

PLANNING COMMISSION

May 25, 2016

Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, May 25, 2016**, beginning at 10:01 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	Present
Ron Miller	Present
Beth Ramsay-Vickrey	Present

**STAFF**

Mayte Santamaria, Sr. Director of Planning and Environmental Resources	Present
Steve Williams, Assistant County Attorney	Present
Tom Wright, Planning Commission Counsel	Present
Mike Roberts, Senior Administrator, Environmental Resources	Present
Tiffany Stankiewicz, Development Administrator	Present
Kevin Bond, Planning & Development Review Manager	Present
Devin Rains, Sr. Planner	Present
Janene Sclafani, Planner	Present
Gail Creech, Sr. 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. Wright.

**SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS**

Ms. Creech confirmed receipt of all necessary paperwork.

**CHANGES TO THE AGENDA**

Ms. Creech stated that Item 1 will not be heard due to untimely posting.

**SWEARING OF COUNTY STAFF**

County staff members and all members of the public intending on speaking today were sworn in by Mr. Wright.

**APPROVAL OF MINUTES**

**Motion: Commissioner Ramsay-Vickrey made a motion to approve the April 27, 2016, meeting minutes. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.**

**MEETING**

**Continued Item:**

**1. John T. and Susan M. Slattery, 1516 Shaw Drive, Key Largo, Mile Marker 103:** An appeal, pursuant to Section 102-185 of the Monroe County Land Development Code, by the property owner to the Planning Commission concerning an administrative decision of the Planning and Development Review Manager dated December 4, 2015, in which the Planning & Environmental Resources Department failed the owner's building permit application for a new single-family detached residential dwelling on property located within the Improved Subdivision (IS) Land Use District. The subject property is legally described as Parcel 18, a portion of Tract A, Twin Lakes First Addition, according to the Plat thereof, recorded in Plat Book 5, Page 68, of the Public Records of Monroe County, Florida, having real estate number 00551000-001800. (File 2015-234)

This item was not heard due to untimely posting of the property.

**New Items:**

**2. A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM** FOR JANUARY 13, 2016, THROUGH APRIL 12, 2016, ROGO (3<sup>rd</sup> QUARTER YEAR 24). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY. (File 2015-192)

(10:04 a.m.) Ms. Stankiewicz provided the staff report. Ms. Stankiewicz reported that this is a report for the dwelling unit allocation. The Planning Department is recommending approval of the following market rate allocations: Lower Keys applicants ranked 1 through 14. Applicants ranked 1 through 2 in the Big Pine/No Name subarea are recommended for allocation subject to mitigation availability at the time of permitting. Applicants in the Upper Keys ranked 1 through 15 are recommended for allocation. There were no affordable housing applicants.

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

Commissioner Miller asked about Tier I applications for this year in the Upper Keys. Ms. Stankiewicz explained this allocation will finish out the Upper Keys Tier I properties.

**Motion: Commissioner Miller made a motion to approve. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.**

**3.Tom Thumb, 30662 & 30670 Overseas Highway, Big Pine Key, Mile Marker 30.6:** A public hearing concerning a request for a time extension pursuant to Monroe County Code Section 110-73(a)(1) to a Major Conditional Use Permit, originally approved by Planning Commission Resolution No. P03-11, to redevelop the existing gas station and convenience store by demolishing all existing buildings, constructing a new convenience store/commercial retail building, relocating the two (2) existing fuel pumps and constructing five (5) new fuel pumps, thus establishing a total of seven (7) fuel pumps with 14 fueling stations; demolishing the existing fuel pump canopy; constructing a new fuel pump canopy; constructing a car wash; and carrying out associated improvements, on property legally described as Lots 1, 2, 3, 4, 5, 6 and 7, Rogers Subdivision, on Big Pine Key, according to the plat thereof, as recorded in Plat Book 3 at Page 79, of the Public Records of Monroe County, Florida, and having Real Estate #00275410-000000, 00275430-000000 and 00275450-000000.  
(File 2016-048)

(10:07 a.m.) Mr. Bond presented the staff report. Mr. Bond reported that the expiration date of the original major conditional use approved in 2011 has been extended once. The current expiration date for the property owner to obtain all certificates of occupancy and certificates of completion associated with the scope of work of the major conditional use permit is May 6, 2016. The request for time extension was timely filed on April 1, 2016. County Code Section 110-73(a)(1) allows the Planning Commission to grant time extensions for periods not to exceed two years. If granted, a two-year extension would give the property owner until May 6, 2018, to complete the project. Staff recommends approval with conditions as outlined in the staff report.

Gay Marie Smith, the agent for the applicant, stated that the prior extension was granted at a time when the applicant was not ready financially because of the economic crash. The applicant is currently ready to proceed and will have the CO within the two-year period. The only work being done right now is only in the architectural and engineering stage, but no physical work is being done on the site.

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

**Motion: Commission Miller made a motion to approve. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.**

**4.Keys' Meads/Cedar Towers, 99353 Overseas Hwy, Suite 12, Key Largo, Mile Marker 99.3:** A public hearing concerning a request for a 2APS Alcoholic Beverage Use Permit, which would allow beer and wine for sale in sealed containers and for consumption off-premises only. The subject parcel is legally described as Lots 31, 32, 33, 34, 35, 36, 37 and 38, in Square/Block 11, Sunset Cove, according to the Plat thereof, as recorded in Plat Book 1, at Page 165, as amended in plat of Sunset Cove Amended, recorded in Plat Book 2, at Page 11 of the Public Records of Monroe County, Florida, having Real Estate #00505130-000000.  
(File 2016-050)

(10:11 a.m.) Mr. Bond presented the staff report. Mr. Bond explained that mead is a honey-based alcohol. Mr. Bond reported that this request is for a 2APS alcoholic beverage use permit. The proposed use would be office and low intensity commercial retail. Staff has reviewed the

application for compliance with the criteria for alcoholic beverage use permits and found that the request meets all of the criteria. Staff recommends approval with conditions as outlined in the staff report.

Commissioner Miller inquired into the nonconforming parking. Mr. Bond explained that this is not considered a change of use and would fall within the same zoning category.

The applicant, Jeff Kesling, thanked staff for their hard work and was available for any questions.

Chair Werling asked for public comment.

Craig McBay, owner and head brewer of Florida Keys Brewing Company in Islamorada, was sworn in by Mr. Wright. Mr. McBay expressed support for the applicant's proposed business because it helps create tourism and is good for the community.

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

Commissioner Miller discussed the difficult traffic issues in that area.

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

**5. Winn-Dixie Liquor #0398/Big Pine Shopping Center, 251 Key Deer Boulevard, Big Pine Key, Mile Marker 30.5:** A public hearing concerning a request for a 3BPS Alcoholic Beverage Use Permit, which would allow beer, wine, and liquor; package sales only in sealed containers; no sales by the drink or consumption on premises. The subject parcel is legally described as Tract EB, CU, EE, EC, ED, CS, CT of Pine Key Acres, Section One, Big Pine Key, as recorded in Official Records Book 509, Page 1047 of the Public Records of Monroe County, Florida; said tracts being in the Northwest ¼ of Section 26, Township 66 South, Range 29 East, on Big Pine Key in Monroe County, Florida; with Real Estate Number 00111071-034000.  
(File 2016-051)

(10:16 a.m.) Mr. Bond presented the staff report. Mr. Bond reported that this proposed use is a low intensity commercial retail use for a new Winn-Dixie liquor store which would occupy an existing commercial space. The applicant is proposing now to locate the store a couple of suites adjacent to Radio Shack as opposed to where Radio Shack is currently, but it should be the same amount of space and the same concept. There will be a slight increase in net daily vehicular trips which will trigger a minor deviation the applicant will have to obtain. This property has a deemed conditional use. A list of current nearby alcoholic beverage licenses has been provided and there are a few prior alcohol licenses that have been approved within the shopping center in the past. Staff has reviewed the request with the criteria for alcoholic beverage use permits and recommends approval with conditions as recommended in the staff report.

Joshua Remedios, Esquire, was present on behalf of the applicant, as well as the local and regional managers for Winn-Dixie. Mr. Remedios clarified that the new space that Winn-Dixie is now planning to take sits immediately to the left of Radio Shack. A minor deviation application has already been submitted and there is a projected 2 percent increase in traffic.

Chair Werling asked for public comment.

Bruce Becker, resident of Big Pine Key, voiced concerns about the liquor store. Mr. Becker stated there are currently three liquor stores and three restaurants located in Big Pine Key to purchase alcohol. There will be a negative impact due to the problematic parking area causing more cars and unwanted vagrants to the congested area. The recent closing of Winn-Dixie's pharmacy makes a serious implication that Winn-Dixie is turning away from the health and well-being aspect of the business. Mr. Becker feels that the overall negativity of the added liquor store to the community must be stopped to protect what is left of Big Pine Key.

Steve Miller, co-owner of Big Pine Liquors, was sworn in by Mr. Wright. Mr. Miller, speaking on behalf of himself and his co-owner, Daniel Metcalf, is in support of the Winn-Dixie liquor store opening. Mr. Miller believes this store opening will offer his employees a better place to go for employment and will give customers better pricing. Mr. Miller does not feel this will be detrimental to the island at all.

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

Mr. Remedios asked to address the Commissioners again. The Commissioners agreed to that. Mr. Remedios clarified that the pharmacy closure had nothing to do with the opening of the liquor store. The decision to close the pharmacy was a recent decision as of the end of 2015 and the thoughts of putting in a package liquor store started in the beginning of 2014. The pharmacy was operating at a loss, but was kept open for a while to address the needs of the community. Mr. Remedios stated the CVS and the Walgreen's nearby currently address the pharmaceutical needs of the community.

Commissioner Ramsay-Vickrey commented how generous it is for Mr. Miller to come out and support a competitor. Commissioner Ramsay-Vickrey added that having the liquor store next to Winn-Dixie might reduce some of the traffic on US-1, especially during season.

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

#### **GROWTH MANAGEMENT COMMENTS**

Ms. Santamaria announced that the June 29, 2016, Planning Commission meeting will be cancelled.

#### **ADJOURNMENT**

The Monroe County Planning Commission meeting was adjourned at 10:26 a.m.