

PLANNING COMMISSION
April 26, 2017
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, April 26, 2017**, 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 Ilze Aguila

PLANNING COMMISSION MEMBERS

Denise Werling, Chair	Present
William Wiatt	Present
Teri Johnston	Present
Ron Miller	Present
Beth Ramsay-Vickrey	Present

STAFF

Mayte Santamaria, Sr. Director of Planning and Environmental Resources	Absent
Steve Williams, Assistant County Attorney	Present
Peter Morris, Assistant County Attorney	Present
John Wolfe, Planning Commission Counsel	Present
Mike Roberts, Senior Administrator, Environmental Resources	Present
Emily Schemper, Comprehensive Planning Manager	Present
Kevin Bond, Planning & Development Review Manager	Present
Devin Rains, Principal Planner	Present
Ed Koconis, Planner	Present
Devin Tolpin, Planner	Present
Janene Sclafani, Sr. Planner	Present
Ilze Aguila, Sr. Planning Commission Coordinator	Present

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Ms. Aguila confirmed receipt of all necessary paperwork.

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

County Resolution 131-92 was read into the record by Mr. Wolfe.

SWEARING OF COUNTY STAFF

County staff members and all potential public speakers were sworn in by Mr. Wolfe.

CHANGES TO THE AGENDA

Ms. Aguila stated that Item 2 had requested to be continued to the May 31, 2017, Planning Commission Meeting.

Motion: Commissioner Ramsay-Vickrey made a motion to continue Item 2 to the May 31, 2017, Planning Commission Meeting. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

Chair Werling announced that she wanted to publicly thank Commissioner Lustberg for her service and welcome Commissioner Johnston.

APPROVAL OF MINUTES

Motion: Commissioner Ramsay-Vickrey made a motion to approve the March 29, 2017, meeting minutes. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

Continued Items:

1. THE KEY THAI RESTAURANT AND SUSHI BAR, 99615 OVERSEAS HIGHWAY, BAY 5, KEY LARGO, MILE MARKER 99.6: A PUBLIC HEARING CONCERNING A REQUEST FOR A 2COP ALCOHOLIC BEVERAGE USE PERMIT, WHICH WOULD ALLOW BEER AND WINE FOR SALE BY THE DRINK (CONSUMPTION ON PREMISES) OR IN SEALED CONTAINERS FOR PACKAGE SALES. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS PART OF TRACT E, PORT LARGO (PLAT BOOK 5, PAGE 3), KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00453440-000100.
(FILE 2017-005)

(10:03 a.m.) Mr. Devin Rains presented the staff report on behalf of Barbara Bauman. This is for a 2COP alcoholic beverage use permit which would allow beer and wine for sale by the drink, for consumption on premises or in sealed containers for package sales. The property is located in the Waldorf Plaza Shopping Center, Bay 5, owned by Ireland Waldorf, Limited. The application is submitted by Koracha, LLC, d/b/a The Key Thai Restaurant and Sushi Bar. The property was initially constructed in 1971 consisting of over 56,000 square feet of commercial retail space on a 4.9 acre site. Previously, in 1991, there was a 2APS alcoholic beverage use permit granted for the Key Largo Shopper grocery store which has since closed. In 2015 there was a building permit to remodel 950 square feet of commercial retail space now occupied by this restaurant. The permit documents included a floor plan which was included in this application indicating occupancy of 34 patrons. Staff recommends approval with conditions as stated in the staff report. Valid objections from surrounding property owners at this hearing may lead to further reevaluation for conditions. The applicant is present for questions.

Chair Werling asked for questions or comments from the Commissioners. There were none. Chair Werling asked if the applicant wished to speak. The applicant did not. Chair Werling asked for public comment. There was none. Public comment was closed.

Chair Werling asked the Commission for questions, comments or a motion.

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

New Items:

3. AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS REPEALING SECTION 126-14 “EMPLOYEE HOUSING FAIR SHARE IMPACT FEE” OF THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(File 2016-117)

(10:06 a.m.) Mr. Ed Koconis presented the staff report. Staff has been working on amending impact fees. In May of 2016, the BOCC had directed staff to eliminate the fair share housing impact fees along with other impact fees for police facilities, solid waste and libraries. Staff is now working on an RFP to hire a consultant to amend the remaining fees for roadways, parks and recreation, fire and EMS. The proceeds of this fund may only be used to offset the cost of required permitting and connection fees related to the development of new employee housing. The substitution goes back into the building fee.

Commissioner Miller asked for clarification on the substitution. Mr. Koconis explained that the County occasionally receives waivers for building employee housing. When that occurs, this fund makes the Building Department whole. At certain intervals the BOCC can approve the funds be moved into a Building Department fund which pays the amount back into that fund after the fact. Planning staff is also working on an inclusionary ordinance for non-residential development as recommended by the Affordable Housing Committee and directed by the BOCC. This would be similar in nature to what is in place now for residential projects consisting of three or more dwelling units to develop or redevelop at least 30 percent of those units as affordable housing. In-lieu fees would go into the Affordable Housing Trust Fund. The amount of those fees would be an amount no less than the maximum sales price of a one-bedroom unit. This year for 2017, that in-lieu fee would be just over \$257,000 per unit should a developer choose not to build and pay an in-lieu fee. The inclusionary housing amount for non-residential uses is anticipated to set a requirement for the development of affordable housing per 1,000 square feet for non-residential development. This new requirement will address the construction of affordable housing and will have a rational nexus linkage to the proposed development. Staff believes that this method will be better than the present method to get affordable housing built because it's not only getting the money, it's getting the land. Having people develop projects and build the units is another one of the prongs that is a problem; i.e., getting the money without having the land.

Commissioner Ramsay-Vickrey asked if there would be an interim gap between the program being repealed and the program replacement. Mr. Koconis stated that although this ordinance is being heard now, it is proposed to be implemented in January of 2018. Staff is working on the inclusionary ordinance. There may be several months of a gap, but there is about \$25,000 in the fund now and the fees in the fund need to be used. Staff believes that by January 1, 2018, the amount should be close to equaling out at the time of the repeal of this ordinance and implementation of the new ordinance. Staff is proposing all impact fees being repealed would happen at the same time.

Commissioner Ramsay-Vickrey asked for further elaboration. Ms. Emily Schemper agreed with everything Mr. Koconis stated previously, adding that the Planning Department is working with consultants on studies necessary to put together the non-residential inclusionary housing ordinance. Ms. Schemper believes those studies and reports may be before the Board within the next several months. They will also come before the Planning Commission. There is currently an ordinance for residential, and this one would be for non-residential. Commissioner Ramsay-Vickrey asked if there would be any issue with this potential gap between the two, and should the Commission look at this as something that takes effect when the ordinance is in place or be readdressed at the time the new measures are brought forward so there is no gap. Ms. Schemper stated she did not know if the Board had already addressed the potential gap and it may come up when the text amendment goes to the Board. Commissioner Ramsay-Vickrey added that her concern is unintended consequences during the gap time. Mr. Steve Williams stated that the short answer is, no, there should be no concern.

Commissioner Miller asked if 139-1 and 139-2 would cover what is being repealed. Mr. Koconis responded that when the new inclusionary ordinance begins, it will be a different method. People can't be charged multiple methods. Commissioner Miller wanted clarification on what the Sections were. Ms. Schemper stated they are the new affordable housing sections that were renumbered in the new Land Development Code. They used to be 130-161 and 130-161.1. The affordable housing now has its own chapter, Chapter 139. No changes were made to those sections. In the future when inclusionary housing is hopefully adopted for non-residential, it will most likely go into this chapter.

Chair Werling asked the Commission for further questions or comments. There were none. Chair Werling asked for public comment.

Mr. Bill Hunter of Sugarloaf Key stated that he did not think that this proposal would change the residential inclusionary in 139-1, that it would still be 30 or 33 percent, or the in-lieu fee. Chair Werling confirmed that it wouldn't change. Mr. Hunter then asked, if this was going to become effective in January of 2018, would it not go before the BOCC in the next month or so. Chair Werling responded that it would probably go before them, but with an effective date of January 2018.

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

Chair Werling asked the Commission for further questions, comments or a motion. Commissioner Ramsay-Vickrey reiterated that she is still worried about the gap time and asked if

it could be made effective when the next non-inclusionary ordinance becomes effective rather than January of 2018. Mr. Williams responded that this is coming to staff at BOCC direction which is why the study is being imposed. If the BOCC cares to be concerned about some form of gap, they can address it, but staff has not heard of any such concern to date. Commissioner Ramsay-Vickrey asked the other Commissioners if they were good with the January date. Chair Werling asked Mr. Koconis if he wanted to comment. Mr. Koconis explained that staff was trying to make sure that everybody on the development side knows when all of these impact fees will change, which is why it was pushed out into the future. The proposal is that the impact fees sunset on the same day, adding that this is also a computer issue.

Chair Werling asked for a motion.

Motion: Commissioner Johnston made a motion to recommend approval to the Board of County Commissioners. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY CODE SECTION 122-4, "STANDARDS FOR ISSUANCE OF BUILDING PERMITS IN AREAS OF SPECIAL FLOOD HAZARD"; 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 INCLUSION IN THE MONROE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

(File 2016-182)

(10:24 a.m.) Mr. Ed Koconis presented the staff report. This proposed amendment would remove the 300 square foot maximum for non-residential new construction and substantial improvements of non-residential principal and accessory structures. Developers of these types of structures have requested and received variances to this square foot maximum provided they have met the required conditions and factors in the Land Development Code. There have been 12 variance applications since 1998, 10 of which were for non-residential. Staff recommended approval for all of them as they did meet the criteria for parking, limited storage and building access only. A maximum of 299 square feet for residential construction is not being considered at this time. The County signed an agreement with FEMA to end the pilot program back in 2011 and entered into a remedial plan requiring the 299 square foot max for residential. The County is also receiving points in the Community Rating System for the 299 square foot enclosure saving insurance money for everyone. The County has been working with FEMA and received confirmation that there would be no negative effect on the County.

Commissioner Miller asked if FEMA had any problem with the County doing this. Mr. Koconis responded they do not. Chair Werling asked the Commission if there were any further questions or comments. There were none. Chair Werling asked for public comment.

Mr. Bill Hunter of Sugarloaf first asked if the enclosed space would require NROGO. Ms. Schemper responded that it would, just as any other non-residential floor area would. Each application would be evaluated individually for any other exemptions. Mr. Hunter asked if he

had a 10,000 square foot footprint with two stories, he would need 20,000 square foot, and 30,000 square foot of NROGO to enclose the bottom. Ms. Schemper responded that he was correct, without any other exemptions. Mr. Hunter wanted to know what was driving this since there had only been 12 variance requests since '98, with 10 being commercial. He does not understand why this is a hot-button issue right now and is hopeful the Commission would have the same concern. Mr. Hunter also believes there is a need to better understand the definition of limited storage and parking. Mr. Koconis read the definition of limited storage: That which is incidental and accessory to the principal use of the structure; i.e., if the structure is a residence, storage should be limited to lawn and garden equipment, tires and other low-damage items which will not suffer flood damage or can be conveniently moved to the elevated part of the building. Mr. Koconis also noted that flood insurance coverage for enclosures below base flood elevation is very limited. Ms. Schemper added that this definition is found in Section 122-3, in the Flood Plain Requirements Chapter.

Mr. Hunter continued that as a commercial owner, he does not know how he would apply that, but he remains concerned that limited storage may be interpreted differently by different people. Further, if this is good for commercial, why not residential. Taken on the surface, all of the things that would be of concern for a residence are the same for a commercial building. This is an imposition on residential households and he feels this question should be asked. Commissioner Ramsay-Vickrey interjected that she had asked the same question of Ms. Mayta Santamaria when this first came up and was told it was due to the FEMA regulations for residential. Commissioner Wiatt added that from a FEMA standpoint, it gets to the point of how large of an enclosure is allowed below flood because it may affect the integrity of the building during a flood. Mr. Hunter stated that this would apply to commercial as well, adding that he had received an answer previously that the 300 square feet originated from the County to satisfy FEMA, that it was not a FEMA requirement. Ms. Schemper stated there is still a requirement of FEMA that the residential restriction cannot be removed as it is still part of the remedial plan.

Chair Werling believed the limited storage would reference lawn maintenance or painting items. Commissioner Ramsay-Vickrey added that her thinking is that commercial buildings are usually substantially larger than a residential home and there could be a need for a lot of miscellaneous material that wouldn't fit in the 299. Chair Werling did not believe anyone would want to use a lot of the NROGO allotment on the downstairs square footage and with not having many requests in the past, she does not see a stampede coming for this. Commissioner Johnston agreed that Mr. Hunter had a good point in that the definition for limited storage seemed to be a residential definition and asked if there was a definition for commercial properties. Mr. Koconis replied that this was the only definition. There have been few variance requests, but when they are received, the applicant states what the space will be used for. He then discussed some examples.

Ms. Deb Curlee of Cudjoe Key also questioned why, since there had been so few variances, this was coming down the pipe now, though she wouldn't want to ever disagree with the BOCC. She wanted to know if the requirement for the applicant to state what they are using the storage for would remain. She is very concerned about what is driving this and the lack of ability for Code Enforcement to follow up on violations.

Chair Werling asked if it was known what was driving this. Mr. Koconis explained that the reason for variance regulations aren't so that everybody that comes in, meets the requirements. And when that happens, there is usually a discussion to amend the Code rather than continue doing variances. Additionally, staff has no problem putting conditions on a development permit.

Commissioner Miller asked for an example of what would concern staff. Mr. Koconis gave an example of chlorine tanks. Ms. Schemper asked Mr. Koconis if this provision had stalled requests for airport hangers. Mr. Koconis responded that there had been, and a variance for anything slows the project down. Commissioner Miller then asked if he was reading the staff report correctly that manufactured homes could be put below base flood, referring to page five of six, Number 4, Manufactured Homes. Ms. Schemper explained that this was a special provision only for manufactured/mobile home parks, where they can elevate 36 inches instead of going above base flood. This provision has been in place for quite a while in the Urban Residential Mobile Home Limited category. Commissioner Miller asked if this exemption was spelled out in 44 CFR. Mr. Williams responded that this would be a Federal regulation. Commissioner Miller asked if this was unique to Monroe County. Mr. Williams explained that it appears the Feds have protected certain manufactured home parks or subdivision requirements under 44 CFR 60.3(c)(12), and that the County is saying it will only be allowed for so long as that provision exists in the Federal regulation. Mr. Koconis interjected that as a semi-historical fact, he remembers the 36-inch piers being called FEMA piers, so he believes it's not just for Monroe County. Mr. Williams added that he would defer to Mr. Wolfe's expertise on this. Mr. Wolfe explained that he believes Ms. Schemper is correct, that it is only in URM-L, and that most mobile home parks cannot avail themselves of this. Ms. Schemper added there is a lot of history to this and if Commissioner Miller desires more information, it can be provided to him later.

Mr. Bill Hunter asked to and was allowed to speak again, reiterating that if this is passed, he believes the issue remains as to what can be stored below and the only thing limiting it is the definition read earlier which he feels is weak, particularly when opening it up to commercial. In addition, if airport hangers are the driver, then address airport hangers rather than opening it up to everybody.

Commissioner Ramsay-Vickrey asked Ms. Schemper if she knew whether airport hangers were the driver behind this. Ms. Schemper did not know if that was the specific reason or simply an example of the requests received. Commissioner Ramsay-Vickrey asked how many of the 10 requests were related to airport hangers and Ms. Schemper did not know. Commissioner Ramsay-Vickrey then asked if the definition of limited storage could be embellished by adding things such as no hazardous materials. Commissioner Miller wanted to send this back to staff for tweaking, stating the definition of limited storage is very open ended. Mr. Williams explained that suggestions could be made for Mr. Koconis to add, but since staff had been tasked with presenting this to the Commission it will go before the BOCC next month. Commissioner Ramsay-Vickrey thought language should be added, such as chemical or hazardous materials cannot be included in limited storage. Mr. Williams noted that if you have a lawn mower, you've got a gas can and under any definition that would be a hazardous material. Commissioner Wiatt interjected that it would need to include bulk storage of U.S. Department of Transportation hazardous materials, and he would suggest nothing more than five gallons. Chair Werling then asked about a car parked under the building. Mr. Williams agreed, indicating that

it wouldn't be possible to account for every potential. Commissioner Wiatt reiterated that it could include bulk storage and U.S. DOT Regs for hazardous materials. This issue has come up before during hurricanes and he believes it is a valid concern. Chair Werling asked if these changes would still be a part of the development package where all of the steps would still need to be gone through, but that it just wouldn't be called a variance. Mr. Koconis confirmed that to be exactly correct, that this change only removes the waiver and the square footage number. Mr. Koconis further explained that the 299 and 300 numbers go back to the 80s and no one knows where the numbers came from, adding that you can regulate it all you want but there will always be unintended consequences. Commissioner Miller added that limiting square footage would limit the magnitude. Whether residential or commercial, it all would pollute.

Mr. Koconis suggested he would be willing to have a more detailed conversation with the flood plain staff prior to the presentation for the BOCC to have a much better idea of what types of things are included in limited storage. Commissioner Wiatt stated that when the next hurricane causes a release of hazardous materials from the 300-foot storage below flood plain commercial space and it has an impact on someone else's property or their health and safety, then the person who put those materials inappropriately in that 300-foot space is going to be liable, whereas they wouldn't be if they were meeting all of the requirements. So the big-picture issue here is if there is no prohibition of hazardous materials in the definition of limited storage. Mr. Koconis agreed that he would address this to see if and how this could be changed. Chair Werling asked if undesirable materials were allowed to be stored on property now, not enclosed. Mr. Williams stated he and Ms. Schemper had been discussing the same thing, that you can have 10 gas cans now without regulation. This change was intended by the BOCC to lessen the regulation on these items, not increase it. Commissioner Wiatt stated his bigger concern is commercial, not residential. In most cases, residential won't have in excess of five gallons of hazardous materials. Commissioner Ramsay-Vickrey commented that living on No Name Key, prior to having electricity, she had probably 50 gallons under her house at any given time and those still running generators right now have huge amounts of gasoline in not necessarily secured storage tanks right now. Actually, at this point, she doesn't believe it can be cleaned up any more than to hope there's some further look into the flood plain issue on storage.

Chair Werling believes residents would not generally want to be above anything overly hazardous. Commissioner Wiatt added there are a tremendous amount of regulations already in place on the commercial governing storage of bulk fuels and bulk hazardous materials so, chances are, they would be in violation of rules outside of Monroe County rules. Mr. Wolfe added, not to mention, requirements outside of their insurance policies. Chair Werling stated anyone playing by the rules will continue, and the ones that don't play by the rules now, won't play. Commissioner Johnston asked if County staff currently has final say as to what is stored in commercial properties when they come in for the variances. Mr. Koconis responded that it is up to the staff. Mr. Williams noted that Ms. Mary Wingate had been at this for a year or two and it would be hard to sneak anything past her. Commissioner Wiatt added that good legislation is not subject to interpretation and that down the road, a tighter definition may be needed. Commissioner Johnston agreed that it looks like a cleanup item and some tighter language should be inserted, but unintended consequences also had to be considered.

Mr. Koconis added one more comment, that regardless of what is being stored, the only thing this will do is remove the waiver procedure for three things; parking, limited storage and building access. All others, small, large, residential or non-residential, would need to meet every other Code regarding the flood plain regulations.

Commissioner Ramsay-Vickrey made a motion to approve with a request that staff take a look at tightening up the definition of limited storage. Commissioner Wiatt seconded the motion. Chair Werling asked if there were any no votes. But Commissioner Miller stated he would like to discuss this again in a little more detail if this is going to be changed. Commissioner Ramsay-Vickrey stated she stood by her motion. Ms. Schemper asked for clarification on whether she meant for staff to do this outside of this amendment. Commissioner Ramsay-Vickrey confirmed that was correct. Commissioner Miller thought it should be made part of the text change. Commissioner Ramsay-Vickrey added that she understood the definition of limited storage would go into the definitions section. Commissioner Miller asked for staff's viewpoint. Ms. Schemper explained that it could be done together or separately. Chair Werling added that tweaking the definition should also apply to the definition used for residential since there's only one definition. Ms. Schemper responded that a definition change would be in a separate section of the Code and would apply to both residential and non-residential. Commissioner Ramsay-Vickrey asked Mr. Williams if that was making it worse. Mr. Williams added that, as Commissioner Wiatt had stated, residential and non-residential are very different items. Commissioner Ramsay-Vickrey agreed and asked Ms. Schemper for separate definitions for residential and commercial. Ms. Schemper again asked if this would be for a separate amendment later or changing this amendment. Commissioner Wiatt responded that it would be separate, not for this, but a fresh interpretation and definition of limited storage that this legislation would reference. Commissioner Johnston added that a time frame should be put on it and that it should be prior to the enactment of this amendment. Commissioner Wiatt stated this was just a recommendation to the BOCC, adding that no one seems to have a problem with this amendment provided the definition of limited storage is looked at, thought about, hashed over and adjusted as necessary. Commissioner Ramsay-Vickrey clarified for limited storage non-residential. Commissioner Wiatt noted that this was a commercial piece of legislation. Commissioner Miller thought it interesting that residential and non-residential would be different, but when it floods, it all affects the environment and it behooves protecting the environment as best as possible. Commissioner Wiatt agreed, but noted most commercial operations aren't in residential zoning. Commissioner Miller interjected that that's not what he was saying. Commissioner Wiatt gave an example of a propane tank floating around a neighborhood versus an industrialized area being two different things from a safety perspective. Commissioner Miller stated he was thinking about the water itself and what happens to the environment. Chair Werling reiterated that these things can be stored outside so unless you stop that, too, you can't regulate having it around.

Ms. Schemper further added a desire to discuss these definitions with the flood plain staff to ensure they meshed with the other regulations. Commissioner Wiatt asked if limited storage was a FEMA definition. Ms. Schemper responded that she didn't think it was a FEMA definition, but was related to and consistent with all of the FEMA regulations. Mr. Koconis confirmed that the limited storage definition is a County definition.

Commissioner Ramsay-Vickrey asked if the FEMA definition for residential only says storage. Ms. Schemper and Mr. Koconis stated that was correct. Commissioner Ramsay-Vickrey then asked why residents can store cars and lawn mowers downstairs, but not a washing machine when a car costs more than a washing machine. Commissioner Wiatt stated that was because you could move your car. Commissioner Ramsay-Vickrey stated she could move her washing machine with a dolly. Mr. Williams responded that a washing machine would be a fixture or appurtenance of the residence, fixed and attached, not mobile. Mr. Koconis added that it is also connected to electric.

Commissioner Wiatt reminded everyone there was a motion on the floor he had seconded. Commissioner Johnston asked for the motion to be read again. Commissioner Miller asked if the motion was in conjunction with this amendment. Commissioner Ramsay-Vickrey clarified that it approved this amendment today to be sent to the BOCC, and that the BOCC will know the Planning Commission has asked staff to come back with a potential definition after having further conversation with the flood plain staff. Chair Werling added that Commissioner Johnston had asked that this amendment not go into effect until the definition was resolved. Commissioner Johnston noted that had been a friendly suggestion. Commissioner Wiatt wasn't sure that could be done since this was only a recommendation to the BOCC. Ms. Schemper responded that the BOCC could look at the recommendation and if they have the same concern, they could decide whether they wanted to do it all at once. Commissioner Miller added that it doesn't make any sense otherwise.

Mr. Williams asked for Mr. Koconis to re-read the County's definition of storage to compare to FEMA's. Mr. Koconis read the County's storage definition. Mr. Williams then read FEMA's definition of storage, noting it was identical with the exception of two words; i.e. snow tires, the County had used the Fed's definition of storage and removed the word "snow." Commissioners Ramsay-Vickrey and Wiatt noted that was only for residential, and this was for commercial. Chair Werling pointed out that it would still be incidental to the business, so if the upstairs is accountants, you can't store jet fuel. Mr. Williams noted they could store paper and calculators. Mr. Wolfe added that the "for example" is nice, but meaningless in terms of the definition being the same for residential and non-residential. The only thing related to residential is the "for example" which throws everyone off track. Mr. Williams suggested the Commission stick to the concept of incidental and accessory. Nothing would be permitted or allowed for something unrelated to what is being done at that location. Commissioner Miller gave an example of 1,000 gallons of Round-Up stored on the ground. Mr. Williams stated if it was Dot Palm, that it would be incidental and accessory; it would not be for a single-family residence. Commissioner Miller stated that was his concern. Mr. Williams stated that this had been the status quo for a long time. Commissioner Wiatt added that the change simply would no longer require the variance. Mr. Williams interjected that the FEMA definition could preempt any change the County made. Commissioner Wiatt believes as long as the County definition is in line with FEMA's and not less strict, it would be fine. Mr. Williams added that it could run afoul by being contrary, and where Commissioner Miller is going could run afoul contrary. Commissioner Miller reiterated a desire to make it more restrictive, not less restrictive, which shouldn't be a problem with FEMA. Mr. Williams agreed, providing it wasn't contrary to the "incidental" language in the FEMA definition. Commissioner Wiatt stated he was not worried about that as there is a plethora of regulations with respect to properly storing hazardous materials, except that those regulations

were not written for an area prone to flooding and being environmentally sensitive. Commissioner Johnston mentioned insurance and that many items are not allowed based on the insurance policy, so some concerns are probably handled that way. Mr. Wolfe added that most commercial insurance policy renewals require annual inspections. Commissioner Miller added that the insurance companies didn't do too well with the BP oil spill as far as the environment.

Commissioner Wiatt stated he still liked the motion and believed it was all about the definition, and that it would cover Commissioner Miller's concerns. Commissioner Miller added that it needed to be concurrent with the text change. Mr. Wolfe clarified that that was not part of the motion on the floor. Chair Werling asked for a roll call on the motion.

Motion: Commissioner Ramsay-Vickrey made a motion to approve with a request that staff take a future look at tightening up the definition of limited storage. Commissioner Wiatt seconded the motion. The roll was called with the following results: Commissioner Ramsay-Vickrey, Yes; Commissioner Wiatt, Yes; Commissioner Johnston, Yes; Commissioner Miller, No; Chair Werling, Yes.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 11:21 p.m.