

Minutes

PLANNING COMMISSION

April 28, 2010

PLANNING COMMISSION
MARATHON GOV'T CENTER
2798 OVERSEAS HIGHWAY
MONROE COUNTY
MARATHON, FL
April 28, 2010

CALL TO ORDER

10:05 am

PLEDGE OF ALLEGIANCE

ROLL CALL by Debby Tedesco

COMMISSIONERS:

Randy Wall, Chairman
Denise Werling
Jeb Hale
Jim Cameron
Elizabeth Lustberg

present
present
present
present
present

STAFF:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Susan Grimsley, Ass't County Attorney
John Wolfe, Planning Commission Counsel
Mitch Harvey, Comp Plan Manager
Kathy Grasser, Comprehensive Planner
Joe Haberman, Principal Planner (was absent for roll call only)
Debby Tedesco, Planning Commission Coordinator

present
present
present
present
present
present
present

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

10:06am

Read into record by John Wolfe

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

SWEARING OF COUNTY STAFF

Sworn in by John Wolfe
Minutes from Planning Commission meeting April 14, 2010 approved
Motion was made by Commissioner Jim Cameron
Seconded by Commissioner Liz Lustberg
Motion was unanimously approved

CHANGES TO THE AGENDA

Item #3 Mull Appeal/Kula Property
Staff requests continuance to May 12, 2010 meeting
Motion to approve continuance request was made by Commissioner Jim Cameron
Seconded by Commissioner Denise Werling
Motion was unanimously approved

Item #5

Staff requested a continuation of this Item to May 26, 2010 meeting

Motion to approve continuance request was made by Commissioner Jim Cameron
Seconded by Commissioner Denis Werling
Motion was unanimously approved

MEETING

CONTINUED ITEMS:

1. An Ordinance of the Board of County Commissioners of Monroe County, Florida, creating Section 130-131 of the Monroe County Land Development Code, creating the Lower Sugarloaf Key Community Center Overlay District for Real Estate Number 00118470.000000 and for portions of parcels having Real Estate numbers 00118420.000000 and 00117930.000000 described as a portion of Government Lot 3 and portion of Government Lot 4, Section 3, Township 67 South, Range 27 East and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida at 17001 Overseas Highway, Lower Sugarloaf Key, at approximately Mile Marker 17.

10:10-10:18am

Staff Report was presented in power point by Kathy Grasser who noted that the Overlay was created to have the property remain consistent with community character with the present small scale, low intensity improvements within the boundaries of this newly created district.

Discussion followed to include, but was not limited to, discussion of maximum density, maximum square footage of commercial buildings limited to but not to exceed 10, 000 square feet to prevent large scale development, and that this Overlay approval was requested only if Item #2 were to be approved.

PUBLIC COMMENT:

10:18am

Ron Miller was sworn in by John Wolfe.

Mr. Miller asked how much affordable housing was involved and was answered by Chair Randy Wall, Kathy Grasser, and John Wolfe that by approval of the Overlay District the development would be limited to 2 market rate dwellings and 8 affordable housing units on the 10 acre property. It was noted that the reason for the creation of the Overlay District by Monroe County is limit the ability to further develop the property.

10:22-10:33am

Bill Hunter was sworn in by John Wolfe. He stated his concerns regarding expanding the property and including additional RV units that are not there now. He noted the floor space was doubled. He stated he read the Liveable Communikeys Plan, and that it stated that density should be limited. He again stated his objection to RV's being allowed that were not there initially, and his objection to increased density and intensity. He stated he is under contract to build a house across the street from the Sugarloaf Lodge.

Discussion followed between Mr. Hunter, the Board, Townsley Schwab, Kathy Grasser and Lloyd Good Jr., to include, but was not limited to, that the limited development through the use of the Overlay District would be a lesser density/intensity than what the MU designation now allows, that the present DR zoning would allow 200 units but no RV spaces, that the intensity could increase to 26 acres, not 10 acres that is currently proposed with the Overlay District, and that the Overlay District permits 25 RV spaces that are not presently permitted.

10:33am

Commissioner Cameron asked the property owner, Lloyd Good Jr., if the decreased density was agreeable to him. Mr. Good answered in the affirmative, and noted it was as much as he would like to see developing on his property.

PUBLIC COMMENT

10:38-10:41am

Bill Eardley noted his concerns regarding traffic and safety and suggested Mr. Good should agree to reconfigure the highway with a turn lane.

10:43am

Discussion followed between the Board, Townsley Schwab and John Wolfe which included, but was not limited to, that the property would need approvals for a Major Conditional Use and those approvals would include an in-depth Traffic Report, that there was a meeting with FDOT during which it was noted that there are plans to propose turn –offs regarding the new project, and that development approvals cannot legally be made at a meeting held to hear a zoning change.

BOARD DISCUSSION

10:43-10:48am

Discussion with the property owner, Lloyd Good Jr. followed, but was not limited to, that he is aware he is capping the amount of transient units under the current zoning and that by approving the overlay for Mr. Good's property the Board would limit development on his property. Mr. Good answered in the affirmative.

Commissioner Jim Cameron made a motion to approve

Commissioner Jeb Hale seconded

Motion was unanimously approved

2. An Ordinance of the Board of County Commissioners of Monroe County, Florida, amending the Land Use District Map designation from Destination Resort (DR), Native Area (NA) and Suburban Commercial (SC) to Mixed Use (MU) for Real Estate Number 00118470.000000 and for portions of parcels having Real Estate numbers 00118420.000000 and 00117930.000000 described as a portion of Government Lot 3 and Portion of Government Lot 4, Section 3, Township 67 South, Range 27 East and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida at 17001 Overseas Highway, Lower Sugarloaf Key, at approximately Mile Marker 17.

10:49am

Read into record by John Wolfe

10:50am

Staff report was presented in power point by Kathy Grasser and it was noted that the chart provided reflected what is currently on the property, as well as what can be developed.

11:00am

Lloyd Good as the applicant stated that the change from DR zoning to MU zoning results in decreased allowable density. He stated his confidence that the public should be much more content to limit the density now with approval of the MU zoning, rather than leave the present DR zoning and leave to chance what could be developed on the property in the future.

PUBLIC COMMENT

11:02

Ron Miller questioned how many affordable housing units would be built if the property was developed, and was answered by Townsley Schwab that in general no inclusionary housing is required because it is transient zoning.

11:04am

Mr. Hunter again stated that although the zoning change approves the buildings that were damaged in Wilma such as the bank, and the post office he stated the zoning change allows additional units which will increase density. Chair Randy Wall stated that the Future Land Use Map amendment (FLUM) envelopes this as Mixed Use Zoning, and that the FLUM corrected the zoning in 2008 so that the majority of the property is under MU zoning and therefore, limits the density and intensity.

BOARD DISCUSSION:

Commissioner Denise Werling noted that the use of the property will be less than what is permitted now and that the Board is not granting a development proposal. She noted that an approval lessens the possibility of increased intensity.

Chair Randy Wall noted that the County has lost many RV sites and that, in his opinion, additional hotel rooms would create the same amount of traffic as RV sites.

Commissioner Jim Cameron made a motion to approve

Commissioner Jeb Hale seconded the motion

Commissioner Liz Lustberg asked if the request to develop the property would be heard at the Planning Commission and was answered by Townsley Schwab that it would come to the Planning Commission as a major conditional use because it is a marina.

John Wolfe made a suggestion that the approval be conditioned on the first item heard, not to be separated.

Motion was amended to include the suggestion by John Wolfe by Commissioner Jim Cameron

Commissioner Jeb Hale seconded

Motion was unanimously approved

NEW ITEMS:

3. Kula Property, 150 Ellis Drive, Tavernier, Mile Marker 92.5: A request for an administrative appeal to the Planning Commission based on a Letter of Understanding by the Senior Director of Planning & Environmental Resources dated December 22, 2009. The subject property is legally described as Part of Tract 1, Plat of Survey of Ellis Property (PB2-99), Key Largo, Monroe County, Florida, having real estate number 00490130.000100.

Item was continued to PC Meeting May 12, 2010 per staff's request at the beginning of the meeting under "Changes to the Agenda"

4. An Ordinance by the Monroe County Board of County Commissioners amending Monroe County Code Section 142-4(3)d., A-frame signs (i.e. Sandwich board signs), to revise the date in which a-frame signs may be permitted; providing for severability; providing for repeal of conflicting provisions; providing for transmittal to the Department of Community Affairs and the Secretary of State; providing for codification; providing for an effective date.

11:14am

Staff report was presented by Steven Biel

He noted the staff recommended the new sunset date to be December 2011 to allow additional time to investigate all possibilities such as a grant from FDOT to put wayfinding signs instead of A-frames to reduce clutter.

He noted that three public meetings were held but that as of April 1, 2010 no applications for any sign permits were submitted.

He advised quick action by the Planning Commission for an affirmative recommendation so that the BOCC can approve the ordinance before it expires.

11:20am

Townsley Schwab noted that a resolution written now would have to include sandwich signs. He noted the time line on wayfinding signs is tight and that this new sunset date gives us time to explore more avenues besides wayfinding signs.

Chair Randy Wall noted that Code Enforcement can put a sticker on any sign that has not requested a permit.

11:22-11:27am

Commissioner Denise Werling noted that the Board tried to help the businesses but also noted she didn't notice them in compliance with the conditions of the resolution. She stated she felt the businesses did not hold up their end.

Townsley Schwab noted his agreement. He stated that in a meeting with Christine Hurley, Growth Management Director and Ronda Norman, Code Enforcement Director it was decided to get together with property owners to come into compliance within 30 days through first, a verbal warning and then a tag. He stated he felt the departments needed to communicate with the citizenry.

Chair Randy Wall asked if the mechanics of that noticing is in the works and Townsley Schwab answered that FDOT has a sticker for signs in their right of way.

11:27-11:32am

Commissioner Liz Lustberg asked about the buildings set back quite far in the right-of way and asked if the wayfinding signs would help that situation.

Townsley Schwab noted that if there were a grouping of businesses it would alleviate clutter. One idea presented was to devise an ordinance to allow off premise signage, with a sign on which businesses in the area could make a group listing similar to a Monument sign. He noted that FDOT forwarded another type of sign to him similar to Interstate signs with distances and arrows, and he noted this could possibly be modified to suit Monroe County's needs.

11:33am

Ron Miller asked who is enforcing this as he stated he called FDOT and they reported they had no one in the Keys to get a semi-truck off the right of way, not to mention an A-frame sign. He said they told him to call the sheriff, showing that enforcement is the issue.

Commissioner Jim Cameron noted to Mr. Miller that the FDOT does "sweeps" of the Keys at undetermined intervals.

Commissioner Jim Cameron made a motion to approve the sunset date to 12.2011
Commissioner Jeb Hale seconded the motion

Discussion:

Commissioner Liz Lustberg noted that the Board passed a very specific ordinance, and the businesses think it is their right to an A-frame sign because word was spread by just word of mouth.
Townesley Schwab noted the need to make the businesses aware before giving out citations.
Chair Randy Wall asked Commissioner Denise Werling if she favored letting the ordinance expire and she answered affirmatively. She added that she thinks the A-frame signs are unattractive and not helpful to the businesses. Chair Wall noted that this doesn't address helping the businesses to be more visible especially with the construction on the highway. He noted he felt the ordinance needs to be enforced.

ROLL CALL was taken by Debby Tedesco.
Commissioner Jeb Hale yes
Commissioner Jim Cameron yes
Commissioner Liz Lustberg no
Commissioner Denise Werling no
Chair Randy Wall yes

5. An Ordinance by the Monroe County Board of County Commissioners amending Monroe County Code Section 138-23, Moratorium on New Transient Units, to revise the date in which the moratorium shall expire; providing for severability; providing for repeal of conflicting provisions; providing for transmittal to the Department of Community Affairs and the Secretary of State; providing for codification; providing for an effective date.
This item was continued to Planning Commission Meeting May 26, 2010 in "Changes to the Agenda" above

BOARD DISCUSSION

None

GROWTH MANAGEMENT COMMENTS

11:43-11:48am

A hand-out was given by Mitch Harvey to the Board showing the four year time line of the approval process of the 2030 Comprehensive Plan.

Mitch Harvey noted that a special meeting was held on Wednesday evening, April 21, 2010 in Sugarloaf Key during which Keith and Schnars presented material regarding the upcoming Comprehensive Plan for 2030, and made presentations with the same format as they followed at the Planning Commission meeting. He noted there were approximately 40 persons in attendance much like the responses from the April 6th, 7th, and 8th meetings held throughout the Keys.

He noted there would be other meetings on May 12, 2010 with the Rotary Club at Sombrero Country Club at noon and also at the Masonic Lodge at 6:30pm. He stated that at these meetings people from the municipalities and other interdepartmental personnel would be invited to participate in the process.

Mitch Harvey stated staff expects to receive the technical documents on June 1st, 2010 and that they would be available on the county website under "Comprehensive Plan".
Commissioner Jim Cameron asked Mitch Harvey to email the schedule to the Planning Commissioners and Mr. Harvey answered affirmatively.

RESOLUTIONS FOR SIGNATURE

ADJOURNMENT

11:50 am