

PLANNING COMMISSION
May 27, 2015
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, May 27, 2015**, beginning at 10:16 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

Denise Werling, Chair	Present
William Wiatt, Vice Chair	Present
Beth Ramsay-Vickrey	Present
Elizabeth Lustberg	Present
Ron Miller	Present

STAFF

Mayte Santamaria, 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
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Tiffany Stankiewicz, Development Administrator	Present
Emily Schemper, Comprehensive Planning Manager	Present
Matt Coyle, 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

There were no changes to the agenda.

APPROVAL OF MINUTES

Motion: Commissioner Lustberg made a motion to approve the April 29, 2015, meeting minutes. Commissioner Miller seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

New Items:

1.A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM FOR JANUARY 13, 2015, THROUGH APRIL 13, 2015, ROGO (3rd QUARTER YEAR 23). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY. (File 2014-153)

(10:19 a.m.) Ms. Stankiewicz presented the staff report. Ms. Stankiewicz reported that this is a report for the residential allocations market rate. The Planning Department recommends approval of the following market rate rankings: Lower Keys Applicants 1 through 11 for allocation award; Big Pine/No Name Applicants 1 through 2, subject to mitigation; Upper Keys Applicants 1 through 17 for allocations. There was only one moderate affordable housing application, and that is also recommended for approval.

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

Commissioner Lustberg asked what Tier I allocations for Big Pine/No Name are available. Mr. Roberts replied that the Incidental Take Permit (ITP) and the HCP allow .022H impact in Tier I, or ten dwelling units, whichever comes first or whichever is lowest. As of now the County has issued nine allocations that total .0201H. The next few Tier I properties in the queue on Big Pine all have an H that would put the County over the .022 limit. There is one Tier I property way down the list that could theoretically be allocated and still keep it under the .022 limit. Out of those allocations, only four building permits have physically been issued. In terms of the building permits that have been issued that have resulted in dwelling units, that is way under what the ITP and the HCP will allow. Commissioner Lustberg asked about the time frame in which somebody gets building permits and the ROGO gets revoked or remains in effect. Ms. Santamaria explained typically an applicant has 60 days to pick up the permit. If plans are updated they have 180 days, but through this new permit referral process the BOCC has issued extensions of two years in the resolution and has provided in the code they can get additional extensions if they have not completed their coordination with US Fish & Wildlife. Also, people have qualified for Senate bill extensions.

Ms. Stankiewicz clarified for Commissioner Miller that the ratio proportions for affordable housing during any ROGO period can be amended between the two categories per quarter. Commissioner Ramsay-Vickrey made the point that in the future consideration should be given to giving negative rankings for persons who have already received a permit within the last X number of years or they receive a negative ranking for their fourth, fifth or sixth property, for example. This would give consideration to those who are looking to retire to their one property

in Monroe County as opposed to a real estate speculator. Chair Werling doubts that would be legal. Commissioner Miller agreed with Commissioner Ramsay-Vickrey's comments.

Motion: Commissioner Wiatt made a motion to approve. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

2. Playa Largo Resort, 97450 Overseas Highway, Key Largo, mile marker 97.5: A public hearing concerning a request for an Amendment to a Major Conditional Use Permit. The requested approval is required for the development of a proposed 177-unit hotel, one (1) commercial apartment, and associated accessory uses. The subject property is legally described as Tracts 4B and 5B, Amended Plat of Mandalay (Plat Book 2, Page 25), Key Largo, and also a tract of submerged land in the Bay of Florida fronting said Tract 5B (TIIF Deed No. 22416), Monroe County, Florida, having real estate number 00555010.000000. (File #2015-031)

(10:28 a.m.) Ms. Schemper presented the staff report. Ms. Schemper reported that the applicant is asking to add 15 transient hotel units to the previously approved site plan, which was for 162 units. The original approval for this project back in 2005 was for 124 units. The way hotel units are counted today, that is equivalent to 154 units. Then they had a deviation that brought them up to 162. They are now asking for an additional 15 transient units to go in the currently approved building floor plan. There is no change to the site plan at all. Ms. Schemper described the site and its designations. The currently approved site plan was shown. The 15 additional rooms are to go where it was previously approved for some storage and office space. Staff has reviewed the proposal again for consistency with the comp plan and the Land Development Code. Ms. Schemper stated the applicant has focused on quality architecture and has tried to retain as much of the existing hammock as possible.

Ms. Schemper stated the only questionable item is the access off of US-1. The hotel has an access permit from FDOT, but it was applied for under one of the previous site plans when there were fewer hotel units and the speed limit was reduced to 45 miles per hour in this area. The County's traffic consultant has looked into this. The traffic consultant has requested a number of revisions to the traffic study. Ms. Schemper distributed the traffic consultant's evaluation of the new traffic study. Ms. Santamaria noted that staff is going to be proposing a condition for a revised traffic study because the one that was received was not signed and sealed and did not address all of the items. Ms. Schemper stated a condition has been added that prior to the conditional use permit being approved the applicant needs to show proof of coordination with FDOT that they have applied for or are in the process for getting a new permit that reflects the 177 units. Ms. Schemper reported that the traffic consultant's conclusion was that the DOT guidelines recommend a right turn lane if it is 50 miles per hour, but it is not a hard and fast rule, and he will leave that up to DOT. Commissioner Miller suggested a deceleration lane may be necessary. Ms. Schemper is concerned about requiring that, but would agree with recommending it. Ms. Schemper then pointed out that in order to get to the full 177 hotel units the applicant needs 23 ROGO allocations to be transferred to the site. 177 hotel rooms is within their allocated density within the RV zoning district. The applicant is providing more parking spaces than are required. Staff has clarified the definition of commercial apartments is for the use of the owner or employees of the site. That has been added as a condition.

Ms. Schemper recommended approval with conditions. 15 conditions were outline. "Signed and sealed" was added to Condition 11. A Condition 16 was added that prior to issuance of any building permits for a hotel unit that increases the site's total number of hotel units to greater than 154 hotel units, clear sight triangles and maneuverability details shall be shown as compliant on the site plan.

Jorge Cepera, representative of the applicant, was sworn in by Mr. Wolfe. Mr. Cepera confirmed for Commissioner Miller that they have built the structure one foot above base flood elevation.

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

Mr. Cepera explained to the Commissioners that this property got caught in the recession after 2005. The original vision of the prior developer was to construct several buildings spread throughout the site. The current developer has concentrated the buildings into one main building, leaving the periphery buffers alone. 100 gumbo limbo trees have been relocated within the site. Commissioner Miller asked whether the restaurant on the site will be open to the public. Ms. Santamaria explained that the restaurant has been approved as accessory to the hotel, so it is for guests of the resort only. Mr. Cepera continued to describe how the developer has preserved the vegetation on the site and how proud of this project they are.

Commissioner Wiatt requested Condition Number 15 read "the apartment shall only serve as permanent housing" to tighten up the language further.

Motion: Commissioner Lustberg moved for approval with the noted change to Condition 11 and recommended change to Condition 15, and the addition of Condition 16. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

GROWTH MANAGEMENT COMMENTS

Ms. Santamaria informed the Commissioners they should be getting notebooks for the June 17 hearing in the next week or so. It will contain the entire Land Development Code in the proper order with yellow highlights indicating the changes that have been made from the last three meetings. The ORC report was received back from the DEO regarding the comp plan update. Staff is working to review it and address any items. Staff will be presenting an agenda item to the BOCC with concepts of how to address it and get their direction on how to move forward. Staff hopes to complete both projects together so that there is consistency between the comp plan and code in the very near future.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 10:57 a.m.