Policy 108.2.5 of the Comp Plan, Naval Air Station Key West is concerned with the proposed increases to established density and intensity standards within the MIAI. The Safe Harbor Community Center Overlay District is located within the 60 to 64 and 65 to 69 day/night average sound level established by the 2018 AICUZS study, and is an area of concern for future development. While the land use compatibility guidelines provided in Table 7.1 indicate the proposed land uses are generally compatible in areas less than 65 DNL, they become less compatible as densities, people and structures increase. Pursuant to Policy 108.2.6 NAS Key West is concerned with the potential introduction of new land uses to include heavy industrial or heliports and seaplane ports into the overlay district. Based on prior community meetings, those uses have been removed, but Ms. Taporco wanted to mention it for the record. Florida Statute 380.0552, Section 7, Principles for Guiding Development, requires proposed amendments be consistent with protecting the value of public investments in the Florida Keys, including NAS Key West, who is encouraging local governments and community

leaders to foster less intense development in the 60 to 64 DNL buffer area as further long-term encroachment protection. Development up to the AICUZS footprint boundary will make it difficult to expand missions or accept new missions at the installation.

There were no further questions or comments from staff. Ms. Schemper asked for comment by the applicant. There was none. Ms. Schemper asked for public comment. There was none. Public comment was closed.

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE CHAPTER 135 HISTORIC AND CULTURAL RESOURCES, CREATING A MATRIX ESTABLISHING TYPES OF WORK DONE TO A DESIGNATED HISTORIC PROPERTY OR STRUCTURE OR ANY PROPERTY OR STRUCTURE WITHIN THE TAVERNIER HISTORIC DISTRICT THAT CAN BE APPROVED BY A REGULAR CERTIFICATE OF APPROPRIATENESS, 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 2018-069)

(1:18 p.m.) Ms. Devin Tolpin, Principal Planner, presented the staff report. The purpose of this text amendment initiated by the Planning and Environmental Resources Department as directed by the Monroe County Historic Preservation Commission is to create a matrix that establishes types of work that can be done to a designated historic property or structure, or any property or structure within the Tavernier Historic District that can be approved by a regular certificate of appropriateness. A contributing property or structure within the Tavernier Historic District is a structure that is listed on the National List of Historic Registries or has been designated by the BOCC as being a historic or cultural resource. A non-contributing structure is any other property or structure that is within that Historic District. Currently, a regular certificate of appropriateness issued by the Planning Director can be issued for ordinary repairs or maintenance or any work to a property or structure within the District that would not result in a change of the original appearance. A special certificate is issued by the Historic Preservation Commission for any other work that will result in a change in the appearance of the property or structure. Ms. Tolpin presented a snapshot of the District, located between mile markers 91 and 92 ocean side in Tavernier, and the proposed matrix which is fairly long and detailed. It was developed initially by staff and the Historic Preservation Commission in 2018, and has since been revised. The matrix includes work to be done to structures within the District, and indicates whether a regular or special certificate would be proposed. Ms. Tolpin noted that any work that needs to be done by means of a regular certificate of appropriateness must be consistent with the approved Tavernier Historic Preservation Guidelines, which are adopted and are part of the Comp Plan, and are included as an attachment to the staff report.

Staff has analyzed the proposed amendment and has determined that it is consistent with the LDC, Comp Plan and Principles for Guiding Development. The purpose is to address the new issues identified by the Historic Preservation Commission for the need to allow additional work

to be done through the regular certificate of appropriateness process rather than the special certificate process. Staff recommends approval.

Ms. Schemper referenced the site plan and asked whether part of the proposed amendment was to change the boundaries of the District, or if that was a separate request. Ms. Tolpin responded this is not a separate request. The map came from the Tavernier CommuniKeys Plan and was the proposed copy, not the adopted copy, but the only copy she had been able to find. Ms. Schemper asked if the proposed area in dark blue is now the existing adopted. Ms. Tolpin responded that the entire portion is the existing adopted District.

Ms. Schemper asked if staff or any committee members had any questions or comments. There were none. Ms. Tolpin added that this item is scheduled for a community meeting tomorrow at 5:05 p.m. via Zoom. The login information is on the Planning Department Calendar if anyone wishes to attend. Ms. Schemper then asked for public comment. There was none. Public comment was closed.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 1:25 p.m.