

PLANNING COMMISSION
June 24, 2015
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, June 24, 2015**, beginning at 10:05 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	Absent
Elizabeth Lustberg	Present
Ron Miller	Present
Beth Ramsay-Vickrey	Present

STAFF

Mayte Santamaria, Sr. Director of Planning and Environmental Resources	Present
Pete Morris, Assistant County Attorney	Present
John Wolfe, Planning Commission Counsel	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Rey Ortiz, Planning & Biological Plans Examiner Supervisor	Present
Ed Koconis, Permit Manager	Present
Matt Coyle, Senior Planner	Present
Barbara Bauman, 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 Items 2 and 3 have the same applicant and Item 3 needs to be heard before Item 2.

APPROVAL OF MINUTES

Motion: Commissioner Lustberg made a motion to approve the April 9, 2015, April 23, 2015, and May 27, 2015, meeting minutes. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

New Items:

1.Mote Marine Laboratory, 24244 Overseas Highway, Summerland Key, mile marker 24.5:

A public hearing concerning a request for a Variance to the off-street parking requirements in order to reduce the required amount of off-street parking from 32 spaces to 23 spaces, a reduction of 28.1 percent. The requested variance is required for the proposed redevelopment of the property with a new building containing residential and institutional uses. The subject property is legally described as Lots 14, 15, 16, 17, 18, 19 and 20, Block 2, Summerland Key Cove, Addition No. 2 (Plat Book 4, Page 100), Summerland Key, Monroe County, Florida having real estate numbers 001980870.000000, 00190880.000000, 00190890.000000, 00190900.000000, 00190910.000000, 00190920.000000 and 00190930.000000.
(File 2015-091)

(10:07 a.m.) Mr. Coyle presented the staff report. Mr. Coyle reported that the subject property is seven contiguous parcels on Summerland Key consisting of 42,000 square feet zoned suburban commercial with a mixed use/commercial FLUM. Mote Marine has carried out their research on this property for a long time and they are proposing to redevelop almost the entire property. The applicant has requested to reduce the parking from 32 spaces to 23, a reduction by 28.1 percent. The redevelopment will consist of one new building that has institutional uses, some laboratory and research facilities, as well as eight residential dwelling units, allowing them to keep critical infrastructure on the property intact during the redevelopment and beyond. The parking requirement is 32 spaces. The applicant has a vehicle used to transport staff and guests using the facility. At the time of staff's visit to the site no parking problems were seen. The residential component on the property is remaining at eight units. Pictures were shown of the property. Staff has found that all criteria for a variance have been met and is recommending approval. The one condition is that the variance is based on the design and placement of the off-street parking spaces as shown on the plan by Terrence Glenn dated and sealed May 1, 2015, that was submitted with the variance application. Work not specified or alterations to the site plan may not be carried out without additional Planning and Environmental Resources Department approval.

Commissioner Miller questioned how an applicant can claim a hardship when they have created their own hardship by expansion of a development. Mr. Coyle pointed out that this property is different and unique in that the people both work and live on the site. Ms. Santamaria noted that the shared multi-use parking calculation was used, which dropped the parking requirement down to 32. There is no mitigation for having a multi-passenger van accessible for use.

Dr. Dave Vaughan, Executive Director of Mote's Tropical Research Laboratory, was sworn in by Mr. Wolfe. Dr. Vaughan stated that Mote Marine is utilizing money from their own sources to be able to afford a new \$5 million building which will provide two larger classrooms to provide for more educational outreach programs and five laboratories. Outside members come to the property by way of multi-use vans or buses. The hardship would be that all of the visitors do not come in single vehicles, but come in multiple-passenger vehicles. Dr. Vaughan presented an illustration of what the new facilities will look like. Dr. Vaughan explained that Mote Marine also has a community enhancement incentive for all Mote staff of a dollar per day if they either bring multiple people in one vehicle, ride the bus or ride their bikes. Chair Werling commented that some updating on the facility is definitely needed. Dr. Vaughan added that Mote Marine is now heavily involved in coral reef restoration, which requires space for a large water supply system, which is another hardship.

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

Motion: Commissioner Ramsay-Vickrey made a motion to approve with staff's recommended conditions. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

3.Wendy's 99700 Overseas Highway, Key Largo, mile marker 99: A public hearing concerning a request for a Variance of 10'-0" to the required 15' secondary front yard non-shoreline setback along the northern property line, which is adjacent to Bay Drive, and a 5'-0" Variance for the required 10' rear yard setback to the west property line. Approval of this request would result in a front yard setback along the northern property line of 5' and a rear yard setback along the western property line of 5'0". The requested variance is required for the proposed construction of 287 SF replacement cooler and reorientation of the existing parking spaces. The subject property is legally described as Lazy Lagoon – A revision of Amended Plat of Curry's Corner, Plat Book 2, Page 120 of public records, Monroe County, Section 33, Township 63 South, Range 39 East, Key Largo, Monroe County, Florida (legal description in metes and bounds is provided in the application/file), having real estate number 00497540.000000.
(File 2015-041)

(10:20 a.m.) Mr. Ortiz presented the staff report. Mr. Ortiz reported that the applicant is in need of this variance prior to the approval of the deviation to their site plan. The applicant is requesting a major deviation to a major conditional use in order to increase the size of an existing walk-in cooler. The overall deviation is a second walk-in cooler and to expand existing bathrooms. This variance is for ten feet from the required 15-foot secondary front yard setback and a variance of five feet from the required ten-foot rear yard setback along the western property line. Commissioner Miller noted the variance also states it is to reorient the parking. Mr. Ortiz agreed, but pointed out the number of parking spaces is not decreasing. The variance on the north side is only for the cooler. A condition of approval of the variance application would be that it adhere to this site plan.

Commissioner Miller commented that the existing cooler is already in the ten-foot setback. Ms. Santamaria explained this was built prior to the code today and was nonconforming. Now the

applicant is trying to expand that and it will still be nonconforming. The variance is being applied for because they are redeveloping the building because of a car accident that occurred through the front of the restaurant. Wendy's Corporation is requiring ADA bathrooms, so the applicant is losing space within the building. A unique circumstance is that this property has three front-yard setbacks, unlike other properties in this area. The variance along the west end would just be to accommodate the parking and the cooler. Mr. Ortiz clarified if the applicant alters this site plan in any way it has to come back before the Planning Commission. Mr. Ortiz stated staff recommends approval of the variance of ten feet from the required 15-foot secondary front yard setback and variance of five feet from the required ten-foot rear yard setback with conditions. Those conditions were outlined. Commissioner Miller added that the variance only extends for ten feet along the north. Mr. Wolfe suggested adding the language "the minimum necessary to construct the cooler" in case it turns out to be ten-and-a-half or 11 feet.

The applicant, Hany Haroun, was sworn in by Mr. Wolfe. Mr. Haroun stated that the restaurant is losing a cooler on the inside due to the new required configuration of the restaurant and there is no choice but to move the cooler to the exterior of the building. A two-person bathroom is needed due to the amount of people that come through the restaurant. The variance is only for the freezer/cooler for five feet away from one side and five feet away from the back end, not the whole parking lot.

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

Motion: Commissioner Miller made a motion for approval. Commissioner Ramsay-Vickrey asked about the size of the current cooler being replaced. Commissioner Miller replied that the replacement cooler is only slightly larger. Mr. Haroun added that the noise level for the new cooler will be significantly lower, as well as the required amount of electricity to run it. **Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.**

2.Wendy's, 99700 Overseas Highway, Key Largo, mile marker 99: A public hearing concerning a request for a major deviation to a major conditional use permit. The requested approval is required for the proposed development to increase the existing walk-in cooler and to increase the size of the existing bathrooms which would increase the amount of non-residential floor area on the property. The subject property is legally described as Lazy Lagoon – A revision of Amended Plat of Curry's Corner, Plat Book 2, Page 120 of public records, Monroe County, Section 33, Township 63 South, Range 39 East, Key Largo, Monroe County, Florida (legal description in metes and bounds is provided in the application/file), having real estate number 00497540.000000.

(File 2015-093)

(10:30 a.m.) Mr. Ortiz presented the staff report. Mr. Ortiz reported that the applicant is requesting a major deviation to the conditional use permit in order to increase the existing walk-in cooler capacity and to add a second walk-in cooler and to increase the size of the existing bathrooms, which would increase the amount of nonresidential floor area by 452 square feet. The applicant is under a mandatory upgrade to their site and this would help them proceed with

the renovation of the site. Staff recommends approval with conditions. Those conditions were then outlined.

The applicant, Hany Haroun, having been previously sworn in, explained that the reason for this expansion in the back of the building and on the side is for the bathrooms and on the back end of the building due to the equipment package that is coming in. The old configuration is no longer able to be utilized. Consequently a larger space is needed in the back.

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

Motion: Commissioner Miller made a motion for approval. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 122-3(C), RULES FOR INTERPRETING FLOOD HAZARD ISSUES; PROVIDING FOR THE INCLUSION OF COUNTY POLICY IMPLEMENTATION AND REMOVAL OF THE REQUIREMENT OF GUIDING DOCUMENTS ADOPTED BY RESOLUTION; 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 CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(File 2015-109)

(10:36 a.m.) Mr. Koconis presented the staff report. Mr. Koconis reported that the purpose of this proposed amendment is to not only allow the County to remain in the National Flood Insurance Program, but also to assist the County in becoming eligible to enter FEMA's Community Rating System. The proposed amendment would allow the Building Official to utilize both new and updated FEMA documents, along with internal County policies, which are often drafted to clarify FEMA's documents. As guidance in addressing floodplain management the amendment would both expedite the use of new FEMA documents and specifically authorize the Building Official to implement County policies similar to that. The authorization of the Building Official to implement these policies would speak to FEMA's concerns of addressing substantial improvements and substantial damages. Mr. Koconis recommended approval. Ms. Santamaria clarified this is based on Federal rules, not FEMA. The County implements what FEMA provides to the County in the Federal regulations.

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

Commissioner Miller asked why "as adopted by resolution from time to time by the BOCC" was struck and "County policy implementation" was underlined. Mr. Koconis explained the Building Official is specifically allowed to interpret Chapter 6 and FEMA had a question as to that authority in Chapter 122, so they asked for clarity that it is stated that the Building Official can implement policy. This does not allow for any change of Chapter 122.

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

5.Mangrove Marina, Summit Tavernier, LLC, 200 Florida Avenue, Tavernier, Mile Marker 91.7: A public hearing concerning a request for a 2COP (Beer and Wine, on premise and package) Alcoholic Beverage Special Use Permit. The subject property is described as parcels of land and submerged land in Section 34, Township 62 South, Range 38 East, Key Largo, Monroe County, Florida (legal description in metes ad bounds is provided in the application/file) having real estate number 00479170.000000.
(File 2015-095)

(10:39 a.m.) Ms. Bauman presented the staff report. Ms. Bauman reported that the applicant is requesting approval for a 2COP license and currently has a 2APS license. The 2COP license would allow the applicant to serve wine and beer by the glass. An aerial picture of the marina was shown. The property is located in two zoning districts: NA and mixed use. Most of the development is in the mixed use area. A brief history of permits issued to the property was given. Ms. Bauman recommended approval for the special use permit since the applicant has met all the conditions to be considered, the two standard conditions and a third condition that alcohol service, sales and consumption shall only occur within areas allowed for such uses and approved by Monroe County Planning and Environmental Resources Department.

Commissioner Miller asked for clarification of Number 3 on Page 4 of 7 that says the granting of the special use permit does not increase the off-street parking requirements for the site. Ms. Bauman explained that the expansion of the accessory uses is over an existing parking area. Some of the spaces are being relocated, but the applicant is not expanding their use for the alcoholic beverage permit, they are not expanding their footprint. Patrons of the marina would now be allowed to buy wine or beer by the glass.

The applicant did not wish to speak.

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

Motion: Commissioner Miller made a motion for approval. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 10:45 a.m.