

PLANNING COMMISSION
September 24, 2014
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, September 24, 2014**, 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 Gail Creech

PLANNING COMMISSION MEMBERS

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

STAFF

Mayte Santamaria, Assistant Director of Planning and Environmental Resources	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
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Matt Coyle, Senior Planner	Present
Karl Bursa, Senior 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 Mr. 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 stated the applicant of Item 1 is requesting a continuance to the November 19, 2014, meeting. The applicant for Item 4 is requesting a continuance to the October 29, 2014, meeting.

Motion: Commissioner Werling made a motion to continue Item 1 to November 19, 2014. Vice Chair Hale seconded the motion. There was no opposition. The motion passed unanimously.

Motion: Commissioner Werling made a motion to continue Item 4 to October 29, 2014. Commissioner Miller seconded the motion. There was no opposition. The motion passed unanimously.

Mr. Haberman stated Item 1 is familiar to the Commission from a previous variance. This application is the first time it is before the Commission for this proposed development.

APPROVAL OF MINUTES

Motion: Commissioner Lustberg made a motion to approve the minutes of the August 27, 2014, meeting. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

New Items:

1. Grobarek Residence, 2 Cypress Terrace, Raccoon Key (aka Key Haven), mile marker 5: A public hearing concerning a request for a Variance of 20 feet to the required 25-foot front yard non-shoreline setback which is adjacent to the Cypress Terrace right-of-way. Approval would result in a setback of 5 feet. The requested variance is required for the development of a proposed accessory tiki hut. The subject property is legally described as Block 3, Lot 21, Key Haven 8th Addition subdivision (Plat Book 5, Page 61), Raccoon Key, Monroe County, Florida, having real estate number 00138970.000000.
(File 2014-078)

This item was continued to the November 19, 2014 meeting.

2. Matovski Property, northeast corner of Coral Avenue and Mariposa Road intersection, Ramrod Key, Mile marker 27: A public hearing concerning a request for a Variance of 10 feet to the required 25-foot front yard non-shoreline setback, which is adjacent to the Mariposa Road right-of-way. Approval would result in a setback of 15 feet. The requested variance is required for the development of a proposed single-family residence. The subject property is legally described as the Northerly 33.92' of Lot 21, Ramrod Shores Second Addition (Plat Book 4, Page 108), Ramrod Key, Monroe County, Florida, having real estate number 00209760.000000.
(File 2013-146)

(10:04 a.m.) Mr. Williams informed the Commissioners the exact same staff report is being given today as previously with no changes. Mr. Williams reported that on August 18, 2014, Judge Garcia entered a final order regarding the Planning Commission's actions at the last hearing on this matter. Mr. Williams read aloud the order wherein Judge Garcia remanded the Motavskis' application for variance back to the Monroe County Planning Commission, as the

Court could find no legitimate grounds for denying the variance. Mr. Williams advised the Commissioners that, although the law following what happens when a judge rules like this is not crystal clear, the Planning Commission is not allowed to go contrary to the Judge's order. The public is free to speak again and the Commission is free to take input and questions. The transcript of the last hearing is available and is still part of the record.

Mr. Williams explained to Commissioner Miller that this variance came before the Planning Commission because there were objections from neighbors. Otherwise, it would have merely been signed off on by the Planning Director. Commissioner Miller asked how the record established that the Petitioner's variance application met all of the applicable criteria set forth in 102-186 of the Monroe County Code of Ordinances, as stated in the order. Mr. Williams replied that the Judge had the record and the transcript of the last hearing before him. It can be inferred from the Judge's order that the Judge believes this to be a buildable lot, but he did not say and does not have the right to say that a house must or can be built here, because this is only the variance section. This parcel will proceed through all other County approvals that are required if a variance is granted. Mr. Williams commented that there does not appear to be much room legally to deny this variance no matter the Commissioners' personal inclinations. Mr. Wolfe added this has been remanded back to the Planning Commission because only the Planning Commission has the power to grant the variance, not the Judge. If this variance continues to be denied, the applicants could potentially allege their civil rights are being violated.

Mr. Wolfe confirmed that all five Commissioners were present at the first meeting. Commissioner Werling suggested allowing the Commissioners to question staff if any had a question as opposed to presenting the staff report again. Commissioner Lustberg agreed. Morris Richardson, attorney present on behalf of the applicant, stipulated that the record from the prior hearing on this matter is part of today's hearing and record.

Commissioner Miller asked if any variances have been given out in this neighborhood for a similar purpose. Mr. Coyle replied that he did not find any applications for variances in this neighborhood. Mr. Haberman added that the County's current corner lot provisions were adopted in 2005 and became effective in 2007. Prior to 2007 a variance was not needed for a corner lot. Mr. Coyle stated there were two properties on Mariposa Road in this neighborhood that had development and a second front yard setback, but they were developed prior to 2006.

Mr. Richardson addressed the Commission on behalf of the Matovskis. Mr. Richardson stated the Matovskis are long-time Florida residents. Mr. Richardson said what began as a 50-foot-wide lot was made more narrow when a portion of Mariposa Road was built over part of the lot, reducing it to about 34 feet in width. The depth of the lot is subject to a 20-foot shoreline setback and a 25-foot front yard setback on Coral Avenue. Mr. Richardson believes what really rendered this property unbuildable is the double front yard setback requirement that became effective in 2006. This lot is not a buildable lot without the variance requested. Mr. Richardson reminded the Commissioners that staff had determined that the application satisfied each of the eight criteria in Section 102-186(F) of the Monroe County Code. County Code says if an application meets those criteria, the variance shall be granted. It is no longer discretionary. Planning staff was going to grant the request, but it came before the Planning Commission because of an objection from a neighbor. Objections heard at the last meeting were due to

neighbors' historic use of the boat ramp on the property and the size of the lot would only allow a small home to be built. Mr. Richardson believes those objections are irrelevant to this application. Mr. Richardson cited some examples of square footage of homes in this neighborhood from the Property Appraiser's records to include as little as 768 square feet of total living area. Commissioner Miller noted that the size of the home was not an issue for him, but the fact that the appearance of the home has the shape of a trailer was an issue. Mr. Wolfe again cautioned the Commissioners that the appearance of the structure is not relevant to the criteria for the variance application. Mr. Richardson agreed with Mr. Wolfe that appearance is irrelevant in this case.

Mr. Richardson then explained why he feels the Judge did what he did. Mr. Richardson felt that the record showed the Commissioners seemed to focus on questions of law rather than questions of fact. The facts were well-established. Mr. Richardson stated this case is a textbook hardship case in variance law because the variance law says when you have a property that is zoned for one use, in this case single-family residential, and it cannot be used for that purpose because of peculiar circumstances, there exists a hardship. The Matovskis cannot do anything with this property without the variance. Another area that the Commissioners seemed to focus on at the prior meeting was the fact that the Matovskis obtained the property subsequent to the double front yard setback requirement going into effect and, therefore, created their own hardship. Mr. Richardson distinguished this case from a use variance. The Matovskis are not asking to do something that is not permitted on this property, but only to do exactly what the property is zoned for. The leading cases say there is no such thing as a self-acquired hardship and the Matovskis are entitled to the rights of the predecessor owner to get that variance. The Judge has established that all eight criteria are met. The Planning Commission cannot change the law of what Judge Garcia decided. Although no similar variances have been granted in this neighborhood, the reverse is also true that there is no record that any have been denied. This type of variance for a double front yard setback has been routinely granted and is frequently done administratively without requiring it to come before the Planning Commission. Granting the Matovskis this variance is not giving them anything different than what other residents of Monroe County have received routinely from the County. Mr. Richardson asked the Commissioners to consider this carefully and follow the Judge's order.

Chair Wiatt asked for public comment.

David Sadowski, neighbor, was sworn in by Mr. Wolfe. Mr. Sadowski stated he disagrees with this variance wholeheartedly. Mr. Sadowski stated this property is only 28 feet wide and the applicant has misrepresented the size of this lot. Chair Wiatt noted the Commissioners were informed at the last meeting that the road encroaches upon the property. Mr. Sadowski believes how close the proposed house would be to the road creates a danger zone. People parking alongside the road or backing out of that area is another danger. Mr. Sadowski stated that he was informed the property was 28 feet wide when he attempted to purchase the property 20 years ago. Mr. Sadowski asked the Commissioners to not allow the applicant to use the roads as the setbacks. Mr. Haberman commented the boundary survey done in 2011 by a professional surveyor shows the dimensions referred to in the staff report and shows that the road encroaches onto the private property. Chair Wiatt feels it is inappropriate to penalize a property owner because the County road encroaches upon their property. Commissioner Miller asked if the road

could be moved. Mr. Williams cautioned for every action there is an equal and opposite reaction, which would cause the road to be on someone else's private property. Chair Wiatt believes the concerns of the community with respect to public health and safety cannot be ignored, but stands by his feeling that an individual property owner cannot be penalized for the actions of the County in placing a road. Mr. Sadowski feels the applicant should have known that the setback would render this lot unbuildable when it was purchased. Commissioner Miller asked if the main objection here is the configuration of the home. Mr. Sadowski agreed that is a factor, plus the safety concerns. Mr. Sadowski added that most of the houses in this neighborhood are 24 to 28 feet wide. Chair Wiatt pointed out that the 25-foot setback off of Coral Avenue remains intact. Mirrors placed at the corner of this property may resolve some of the safety issues being raised.

Monica Nitzche, neighbor, was sworn in by Mr. Wolfe. Ms. Nitzche asked where the stairs going into the house would be located. Ms. Nitzche feels this house is going to look like a trailer and will degrade the whole neighborhood. Ms. Nitzche has seen a site plan that says the house is going to be 26 inches off the ground. Commissioner Werling commented that having a mix of aesthetics and types of building materials used is common in the Keys. Chair Wiatt stated the stairs will have to be located within the overall footprint of the home. Ms. Nitzche believes this property will become a safety hazard. Chair Wiatt repeated that the proposed structure is still going to be 25 feet from the property line and further than 25 feet from Coral Avenue. Chair Wiatt feels the roadway encroaching upon the Matovskis' property is more a problem within the County than with the individual property owner.

Stephen Kenneth, neighbor, was sworn in by Mr. Wolfe. Mr. Kenneth stated the subject lot was a substandard size when it was purchased and a variance is being requested to build a substandard size home, one-half the width of any other house in the neighborhood. Mr. Kenneth believes the owners have created the hardship themselves. Mr. Kenneth pointed out the plans show a downstairs bathroom, which is not allowed by FEMA rules. Chair Wiatt replied that today's consideration is not about the details regarding a site plan or a building permit for the home, but only whether or not a variance can be provided.

Glenn Gray, neighbor, was sworn in by Mr. Wolfe. Mr. Gray stated he is in the architectural design business. Mr. Gray believes it would be a hardship for everybody in this neighborhood to drive by the proposed structure every day due to the safety concerns. Mr. Gray asked if stormwater issues have been addressed on this property. The width of the proposed structure would not allow for any overhangs. Mr. Gray feels the applicant should have done some research prior to buying this property or bought it contingent on getting a permit.

Commissioner Miller shared a copy of the site plan with the public.

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

Commissioner Werling commented that it is only the variance this meeting is meant to address. The applicant will be held to all of the building standards in the County. There will be no special things granted to the applicant because of the variance through the building permitting process.

Mr. Sadowski wished to comment further on the site plan. Chair Wiatt stated public comment was closed. Mr. Wolfe reminded Mr. Sadowski the building permit process addresses parking. Commissioner Lustberg noted that all of the documents the Commissioners received have been publicly available on the website as the backup material for this item.

Chair Wiatt re-emphasized the Commissioners are only addressing the footprint of the structure, not what the structure is going to ultimately look like. Chair Wiatt feels the public health and safety concern does not exist on Coral Avenue because of the 25-foot setback off of Coral Avenue, but does agree that there could be a safety issue along Mariposa Road. Chair Wiatt believes that has been caused by the County. Therefore, Chair Wiatt believes all eight criteria have been met. Commissioner Werling added that the Commissioners' feelings whether this is a good idea or not is not part of the determination today. There are substantial hurdles for the applicant to get through in the building process. Vice Chair Hale agrees with Chair Wiatt's comments and feels the word "shall" coming from the Judge is indicative of what should occur today.

Motion: Commissioner Werling made a motion to grant the variance as applied for by the applicant based on all the evidence and testimony set forth today and in the prior record, as well as based on the recommendations of staff as contained in their report. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 101-1, DEFINITIONS, AMENDING MONROE COUNTY CODE SECTION 130-4, TEMPORARY EMERGENCY HOUSING, ESTABLISHING MONROE COUNTY CODE SECTION 130-5, TEMPORARY USES INCLUDING PUBLIC ASSEMBLIES, ESTABLISHING REGULATIONS CONCERNING TEMPORARY HOUSING ASSOCIATED WITH CAPITAL IMPROVEMENT PROJECTS, ESTABLISHING REGULATIONS CONCERNING TEMPORARY USES IN THE LAND DEVELOPMENT CODE, 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 2013-087)

(11:14) Mr. Haberman presented the staff report. Mr. Haberman reported that this matter has been received by this Commission in concept previously. Mr. Haberman explained that during the comp plan process the resulting resolution containing language about temporary housing in the context of emergencies went before the Board with more public comment and that resolution has evolved and shifted from what the Commission reviewed previously. If the Board approves the comp plan, the zoning change before this Commission must be consistent with the comp plan. The Commission previously approved allowing public utilities and public contractors to allow an employee to live in temporary housing on the construction site for security purposes and in case the employee is not local. The Board, after comments by the utilities, shifted the narrow language allowing for an employee of that agency to live there to being a worker of that

agency, which could be a subcontractor. Another minor change is staff has renumbered this and has shifted it to another section in the code. The duration of a hard cap of six months was changed to a time determined “by the resolution of the Board.” Some language for emergency worker housing was added. Mr. Haberman informed the Commission that staff is considering creating a new section in Chapter 6 of the County Building Code to create a new temporary construction permit issued by the Board for public capital improvement projects in relation to the sewer work and canal restoration. The Commission will not review that because it is a special building permit and not a planning permit.

Chair Wiatt noted the language previously discussed limiting office trailers to one is not included in the language. Mr. Haberman replied that the office trailers were not discussed by the Board, but they were clear that only one trailer for living quarters would be allowed. It is very rare to see more than one office trailer on a project because massive construction projects are so rare in the Keys. Chair Wiatt then asked how this ordinance would affect current projects and brought up an issue on Coral Key currently with two construction trailers placed on a small property for more than two years. Mr. Haberman answered that this amendment was in reaction to that project. Some of those trailers are located on FDOT right-of-way, which the County has no control over. The Board now will review a project’s anticipated duration and make a decision based on that specific data rather than the time being hard-capped. The temporary use ordinance that was approved on private property would require screening a site to help with the aesthetics of a construction site.

Chair Wiatt suggested including language that not only represents the contractor, but also represents the community in which the contractor is employing their temporary housing. Chair Wiatt is also concerned that communities that have some vacant property in their area will become an ongoing construction site, even though the projects will change. Mr. Haberman explained that staff through this amendment is trying to make it easier to have these sites located on commercially-zoned sites that have less of an impact on residents. Commissioner Werling agreed that it is not fair for one community to absorb the brunt of a construction site that is not necessarily for their benefit. Commissioner Lustberg believes the temporary housing should be used only for truly temporary purposes. Otherwise, the workers should rent permanent housing in the community. Mr. Haberman stated that staff originally had recommended a six-month cap, but the Board wanted to make that decision based on the particulars of the project.

Commissioner Lustberg noted that in the original discussion the Commission recognized the desire to have somebody on site to protect equipment and, if there is an emergency, to allow emergency workers in trailers for whatever duration to deal with that emergency. The Commission did not want out-of-town workers getting housing in unattractive ways and did not want housing for workers of capital projects at all. Commissioner Werling and Chair Wiatt agreed with Commissioner Lustberg’s memory. Mr. Haberman clarified that during the comp plan process the Board changed the language from employees to workers, which could include subcontractors. They did not change the fact that only one trailer could be located on that site for capital improvement or construction projects. The number of employees allowed in that one housing unit is a separate issue. Chair Wiatt noted that the language in Paragraph F under Temporary Emergency Housing does not limit it to one person or one RV. Mr. Haberman explained that language does not exist. RVs are generally used for temporary housing and their

impact is minimal when they are moved off the site. There is not limitation to one person per RV, but it is clearly limited to one RV or similar housing type. Mr. Haberman directed the Commission to Paragraph B which includes the language regarding placement of temporary non-emergency housing to provide site security. Mr. Haberman informed the Commission that there is a 180-day cap for this type of housing, but not the emergency housing. Chair Wiatt suggested limiting the non-emergency temporary housing to allow only one occupant per housing unit. Ms. Santamaria read aloud the proposed policy by the Board regarding temporary non-emergency housing. That policy includes a limitation of one temporary non-emergency housing unit per project site not to exceed 180 days, unless extended at the direction of the Board. The Commission discussed further whether there is a need to limit the occupancy to one individual per housing unit.

Mr. Haberman clarified for Commissioner Lustberg that the handout received from staff this morning includes the Board's comment on the resolution that resulted from the Planning Commission's prior meeting on this issue. Recommendations made today will go back to the Board for a final decision separate from the zoning update that staff is doing. The related comp plan matters will be adopted as part of the overall comp plan update. Chair Wiatt again voiced concern that these construction staging sites will be used over and over again, even though by different contractors, to the detriment of the neighboring communities. Mr. Haberman replied that the temporary non-emergency uses will be approved by the Board, which will give the community a process to address this with their elected officials. Ms. Santamaria suggested adding language that includes consideration of community impacts. Mr. Williams recommended limiting the number of previous temporary uses approved at one location. Commissioner Lustberg recommended allowing a maximum of two occupants per housing unit. Commissioner Lustberg also would like there to be no housing allowed in office trailers. Mr. Haberman stated that currently no residency is allowed in construction trailers. Mr. Haberman explained that this ordinance started and has evolved because there is currently no clear mechanism to approve any temporary use in the code as it stands today and this ordinance is to solidify how they would be approved. The issues that arose with the Coral Key project kick-started this ordinance.

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

Mr. Haberman summarized the recommendation received today as: One unit per project site be allowed with a maximum of two persons per unit; consideration by the Board of the number of previous approvals associated with that project site and consideration of community character; and prohibiting the use of an office trailer for temporary housing. Chair Wiatt further suggested that big development be limited to one office trailer unless they can get approval for more from the Planning Director. Commissioner Lustberg feels FDOT needs to consider purchasing some permanent housing because of their ongoing projects in the County.

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

4.Oceanside Marina, 5948, 5950 and 5970 Peninsular Avenue, Stock Island, Mile Marker 5; 24930 Overseas Highway, Summerland Key, Mile Marker 25; 21585 Old State Road 4A,

Cudjoe Key, Mile Marker 22; and 5176-5180 Suncrest Road, Stock Island, Mile Marker 5:

A request for approval of an Amendment to a Development Agreement between Monroe County, Florida; Summerland Palms Investors, LLC, Coco Palms Developers, LLC, Suncrest Investors, LLC, Singh Investors, LLC, and Oceanside Investors, LLC allowing the transfer of market-rate Residential Rate of Growth (ROGO) exemptions from sender sites at 24930 Overseas Highway, 21585 Old State Road 4A and 5671 MacDonald Avenue to a receiver site at 5950 Peninsula Avenue, in accordance with Monroe County Code Section 130-161.1. On the sender sites, the residential dwelling units in which the transferred market-rate ROGO exemptions are derived shall be converted to, or replaced with, affordable housing units. The Development Agreement also involves the redevelopment of 5948, 5950 and 5970 Peninsular Avenue, the receiver site, for the addition of up to 78 new, market-rate residential dwelling units, which may be used as vacation rentals, up to 17 new hotel rooms, a new restaurant with up to 150 seats, and other improvements related to the existing, partially-condominiumized marina and accessory development. 22 existing, market-rate permanent units (under condominium ownership), a boat barn (under condominium ownership), marina slips (under condominium ownership) and ancillary/accessory buildings would be maintained. An existing boat barn/light industrial building would be demolished. The residential density, under maximum net density, would not exceed 100 total permanent residential units and 17 transient units. Not including accessory structures related to the residential uses, the nonresidential floor area would not exceed 40,000 square feet. Dockage owned by the developer would include 8 new slips, for a total of approximately 16 slips, of which at least 20% (3 slips) shall be reserved for commercial fishing vessels. New residential or nonresidential buildings shall not exceed 35 feet in height. Public access will be provided from 7:00 am until dusk. The Development Agreement concerns properties located at 5948, 5950 and 5970 Peninsular Avenue, Stock Island (legally described as Block 46, Lots 30, 31 and ½ Lot 32, Block 60, portions of Lots 1, 2 and 3, Block 61, portions of Lots 1, 2 and 3, the abandoned portion of Peninsular Avenue lying between Block 46 and Block 60, the abandoned portion of Maloney Avenue lying between Blocks 60 and 61, McDonald's Plat, also described as parcel of land in Sections 26, 34, 35 and 36, Township 37 South and Range 25 East, having real estate #'s 00126210.000000, 00126220.000000, 00126230.000000, 00127420.000000 and 00127420.00010), 24930 Overseas Highway, Summerland Key (legally described as Lot 55 and a portion of Lot 54, Summerland Yacht Harbor, having real estate #'s 00194710.000100, 00194710.000200, 00194741.000300, 00194741.000400, 00194741.000500, 00194741.000600, 00194741.000700, 00194741.000800, 00194741.000900, 00194741.001000, 00194741.001100, 00194741.001200, 00194741.001300, 00194741.001400, 00194741.001500, 00194741.001600, 00194741.001700, 00194741.001800, 00194741.001900, 00194741.002000, 00194741.002100 and 00194741.0022000), 21585 Old State Road 4A, Cudjoe Key (legally described as Lot 30, Sacarma, having real estate #00174960.000000), and 5176 Suncrest Road, Stock Island (legally described as Lots 27 and 28, Sun Krest, having real estate # 00132680.000000)
(File 2014-112)

This item was continued to the October 29, 2014, meeting.

GROWTH MANAGEMENT COMMENTS

Mr. Haberman informed the Commission that the Board has directed staff to look at the corner lot issue. Mr. Haberman explained how the issue arose in 2005-2006. Most subdivision have

through streets that no house fronts and staff now feels a 25-foot setback might be excessive. There have since been a lot of variances done, mostly administratively, for ten feet off the secondary front, but never from the primary front. Staff will be bringing back a proposal to the Commission in October or November that will propose that there is a primary front, which is where the houses are oriented, and a secondary front for corner lots that would have a lesser by-right setback in the 10 to 15-foot area. Mr. Haberman clarified that this proposal has nothing to do with the Matovski case heard today, but has to do with the fact that quite a few variances for ten feet have been granted. Otherwise, community character would be impacted because every corner lot would have a smaller house compared to the rest of the neighborhood. Sight triangle regulations will still be enforced.

Commissioner Werling commented about the number of properties that have either landscaped or park on the rights-of-way in neighborhoods. Mr. Haberman stated a right-of-way permit from the Public Works Division is needed to put anything in a right-of-way. Shoreline setbacks for corner lots will not be part of the proposed amendment, but those setbacks will be looked at as part of the LDR rewrite. Ms. Santamaria pointed out that in the comp plan there was no change to shoreline setbacks. Mr. Haberman explained to Commissioner Lustberg that the proposed amendment will address corner lots separately from other houses that front two streets. Chair Wiatt asked whether variances that were granted that have a negative effect on public health and safety need to be recognized and receive some sort of corrective action. Mr. Williams stated this proposed amendment is not the place to try to correct that. Commissioner Lustberg suggested changing the variance rules to allow for putting something in a setback that is under three feet by right. Mr. Haberman replied that will be processed as part of the LDR rewrite.

Mr. Harvey announced he will be retiring October 17, 2014.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 12:17 p.m.