

PLANNING COMMISSION
January 31, 2018
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, January 31, 2018**, 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	Present
William Wiatt, Chair	Present
Teri Johnston	Present
Ron Miller	Present
Beth Ramsay-Vickrey	Present

STAFF

Steve Williams, Assistant County Attorney	Present
John Wolfe, Planning Commission Counsel	Present
Mike Roberts, Senior Administrator, Environmental Resources	Present
Kevin Bond, Planning & Development Review Manager	Present
Devin Tolpin, Marine Planner	Present
Ilze Aguila, Sr. Planning Commission Coordinator	Present

COUNTY RESOLUTION 131-92 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. Aguila 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 Johnston made a motion to approve the December 20, 2017, meeting minutes. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

New Items:

1. SIMV HOTEL 1, LLC DBA STOCK ISLAND MARINA VILLAGE, 7001 SHRIMP ROAD, STOCK ISLAND, MILE MARKER 5 OCEAN SIDE: A PUBLIC HEARING CONCERNING A REQUEST FOR A SIGN VARIANCE TO MAXIMUM SIGN ALLOWANCES IN CHAPTER 142 OF THE MONROE COUNTY LAND DEVELOPMENT CODE (LDC). APPROVAL OF THE SIGN VARIANCE WOULD RESULT IN ONE (1) ADDITIONAL GROUND MOUNTED SIGN, FOR A TOTAL OF TWO (2) GROUND MOUNTED SIGNS TO BE LOCATED ON THE AGGREGATED DEVELOPMENT SITE WITHIN THE MARITIME INDUSTRIES (MI) LAND USE DISTRICT. THE SIGN VARIANCE IS REQUESTED FOR A PROPOSED 56 SQUARE FOOT GROUND MOUNTED SIGN LOCATED ON A PARCEL KNOWN AS UNIT 4 OF THE STOCK ISLAND MARINA VILLAGE CONDOMINIUM, COMMONLY CALLED THE PERRY HOTEL KEY WEST. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS PARCELS OF LAND IN SECTION 35, TOWNSHIP 67 SOUTH, RANGE 25 EAST, STOCK ISLAND, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00123761-000400.
(FILE 2017-118)

(10:02 a.m.) Ms. Devin Tolpin, Marine Planner, presented the staff report. The applicant is requesting approval of a sign variance that would result in one additional ground-mounted sign for a total of two ground-mounted signs to be located on the aggregated development site within the MI Land Use District. This sign variance is requested for a proposed 56 square foot ground-mounted illuminated sign located on the parcel known as Unit 4 of the Stock Island Marina Village Condominium, commonly called the Perry Hotel Key West. The subject property is located at 7001 Shrimp Road, Stock Island. The aggregated site as a whole is 12.17 acres and is located within the MI Land Use District, the Mixed Use Commercial Future Land Use Map, and is designated Tier III, infill area. The existing uses on the site are mixed composed of a marina, light industrial, commercial retail and office. Pursuant to the Land Development Code 142(c)(1), within the MI Land Use District, every developed parcel of land with a commercial or other non-residential use shall be allowed one illuminated or non-illuminated ground-mounted sign of a height not more than 24 feet for each frontage. The subject property has approximately 1,658 linear feet of property frontage and is allowed a total of one ground-mounted sign with a face area of 160 square feet. The applicant is requesting approval of a variance to maximum sign allowances set forth in Chapter 142 to install a 56 square foot illuminated ground-mounted sign on the subject property. A 60 square foot non-illuminated ground-mounted sign currently exists 337 linear feet away from the proposed sign. The proposed variance would result in a total sign face area of 116 square feet on the subject property. The actual sign in question reads the Perry Hotel Key West, and there is a photo of that sign included in the back of the documentation. Ms. Tolpin presented the site plan indicating the location of the existing and proposed ground-mounted sign showing the distance between the two signs.

Staff finds the applicant in compliance with all standards necessary to grant the sign variance and therefore recommends approval with the accompanying standard sign variance conditions. Ms. Tolpin asked the Commission if they had any questions.

Commissioner Miller asked if, as of right, with the sign already present on the property, no variance was required. Ms. Tolpin confirmed that was correct, that they were permitted one ground-mounted sign. Commissioner Miller asked if any property getting a second sign would have to go through a variance. Ms. Tolpin indicated that was also correct for a second ground-mounted sign. Mr. Kevin Bond added that if they were on the corner of U.S. 1 and another County road, they could have two ground-mounted signs. Commissioner Miller then asked how two signs were allowed in front of the Murray Nelson Center without going through the Planning Commission. Mr. Williams responded that the Murray Nelson Center was not within the MI District. Sign variances differ according to location and therefore, Commissioner Miller was comparing apples to oranges. Additionally, it's a government building.

Chair Werling asked if there were further questions. The applicant, presumably, shouted from the audience that he was present for questions. There were no questions from the Commission. Chair Werling then 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. Motion passed unanimously.

2. MONROE COUNTY FIRE STATION 11, 22352 OVERSEAS HIGHWAY, CUDJOE KEY, MILE MARKER 22.3 OCEAN SIDE: A PUBLIC HEARING CONCERNING A REQUEST FOR A VARIANCE TO THE ACCESS STANDARDS IN CHAPTER 114, ARTICLE VII OF THE MONROE COUNTY LAND DEVELOPMENT CODE (LDC) AND A VARIANCE OF 5 FEET TO THE REQUIRED SECONDARY FRONT YARD SETBACK, WHICH IS ADJACENT TO THE LA FITTE DRIVE RIGHT-OF-WAY. APPROVAL OF THE VARIANCE TO ACCESS STANDARDS WOULD RESULT IN AN ACCESS DRIVE APPROXIMATELY 118 FEET FROM THE NEAREST EXISTING CURB CUT. APPROVAL OF THE VARIANCE TO FRONT YARD SETBACK REQUIREMENTS WOULD RESULT IN A 10 FOOT SECONDARY FRONT YARD SETBACK. THE VARIANCES ARE REQUESTED FOR THE DEVELOPMENT OF A PROPOSED MONROE COUNTY FIRE STATION. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS LOTS 5, 6 AND 7, BLOCK 8, CUTTHROAT HARBOR ESTATES (PLAT BOOK 4, PAGE 165) MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00178320-000000, 00178330-000000, AND 00178340-000000.
(FILE 2017-146)

(10:08 a.m.) Ms. Devin Tolpin, Marine Planner, presented the staff report. The applicant is requesting a variance to access standards which would result in an access drive approximately 118 feet from the nearest existing curb cut. The applicant is also requesting a variance of five feet to the required 15 foot secondary front yard setback which would result in a 10 foot secondary front yard setback in order to accommodate the placement of a backflow preventer as required by FKAA. The variances requested are for the development of a proposed Monroe County Fire Station. The property is located at 22352 Overseas Highway, Cudjoe Key, Mile

Marker 22 Ocean Side with a total of 37,500 square feet, within the Suburban Commercial Land Use District, the Mixed Use Commercial Future Land Use Map and is designated as a Tier III infill area. Ms. Tolpin presented a map of all of the Lower Keys fire stations including the one proposed. The proposed access drive would result in a 282 foot reduction of the minimum 400 foot distance necessary from the closest curb cut. The proposed access is for egress only, one-way traffic of emergency vehicles. The secondary front yard setback will result in a 5 foot reduction from the required 15 foot secondary front yard setback. A site plan was presented showing the locations of the proposed access drive, the proposed backflow preventer, and the nearest curb cut at 118 feet away.

Staff finds the applicant to be in compliance with all standards necessary to grant both variances and is therefore recommending approval with accompanying standard variance conditions. Ms. Tolpin asked if the Commission had any questions.

Commissioner Miller noted that on page four of the application, a FDOT letter of intent was requested and asked if that was in the report. Ms. Tolpin responded that it was in the file of backup documentation. Commissioner Miller then referenced the notice of intent to issue permit stating that this was not an approved FDOT permit, and asked if the permit had been received. Ms. Tolpin responded that the applicant had not yet received the FDOT permit, only the notice of intent.

Chair Werling asked if the applicant would like to speak.

Chris Collins of CPH Engineers, after being sworn in by Mr. Wolfe, addressed Commissioner Miller's question regarding the FDOT permit. Mr. Collins explained the process, that the application with the plans are submitted to FDOT, they review the traffic study, location and driveway, make sure everything is in accordance with their criteria, and they issue a notice of intent to issue permit. They will issue the formal permit once the building permit is issued and once the contractor provides proof of insurance, The NOI approves the design and access and allows the applicant some comfort that he can continue down the road to ultimately get the building permit and turn it over to a capable contractor with proper insurance documentation.

Commissioner Millers stated that he only mentioned it because in a prior instance, an affordable housing project had been told they could not get a curb cut. He finds it interesting that here, it is only a formality. Mr. Collins began responding, and Commissioner Miller indicated his question should probably be directed to staff.

Mr. Kevin Bond clarified that this was a bit of a different situation from the one Commissioner Miller was referencing, indicating that the prior-referenced case could have applied for the same variance as this, but they did not, though staff would have likely recommended denial. They also had not requested a permit from FDOT where they would have possibly gotten an NOI for that process. Mr. Bond agreed this was a bit of an apples and oranges comparison. Commissioner Miller responded that he understood the prior applicant had not applied, but he still finds it interesting that when it was stated that they could possibly get a curb cut, the answer was that you cannot create your own hardship; and he sees this situation as the same thing. Mr. Bond responded that this is a fire station. Commissioner Miller added that this is a government

project. Mr. Bond reiterated that this is a different type of development in a different location. Commissioner Miller asked where in the variance procedure it says that a fire station can create its own hardship. Mr. Bond replied that there is nothing saying anything about fire stations specifically in the Code. However, in this case, it would be a hardship for a fire station not to have direct access to U.S. 1. Commissioner Miller agreed with that statement, but thought this was creating the hardship by selecting this property. This is exactly what happened with Southcliffe and that was the commentary. Mr. Bond stated that he would have to disagree with that statement. Commissioner Miller said he is looking at what the variance procedure is, though he is not saying that he's against giving this variance.

Mr. Bond explained that the Code actually defines hardship and doesn't use a phrase anything close to, you created your own hardship. It's defined as a burden on a property owner that substantially differs in kind or in magnitude from the burden imposed on other similarly-situated property owners and does not include financial difficulty. The fire station is not creating its own hardship. A hardship would be created if they were denied this variance and could not have direct access on U.S. 1, which is a different situation than the project Commissioner Miller refers to. Commissioner Miller stated he would still have to differ with Mr. Bond but would not beat a dead horse.

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. Motion passed unanimously.

BOARD DISCUSSION

There was no board discussion.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 10:21 p.m.