

PLANNING COMMISSION
May 29, 2013
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, May 29, 2013**, beginning at 10:03 a.m. at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL by Gail Creech

PLANNING COMMISSION MEMBERS

William Wiatt, Chair	Present
Jeb Hale	Present
Elizabeth Lustberg	Present
Ron Miller	Present
Denise Werling	Present

STAFF

Townsley Schwab, Senior Director of Planning and Environmental Resources	Present
Susan Grimsley, Assistant County Attorney	Present
Steve Williams, Assistant County Attorney	Present
John Wolfe, Planning Commission Counsel	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Joe Haberman, Planning & Development Review Manager	Present
Mitch Harvey, Comp Plan Manager	Present
Tiffany Stankiewicz, Development Administrator	Present
Matt Coyle, Planner	Present
Gail Creech, Planning Commission Coordinator	Present

COUNTY RESOLUTION 131-91 APPELLANT TO PROVIDE RECORD FOR APPEAL

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

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Gail Creech confirmed receipt of all necessary paperwork. Ms. Creech submitted one additional page to the Commissioners regarding Agenda Item 1.

SWEARING OF COUNTY STAFF

Mr. Wolfe swore in County staff.

CHANGES TO THE AGENDA

There were no changes to the agenda.

APPROVAL OF MINUTES

Motion: Commissioner Werling made a motion to approve the minutes of the April 24, 2013 meeting. Commissioner Miller seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

1.A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM

for the January 15, 2013 through April 12, 2013 ROGO quarter (3rd Quarter Year 21). Allocation Awards will be allocated for all unincorporated Monroe County.

File 2012-137

(10:06 a.m.) Ms. Stankiewicz presented the staff report. Ms. Stankiewicz reported that staff recommends approval of Lower Keys market rate applicants 1 through 14, Big Pine applicants ranked 1 through 2, Upper Keys applicants ranked 1 through 15. There were no affordable housing applicants. Mr. Schwab added that it was revealed that Applicant 7 in the Upper Keys subarea has some construction on the site. Staff evaluated it to the extent possible in the limited time and determined to submit the list as it was, but staff will be reviewing that to make sure that everything is in order and any issues that need to be addressed will be addressed prior to being allowed to move forward and receive a permit. Mr. Wolfe pointed out the “M” in the left margin denotes the need for this site to be monitored.

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

Motion: Commissioner Werling made a motion to approve including the reference to Applicant 7 in the Upper Keys. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

2.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 130-160, TRANSFERABLE DEVELOPMENT RIGHTS, TO REVISE THE LAND DEVELOPMENT REGULATIONS TO BE CONSISTENT WITH POLICY 101.13.4 OF THE MONROE COUNTY COMPREHENSIVE PLAN, 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 CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

File 2013-050

(10:09 a.m.) Mr. Haberman presented the staff report. Mr. Haberman reported that this ordinance was before the Planning Commission roughly a year ago and there have been two issues with it since then. The first issues revolves around the use of “and” versus “and/or.” When this was presented to the Planning Commission prior “and/or” was used, and between the Planning Commission meeting and it getting rendered to the State “and/or” became “and.” “And/or” allows any of the zoning categories, which is what the comprehensive plan says. That part was not included verbatim into the code. That is important, because the way it was

approved right now an applicant must be within one of the six zoning categories and have the environmental characteristics, which was not what is intended by the comp plan. The code is far more prohibitive and effectively slowed down TDR's to only coming out of native area sites, which was not the intent. The second issue is use of the word "discourage," which is used in the comp plan. The Planning Commission had previously directed staff to make that change to use of "prohibit" as part of the comp plan update. It got changed in the ordinance and now "prohibit" is in the code and "discourage" is in the comp plan, so staff wants to change "prohibit" in the code back to "discourage" so it is consistent.

Mr. Haberman explained to Commissioner Miller that the policy in the comp plan that talks about TDRs does not address tiers or even use the term "tier" in any way. Commissioner Miller believes correcting the comp plan to make this consistent should be included as a companion ordinance.

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

Motion: Commissioner Hale made a motion to approve. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AN AMENDMENT TO THE LAND USE DISTRICT MAP AMENDING THE LAND USE DISTRICT MAP DESIGNATION FROM RECREATIONAL VEHICLE (RV) TO SUBURBAN COMMERCIAL (SC), FOR PROPERTY LEGALLY DESCRIBED AS A PARCEL OF LAND IN SECTION 14, TOWNSHIP 62 SOUTH, RANGE 38 EAST, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00088840.000000; 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 MAP; PROVIDING FOR AN EFFECTIVE DATE.

File 2013-042

(10:16 a.m.) Mr. Coyle presented the staff report. Mr. Coyle reported that this is a request to change the land use district map from recreational vehicle to suburban commercial. Mr. Coyle described the location and physical characteristics of the property. A brief history of the property's zoning was recited. In staff's research it was concluded that there has never been an RV park on this property or any approved residential use. Mr. Coyle believes it is possible that the property may have been inadvertently included in the RV land use district following the assumption that it was part of Key Largo Ocean Resorts next door, which was developed as an RV mobile home park. The application was found to be consistent with the comp plan, the existing FLUM designation, the Tavernier CommuniKeys plan, and the land development code. The maximum residential densities and nonresidential intensities permitted by the comp plan would not change. There will be a small increase in the land use district permitted densities and intensities. For residential max net it would be an additional six units, but only if they were affordable or employee housing, and the nonresidential floor area would increase by up to 8,300 square feet. Staff recommended approval of the land use district map amendment.

The applicant, Rene Guerra, was sworn in by Mr. Wolfe. Mr. Guerra stated he is asking to get back what he bought back in 1983 so as to retain his property value.

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

Motion: Commissioner Werling made a motion to approve. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

BOARD DISCUSSION

Commissioner Lustberg stated that the 300-foot requirement for public notice on proposed changes that will affect not just the next-door neighbor, but the greater community, should be expanded, possibly through increased written notice or posting the notice at the access point from US-1 so anybody entering that community could see it. Mr. Haberman explained that a lot of new applications are now requiring community meetings. Mr. Haberman will notify the Commissioners what type of projects that applies to.

GROWTH MANAGEMENT COMMENTS

Mr. Schwab stated that staff is currently working on a new schedule for the Keith & Schnars presentations.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 10:32 a.m.