

PLANNING COMMISSION
August 31, 2016
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, August 31, 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
John Wolfe, Planning Commission Counsel	Present
Mike Roberts, Senior Administrator, Environmental Resources	Present
Tiffany Stankiewicz, Development Administrator	Present
Emily Schemper, Comprehensive Planning Manager	Present
Kevin Bond, Planning & Development Review Manager	Present
Devin Rains, Sr. Planner	Present
Thomas Broadrick, Sr. Planner	Present
Barbara Bauman, 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. Wolfe.

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Ms. Creech confirmed receipt of all necessary paperwork.

SWEARING OF COUNTY STAFF

County staff members were sworn in by Mr. Wolfe.

CHANGES TO THE AGENDA

There were no changes to the agenda.

APPROVAL OF MINUTES

Motion: Commissioner Wiatt made a motion to approve the July 26, 2016, meeting minutes. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

New Items:

1.A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM FOR APRIL 13, 2016, THROUGH JULY 12, 2016, ROGO (4th QUARTER YEAR 24). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY. (File 2015-192)

(10:03 a.m.) Ms. Stankiewicz presented the staff report. Ms. Stankiewicz reported that this report is for the dwelling unit allocations. The Planning Department recommends approval of Lower Keys applicants ranked 1 through 15. Big Pine/No Name Key applicants ranked 1 through 2 are recommended for allocation subject to mitigation and availability at the time of permitting. Upper Keys applicants ranked 1 through 17 are recommended for approval. There were 29 moderate affordable housing applicants and they are recommended for approval, and there were no affordable housing applicants in the Big Pine/No Name sub-area.

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

Commissioner Miller asked that the font be changed on the tables that are distributed to the Commissioners.

Motion: Commissioner Wiatt made a motion to approve Item Number 1. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

2.A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM FOR APRIL 13, 2016, THROUGH JULY 12, 2016, NROGO (4th QUARTER YEAR 24). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY. (File 2015-193)

(10:05 a.m.) Ms. Stankiewicz presented the staff report. Ms. Stankiewicz reported that there was only one NROGO applicant and staff is recommending approval.

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

Ms. Stankiewicz clarified for Commissioner Miller that the application was for 1240 square feet and if the application had been for less than a thousand square feet that would have been included under di minimus.

Motion: Commissioner Lustberg moved approval of Item 2. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM SUBURBAN COMMERCIAL (SC) TO URBAN COMMERCIAL (UC), FOR PROPERTY LOCATED AT 31 OCEAN REEF DRIVE, KEY LARGO, OCEAN REEF CLUB, DESCRIBED AS A PARCEL OF LAND IN SECTION 7, TOWNSHIP 59 SOUTH, RANGE 41 EAST, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE #00081740.000400, AS PROPOSED BY ORU ASSOCIATES 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 2014-091)

(10:07 a.m.) Ms. Schemper presented the staff report. Ms. Schemper reported that this application was originally submitted in 2014 and then put on hold. Earlier this year after the property was transferred to a new owner they asked that the application be reopened and they provided an updated application form. The applicant is requesting the same zoning amendment as the original application, from suburban commercial to urban commercial. This property is located within the Ocean Reef Club in North Key Largo at a main intersection. Ms. Schemper described the property and its designations. The future land use map designation is consistent with both its current zoning and the proposed zoning, so no corresponding future land use map amendment would be necessary. The property is not subject to the tier system because it is within Ocean Reef.

Ms. Schemper explained that the purpose of the urban commercial district is to designate appropriate areas for high intensity commercial uses intended to serve retail sales and professional services. This district should be established at discrete nodes along US-1 and should be designed so as to serve both residents and visitors. Although it is not located along US-1, it is located at a primary commercial node at the intersection on an arterial roadway within the Ocean Reef Club. Staff feels it would meet the purpose of the urban commercial district. Ms. Schemper stated changing the existing zoning to the proposed zoning would result in a net change in development potential of an increase of 5.2 residential dwelling units, a potential increase of 8.7 rooms or spaces for transient residential uses, and a potential increase of 3,783 square feet of nonresidential square footage. Ms. Schemper noted that within Ocean Reef Club the County does not currently permit new permanent or transient units beyond those included within their vested rights determination for Ocean Reef Club, so any additional development authorized even with this potential increase in density would be taken away from their vested rights determination. The potential additional units do not impact the County's ROGO balance or evacuation or the overall density of the County. The proposed change in zoning is consistent

with the commercial character of the surrounding land. It also concentrates increased density and intensity to a centralized area and is located on a site that will not impact endangered species.

Ms. Schemper continued to report that staff has found the proposed amendment to be consistent with the comprehensive plan and the Land Development Code. In accordance with the Land Development Code the BOCC may consider such an amendment based on at least one of six factors. Factor Number 3 is data errors. The applicant has stated that the parcel was erroneously given an SC zoning from its original zoning which allowed for the construction of four commercial buildings on the site. There are currently three. Given the changed zoning the owner is not able to build to the density that was originally approved. Although staff has not been able to verify any original plans or approvals for the site that included a fourth building, the previous zoning would have allowed a higher floor area ratio than SC. The fifth factor that the BOCC may consider is recognition of a need for additional detail or comprehensiveness. Staff feels that this property serves as a central commercial hub within the Ocean Reef Club serving both residents and visitors of the Ocean Reef community. Staff also believes that the proposed zoning amendment will not result in an adverse community change to the planning area and, therefore, recommends approval of the proposed amendment from suburban commercial to urban commercial.

Commissioner Miller asked about the development potential existing at Ocean Reef. Ms. Schemper believes it is less than 200 residential units remaining. Ms. Santamaria clarified that every time Ocean Reef gets a permit it is deducted from their vested rights table. Commissioner Lustberg asked how the County's discouragement policy of increased density/intensity comes into play here. Ms. Schemper replied that because they are still within their future land use map category in terms of the comprehensive plan they are not actually increasing their density of intensity, but are just moving it around within that same category. They are not subject to that discouragement policy. Commissioner Miller asked whether transportation impact fees apply to this development. Ms. Schemper explained that this is not a request for development approval, so anything regarding traffic, parking or impact fees is calculated at the time of a request for more development. When they do apply for permits transportation impact fees will apply.

Joel Reed, present on behalf of the applicant, was sworn in by Mr. Wolfe. Mr. Reed added that this is a request for a zoning change, not for development approval. This was an erroneously zoned parcel and a lot of the zonings in Ocean Reef have been corrected. Urban commercial would have been a more appropriate original zoning category. Also, the current uses that exist there, depending on how the tenants change, it could push the owner over the density/intensity threshold, which makes it very complicated from a management perspective. Ocean Reef Community Association has the architectural review committee approval process for any change to the building or change in square footage to the building.

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

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

4.Gulf Drive, Lot 12, Block 28, Key Largo Park PB3-62, Key Largo, Mile Marker 100.5: A public hearing concerning a request for a Variance of 10 feet from the required 25-foot primary front yard setback along the Gulf Drive right-of-way, which is adjacent to the southeastern property line, and a variance of 10 feet from the required 20-foot rear yard setback along the northwestern property line. Approval would result in a primary front yard setback of 15 feet along the Gulf Drive right-of-way and a rear yard setback of 10 feet along the southeastern property line. The variance is requested for the development of a proposed single-family detached dwelling. The subject property is legally described as Lot 12, Block 28, Amended Plat of Key Largo Park, Plat Book 3, Page 62, Key Largo, Monroe County, Florida, having real estate number 00529300-000000.
(File 2016-060)

(10:20 a.m.) Ms. Bauman presented the staff report. Ms. Bauman described and highlighted the subject property. The proposed site plan was shown. Ms. Bauman stated that this lot is 54-by-50. A slide was shown of what the square footage would be for a house built adhering to all the setbacks, which would result in a house 5 by 39 feet with a total of 195 square feet. Ms. Bauman recommended approval with the conditions as outlined in the staff report.

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

Motion: Commissioner Ramsay-Vickrey made a motion to deny. Commissioner Lustberg seconded the motion. Commissioner Miller reminded the Commissioners of a prior case where a judge threatened to hold the Planning Commission in contempt of court for not allowing a variance. Mr. Williams clarified that in June of 2014 a property owner in the Lower Keys, Mr. Matovski, had a parcel that was factually different, including being located on a canal. The dates of ownership in that case were also factually dissimilar. In the instant case two adjacent parcels are applying for the exact same variance with the intent of building two separate small units, which would also make it factually dissimilar from Matovski. Mr. Williams asked the Commissioners to put on the record the grounds for the denial if they vote in favor of Ms. Ramsay-Vickrey's motion in case this is appealed. Commissioner Miller voiced concern about the 4,000 square foot rule when it comes to shoreline setbacks that provide relief to a property owner, but it is not available for properties that do not have shoreline setbacks. Commissioner Miller believes this rule should be more standardized. Mr. Williams pointed out that in the Matovski case most of the adjoining parcels were developed with people living in them.

Ms. Santamaria confirmed that there are six properties in this neighborhood that have received the same variances. Commissioner Ramsay-Vickrey noted that if allowances were made for variances elsewhere in this particular neighborhood does not mean this Planning Commission needs to continue to make those same mistakes going forwards. The triangular section on the map where this property is located does not show that same density and intensity and, therefore, she cannot vote to approve this variance. Commissioner Ramsay-Vickrey does not find this lot to be a buildable lot and stated that the applicant admits in Number 4 that this lot is not as big as the other lots which have been built upon, so the applicant knew that this was a small lot. Commissioner Ramsay-Vickrey believes the setbacks exist for a reason. Commissioner Ramsay-Vickrey clarified that her motion is based on her disagreement with Criteria Number 5. Commissioner Wiatt asked to discuss whether or not the application meets Criteria 8.

Commissioner Wiatt questions whether the applicant's request for such an extreme setback variance is the minimum necessary to provide relief as identified in Number 8. Chair Werling agreed with that. Commissioner Wiatt clarified that he believes setbacks are put in place for the neighborhood, the green space, density issues, etc., and this variance would take away from the neighborhood.

Commissioner Miller reiterated that six properties in this neighborhood have already received these variances. Commissioner Ramsay-Vickrey again delineated the triangular portion of the neighborhood area that does not have the same density/intensity. Ms. Santamaria clarified that two properties in that area have been given variances. Ms. Santamaria explained there is no size limit on IS parcels or lots. The density is one unit per lot, but there is no size limit. Commissioner Wiatt emphasized that the variance is not the minimum necessary to provide relief to the applicant. Commissioner Ramsay-Vickrey agreed with that comment. Commissioner Miller asked about the neighbors' response to this request. None of the neighbors were present, but a petition in opposition to the variance request was included in the Commissioners' paperwork. Ms. Santamaria stated one neighbor, June Vander Wyden, had called regarding her concern that the construction of a house would affect the crosswinds and reduce the air quality in their neighborhood and promote the construction of small homes in the neighborhood.

The applicant, Diana Monteagudo, was sworn in by Mr. Wolfe. Ms. Monteagudo stated she and her husband are the property owners on this particular lot as well as the two adjacent lots, which have had variances approved eight months ago. They also own four other lots in the area. Ms. Monteagudo commented that if this variance would not be approved a 5-by-39-foot house could not be built on this property according to the building code because of the size of the bathroom that is required. Commissioner Ramsay-Vickrey pointed out that the adjacent properties they own could be combined. Ms. Monteagudo replied that those properties are already in ROGO and even if combined the five feet in depth cannot be made any bigger because of the setbacks. Ms. Santamaria pointed out that the two other properties received administrative variances because it was for less than ten feet. Commissioner Wiatt noted that they probably did not receive negative neighborhood comment on those because that is part of the requirements for an administrative variance. Ms. Santamaria clarified the neighborhood asked for a public hearing for the two administrative variances.

Ms. Bauman physically pointed out the other properties in the area that had received variances. There are four within 300 feet of this property that already have variances. Ms. Monteagudo confirmed for Chair Werling that she and her husband own those four properties referred to. Commissioner Ramsay-Vickrey stated that this discussion can go on without her input further because she is not going to change her mind. Commissioner Lustberg continued to second the motion with the increased clarification. Chair Werling stated it seems like the neighborhood seems to like the proposed variances. Commissioner Lustberg replied that she believes the neighbors took note because of the number of variances that were approved. Commissioner Wiatt believes the neighborhood probably does not want any house developed on the lot, but if there is going to be a house developed on the lot they would rather it not be such a tiny house, which creates the conflict. Commissioner Lustberg cautioned against assuming one person's reason to be the same reason for everybody.

Ms. Santamaria explained that if the Commission finds that Number 8 is not met and the applicant revises their application for a different variance it goes through the same process and the neighborhood can again ask for a public hearing if they are opposed to it and maybe they will attend and provide their reasons. Chair Werling suggested postponing this to allow the neighbors an opportunity to attend the next meeting. Mr. Williams recommended continuing this to give the applicant the opportunity to fill in Number 8 on the application and then have the second hearing. Mr. Williams explained to the applicant if she would be willing to continue today's hearing and fill in a response to Section 8 of the application that may give everyone greater information that they can act on in the future. Ms. Monteagudo stated the neighboring homeowners could have driven to Marathon if they were that concerned about these houses. Commissioner Wiatt pointed out that if she informs the neighbors the house will be even smaller if they fight the variance she may get their support. Ms. Monteagudo asked for an extension.

Motion: Commissioner Ramsay-Vickrey withdrew her earlier motion and made a motion that Items 4 and 5 be continued to the September 28, 2016 meeting. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

5.Gulf Drive, Lot 13, Block 28, Key Largo Park PB3-62, Key Largo, Mile Marker 100.5: A public hearing concerning a request for a Variance of 10 feet from the required 25-foot primary front yard setback along the Gulf Drive right-of-way, which is adjacent to the southeastern property line, and a variance of 10 feet from the required 20-foot rear yard setback along the northwestern property line. Approval would result in a primary front yard setback of 15 feet along the Gulf Drive right-of-way and a rear yard setback of 10 feet along the southeastern property line. The variance is requested for the development of a proposed single-family detached dwelling. The subject property is legally described as Lot 13, Block 28, Amended Plat of Key Largo Park, Plat Book 3, Page 62, Key Largo, Monroe County, Florida, having real estate number 00529310-000000.
(File 2016-061)

(11:02 a.m.) Mr. Williams stated this agenda item will be heard on September 28 with the consent of the property owner.

6.Paul Maggi and Kathleen Ryzoc, 25 Buccaneer Drive, Key Largo, Mile Marker 98: A public hearing concerning a request for a Variance of 15 feet to the required 25-foot primary front yard setback, which is adjacent to the Buccaneer Drive right-of-way. Approval would result in a primary front yard setback of 10 feet. The variance is requested for the development of a proposed single family dwelling. The subject property is legally described as Block 13, Lot 20, Pirates Cove subdivision (Plat Book 3, Page 18), Key Largo, Monroe County, Florida, having real estate number 00494430-000000.
(File #2016-102)

(11:03 a.m.) Mr. Broadrick presented the staff report. Mr. Broadrick reported that this application is a true variance application before the Planning Commission for a 15-foot front yard setback where 25 feet is required. Mr. Broadrick showed a slide illustrating the subject property location with the proposed variance. It is an adjacent lot that is part of the lot across the

street, but it has not been separated out yet through the Property Appraiser's Office. However, it can be considered a separate lot in and of itself. Mr. Broadrick illustrated how this property is only showing a ten-foot rear setback as opposed to 20, but this application is strictly for the 15-foot front yard setback requirement. Mr. Broadrick illustrated on a slide how this house will be able to be built a little bigger by allowing this 15-foot setback. Mr. Broadrick recommended approval of this 15-foot front yard setback.

Commissioner Wiatt asked about the front yard setbacks of other homes in the immediate area. Mr. Broadrick explained that there are several properties in the area that have enjoyed a reduced front yard setback, but the majority of the properties in the immediate neighborhood do meet the current setback requirements. Ms. Santamaria pointed out that some homes in the area that do not meet the setback requirements, but explained they were built prior to the setbacks being put in place. Mr. Broadrick clarified for Mr. Wolfe that the rear setback is still going to have to be 20 feet and Mr. Broadrick is not aware any application was filed for a variance to that setback. Commissioner Miller asked if this property would qualify under the 4,000-square-foot rule. Mr. Roberts confirmed that the principal structure on a lot less than 4,000 square feet can have relaxed setbacks. Commissioner Miller stated he has observed the homes on this street and to give a variance in the shoreline setback would not change the community character in this area.

Don Horton, agent for the applicant, was sworn in by Mr. Wolfe. Mr. Horton stated that this neighborhood is dominated with houses that have ten-foot setbacks and approval of this variance would be consistent with the community character. The 20-foot shoreline setback on a really irregular shoreline cuts deep into the property. Commissioner Miller believes the 4,000-square-foot rule would satisfy what the applicant wants to do on this property without getting a variance. Ms. Santamaria explained that there is a code section that specifically states all principal structures lawfully existing within the shoreline setback along manmade canals, channels or basins on parcels less than 4,000 square feet may be rebuilt in the same footprint provided there is no expansion of the footprint within ten feet, but that is parcels that have a house. This proposed development is brand new, so it would be a separate process. They would have to see if they could qualify for any shoreline setbacks, which are only provided for accessory uses. Mr. Roberts read aloud 118-12(b)(2).

Commissioner Wiatt figured that an 805-square-foot home could be built on this lot without need for a variance. Mr. Horton stated that would be a home with no overhangs, nor would that be consistent with the houses immediately to the south or the north of this property. Ms. Schemper pointed out that if a two-foot overhang is subtracted all around it comes out to 589 square feet. Commissioner Wiatt mentioned that the Planning Commission really needs to address that in a proactive fashion in the future because many prefabricated homes with no soffit or overhang are being constructed. Commissioner Miller stated the applicant has another way to go with this instead of a variance. Mr. Wolfe emphasized the applicant has the right to request a variance. Commissioner Miller does not believe the applicant meets the first criteria of demonstrating a showing of good and sufficient cause.

Mr. Roberts explained for Commissioner Lustberg that there is no special approval necessary for the ten-foot shoreline setback on a parcel of 4,000 square feet or less. Ms. Santamaria clarified that there has been no application so far other than the front yard setback and the shoreline

setback of the ten feet has other criteria that goes along with it in terms of maintaining open space as well. If the front yard variance is granted the applicant can still take advantage of the shoreline reduction. Commissioner Miller prefers that the applicant go through the process to do the shoreline setback and then if he feels he does not have enough space to come back for the front yard setback. Mr. Horton requested a continuance to apply for the shoreline setback as opposed to receiving a denial of this application. Mr. Roberts explained that there is no application required for the shoreline setback being discussed right now, but just submission of a draft design or draft site plan to indicate what those setbacks or the resulting footprint may be. The code directs that a site be designed in such a way that it does not require special approval of any kind. Mr. Horton agreed with an extension of one month.

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

Motion: Commissioner Wiatt made a motion to continue Item 6 to the September 28, 2016, meeting. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

7.Isle Investors, LLC, 5 Calle Dos, East Rockland Key, mile marker 9.5: A public hearing concerning a request for a Variance of 13 feet, 8 inches to the required 25-foot primary front yard non-shoreline setback, which is adjacent to Calle Dos right-of-way. Approval would result in a primary front yard setback of 11 feet, 4 inches. The variance is requested for the development of a proposed single family dwelling unit. The subject property is legally described as Lot 5, Rockland Village No. 2 (Plat Book 7, Page 17), East Rockland Key, Monroe County, Florida, having real estate number 00149011-000500.
(File 2016-091)

(11:25 a.m.) Mr. Rains presented the staff report. Mr. Rains reported that this property in question is located on Rockland Key. An illustration was shown of the property and the neighboring properties. Mr. Rains stated that this particular street has received multiple variances. In the IS district there is a 25-foot required front yard setback. The variances date back as far as 1980 where the Board of Adjustment of Monroe County approved a dimensional variance to build within 12 feet of the front setback and ten feet of the rear setback for all of the lots. The lots were then subsequently replatted and rezoned. The replatting combined the lots into the 70-by-100-foot lots that they are now. It was subsequently rezoned to RU2 that allowed for duplexes. Since then it is now IS which allows for single-family dwellings. There have been variances along this street such that nine of the 13 remaining parcels are located within the front yard setback. The applicant was previously granted an administrative variance of ten feet from the required front 25-foot setback based on the fact that the lot is approximately 62 feet deep to mean high water. The applicant has since returned for a variance for an air conditioning unit and front stairs to access the dwelling unit. Even though it is not common to have three entrances into a house, the reason for the variance is the layout is such that the front entrance will be in the middle of the house as opposed to entrances directly into a bedroom. Ms. Santamaria explained to Commissioner Wiatt that their original request where they received a ten-foot setback was administrative, but that one did not include stairs or the AC, which has now created the issue. Administrative variances are maxed at ten feet. Mr. Rains further explained that in the administrative variance two conditions were placed on that approval that work not specified on

the site plan may not be carried out without additional Planning and Environmental Resources Department approval and it does not waive any other required setbacks and does not waive the required front setback for any future structures or additions. Mr. Rains recommended approval of the requested variance. Valid objections from surrounding property owners found to be adversely affected may lead to reevaluating this recommendation. Work not specified or alterations to the site plan may not be carried out without additional Planning and Environmental Resources approval and this variance does not reduce or waive any other required setbacks, it does not waive the required primary front setback for any future structures. Staff recommends that these conditions be added to the approval. Mr. Rains clarified for Commissioner Miller that they cannot do any additional structure without prior approval.

Christina Weinhofer, the agent for the applicant, was sworn in by Mr. Wolfe. Ms. Winhofer stated that three staircases for a house in this neighborhood is pretty consistent in this area. It is a single-family home, not a duplex.

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

Motion: Commissioner Ramsay-Vickrey made a motion to approve. Commissioner Wiatt commented that even though he is not happy about rewarding someone for not making sure the stairways are within the setback, penalizing the homeowner is not necessary. Chair Werling agreed. **Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.**

BOARD DISCUSSION

Commissioner Lustberg stated there is an issue with the setbacks and the variance procedures leading to lack of building overhang. Commissioner Wiatt believes the Planning Commission needs to agree to what a fairly standard soffit overhang is and exempt them from the setback rules. Commissioner Miller does not think the width of a gutter should have anything to do with the setbacks. Commissioner Wiatt reiterated that a lot of prefabricated homes are going up all over the County and they have no overhangs or soffits, which is a problem aesthetically as well as in construction design. Commissioner Lustberg also believes the lots that are of such a size because of the new rules are really almost no longer lots except that they are platted as lots and they have to be able to be used as such, which needs to be addressed so that they are treated in a consistent manner. Commissioner Lustberg stated given the theoretical limit to development within the County it is a shame there is not enough money for the County to buy these tiny lots up. Mr. Williams commented the reality is some of these were platted before any of the modern rules were created. Mr. Williams cautioned the Commission to watch out for zero lot line type situations, or have Ms. Santamaria draft something in such a fashion where said setback exception does not overhang adjoining parcels. Commissioner Miller noted that these setbacks were reasonable in their day given the culture that people were coming down and staying in little bungalows. Commissioner Ramsay-Vickrey would like the 50-by-50 lots to be looked at along the lines of the less-than-4,000-square-foot lots. Mr. Williams again cautioned that these are individually platted lots and there is on occasion rights associated with those. A blanket statement would not work for those lots. Mr. Williams pointed out that these 50-by-50 lots can be used for transferable development rights.

Commissioner Lustberg asked for an explanation on how the discouragement of density and intensity works only for future land use maps dealing with the comp plan but not the zoning and the land development regulations. Ms. Santamaria explained that the future land use sets the overarching limit. Each zoning district within that future land use has to fall within that maximum limit. The discouragement is simply to not increase the comp plan density or intensity. It is simply addressing the uses associated with the zoning. Commissioner Ramsay-Vickrey proposed looking at variances going forward as a community character issue.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 11:52 a.m.