

PLANNING COMMISSION
June 26, 2013
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, June 26, 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
John Wolfe, Planning Commission Counsel	Present
Mayte Santamaria, Assistant Director of Planning and Environmental Resources	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Joe Haberman, Planning & Development Review Manager	Present
Mitch Harvey, Comp Plan Manager	Present
Tim Finn, 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.

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 May 29, 2013 meeting. Commissioner Miller seconded the motion. There was no opposition. The motion passed unanimously.

SWEARING OF COUNTY STAFF

Mr. Wolfe swore in County staff.

MEETING

New Item:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 118-12(m) SHORELINE SETBACK, DOCKING FACILITIES; PROVIDING CRITERIA FOR LOCATION OF DOCKING FACILITIES; 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 2013-051)

(10:07 a.m.) Mr. Roberts presented the staff report. Mr. Roberts reported that over the last several months staff has received a lot of public input regarding conflicts with boat docking facilities being too close to the property lines in congested waterways, particularly within some of the interior canals in the URM subdivisions. The code only states side yard setbacks apply to docking facilities. That has resulted in some inconsistent application at the review stage in the permitting process. Staff has reviewed the codes and setback requirements for other waterfront communities in South Florida. They were more restrictive than Monroe County codes, which in some instances staff felt that would not be reflective of Monroe County's community character. Mr. Roberts stated that staff is recommending establishing a standard seven-and-a-half foot setback from either property line no matter which side the docking facility is on and no matter what the zoning is. That should reduce the inconsistency in the application during the review process and provide for less opportunity for a moored vessel to extend beyond the side property line onto adjacent properties. Mr. Roberts noted that over the last decade some of the mobile home communities have transitioned into stick-built or modular homes and the size of the vessels being moored in front of these homes has increased.

Mr. Roberts stated at the Development Review Committee (DRC) meeting in May the contractors industry was present and did have some significant concerns with changing the setback criteria and lobbied for just establishing a flat requirement that a moored vessel not extend beyond the side property line. Mr. Roberts pointed out that staff's principal concern is to ensure that a moored vessel does not extend beyond the side property line, but staff does not have the resources to monitor that. Mr. Roberts then outlined what the proposed changes are. The first change is a bookkeeping change to reflect the addition of inclusion of a notice to proceed. Some renumbering was done as well. Mooring pilings, boat davits, lifts and other appurtenances for securing vessels to a dock, not including cleats, shall have a side setback requirement of seven-and-a-half feet as measured from the property line, including the property line as extended into the water. No vessel shall be moored or docked or otherwise secured to a mooring facility in such a way that the vessel extends beyond the property lines, including the property lines extended into the water. To address the four-corner post-type lifts that are becoming something of a navigational hazard, the current code states no dock, together with a

moored vessel, shall preempt more than 25 percent of the navigable portion of the manmade water body, and staff is proposing the addition of no four-post or pile-supported lifts shall be permitted on parcels located at the terminal landward end of a residential canal that is less than 50 feet wide. Staff recommends approval of the proposed amendment.

Commissioner Miller asked how floating docks are being addressed. Mr. Roberts responded that the same side yard setbacks would apply as well as the 25 percent limitation of the navigable portion, although they are not specifically addressed in the amendment. Mr. Roberts clarified for Chair Wiatt that the intent of the amendment is that no portion of any docking facility would be any closer than seven-and-a-half feet to the side yard setback. Chair Wiatt then voiced concern that property owners who have a finger pier or a dock ten feet from the property line will be prohibited from lifting their boat out of the water. Chair Wiatt commented that a vessel left in the water causes more environmental damage than a vessel lifted out of the water. Mr. Schwab pointed out that even though this amendment is a little more restrictive, it is possible a docking facility would be prohibited anyway, depending on where that dock is.

Commissioner Lustberg suggested language be included that addresses boats docked parallel to the property as well as boats docked perpendicular to the property. Mr. Roberts clarified for Commissioner Miller that the 25 percent number applies to canals wider than 50 feet as well.

Chair Wiatt asked for public comment.

Burke Cannon from Tavernier, President of the Island of Key Largo Federation of Homeowners Associations, submitted photographs showing examples of existing docking facilities in canals. Mr. Burke recommended defining the property lines into the water on properties that are not rectangular. Mr. Burke commented on the problems four-post structures pose in a canal.

Kay Thacker, Key Largo resident and Vice-President of External Affairs for the Key Largo Federation of Homeowners Associations, submitted photographs to illustrate her concern with floating docks. Ms. Thacker feels that floating docks have not been addressed and the 7.5 feet has not been clearly stated. Ms. Thacker then requested that this item be referred back to staff before going to the Board of County Commissioners (BOCC).

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

Commissioner Werling commented that the setback limitations would be restrictive for vessels docked at piers. Chair Wiatt agreed with Commissioner Lustberg that the amendment addresses some complicated issues and suggested breaking the code up to address parallel dockage in a canal and perpendicular dockage in open water as examples. Mr. Roberts stated the code is more specifically broken out into marginal docks, T-style docks, pier-type docks and stated staff could take the concerns heard from the public and the Commissioners and specifically address each type of docking facility. The problems associated with four-post lifts on a canal were discussed. Commissioner Lustberg recommended getting language in the code to state that one cannot travel on their neighbor's water property in order to access their docking system. Chair Wiatt again noted that this is a complicated scenario that needs to be broken up and addressed, making changes as necessary. Discussion was had regarding limiting four-post lifts in certain size

canals. Commissioner Miller and Commissioner Werling asked staff to review four-post lifts and floating docks due to their limited access.

Commissioner Lustberg pointed out that because of the differences in what can be done on a canal as opposed to in the open water, more specifications should be reflected in the amendment. Chair Wiatt would like scenarios to be categorized for discussion. Mr. Roberts stated he understands the Commissioners' requests regarding the basic concepts of the setbacks and breaking those out into various dock types, but asked for clearer direction on the piling-supported elevator lifts. Commissioner Lustberg asked for clarification on the difference between the various dockages in canals and open water, and within that looking at perpendicular versus parallel docking in such a way that it does not extend beyond the property line.

Motion: Commissioner Miller made a motion to table this item indefinitely. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

2.Square Grouper Bar & Grill, 22658 Overseas Highway, Cudjoe Key, Mile Marker 22.6:

A request for approval of a 6COP SRX (Restaurant – Beer, Wine and Liquor, no package sales) Alcoholic Beverage Special Use Permit. The subject property is legally described as Block 8, Lots 22 and 23, Cutthroat Harbor Estates (PB4-165), Cudjoe Key, Monroe County, Florida, having real estate number 00178500.000000
(File 2013-066)

(10:56 a.m.) Mr. Finn presented the staff report. Mr. Finn reported that this is a request for a 6COP SRX alcoholic beverage special use permit for the Square Grouper Bar and Grill, who currently has a 2COP permit. Background was given on the applicant's location and prior County actions. Staff has found that the applicant has met all criteria to upgrade to the 6COP SRX permit. Staff recommended approval with conditions, which were then outlined by Mr. Finn.

Patrick Wright of Trepanier and Associates was present on behalf of the owner, Lynn Bell, who was also present. Mr. Wright explained that the request before the Commission is in association with a minor conditional use to reorganize the existing layout to allow for a new parking lot, as well as storm water management and wastewater treatment that is going to be increased to meet the capacity. Mr. Wright asked for the Commissioners' support.

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

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

BOARD DISCUSSION

Commissioner Miller asked for an update on the topic of accessory buildings on residential lots discussed at last month's meeting. Mr. Haberman stated that staff is still working on this issue. Staff is looking into other South Florida codes to find out if other municipalities have addressed this issue.

GROWTH MANAGEMENT

Ms. Santamaria reported that four DRC meetings have been held to review the draft comp plan amendment. A lot of public comments were received as a result of those meetings. Staff is going through the elements with the consultant currently to update the drafts before coming before the Planning Commission. Planning Commission meetings dates for this fall are being considered to conduct workshops where five elements per meeting will be discussed, with a fourth meeting to actually provide the recommendation and direction to the BOCC.

Mr. Schwab explained the process of notifications for road abandonments defined by State Statutes which was discussed at the last Planning Commission meeting. There is nothing in the land development code that addresses this issue, but the code does address abandonment of right-of-ways. The code requires no broad notifications, but only relates to acceptance or approval letters being obtained by those affected by the closure. Mr. Schwab asked if the Commissioners want to expand that process for notifications and what the ramifications are. Commissioner Lustberg suggested posting notice at the beginning of the street as well as at the predominant turnoff from US-1 into the neighborhood of the road abandonment. Ms. Grimsley then noted that road abandonments are contained in Chapter 19 of the code and are not under the Planning Commission's purview. Ms. Grimsley explained the procedure for a road closure where a piece of road is being taken up that is commonly used by people as a shortcut and Public Works decides that should not be happening. Mr. Wolfe reminded the Commissioners that the BOCC has jurisdiction over this, but the Planning Commission can make recommendations to the BOCC to consider different notice. Commissioner Lustberg noted that developments that affect the whole community go beyond road abandonments.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 11:14 a.m.