

MINUTES

PLANNING COMMISSION

January 27, 2010

Marathon Government Center
2798 Overseas Highway
Marathon, Florida
Monroe County, Florida

CALL TO ORDER by Chair Randy Wall

10:02am

PLEDGE OF ALLEGIANCE

ROLL CALL by Debby Tedesco, Coordinator

COMMISSION:

Randy Wall, Chairman
James Cameron, Vice Chairman
Jeb Hale
Denise Werling
Elizabeth Lustberg

present
present
present
present
present

STAFF present at Roll Call:

Townsley Schwab, Sr. Director of Planning and Environmental Resources
Susan Grimsley, Ass't County Attorney
John Wolfe, Planning Commission Counsel
Mitch Harvey, Comprehensive Plan Manager
Kathy Grasser, Comprehensive Planner
Joseph Haberman, Current Principal Planner
Steven Biel, Sr. Planner
Debby Tedesco, Planning Commission Coordinator

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

10:04am

Read into record by John Wolfe

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

SWEARING OF COUNTY STAFF

APPROVAL OF MINUTES

Approval of Minutes from the December 15, 2009 Planning Commission Meeting
Motion to approve with changes by Commissioner Jim Cameron
Seconded by Commissioner Denise Werling
Unanimously approved

CHANGES TO THE AGENDA

10:06am

Item #3 Lloyd A. Good Jr. LUD map

Debby Tedesco read the request from the Director of Planning to continue the item to the February 10, 2010 Planning Commission meeting.

Board asked planning staff if this was agreeable to the applicant and was answered affirmatively.

Commissioner Jim Cameron motioned to approve the continuance.

Commissioner Denise Werling seconded the motion.

Motion was approved unanimously.

PUBLIC HEARING

New Items:

1. AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP DESIGNATION from Residential Low (RL) To Mixed Use / Commercial (MC) in accordance with Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan, requested by MDJ Investments, LLC, for property legally described as Thompson's Subdivision, Key Largo, PB1-147 Lots 13-18, Monroe County, Florida having real estate number 00440100.000000 located at 99101 Overseas Highway, Key Largo, Mile Marker 99.1.

10:08.44am

Read into record by John Wolfe

10:09am

Kathy Grasser presented staff report in Power Point.

Staff recommended approval.

James Lupino, for MDJ Applicant noted the property borders on US 1 with surrounding properties also being commercial.

No public comment.

Commissioner Jim Cameron motioned to approve.

Commissioner Jeb Hale seconded the motion.

10:16-10:19am

Discussion

Motion was approved unanimously.

2. AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AMENDING THE LAND USE DISTRICT DESIGNATION from Sub Urban Residential (SR) To Sub Urban Commercial (SC) in accordance with Monroe County Code, Section 130-43, requested by MDJ Investments, LLC, for property legally described as Thompson's Subdivision, Key Largo, PB1-147 lots 13-18, Monroe County, Florida having real estate number 00440100.000000 located at 99101 Overseas Highway, Key Largo, Mile Marker 99.1.

10:20am

Read into record by John Wolfe/

10:21 am

Staff Report was presented by Kathy Grasser in Power Point.

John Wolfe stated for the record that what is about to be heard would be incorporated with what was previously heard in the FLUM application.

Staff recommended approval.

No public Comment.

Commissioner Jim Cameron motioned to approve.
Commissioner Jeb Hale seconded the motion.
Motion was approved unanimously.

3. AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AMENDING THE LAND USE DISTRICT DESIGNATION from Destination Resort (DR) and Sub Urban Commercial (SC) to Mixed Use (MU) in accordance with Section 130-88 of the Monroe County Code, requested by Lloyd A. Good, Jr., for property legally described as the entire Part Lot 3 having real estate number 00118470.000000 and part of Section 3, Township 67, Range 27 Part Lot 3 and Part Lot 4 having real estate number 00118420.000000, and part of Section 34 Township 66 Range 27, Part Lot 3 having real estate number 00117930.000000 located at 17001 & 17075 Overseas Highway, Sugar Loaf Key, Mile Marker 17.

Continued to PC 2.10.10 in "Changes to the Agenda" above, on page 1.

4. AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AMENDING THE DEFINITION OF "ACCESSORY USES OR ACCESSORY STRUCTURES"; defining "adjacent land" and eliminating "adjacent landowner" in section 101-1 of the Monroe County Code; permitting some accessory uses or structures on adjacent non-contiguous land; permitting docking facilities on adjacent land under certain conditions and creating an approval process; providing for a variance process to determine adjacency for certain accessory uses and structures; providing for severability; providing for repeal of conflicting provisions; providing for codification; providing for an effective date.

10:24am

Read into record by John Wolfe

Staff report was presented in Power Point by Steven Biel.
Exhibit 1 was entered from planning staff giving history of the text amendment.

10:29-10:41am

Board discussion

10:41am

Larry Conley's email read into record per his request. He stated his opinion that contiguous & adjacent lots should be treated the same.

10:44am

Public Comment

Pauline Kline stated her letter of opposition was for the entire county, not just for Key Largo. She stated that the very same issue came before the Planning Board in the 1980's and was defeated. She stated the Keys would look very different if it had not been defeated.

10:46-11:05am

Frank Greenman, attorney for Mr. Lyons, a Duck Key resident with a contiguous lot, presented his client's case.

Frank Greenman showed pictures in Power Point showing approved storage with the house on the property or contiguous lots which were not tied down, and were not sightly yet they were within the present code. He stated that if this were approved, regulations would tighten. He stated that this ordinance would regulate and improve storage areas.

11:05-11:08am

Ron Miller stated that all directors of associations in Key Largo are opposed to this ordinance. He stated that the people of a government are above the governing bodies. He stated he is in agreement with staff.

11:11am

Townsley Schwab noted his concern about modifying well intended ordinances, and that this ordinance changes the character of the residential neighborhood which can change property values. He noted staff has been opposed to this from the beginning, and that the Growth Management Director Christine Hurley objects to it as well. The Planning Department supports opposing this change.

11:14am

Joe Haberman presented BOCC Ordinance 10-1985 BOCC in its entirety. EXHIBIT 2.

11:16am

Commissioner Denise Werling stated she did not want to add more things to a residential neighborhood. She stated the property owner bought a lot they are able to sell. She stated it is not beneficial to many people; it is not for the greater good; it can never have a Unity of Title because it is across the street.

11:19am

Commissioner Hale noted that the end of section (a) of the ordinance it states clearly that there must be a principal structure. It had been noted by Commissioner Werling that some parts of the ordinance as presented to the Commission by Frank Greenman, had been omitted.

John Wolfe advised the Planning Commission to either table or withdraw the item. He stated if it is rejected it must be heard by the BOCC.

Commissioner Randy Wall noted it may be more appropriate to phrase the motion to stop here. Commissioner Liz Lustberg agreed to motion to table this item. Motion was seconded by Commissioner Denise Werling.

ROLL CALL was taken by Debby Tedesco:

Commissioner Hale	Yes
Commissioner James Cameron	No
Commissioner Liz Lustberg	Yes
Commissioner Denise Werling	Yes
Chair Randy Wall	Yes

BOARD DISCUSSION

Commissioner Liz Lustberg asked that if DCA disapproves of anything will we always be told. Susan Grimsley answered in the affirmative.

11:28 am

Commissioner Denise Werling stated she would like to return to meeting throughout the Keys as a service to the public.

Chair Randy Wall noted that Stock Island items are equi-distant to Key Largo items and that it is more economical for staff to remain in Marathon.

John Wolfe noted that the decision came from the BOCC and was very clear that staff costs sky rocket with revolving meeting places.

Commissioner Cameron asked Debby Tedesco to prepare new copies of Commissioner contact list. Debby Tedesco affirmed the request.

Additionally Commissioner Cameron asked Debby Tedesco to provide BOCC and DRC meeting schedules to commissioners, and the request was affirmed.

GROWTH MANAGEMENT COMMENTS

11:32-11:42am

Townsley Schwab stated the staff kick off meeting with the planning consultants had occurred. He said the consultants wanted to talk to the Planning Commission as a group, and asked if the Commissioners could stay after the meeting for such a meeting. He noted the intent is to explain process and answer questions.

Chair Randy Wall noted that sunshine laws will prevail if the presentation is to the Board.

Commissioner Jim Cameron noted it should be held during a regular meeting under Growth Management section.

Commissioner Liz Lustberg stated her agreement with Commissioner Cameron, that it is better to have the discussion on the record.

RESOLUTIONS FOR SIGNATURE

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ADJOURNMENT

11:42Am