

PLANNING COMMISSION  
**March 26, 2014**  
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, March 26, 2014**, beginning at 10:01 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, Vice Chair	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
Joe Haberman, Planning & Development Review Manager	Present
Mitch Harvey, Comp Plan Manager	Present
Rey Ortiz, Planning & Biological Plans Examiner Supervisor	Present
Tiffany Stankiewicz, Development Administrator	Present
Emily Schemper, Sr. Planner	Present
Matt Coyle, Sr. Planner	Present
Barbara Bauman, Planner	Present
Karl Bursa, Planner	Present
Cassi Scanlon, Planning Technician	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.

**SWEARING OF COUNTY STAFF**

County staff members were sworn in by Mr. Wolfe.

## **CHANGES TO THE AGENDA**

Ms. Creech confirmed that Item 5 will be heard first.

## **APPROVAL OF MINUTES**

**Motion: Commissioner Lustberg made a motion to approve the minutes of the February 26, 2014 meeting. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.**

## **MEETING**

### **New Items:**

**5. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING THE LAND USE DISTRICT MAP OF THE MONROE COUNTY LAND DEVELOPMENT CODE FROM URBAN RESIDENTIAL MOBILE HOME (URM) TO MIXED USE (MU), FOR PROPERTY LEGALLY DESCRIBED AS BLOCK 31, LOT 17, MALONEY SUB (PLAT BOOK 1, PAGE 55), STOCK ISLAND, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00124510.000000; 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 2013-143)

(10:04 a.m.) Mr. Haberman presented the staff report. Mr. Haberman reported that this is a request to change the land use zoning district designation of the property. Mr. Haberman explained when the zoning maps were adopted between 1986 and 1992 this property was given a URM designation and in 1997, when the future land use maps were done, the property was given a mixed use/commercial designation, resulting in an inconsistency. The applicant is asking that the property be rezoned to mixed use, which would allow them to get some consistency in the sense that they can get certain development approvals. The property currently has a mixed use/commercial office on the lower level with some residential above. There has never been a mobile home on the property. Staff recommends approval of the change.

Mr. Haberman pointed out that a future land use map change that results in additional residential density requires the applicant to put some land in conservation to make up for that increase, but that policy would not apply to this application because the applicant is keeping the mixed use/commercial future land use category, so it is not a change on the future land use map. This property is in the military impact area and the Navy is aware of this application. Again, because the future land use map is staying the same, the Navy has no objections to this.

Owen Trepanier, present on behalf of the applicant, was sworn in by Mr. Wolfe. Mr. Trepanier stated the property owner is trying to correct the conflict between the zoning and future land use map categories to be able to redevelop the property with a structure containing a commercial use downstairs and affordable housing upstairs.

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.**

**1.A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM** for October 16, 2013, through January 13, 2014, ROGO (2<sup>nd</sup> Quarter Year 22). Allocation awards will be allocated for all unincorporated Monroe County.  
(File 2013-147)

(10:10 a.m.) Ms. Stankiewicz presented the staff report. Ms. Stankiewicz reported that this report is for residential allocations. The Planning Department recommended approval for the market rate Lower Keys applicants ranked 1 through 8 and Upper Keys applicants ranked 1 through 15. Big Pine applicants ranked 1 through 2 are deferred due to ongoing litigation. Staff also recommended approval of three moderate affordable housing allocations.

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

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

**2.A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS FOR NON-RESIDENTIAL FLOOR AREA** for October 16, 2013, through January 13, 2014, NROGO (2<sup>nd</sup> Quarter Year 22). Allocation awards will be allocated for all unincorporated Monroe County.  
(File 2013-148)

(10:11 a.m.) Ms. Scanlon presented the staff report. Ms. Scanlon reported that this is a report for the nonresidential allocations. There were two applicants in the Upper Keys subarea and no applicants in the Lower Keys and Big Pine/No Name Key subareas. There were no applicants for the NROGO bank. Staff recommended approval for Applicant Number 1 for a total of 2500 square feet and Applicant Number 2 requesting a total of 800 square feet.

Commissioner Miller asked why a request for under a thousand square feet was being brought before the Planning Commission. Ms. Scanlon explained properties designated Tier III-A (SPA) cannot be approved as part of the di minimus process.

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

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

**3. Bernstein Park, 5<sup>th</sup> Street and 5<sup>th</sup> Avenue, Stock Island, mile marker 5:** A request for a variance of 40 feet to the required 50-foot non-shoreline setbacks, thus resulting in 10-foot non-shoreline setbacks, in order to redevelop the park. The subject property is legally described as

Square (Block) 57, Lots 2, 3 and 4, part Lot 1, part Lot 5, Maloney Sub (Plat Book 1, Page 55), Stock Island, Monroe County, Florida, having real estate number 00127300.000000. (File 2014-030)

(10:14 a.m.) Mr. Bursa presented the staff report. Mr. Bursa reported that this is a request for a variance at Bernstein Park on Stock Island. An aerial photograph of the property was presented. Mr. Bursa described the parcel. Mr. Bursa explained the applicant is looking to redevelop the park and obtaining this variance will help them with the redevelopment. The applicant is asking for a 40-foot variance to the front yard setback and ten feet along the three street sides. Enforcing the setbacks as currently written would reduce the usable land area by 38 percent. If the variance is granted it will make the property match minimum nonshoreline setbacks for the URM area to the west of the property and would actually be more stringent than the mixed use area to the east. Staff recommended approval of this variance request.

Commissioner Miller asked why there is a fence alongside the road if there is a 50-foot setback requirement. Mr. Haberman explained that fences are one of a few things expressly allowed within a setback. The property was developed prior to the current setback requirements being in place. The sidewalk and the fence would be allowed within the setbacks, but parking and athletic-type activities, like the batting cages, cannot be in the setback without this variance. Commissioner Miller pointed out the inconsistency with Section 8 of the staff report that discusses nonexistent undeveloped open space and the comment that utilizing the park to its maximum capacity is a significant benefit for the Stock Island community. Mr. Bursa responded that this property is going to remain a park and the open space is going to enable the applicant to add services that were not there before and improve what is currently there. Mr. Haberman added that, in terms of the open space, this variance is not so people can build in pervious areas all the way up to the setbacks, but the variance would allow parking areas to be a little bit closer, which is consistent with the Stock Island character. Most of the property line will be a baseball/soccer field and the community building proposed will be in the center of the site.

Barbara Mitchell, present on behalf of the applicant, was sworn in by Mr. Wolfe. Ms. Mitchell stated that one of the most important reasons for the redevelopment of this park is to address some significant flooding issues that occur at this park. The applicant is proposing to raise the elevation of the park between 18 inches and two feet, which would require a retaining wall around the perimeter of the park which impacts the amount of the playing fields that are existing and proposed for the park. There have been three public meetings to discuss different options and concepts in design. Ms. Mitchell reiterated that in 1993 when this park was redeveloped the zoning was mixed use and the setbacks were different, but it was built in compliance at that time. Ms. Mitchell presented drawings of the proposed design, which includes a community center with the existing parking lot and drive-through drop-off area. Ms. Mitchell believes the applicant meets the criteria of the variance as defined in the code.

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

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

**4. Alfredo's Kitchen LLC, 99000 US Highway 1 (Overseas Highway), Key Largo mile marker 99:** A request for a 2-COP (Beer & Wine, on premise and package) Alcoholic Beverage Special Use Permit. The subject property is legally described as Tracts B and C, Cape Subdivision (Plat Book 6, Page 92), Key Largo, Monroe County, Florida, having real estate number 00522411.000200.  
(File 2014-018)

(10:29 a.m.) Ms. Bauman presented the staff report. Ms. Bauman reported that the applicant is requesting a 2-COP license to sell beer and alcohol and consumption on site and package sales. Currently the restaurant does not serve or sell alcohol. Ms. Bauman described the property as well as the surrounding properties. Staff finds the applicant meets all the requirements for the alcohol special use permit. Staff recommended approval for the 2-COP special use permit with the two standard conditions and an additional third condition that alcohol consumption shall occur only within the seating areas approved by Monroe County Planning and Environmental Resources.

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

Ms. Bauman clarified that the wrong aerial photograph was presented of the property, but that the image in the staff report is correct.

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

**6. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY CODE SECTION 114-3, SURFACE WATER MANAGEMENT CRITERIA, TO REVISE THE EXEMPTION THRESHOLD FOR MAINTENANCE AND REPAIR FOR EXISTING IMPERVIOUS COVERAGE FOR COMMERCIAL SITES, 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 2014-009)

(10:34 a.m.) Mr. Ortiz presented the staff report. Mr. Ortiz reported that current code is rather stringent and burdensome for someone who wants to patch an existing impervious area on a commercial site and the code is unclear regarding maintenance of existing impervious surfaces throughout the County. Three basic exemptions were created to make the process easier. Mr. Ortiz clarified the "iii" needs to be changed to "ii" and that there should be no apostrophe used in "licensed engineers." Maintenance of the things that the County is responsible for were included as listed on Page 6. The purpose of this ordinance is to make the maintenance of impervious coverage on commercial properties less burdensome. Mr. Ortiz clarified that this ordinance pertains to commercial sites only.

Commissioner Lustberg asked for clarification of the single-family and duplex residence exemption. Mr. Ortiz explained that single-family and duplex residences contained within a large subdivision that was platted and designed with stormwater runoff would be exempt. Chair Wiatt asked for public comment. There was none. Public comment was closed.

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

**8.Paradise Point Senior Housing (Proposed), 2 North Blackwater Lane, Key Largo, Mile Marker 105.5:** A request for a minor conditional use permit allowing the development of an institutional residential use, involving 46 deed-restricted affordable housing units (in the form of rooms), 1 commercial apartment and accessory uses/structures. The subject property is described as a parcel of land in Section 1, Township 61, Range 39, Monroe County, Florida, having real estate number 00084260.000100 (part).  
(File 2013-118) **SCHEDULING DISCUSSION ONLY – TO SET APRIL DATE FOR CONTINUATION OF MATTER**

(10:41 a.m.) Mr. Wolfe clarified this item was clearly advertised that there would not be substantive discussion on this matter. Ms. Grimsley pointed out this was not actually advertised because it was a continuation from the last hearing.

The Commissioners discussed possible dates all members were available. April 15 was agreed on between the Commissioners as the date all Commissioners are available. Ms. Creech confirmed the room was listed as available in Key Largo on April 15.

Commissioner Hale asked if public comment is closed or there will be more public comment allowed at the future meeting. Mr. Williams stated that cannot be answered at this time based on the ability of the public, pursuant to the new statute that was passed last week, to speak on items before the Commission. Mr. Williams noted it might be difficult to deny someone the right to speak at a meeting they are attending.

A brief recess was held to allow Ms. Creech time to verbally confirm the availability of the room in Key Largo on April 15.

Ms. Creech reported the room indeed is available in Key Largo on April 15, 2014 at 10 a.m.

#### **ADJOURNMENT**

The Monroe County Planning Commission meeting was adjourned at 10:51 a.m.