

PLANNING COMMISSION
September 30, 2015
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, September 30, 2015**, 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

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

STAFF

Mayte Santamaria, Sr. Director of Planning and Environmental Resources	Present
Steve Williams, Assistant County Attorney	Present
John Wolfe, Planning Commission Counsel	Present
Mike Roberts, Senior Administrator, Environmental Resources	Present
Rey Ortiz, Planning & Biological Plans Examiner Supervisor	Present
Tiffany Stankiewicz, Development Administrator	Present
Emily Schemper, Comprehensive Planning Manager	Present
Kevin Bond, Planning & Development Review Manager	Present
Matt Coyle, Principal Planner	Present
Devin Rains, 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. Mr. Wolfe then swore in all members of the public who believed they might possibly testify at today's meeting.

CHANGES TO THE AGENDA

Ms. Creech stated that a request has been made to continue Item 1 to the November 18, 2015, Planning Commission meeting. **Motion: Commissioner Miller made a motion to continue Item 1 to the November 18, 2015, Planning Commission meeting. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.**

Ms. Creech stated that a request has been made to continue Item 9 to the November 18, 2015, Planning Commission meeting. **Motion: Commissioner Ramsay-Vickrey made a motion to continue Item 9 to the November 18, 2015, Planning Commission meeting. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.**

APPROVAL OF MINUTES

Motion: Commissioner Wiatt made a motion to approve the August 26, 2015, meeting minutes. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

Continued Items:

2.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LIVABLE COMMUNIKEYS PROGRAM MASTER PLAN FOR FUTURE DEVELOPMENT OF BIG PINE KEY AND NO NAME KEY AMENDING THE TIER DESIGNATION FOR PROPERTY OWNED BY LONGSTOCK II, LLC, HAVING REAL ESTATE NUMBERS 0030090-000000; 00300180-000000; 00300590-000000 AND 00300670-000000 FROM TIER I TO TIER III ON FIGURE 2.1 (TIER MAP FOR BIG PINE KEY AND NO NAME KEY); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR THE TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION IN THE MONROE COUNTY 2010 COMPREHENSIVE PLAN.

(File 2015-116)

3.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE TIER OVERLAY DISTRICT DESIGNATION FROM TIER I TO TIER III FOR PROPERTY OWNED BY LONGSTOCK II, LLC; LEGALLY DESCRIBED AS LOTS 1, 2, 3, 4 AND 5, BLOCK 1; LOTS 1 THROUGH 18 BLOCK 2, SAM-N-JOE SUBDIVISION PLAT BOOK 3 PAGE 76 OF THE PUBLIC RECORDS OF MONROE COUNTY FLORIDA AND LOTS 1 THROUGH 9, BLOCK 3, DARIOS SUBDIVISION PLAT BOOK 3 PAGE 92 OF THE PUBLIC RECORDS OF MONROE COUNTY FLORIDA; 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 AN AMENDMENT TO THE TIER OVERLAY DISTRICT MAP; PROVIDING FOR AN EFFECTIVE DATE.

(File 2015-035)

(10:04 a.m.) Mr. Roberts explained for Commissioner Miller that the written correspondence from the U.S. Fish & Wildlife Service (FWS) has not yet been received, but an e-mail was provided in advance of that letter because of time restrictions. The only explanation from FWS at this point is contained within the body of the e-mail. The e-mail states FWS supports the ordinance. Commissioner Miller does not agree with proceeding on the recommendation without seeing the justification for the support. Ms. Santamaria clarified that staff is following the process, which is public, to do a tier map amendment and a text amendment. Staff has reviewed this for the criteria both from the comp plan and the code, as well as all the criteria in the CLP and HCP. Mr. Wolfe reminded the Commission that this is a continuation of this matter from a prior meeting. Everything heard before is still part of the record.

Mr. Roberts proceeded with the staff report. Mr. Roberts reminded the Commissioners that there are two separate items being heard today: The amendment to the LCP, Figure 2.1, and the accompanying tier overlay district map amendment. The proposed amendment to Figure 2.1 was displayed. Mr. Roberts noted that a Tier I designation is intended to be for lands where all or a significant portion of the land area is characterized as environmentally sensitive and important for the continued viability of that HCP covered species. Tier II is intended for scattered lots and fragments of environmentally sensitive land. A large number of the lots in Tier II are separated by canals because of the barriers that they present to the dispersal and movements of the herd. Tier III is intended for scattered lots within already heavily developed areas that provide little habitat to the Key deer and other protected species. All tiers have an assigned H value. Mr. Roberts described how H values were developed. Mr. Roberts reported that an updated table of the H values was received from Dr. Lopez of Texas A&M subsequent to the prior meeting when the Commission requested additional science. A map was shown that illustrated the current H values. Mr. Roberts pointed out that the original tier designations in Figure 2.1 and in the HCP and the LCP refer only to undeveloped land. Mr. Roberts continued to report that staff provided the FWS the updated and amended staff reports for both requests in front of the Commission this morning. In response to review of that staff report and site visits conducted by the FWS an e-mail was received recommending approval and stating they will provide correspondence, but that correspondence will have to filter through the various supervisors and directors of the Vero Beach office. That formal documentation is anticipated by the end of the week.

Commissioner Miller stated he would be interested in hearing from FWS as to how tiers were created to begin with. Mr. Roberts clarified that FWS was involved in the initial development of the HCP as well as the Incidental Take Permit. FWS was not a participant in the development of the LCP nor the development of the tier maps. Some of the data used in the development of the tier maps was house density and water barriers. The proposal today is to change the existing tier of Tier I to Tier III.

Chair Werling asked for public comment.

Deb Curlee, board member of the Key Deer Protection Alliance (KDPA), read a letter into the record that stated the KDPA participated in the development of both the HCP and the Livable CommuniKeys Master Plan for future development on Big Pine Key and No Name Key. KDPA is concerned that any decision regarding a change in use and a change in the tier designation of the subject property will negatively affect the federally listed endangered Key deer. At a prior

Planning Commission meeting it was learned that FWS had indicated in an e-mail that FWS would be supportive of the proposed tier change if the justification for each Seahorse parcel were to be supported by the qualitative tier designation description. Since that meeting the KDPA and Last Stand requested the opinion of Henry Lee Morganstern, an endangered species attorney who participated in the development of the HCP for Big Pine Key and No Name Key. Mr. Morganstern's letter asserts that the only way to legally make a change in a tier designation would be through a major amendment to the HCP, which would require the full NEPA process and take many years. A proposed text amendment to the master plan for development on Big Pine Key and No Name Key was discussed. The two choices for the Commission today is to, one, ignore the letter from Mr. Morganstern and vote for approval or, two, table these two agenda items and recommend to the BOCC the described text amendment to the master plan which would allow affordable housing in Tier I and Tier II on Big Pine Key under very narrow conditions. Ms. Curlee then clarified for Commissioner Wiatt the very narrow conditions are the six bullet points listed in the letter.

Commissioner Ramsay-Vickrey asked Mr. Roberts to address the assertion that this proposal would require an HCP amendment. Mr. Roberts replied that staff's opinion is that none of the proposed amendments in any way trigger an HCP modification. Furthermore, both staff reports for the two amendments were submitted to the FWS and they have not advised staff an HCP or ITP modification is necessary. Commissioner Miller asked for clarification on Mr. Morganstern's proposal to amend the HCP. Ms. Santamaria explained that staff has not received a proposed text amendment. The KDPA nor Last Stand are willing to sponsor any such amendment at this time. Commissioner Ramsay-Vickrey asked Legal staff to address Mr. Morganstern's letter that was referenced. Mr. Roberts pointed out Mr. Morganstern's letter refers to the depletion of the mitigation associated with the proposed amendment, but that the mitigation is not affected by the tier value in any way. Mr. Williams stated that Mr. Morganstern's letter is not applicable to what is being discussed today. Ms. Santamaria explained for Commissioner Miller that KDPA asked staff, as well as the Planning Commission, to reach out to FWS to see if they were supportive of this ordinance. There was no legal requirement to do so.

Naja Girard, speaking on behalf of Last Stand, commented that going from Tier I to Tier III has the repercussion of clearance of a larger percentage of the parcel, which would mean clearing some critical habitat or native vegetation that is critical. While Last Stand recognizes affordable housing is one of the County's greatest concerns, they are asking the Commission to think about changing the course in how to make this project move forward without these stated concerns. Ms. Girard suggested the Commission wait to see what FWS has to say in this formal justification. Last Stand does not believe that designating the Seahorse Trailer Park as Tier I was in error. The HCP and the ITP were based on science. Tier changes from I to III on Big Pine Key and No Name Key would change the HCP and ITP. Ms. Girard asked the Commission to recommend to the BOCC that Mr. Morganstern's proposal be looked into.

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

Bart Smith, Esquire, on behalf of the applicant, stated as a result of the DRC and previous PC meeting on this item he has done an incredible amount of reading and research on this issue. Mr.

Smith agrees that the HCP is wholly inapplicable to this amendment. Mr. Smith then gave a detailed history of how the HCP was developed. Mr. Smith noted that the administrative process to change a tier is a County process because the tier system deals with the identification for development. The HCP deals with habitat conservation. The LCP is a Monroe County planning tool which involved public participation in identifying areas and how the public desired the tiers to be, not based on the data and the science. The HCP deals with private undeveloped lands. Seahorse RV Park has been in existence in its same state since 1962. Mr. Smith explained that on this property the density is not proposed to be changed, the ability to use it is not being proposed to be changed. This cannot be deemed additional development and, therefore, does not deal with the HCP.

Commissioner Miller asked staff if they agreed with what Mr. Smith has said. Ms. Santamaria replied that staff does not believe this is an amendment to the HCP or ITP, but simply is an amendment to the LCP, which is part of the comp plan and the tier overlay map. Staff agrees with the information being provided by Mr. Smith. Mr. Smith then reiterated that the HCP only deals with vacant parcels and additional development activities on Big Pine and No Name Key. Mr. Smith then emphasized that the HCP provides a formula for determining whether additional development would be increased by a proposed use. While the HCP included scientific studies, the LCP helped to determine the community's preferred type, location, model development in a project area. It was a community participation. Mr. Smith stated this property meets the criteria for Tier III and requested the Commission to amend it to Tier III.

Ms. Santamaria confirmed that FWS are the experts when it comes to the HCP, but believes staff is as well. Commissioner Ramsay-Vickrey stated she is very familiar with Big Pine and No Name Keys and does not believe these parcels in question meet the criteria for Tier I or Tier II and do not meet the criteria as laid out in how these tiers are supposed to be defined. Commissioner Ramsay-Vickrey believes this is the perfect place for the much needed affordable/work force housing in the County. Commissioner Ramsay-Vickrey feels these tier maps as a whole need to be looked at through another process. The carrying capacity of the Key deer on Big Pine and No Name has increased since Dr. Lopez' study. Commissioner Ramsay-Vickrey believes staff is correct in saying this is the right process and believes FWS supports this ordinance. Commissioner Miller would still like to see the justification of FWS before making the recommendation as opposed to after. Commissioner Wiatt commented that he believes these parcels meet all six bullet points in the KDPA's letter, but does feel a text amendment should be looked at for future issues. Commissioner Wiatt believes FWS' e-mail is clear that they are not in opposition to this amendment. Chair Werling agreed with Commissioner Wiatt.

Motion: Commissioner Wiatt made a motion to approve staff's recommendation to approve Item Number 2. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

Motion: Commissioner Wiatt made a motion to approve staff's recommendation to approve Item Number 3. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

New Items:

4.Mote Marine Laboratory, Inc, 24244 US Highway 1, Summerland Key, Mile Marker 24:

A request for an exemption of 6,850 square feet of non-residential floor area from the Non-Residential Rate of Growth Ordinance (NROGO) permit allocation system pursuant to Monroe County Code Section 138-50(4). The subject property legally described as Lots 14 through 20, Block 2, Summerland Key Cove Addition 2, Summerland Key, Monroe County, Florida having Real Estate Numbers: 00190870.000000; 00190880.000000; 00190890.000000; 00190900.000000; 00190910.000000; 00190920.000000; and 00190930.000000. (File 2015-158)

Ms. Stankiewicz presented the staff report. Ms. Stankiewicz reported that Mote Marine, a not-for-profit organization, is requesting a 6,850-square-foot exemption from NROGO in order to facilitate their redevelopment and expand their research facilities in the Florida Keys. The subject property is designated Tier III and the proposal meets the NROGO exemption criteria and the definition of institutional use. Mote Marine will be required to have a restrictive covenant that shall run for at least 20 years. Staff recommends approval for the exemption with the conditions indicated in the staff report.

Chair Werling asked for public comment.

Dr. Michel Crosby, President and CEO of Mote Marine Laboratory, stated this request will allow Mote Marine to replace a 50-year-old research infrastructure with a new state-of-the-art science and education facility in the Florida Keys. This is essential for Mote Marine to be able to effectively fulfill their commitment to study and restore the coral reefs of Monroe County. The coral reefs in Monroe County underpin a \$6 billion-a-year economic engine. Mote Marine hopes to replenish and increase the coral cover by 25 percent here in the Keys, which is very connected to the quality of life here.

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

Ms. Santamaria confirmed for Commissioner Miller that Mote Marine was before the Planning Commission earlier this year for a variance and now they need the NROGO exemptions to move forward with their project. Ms. Stankiewicz confirmed for Chair Werling that the 20-year restrictive covenant is required by code. If a not-for-profit organization were to buy the property in the future, they would be required to come back for the NROGO allocation.

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

5.Islander Village, LLC, 5030 Fifth Avenue, Stock Island: A public hearing concerning a request for a one-year time extension pursuant to Monroe County Code Section 110-73(a)(1) to a

Major Conditional Use, originally approved by Planning Commission Resolution No. P35-05, for the construction of 111 residential dwelling units, including 89 affordable and 22 market-rate units, on property legally described as being part of Block 59, Maloney Subdivision, according to the plat thereof, as recorded in Plat Book 1 at Page 55, of the Public Records of Monroe County, Florida, and adjacent submerged lands, and as having real estate numbers 00127400-000000, 00127400-000100, 00127400-000120, 00127400-000121, 00127400-000122, 00127400-000123, 00127400-000124, 00127400-000125, 00127400-000126, 00127400-000127, 00127400-000128, 00127400-000129, 00127400-000132, 00127400-000133, 00127400-000134, 00127400-000135, 00127400-000136, 00127400-000138, 00127400-000139, 00127400-000140, 00127400-000141, 00127400-000142, 00127400-000143, 00127400-000144, 00127400-000145, 00127400-000146, 00127400-000147, 00127400-000148, 00127400-000149, 00127400-000171, 00127400-000172, 00127400-000173, 00127400-000174, 00127400-000175, 00127400-000176, 00127400-000177, 00127400-000178, 00127400-000179, 00127400-000180, 00127400-000181, 00127400-000182, 00127400-000183, 00127401-010910, 00127401-010920, 00127401-010930, 00127401-010940, 00127401-010950, 00127401-010970, 00127401-010980, 00127401-010990, 00127401-011000, 00127401-011090, 00127401-011100.

(File #2015-148)

(11:17 a.m.) Mr. Bond presented the staff report. Mr. Bond reported that the applicant is requesting a one-year time extension to its major conditional use permit to extend the expiration from December 7, 2015, to December 7, 2016. The expiration of the original major conditional use permit approved in 2005 has been extended a couple of times. The request was filed timely. Out of 89 total affordable units, 43 units still have to be completed. The request is also consistent with the ground lease extension, which was just approved by the BOCC. Staff recommends approval with the one condition stated in the staff report.

Debbie Batty, project manager for Islander Village, noted that the 22 market rate units are not complete, but they are under construction.

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

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

6.Rotten Ralph's of Key West LLLP DBA Bobalu's, 301 Overseas Hwy, Big Coppitt Key, Mile Marker 10: A public hearing concerning a request for a 2COP (Beer and Wine, on premises consumption and package sales) Alcoholic Beverage Use Permit. The subject property is described as Lot 20, Block 1, Amended Plat of Coppitt Subdivision, according to the Plat thereof, as recorded in Plat Book 4, Page 50, Public Records of Monroe County, Florida; having Real Estate #00149570.000000

(File #2015-153)

(11:22 a.m.) Mr. Rains presented the staff report. Mr. Rains reported that this particular parcel is located on Big Coppitt Key and is zoned SC, has a FLUM designation of mixed use/commercial and a Tier III designation. The community character of this area was described. This property currently has a 1COP license and this application is for a 2COP use permit so the applicant can

obtain the 2COP license from the State. This property has been a restaurant for at least 25 years and there are no listed public complaints with the State of Florida regarding the entity with regards to this liquor license. This site is currently nonconforming with regards to required landscaping, buffer yard requirements and setbacks. This site is also nonconforming with regards to parking and loading spaces, but granting of the requested 2COP license would not increase the requirements for off-street parking for this site. Increased demands on utilities is not anticipated. Staff recommends approval. The recommendation is based on the belief that this would not generate any additional traffic impact on the site, yet no traffic study was provided. Conditions to that recommendation would be that if any property owners in the surrounding areas find that they are adversely affected, that may lead to a reevaluation of this recommendation. The license and use permit is conveyed with the real property, so it does transfer with ownership. There is no differentiation for any particular locations on the property where sales and consumption are allowed. If the license is lost through expiration or lapse, then this alcoholic beverage use permit approval shall become null and void.

Chair Werling asked for public comment.

Stephen DiGiovanni, owners of the premises, stated this request is for an upgrade to be able to serve wine along with the beer they already serve. Commissioner Miller asked the applicant what has happened to the buffer grass in the front of the property. Mr. DiGiovanni replied that since he has owned the property there has always been gravel located in that area. Mr. Rains reiterated that the buffer yard and parking on the property is nonconforming. Any new construction would require a buffer yard. The applicant assured Commissioner Miller there is enough room to exit the parking lot without hitting the sidewalk. Ms. Santamaria emphasized that a substantial change, substantial improvement or a change of use would trigger the buffer yard and parking requirement.

Wendel Winko, resident of Big Coppitt Key, explained that years ago there was landscaping in place that was not maintained by DOT. There have been no real problems or inconveniences to the neighbors from the parking and access for this property over the last 30 years.

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

Motion: Commissioner Miller made a motion for approval with conditions stated by staff. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

7.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM INDUSTRIAL (I) AND COMMERCIAL FISHING AREA (CFA) TO MIXED USE (MU), FOR PROPERTY LOCATED AT APPROXIMATE MILE MARKER 9, DESCRIBED AS A PARCEL OF LAND IN SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, BIG COPPITT KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00120940.000100, AND FROM INDUSTRIAL (I) TO COMEMRCIAL 2 (C2) FOR PROPERTY LOCATED AT APPROXIMATE MILE MARKER 9, DESCRIBED AS FOUR PARCELS OF LAND IN SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST,

ROCKLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00122080.000000, 00122081.000200, 00122010.000000 AND 00121990.000000, AS PROPOSED BY ROCKLAND OPERATIONS, LLC AND ROCKLAND COMMERCIAL CENTER, INC.; 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 AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE.

(File 2012-069)

(11:37 a.m.) Ms. Schemper presented the staff report. Ms. Schemper reported that this is a request for a zoning map amendment. Ms. Schemper pointed out that the BOCC already approved transmittal of a corresponding FLUM amendment to the State. The zoning map amendment is being processed to go along with that. Ms. Schemper continued to report that the proposed amendment is for property located on both Rockland Key and Big Coppitt Key. The four parcels on Rockland Key are scarified parcels in the Industrial zoning category. The L-shaped parcel on the northern portion is on Big Coppitt Key, also zoned industrial, with a small portion of Commercial Fishing at the northwest end. That parcel is for the most part vacant, scarified, with a little bit of industrial-type storage uses. The surrounding area is also industrial uses with a residential neighborhood zoned Urban Residential/Mobile Home to the east. The size of the entire property is about 44 acres, all designated Tier III, with one very small area of Tier I.

Photos of the Big Coppitt parcel were shown. Ms. Schemper listed the type of uses that could potentially be approved under the current zoning. Ms. Schemper stated that the types of uses currently existing are consistent with that list. The proposed amendment is requesting to change the zoning to Commercial 2, one of the newer zoning categories, and Mixed Use. This is consistent with the comp plan and FLUM amendment that was transmitted by the BOCC to the State in December of last year. DEO had one objection regarding an increase in residential density. The applicant intends to do affordable housing development on the portion of the property that would have increased residential density. So the anticipated adoption of this corresponding FLUM amendment will also include a proposed subarea policy in the comp plan that limits residential development to affordable housing only with no transient uses. Ms. Schemper explained to Chair Werling that the portion that would be able to have some residential is in a noise zone in the AICUZ where it can be mitigated for. That was addressed in detail with the FLUM amendment. Ms. Schemper pointed out that per Florida Statutes Monroe County is required to have their land development regulations be consistent with an implemented comp plan.

Ms. Schemper continued to report that the overall site potential for residential development is actually going down by 34 units, but the potential under the maximum net density, which affordable housing can take advantage of, goes up by 122 units. Any residential use is limited to affordable housing, so transient uses would not be available. The nonresidential goes up by 128,000 square feet. The numbers were then broken down between the Rockland parcel and the Big Coppitt parcel. Ms. Schemper reported that staff has reviewed the requirements for a map amendment and concluded that there would be no adverse effect on community character. Staff

found no adverse effects on public facilities. Staff found that the proposed amendment is consistent with the comp plan contingent on the FLUM amendment being adopted. Ms. Schemper then reviewed the factors under which the BOCC may consider adoption of a map amendment like this. Staff recommends approval of the zoning change from Industrial and Commercial Fishing area to Commercial 2 and Mixed Use for the five parcels in the staff report contingent on adoption and effectiveness of the corresponding FLUM amendment.

Ms. Schemper reviewed for Commissioner Miller the residential development potential for the Big Coppitt parcel.

Chair Werling asked for public comment.

Greg Daniels, property owner and neighbor of the Big Coppitt parcel, submitted a petition signed by nearly 100 percent of the people in this area that will be directly affected requesting the removal and separation of the Big Coppitt property from this ordinance, as well as a denial of the zoning change. Mr. Daniels stated the neighbors are worried about the traffic impacts and water runoff from this request. The owners of the Big Coppitt parcel have been fined for destroying wetlands and removing mangroves. The neighbors have heard they want to put a marina on this property as well. With the affordable housing a marina could be allowed. The neighbors in this area would like to delay this request to see what the potential impacts could be to the neighboring property owners. **Motion: Commissioner Ramsay-Vickrey made a motion to allow the submission of the petition into the record. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.** Mr. Daniels stated he would like the density to be addressed and would like any residential units to be something that will match the existing neighborhood of single-family homes. Mr. Daniels commented that the area proposed for Commercial Fishing is mangrove that is awash at high tide.

Mark Buckner, neighboring resident of the Big Coppitt parcel, stated when he purchased his home in 2009 he was told that part of the L-shaped property was protected bird environment. Mr. Buckner questions that the photographs of the Big Coppitt parcel are accurate. Mr. Buckner does not believe affordable housing could be built on this property due to the size of the parcel and the required setbacks and the potential increase in density. Ms. Schemper confirmed the photograph is a recent photo of the Big Coppitt parcel that she personally took. Mr. Buckner asked the Commissioners for clarity and parity on the affordable units. Mr. Buckner wants affordable housing spread out over all of the Keys, including some of the more affluent neighborhoods. Mr. Buckner asked the Commissioners to ponder the environmental impact as well as the overall impact on the neighboring property owners' lives.

Mr. Williams asked Ms. Schemper to reaffirm that the photographs of the L-shaped property were taken on Monday of this week and it is the area in question. Ms. Schemper agreed. Commissioner Ramsay-Vickrey commented that upon her site visit she noticed how wide the property was.

Wendel Winko, a neighboring property owner to the Big Coppitt parcel, pointed out on the map that the area is wetlands. Mr. Winko does not believe the neighborhood can handle the potential increase in traffic and would like that issue to be addressed.

Mike Bellows, a neighboring homeowner to the Big Coppitt parcel, commended Planning staff for all of their hard work putting their report together, but complained that the report was not made available to the public sooner. Mr. Bellows requested that the Commission hold off on approving the recommendations set forth in the report or, at the very least, recommend to the BOCC that they not rush to vote on this amendment in November due to the number of concerns regarding the safety and security of the neighboring residents to the Big Coppitt parcel. Mr. Bellows feels that the traffic study is unclear. Mr. Bellows requests the Navy have input about this development.

Daniel Hudson, lifetime resident of Big Coppitt Key, does not want to see more development and more people moving into the Keys because of the damage it would cause.

Bart Smith, Esquire, present on behalf of the applicant, stated the applicant looks forward to meeting and discussing with the neighboring community what is being proposed, but that is not where the process is at this juncture. Mr. Smith provided a history of the process these parcels have moved through to get to this point. The applicants have drafted a comprehensive text amendment that include site-specific policies that limit this parcel on Big Coppitt solely to affordable housing aside from any commercial purpose. Mr. Smith emphasized there is no marina proposed on this property. The current Commercial Fishing zoning is being proposed to be amended from Commercial Fishing to Mixed Use. The applicant will have to enter into a development agreement to outline the terms by which the affordable housing will occur. At that juncture applications for the conditional use and the development agreement is where there are actual site plans and traffic studies in the neighborhoods, etc. Even though Mr. Smith is willing to discuss any matter with the neighbors, now is not the time to be discussing actual usage. Mr. Smith explained that in Industrial zoning any warehousing, manufacturing or very intense large manufacturing use is not subject to NROGO. Therefore, the current zoning can have more of a detrimental impact than what is being proposed. Upon questioning by Commissioner Miller, Ms. Santamaria agreed that this is a map amendment, not a site plan approval, at this stage. The Industrial category allows not only light industrial, but heavy industrial uses.

Mr. Smith further explained the buffer yard requirements for industrial development is not something that would deal thoroughly with the impacts. Commercial apartments are allowed to be built under the current zoning, but that is a very limited type of affordable housing and really does not address the true problems in the Keys. The applicant is looking to provide affordable housing for the community and will not benefit from it personally. Mr. Smith then addressed the concerns regarding the Navy. The Navy's specific criteria state in this zoning that residential is discouraged, but if it is developed the developer should sound-attenuate to 20 to 25 decibels DNL. That has been added into the site-specific criteria on this project. This proposal was created in order to lower the overall residential density that is being increased by creating these commercial zones that have no density. That density is being shifted to the upper portion, which is in the lowest noise zone. The entire Rockland site is no longer considered a crash area because of the number of flights that take off from the runway that goes over the property. Mr. Smith assured the public once the approvals are in place the applicant's representatives will meet with the public to address their concerns. cursory site plans have been done to identify what can fit in the area. Most of the property is over 200 feet wide.

Commissioner Wiatt asked staff to clarify from a traffic perspective the appropriateness to look at all of the properties in a combined fashion. Ms. Santamaria replied that because only map amendments are being processed at this point the overall most intense use, what traffic would be generated and the comparison of traffic is being considered. The County's traffic consultant concurred that the overall net change would decrease vehicle trips by 7,933 trips. If and when these items go into effect, a more detailed traffic analysis will be performed. Use as an industrial site would increase traffic even more than with an increase in residential density. Ms. Santamaria confirmed for Commissioner Miller that this application predates the discouragement policy. Reducing the amount of traffic on US-1 is still a goal of the County's and the increase in density is being offset by decreasing density on the Rockland portion. Ms. Schemper repeated that the combined parcels have a reduction of 34 units for the allocated residential density. The traffic studies will have to take into account affordable units. Ms. Santamaria explained that the map amendment does not require the applicant to build affordable, but they have submitted a sub-area policy to limit themselves to affordable housing to address the ORC report from DEO. By combining these two properties there is a decrease in density, but looking at the L-shaped property alone it would be an increase in density.

Commissioner Miller is concerned with the increase in density on the Big Coppitt parcel. Commissioner Wiatt is also concerned about that, but is also concerned that a heavy industrial use on this project would negatively impact the neighboring area, which the parcel is already zoned for industrial. Commissioner Wiatt suggested the concerned neighbors follow this closely as the process makes its way through the system. Chair Werling believes there will be some hurdles with the traffic once there is a proposal because it all feeds out to one main road to get to the highway. Ms. Santamaria clarified the traffic constraints, setback constraints, open space constraints and parking standards still have to be considered when applying for a development agreement and conditional use. If those applications come after the new code amendment requiring public workshops is effective they will have to have a public meeting as well. Commissioner Wiatt added that community character will be looked at later on in the process as well.

Commissioner Miller commented that he is uncomfortable with the way this has evolved and the way the properties were split out. Ms. Santamaria confirmed for Commissioner Miller that 213 affordable units can be built assuming they can meet all the other criteria. Commissioner Ramsay-Vickrey agrees with the points made by Commissioner Wiatt and agrees that the property is destined for development. Commissioner Ramsay-Vickrey is also concerned about the increased density. Having seen the property, Commissioner Ramsay-Vickrey believes a heavy industrial use could happen on that property. Commissioner Ramsay-Vickrey encouraged the applicant to meet with the community and encouraged the community to remain involved in the process. Ms. Schemper broke down the properties' increases and decreases in density again. Concern was voiced by the Commission as to the 213 units. Ms. Santamaria pointed out when a development agreement comes before the Commission, the Commissioners will have the ability to have more conditions placed in the development agreement at that time.

Motion: Commissioner Wiatt made a motion to approve Item 7. Commissioner Ramsay-Vickrey seconded the motion. The roll was called with the following results:

Commissioner Ramsay-Vickrey, Yes; Commissioner Wiatt, Yes; Commissioner Miller, No; and Chair Werling, Yes. The motion passed three to one.

8.6450 Sunshine Street, Stock Island, mile marker 5: A public hearing concerning a request for a variance of five (5) feet from the required ten (10) foot primary side yard non-shoreline setback along the southern property line in order to construct two detached residential dwellings. The subject parcel is described as a part of Square (Block) 51, Maloney Subdivision, Plat Book 1, Page 55, Stock Island, Monroe County, Florida, having real estate number 00126520.000000. (File 2015-117)

(1:14 p.m.) Mr. Coyle presented the staff report. Mr. Coyle reported that this request is for a variance. The zoning and designations on the property were described. This property historically has been developed with two mobile homes and the County has recognized them as being ROGO-exempt. The request is to reduce the primary side yard setback along the southern property line from ten feet to five feet, a 50 percent reduction, which is why this goes to the Planning Commission rather than the Planning Director. The applicant is trying to replace the two lawfully established mobile homes with two new detached single-family residences. Pictures of the property were shown. Mr. Coyle continued to report that there is a ten-foot separation between the two dwelling units. After consultation with the Building Department staff was informed there would be no additional building code requirements if the two units were built five feet apart rather than ten feet as proposed. Per the code, a variance can only be granted if the applicant demonstrates that all of the eight standards were met. Staff found it did not meet three of the eight: Exceptional hardship, unique or peculiar circumstances, and the minimum necessary to provide relief to the applicant for the property. Staff recommended denial to the Planning Commission

Mr. Coyle clarified for Commissioner Miller that this review went through the Building Department for the fire separation review, but the Fire Marshal is more involved in commercial development reviews.

Chair Werling asked for public comment.

Ivan Urbay, the owner of the property, stated the main reason for setting the houses the way he did was for safety reasons, as well as aesthetics.

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

Commissioner Wiatt commented if the neighbors came in and expressed agreement with this request he would consider this differently, but without that he does not see exceptional hardship. Chair Werling and Commissioner Ramsay-Vickrey agreed.

Motion: Commissioner Wiatt made a motion to support staff's denial for Item 8. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

10.TDGroup Holdings I, LLC, Le-Grand Drive, Key Largo, mile marker 98.5: A public hearing concerning a request for a Variance of 5 feet to the required 25-foot front non-shoreline setback, which is adjacent to Le-Grand Drive right-of-way and a Variance of 10 feet to the required 20-foot rear non-shoreline setback along the southwestern property line. Approval would result in a front non-shoreline setback of 20 feet, and a rear non-shoreline setback of 10 feet. The requested variances are required for the development of a proposed single family residence. The subject property is legally described as Block 7, Lot 12, Pirates Cove (Plat Book 3, Page 18), Key Largo, Monroe County, Florida, having real estate number 00493810.000000. (File 2015-103)

(1:24 p.m.) Mr. Ortiz presented the staff report. Mr. Ortiz reported that the applicant came in and requested an administrative variance, which staff had supported. Once it was advertised the neighbors requested this hearing before the Commission today. The parcel is 2500 square feet, a 50-by-50 parcel within a platted subdivision. The applicant is requesting a variance of five feet from the front and ten feet from the rear. The side yard setbacks will be met per the code. The parcel is zoned IS-M. The site plan was shown. Mr. Ortiz continued to report that if the applicant were to meet the setbacks as written in today's code they would have a buildable area of 175 square feet. A slide was shown illustrating the character of the neighborhood. Staff recommended approval of this variance with the conditions listed and made part of the staff report. Mr. Ortiz confirmed for Commissioner Wiatt that there are other houses built in this neighborhood on a 50-by-50 parcel that have square footage greater than 175 square feet.

Chair Werling asked for public comment.

Patricia Hill, resident two streets away from the subject parcels, pointed out on the slide of the neighborhood that there are no houses built on a single 50-by-50 square foot lot. Ms. Hill stated that the developers of the subject parcels will be building rental units and the developers are not local, but live in Miami.

Gale Raban, neighbor one block away from the proposed sites, does not believe that there is exceptional hardship involved in this and that one house should be built on these two lots as opposed to squeezing two small houses on the lots. Mr. Ortiz explained to Commissioner Miller that these lots were platted as 50-by-50 lots back in 1952.

Joe Cianciolo, a neighbor across the street from the subject parcels, opposes the variance. Mr. Cianciolo stated there are kids always playing in the streets and the roads are narrow. Mr. Cianciolo does not want to see the loss of habitat on these parcels. Mr. Williams pointed out that Items 10 and 11 are linked, are located side by side, but are being heard separately because they have separate real estate numbers and are separate parcels.

Nicole Simons, neighbor to the east of the two property sites proposed for development, stated her property is 50-by-100 with one structure on that property. Ms. Simons stated the setbacks have been in place for 30 years and the developer knew the setbacks when they were purchased. Ms. Simons believes if this gets approved it will set a precedent for other property owners to sell their 50-by-50 lots and it will change the character of the community.

Watson LeBlanc, neighbor of the subject parcels, stated it all comes down to setting precedents with regard to density. Mr. LeBlanc stated this will completely change the character of what is a very unique neighborhood. Mr. LeBlanc believes biological studies need to be done to determine if this property is suitable for this development. Mr. LeBlanc stated the entire neighborhood adamantly opposes this development and the applicant does not meet any of the criteria required for a variance. The setbacks are in place for a reason, which is to control density. Mr. LeBlanc reiterated the neighbors are adamantly opposed to this because it is not appropriate for this community whatsoever.

Guillermo Alvarez, manager for the applicant, clarified that the clearing of habitat in the area will be less because of the size of the properties. Mr. Alvarez stated that the property did meet all of the requirements for a variance. The site plan provided is the minimum needed to build a home on this property. There is no other relief available other than granting the variance. There have been variances granted throughout the Upper Keys on 50-by-50 lots. This will be a positive impact for the neighborhood because these are brand new homes with impact glass and high-end finishes. The homes are not necessarily being developed for rentals. Mr. Alvarez stated the applicants are Keys residents who reside in Key Largo. The purpose of this development is to fulfill a need for this kind of housing in the community. Upon questioning by the Commissioners Mr. Alvarez explained that these properties are above base flood elevation and are not designed for parking underneath. They will be CBS-built homes. The lots were purchased in May of 2015. Mr. Alvarez asked the Commissioners to approve the variance request.

Jose Antonio Alvarez, member of TDGroup Holdings, reiterated that the applicants are local full-time residents. Mr. Alvarez stated this will be a very high-end product. If the properties are rented, it will be built into the least agreement that the developers service the landscaping on the property. Credit reports are run on prospective tenants.

Patricia Hill returned to the podium and stated there has not been a house built on 50-by-50 lots in this neighborhood since the '70s. Everyone that has a house on a 50-by-50 lot owns the lot next door to park their cars. Now people are parking on the streets because there is nowhere to park on a single 50-by-50 lot.

Nicole Simons returned to the podium and asked how a two-bedroom/three-bath house can be built in 700 square feet. Mr. Guillermo Alvarez clarified the houses are two-story and are a little under 1200 square feet. Without the variance a structure would not be able to be built on the property.

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

Commissioner Miller explained that if the Commission denied this request it will be sent back on appeal with the judge saying the Commission cannot deny this request. This is a very similar situation to a variance request recently in front of the Commission that was overturned on appeal. Commissioner Wiatt further explained that back when these parcels were platted they were destined for development. When somebody buys a 50-by-50 parcel they not only buy that land, but they buy the right to build. The best that can be done is to allow the setbacks to the point

where a viable structure can be built. The lot came with a buildable right. Commissioner Wiatt believes this plan seems to be one of the best options available. Cars parking in the road is a problem throughout the Keys. Mr. Williams noted that the prior variance request that was overturned had even more allegations to support a denial and was still overturned. Commissioner Miller asked about a prior interpretation that there was required parking under homes. Ms. Santamaria clarified this development is a single-family home and their two required parking spaces can fit on their property. Commissioner Miller pointed out that is because parking has recently been allowed in the front yard setbacks.

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

11.TDGroup Holdings I, LLC, Le-Grand Drive, Key Largo, mile marker 98.5: A public hearing concerning a request for a Variance of 5 feet to the required 25-foot front non-shoreline setback, which is adjacent to Le-Grand Drive right-of-way and a Variance of 10 feet to the required 20-foot rear non-shoreline setback along the southwestern property line. Approval would result in a front non-shoreline setback of 20 feet, and a rear non-shoreline setback of 10 feet. The requested variances are required for the development of a proposed single family residence. The subject property is legally described as Block 7, Lot 13, Pirates Cove (Plat Book 3, Page 18), Key Largo, Monroe County, Florida, having real estate number 00493820.000000. (File 2015-104)

(1:58 p.m.) Ms. Santamaria confirmed that, except for the property number, everything on this item is identical to the last item heard.

Mr. Ortiz presented the staff report. Mr. Ortiz reported that an administrative variance was approved on this parcel, but at the request of the neighbors it is before the Commission today. The parameters are nearly identical to Item 10. The site plan appears to be identical in scale to Item 10. An aerial of the neighborhood was shown. Staff recommended approval with the conditions as listed in the staff report.

Chair Werling asked for public comment.

Commissioner Miller noted before public comment began that the dye was cast in 1952 when these lots were created. Gale Raban asked if this is all a moot point, why the public has to go through this process. Commissioner Miller responded that this is the system and it has to be done in public. Mr. Williams clarified that the hearing is being held because the neighbors asked for it. Nobody knows what is going to be presented until the public hearing is commenced. Mr. Wolfe added this is an unusual variance request since there was virtually an identical one presented not too long ago where the Planning Commission denied it and the judge overturned it saying if it is not approved the Commissioners will be held in contempt. Ms. Raban feels people are very confused whether these lots can be built on. Chair Werling explained that the onus is on the property owner to ask those questions of the Planning Department. Patricia Hill commented that there is only one sewer system in front of these two lots and a second sewer system is needed for the second house. Chair Werling explained that would be a requirement on their building permit.

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

Motion: Commissioner Wiatt made a motion to approve Item Number 11. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

GROWTH MANAGEMENT COMMENTS

Ms. Santamaria reminded the Commissioners on that Thursday the second half of the Land Development Code will be heard before the BOCC. The ad did notice that potentially BOCC members and Planning Commissioners may attend.

Ms. Creech advised the Commissioners that the October Planning Commission meeting has been cancelled.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 2:05 p.m.