

PLANNING COMMISSION
January 28, 2015
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, January 28, 2015**, 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
Beth Ramsay-Vickrey	Present
Elizabeth Lustberg	Present
Ron Miller	Present
Denise Werling	Present

STAFF

Townsley Schwab, Sr. Director of Planning and Environmental Resources	Present
Steve Williams, Assistant County Attorney	Present
Pete Morris, Assistant County Attorney	Present
John Wolfe, Planning Commission Counsel	Present
Emily Schemper, Comprehensive Planning Manager	Present
Matt Coyle, Senior Planner	Present
Barbara Bauman, 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 requested a continuance to the April 29, 2015, meeting. **Motion: Commissioner Lustberg made a motion to continue Item 1 to the April 29, 2015, meeting. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.**

APPROVAL OF MINUTES

Motion: Commissioner Werling made a motion to approve the November 29, 2014, meeting minutes. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

Continued Item:

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 April 29, 2015, meeting.

Chair Wiatt suggested hearing Item 3 first because the only member of the public in attendance was the applicant for Item 3. The Commissioners agreed.

New Item:

3.Dolphin Water Rentals LLC, Dolphin Golfin, 100694 US Highway 1 (Overseas Highway), Key Largo, Mile Marker 100.6: A public hearing concerning a request for a 2-COP (Beer and Wine; on premise and package) Alcoholic Beverage Special Use Permit. The subject property is legally described as Block 6, Lots 1, 2, 3, 12, 13 and 14, Amended Plat of Key Largo Park (Plat Book 3, Page 62), and a portion of vacated right-of-way adjacent to Lots 12, 13 and 14, Key Largo, Monroe County, Florida, having real estate number 00524310.000000.
(File 2014-167)

Ms. Bauman presented the staff report. Ms. Bauman reported that the applicant is requesting a 2-COP alcoholic beverage license. The alcoholic beverages will be served by the glass with package sales at the counter of the arcade. The property is located at Mile Marker 100 on the bayside and is zoned SC, which allows for commercial recreational outdoor and retail sales, including miniature golf. Ms. Bauman described the previous County permits on file. Staff recommended approval with the two standard conditions, as the applicant has met all of the criteria for approval of a special use alcoholic beverage permit. One additional condition included is the alcohol service, sales and consumption shall occur only within allowed areas for such use provided approval by the Monroe County Planning and Environmental Resource Department.

Peter Amendola, the applicant, was sworn in by Mr. Wolfe. Mr. Amendola stated that he and his partner are trying to create a family environment for the community and they have received a lot of good feedback from the community.

There were no members of the public present for public comment.

Motion: Commissioner Werling made a motion for approval. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY COMPREHENSIVE PLAN; ADOPTING THE 10-YEAR WATER SUPPLY PLAN UPDATE TO BE CONSISTENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT LOWER EAST COAST WATER SUPPLY PLAN UPDATE OF 2013; 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 COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

(File 2014-100)

Ms. Schemper presented the staff report. Ms. Schemper reported that Florida Statute requires that the County's comprehensive plan have a ten-year water supply plan that identifies both traditional and alternative water supply projects, conservation and reuse. Statute also requires the water supply plan be updated within 18 months after the regional water management district approves their water supply plan. The Lower East Coast Water Supply Plan update was approved by South Florida Water Management District on September 12, 2013, now requiring Monroe County to update its own ten-year water supply plan. The work plan references the initiatives identified in Florida Keys Aqueduct Authority's (FKAA) 20-year water system capital improvement master plan. FKAA is the County's sole provider of water. The mechanism by which to adopt this update is an amendment to Policy 701.1.8 of the comp plan, which reads, "Monroe County adopts the Monroe County ten-year water supply facilities work plan update dated January 2015 by reference into the comprehensive plan."

Ms. Schemper pointed out the most important items in this update. Page 12 contains FKAA's projected five-year capital improvements plan, which is a recent update to their larger 20-year water system capital improvement master plan. On Page 14 Section 7.2 of FKAA's 20-year capital improvement master plan is adopted by reference. Ms. Schemper recommended approval of this ordinance and finds it consistent with Florida Statute, the comprehensive plan and Principles for Guiding Development. Ms. Schemper noted that there were some errors in the copying and pasting of the track changes in the staff report. There is a corrected version of that now being transmitted to the State based on the BOCC's decision on January 14 to do so.

Commissioner Miller questioned the reference to consideration of altering the minimum required open space ratios on Page 12. Ms. Schemper explained that may come as part of the Land Development Code update that follows the comp plan update. The open space ratios were added into the density/intensity table in the comp plan update that will follow along into the code for

consistency. Commissioner Miller then asked about who paid for the reverse osmosis plant that cost \$20 million. Jolynn Reynolds with FKAA replied the money came from an alternative water supply grant from South Florida Water Management District and money from the capital improvement plan. The slowdown in development experienced in 2006 allowed FKAA time to build the plant and meet projected water demands into the future. Commissioner Lustberg asked about the cost of processing the water through reverse osmosis versus taking the water from the Biscayne Aquifer that does not have to be processed in the same way. Ms. Reynolds explained it is difficult to give a firm cost analysis because the plant has not been run at full load, but energy is the biggest cost in reverse osmosis. FKAA is trying, through their conservation measures, to shave any future increases in water demands and limit the amount of water needed to run the reverse osmosis plant.

Commissioner Lustberg asked what percentage of the County's water goes towards household uses versus irrigation for landscaping. Ms. Reynolds replied that it is approximately 70 percent indoor versus 30 percent outdoor. On the mainland the numbers are opposite. Commissioner Ramsay-Vickrey commented that she would like serious consideration given to requiring new resort developments and redevelopments to have concrete cisterns for outdoor landscaping requirements and possibly for their laundry needs. Ms. Schemper mentioned there is reference in the work plan to land development regulations of limited clearing of native habitat and a requirement of a certain amount of native plants which use less water. Also, positive points are being added in ROGO for cisterns for residential properties.

Chair Wiatt pointed out that the comment on Page 4 of the staff report regarding FKAA's well field being identified as a utility at risk regarding saltwater intrusion is in conflict with the comment further down the page that a recent review concluded that the FKAA well field in Florida City will not be impacted by saltwater intrusion. Ms. Reynolds stated FKAA has asked for the assumptions used in the model to clarify that. Chair Wiatt feels that should be clarified before the plan is approved. Ms. Santamaria added staff is working on that. Different agencies use different projections and different time frames. Ms. Santamaria stated the Commissioners can make their recommendation today and staff will work on this and fix it before it gets adopted by the BOCC. Commissioner Lustberg stated how much saltwater intrusion there is into the aquifer is not going to impact what the County does, but would impact what FKAA does.

Commissioner Lustberg asked about the coordination between the County and FKAA regarding the County's interests concerning impacts to the aquifer. Ms. Reynolds explained that FKAA has a cooperative agreement with the Department of Environmental Regulation Management, who manages the well field protection. FKAA pays a fee to them to be watchdogs on what is going on around the well field. Ms. Santamaria clarified the County does not pay a fee to be part of that because they are not a water provider. The County coordinates with FKAA to ensure that the County's water supply is maintained. Chair Wiatt again asked that attention be given to the conflicting language regarding climate change and sea level rise.

Motion: Commissioner Werling made a motion to approve with provisions to Section 2.2 and 3.9 to reconcile the conflict in the language. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

GROWTH MANAGEMENT COMMENTS

Ms. Santamaria gave a brief update on the comprehensive plan. Ms. Santamaria stated the BOCC did decide to transmit the amendments to the State on January 14, 2015, but the BOCC did remove all policy amendments that were related to offshore islands and height limitations and directed staff to process those as separate amendments. Staff is working on that currently and anticipates those amendment packages will go before the Development Review Committee in March and to the Planning Commission in April. The BOCC at the January meeting also passed a resolution that would defer the approval of any applications today until a comp plan amendment is adopted that would increase density and intensity on offshore islands, change the tier designation to an offshore island, transfer TDRs or TREs to an offshore island and any map amendments for future land use or zoning for an offshore island. Staff is processing an interim development order to specifically put this in place, which should be before the Planning Commission in either February or March. Ms. Santamaria then informed the Commissioners that the Land Development Code update meetings will be March 19, April 9, April 23, with a further meeting to review the entire code package where a recommendation can be made to the BOCC set for May 13, 2015.

BOARD DISCUSSION

Commissioner Lustberg asked about possible rules that might exist regarding “tiny houses.” Ms. Santamaria replied there is no size restriction on houses, but they need to meet all the requirements and setback requirements of whatever zoning category they are in. A ROGO allocation is needed.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 10:41 a.m.