

PLANNING COMMISSION
November 19, 2019

Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Tuesday, November 19, 2019**, beginning at 10:00 a.m. at the Murray E. Nelson Government Center, 102050 Overseas Highway, Key Largo, Florida.

CALL TO ORDER by Chair Werling

PLEDGE OF ALLEGIANCE

ROLL CALL by Debra Roberts

PLANNING COMMISSION MEMBERS

Denise Werling, Chair	Present
Tom Coward	Present
Ron Miller	Present
Joe Scarpelli	Present
William Wiatt	Present

STAFF

Emily Schemper, Senior Director of Planning and Environmental Resources
Cheryl Cioffari, Assistant Director of Planning
Steve Williams, Assistant County Attorney
John Wolfe, Planning Commission Counsel
Mike Roberts, Senior Administrator, Environmental Resources
Janene Sclafani, Transportation Planner
Jay Berenzweig, Principal Planner
Devin Tolpin, Senior Planner
Tiffany Stankiewicz, Development Administrator
Debra Roberts, Senior Coordinator Planning Commission

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

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

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Ms. Debra Roberts confirmed receipt of all necessary paperwork.

SWEARING OF COUNTY STAFF

County staff and members of the public planning to speak were sworn in by Mr. Wolfe.

CHANGES TO THE AGENDA

Ms. Emily Schemper requested that Items 5 and 6 be put on hold.

Motion: Commissioner Scarpelli made a motion to table Items 5 and 6. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

APPROVAL OF MINUTES

Motion: Commissioner Coward made a motion to approve the October 30, 2019 meeting minutes. Commissioner Scarpelli seconded the motion. There was no opposition. The motion passed unanimously.

ANNOUNCEMENT

Chair Werling announced that due to the large number of public speakers, speaking time would be limited to five minutes for organization representatives and three minutes for individuals.

MEETING

1. A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM FOR JULY 13, 2019, THROUGH OCTOBER 15, 2019, ROGO (Quarter 1, Year 28). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY. (File 2019-135)

(10:05 a.m.) Ms. Tiffiany Stankiewicz presented the staff report for Residential Dwelling Unit Allocations. The Planning Department is recommending approval of allocation awards for Lower Keys applicants Ranked 1 through 14; Big Pine and No Name Key applicants 1 and 2, subject to mitigation availability at the time of permitting; and, Upper Keys applicants ranked 1 through 15. There were no affordable housing applicants. All other applicants roll over to the next quarter.

Chair Werling asked for Commission comments or questions. Commissioner Scarpelli stated he needed to recuse himself from voting on Item 1. Chair Werling asked for public comment. There was none. Public comment was closed.

Commissioner Miller stated that he thought all Tier I allocations had been used for the year. Ms. Stankiewicz responded that this is now a new year.

Commissioner Coward commented that last quarter he had asked to have a conversation on allocation of affordable ROGOs in terms of categories. Since this is not part of the agenda today, he would like to push this to General Discussion to potentially have it added to the December agenda.

Motion: Commissioner Wiatt made a motion to approve. Commissioner Coward 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 NON-RESIDENTIAL ALLOCATION SYSTEM FOR JULY 13, 2019, THROUGH OCTOBER 15, 2019, NROGO (Quarter 1, Year 28). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY.

(10:08 a.m.) Ms. Tiffiany Stankiewicz presented the staff report for non-residential ROGO. There was only one applicant, and staff recommends approval of that application.

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

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

Mr. Wolfe stated that Items 3 and 4 would be read together, requiring separate votes.

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE / COMMERCIAL (MU), FOR PROPERTY LOCATED AT 103965, 103955, 103945, 103935 AND 103925 OVERSEAS HIGHWAY, KEY LARGO, APPROXIMATELY MILE MARKER 103.9, WITH REAL ESTATE NUMBERS 00475240-000000; 00475250-000000; 00475260-000000; 00475270-000000 AND 00475280-000000; AS PROPOSED BY ISLAND CONSTRUCTION MANAGEMENT ON BEHALF OF ABIT HOLDINGS, LLC; 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 COMPREHENSIVE PLAN AND FOR AMENDMENT TO THE FUTURE LAND USE MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-029)

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM IMPROVED SUBDIVISION (IS) TO SUBURBAN COMMERCIAL (SC), FOR PROPERTY LOCATED AT 103965, 103955, 103945, 103935 AND 103925 OVERSEAS HIGHWAY, KEY LARGO, APPROXIMATELY MILE MARKER 103.9, WITH REAL ESTATE NUMBERS 00475240-000000; 00475250-000000; 00475260-000000; 00475270-000000 AND 00475280-000000; AS PROPOSED BY ISLAND CONSTRUCTION MANAGEMENT ON BEHALF OF ABIT HOLDINGS, LLC; 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 2019-028)

(10:09 a.m.) Ms. Cheryl Cioffari presented the staff report. The two proposed items are a FLUM Amendment and official Zoning Map Amendment. The property consists of five platted lots, currently within the Residential Medium FLUM category and Improved Subdivision Zoning category. The proposal would change the FLUM to Mixed Use Commercial, and change the Zoning to Suburban Commercial. The property is currently vacant, designated Tier III, in an X Flood Zone. Adjacent land uses include vacant and residential uses to the east and south, and commercial uses to the north and west across U.S. 1. Prior to 1986 the property was within the BU-1 District. From 1986 to 1992, the property was in the Suburban Residential Zoning

District. In 1992, the property was designated as Improved Subdivision Zoning District. With the adoption of the 1997 Comp Plan the property was given its current FLUM designation of Residential Medium. A community meeting was held on August 26, 2019. Issues identified included limiting development to single-family residences, concern regarding the increased density, affordable housing, and traffic. The proposed amendments were considered by the DRC at the November 17, 2019 meeting. In the staff report at page four is a table showing the maximum development potential under the current FLUM and Zoning with the proposed and net change. The blue portion of the table shows that with the proposed FLUM Amendment, there would be a decrease of 2.86 units of permanent allocated residential development potential, an increase of 10.29 units in max net density residential development potential for market rate units with the use of TDRs, an increase of 10.29 units in affordable residential development potential, an increase in 17 rooms or spaces for transient units, and an increase in non-residential development potential of 14,001 square feet. The property is located adjacent to an existing non-conforming business within the Improved Subdivision Zoning District locally known as Gus's Toy Box. The proposed FLUM Amendment was reviewed against Comp Plan Policy 101.1.1 for concurrency and staff found it to be consistent. Additionally, the proposed FLUM Amendment was reviewed for consistency with the 2030 Comp Plan, the Key Largo Livable CommuniKeys Plan, Florida Statutes and Principles for Guiding Development, and staff found it to be consistent. Staff recommends approval of the proposed FLUM and Zoning change.

For discussion purposes, Ms. Cioffari noted that currently, the property is Zoned IS and provided a full list of permitted uses under both the IS and SC Zoning Districts to see how the potential uses would change and the available opportunities for the applicant. There are non-residential uses allowed under IS; however, that is typically under subsection (e) where a use was existing previously but made nonconforming by adoption of the 2010 Comp Plan.

Chair Werling asked when the property was purchased by the applicant. Ms. Schemper responded that it was July of 2013. Commissioner Miller asked if outdoor storage is allowed in the IS Zoning, and Ms. Cioffari responded that it was not. Commissioner Scarpelli asked if the properties north of the subject property were current commercial uses in Residential Medium. Ms. Cioffari responded affirmatively, noting page two of the staff report, the left-most aerial showing the five platted lots, and the parcels immediately north showing a building from the 1950s and boat storage going to the ends of the block. On that property, the commercial use within the building is approved but there is no approval for outdoor storage on the remaining lots where it is occurring. Commissioner Scarpelli asked if that property owner would be allowed to build new commercial square footage, and Ms. Cioffari responded that a nonconforming use could not be expanded without a successful Zoning and FLUM change. Commissioner Miller stated that if no outdoor storage was allowed then he would assume no commercial activity would be allowed. Ms. Cioffari indicated that he was correct.

Chair Werling asked if the applicant wished to speak.

Mr. Don Horton, agent for the applicant, first thanked staff for their review of the request and recommendation for approval, and hoped that the Commission would agree. These five lots have historically been recognized with a Zoning that did allow non-residential uses; i.e., BU-1 and SR. Additionally, a school is allowed in IS. The five lots are located in a commercial corridor next to

a burgeoning boat sales business. This request would allow for a business and affordable housing, would offer a smooth transition between the highway commercial corridor and residential neighborhood. Mr. Horton indicated he would like to speak again after public comment.

Mr. David Thompson, the property owner, stated that he grew up in the Keys for almost thirty years and is raising his family here. Abit Holdings is his daughter's initials. He is a part of this community and has built houses not for profit since age 21. While the negative comments on social media state that he doesn't do anything for the little guy, he is Chair in a charter school and he could build a school without asking for permission. Houses he's built directly behind this parcel of land are beautiful houses and almost every person in the room with a green shirt sees him working his tail off with his wife. He builds these homes himself and he is the adjacent property owner. The existing tree buffer exceeds what is required by Code. His vision for this site would benefit everyone in the Key Largo community. He is personally vested in this community so it is hard not to take personally all of the comments against this proposal. Mr. Thompson purchased this property six years ago with the adjacent owner of the boat dealership. Since that time, the boat dealership land area use has tripled and there has not been a single Code complaint against it in six years. He has been a good neighbor and Mr. Thompson intends to be as good or better. Mr. Thompson does not believe anyone present has had an issue with that increased commercial activity of the boat dealership and he is attempting to do this correctly. There are commercial uses all up and down Key Largo in the commercial corridor, even if they are zoned residential. There is not a single other piece of land of this size, that is non-wooded, from mile marker 99 to 105, that is zoned residential on the highway. Mr. Thompson believes this is a mistake from 1986 that should be corrected. Within 500 feet of this parcel there is a Marriott destination resort with a conference center and multiple bars and restaurants, an outdoor sports center, a full-service marina with indoor boat storage, and three other restaurants and bars. This property currently acts as overflow parking for all of these nearby commercial enterprises. Mr. Thompson believes no other property owner present believes these five lots should have houses on the highway or they would have purchased them and built a house there.

Commissioner Miller reiterated that he could build a school without changing the Zoning. Mr. Thompson then stated that he is a huge proponent of workforce housing. Retaining school teachers who can live here affordably is a big challenge. Bussing out-of-town workers degrades the healthy function of this community. If young members of this community cannot affordably reside here they will move out and the structure of the community will fail. There are few opportunities to increase the availability of workforce housing in Key Largo while not impacting environmentally sensitive lands. This property has the capacity to appropriately provide lower cost housing and the opportunity should not be squandered. Any vote against rezoning of this property to allow for affordable housing is truly against the future of this community. There is no fundamental reason why this should not be commercial.

Chair Werling asked Mr. Thompson what his intention was in 2013 when he purchased the property, since he purchased it knowing what the zoning was at that time. Mr. Thompson responded that it has taken him six years to get here today and he really didn't know what to do with it. He toyed with houses but it is not what the community character should be. The entire strip of the highway corridor is commercial except for this piece of land. Chair Werling asked if

he was focusing on affordable housing or commercial or if that was yet to be determined. Ms. Schemper reminded the Commission that this is a Zoning amendment and not a development proposal so in some ways it would be unfair to ask that at this point. Mr. Thompson stated that a native plant nursery could be there which would be minimally impactful, but it would still require a zoning change.

Chair Werling then asked for public comment.

Mr. Johnny DeBrule of Largo Sound Village stated that Mr. Thompson had brought up some good issues and is a good steward of his properties. The homes he builds are beautiful and there is nothing wrong with what he does, nor is he disliked. He would be for Mr. Thompson building nice homes on this property. The community is afraid if this zoning change goes all the way through, he would then be open to do whatever he wants to do there, or sell it and somebody else could do it which may set a precedent. Mr. DeBrule guarantees the boat yard is licking its lips and will think it's a swipe of a pen to make this change. Additionally, on the south side is a hammock area for sale for one single-family home to go in there and 7,500 feet can be cleared. If it was to be changed to commercial, anything may then go in there. There were 193 signatures gathered in one day on petitions against changing this zoning. Mr. DeBrule is the president of his homeowners association. He has talked to the neighbors and not one single person has indicated they want this zoning changed. They want Mr. Thompson to be able to use it, but use it at what he bought it for, to put in single-family homes. Workforce affordable housing went out when he came to the Keys in '69 with mobile homes. The Florida Keys has changed and there's nothing affordable. Using the workforce housing crutch doesn't work. Rental homes in his subdivision rent from \$1,800 to \$2,500 for a whole house, lot and everything.

Ms. Katherine Urban, a full-time resident of Largo Sound Village, stated that this is a well-established, longstanding residential community. The residents are comprised of business owners, healthcare professionals, law enforcement officers, teachers, real estate brokers, and a high percentage of permanent full-time occupants. It is the start of the local Saint Patrick's Day Parade and attracts hundreds of children on Halloween. The community has fostered a safe neighborhood with a caring and hard working association. It is a participatory community where neighbors care about and help each other, watch out for neighbors' properties, promote safety and are alert in order to prevent crime. The proposed zoning changes threaten almost every aspect of what has taken hard work and years to build. The highest priority of concern is safety. The neighborhood is accessible via Avenues A and B. The community already experiences high traffic volumes on U.S. 1 which is critical to the entry and exit of the community. Parking violations occur on a regular basis. Avenue B is complicated by an irregular street design and a well-used bike path. The traffic study associated with this proposed zoning change sites 366 more daily trips which is significant. Service vehicles such as garbage and recycling trucks already face challenges in the community needing to back down streets because of limited access. Additional commercial dumpsters and potential affordable housing units only complicate an already challenging situation. Commercial zoning guarantees more delivery and service vehicles and noise. More accidents are occurring throughout the Keys, some with tragic results. The corner of Avenue B and U.S. 1 is also a school bus stop. Crime rates tend to be higher in commercially zoned districts. Ms. Debra Roberts indicated she had used her time.

Mr. Barry Carter, a resident of Key Largo for over 40 years, is recently retired after 35 years of working for the well being of all Monroe County residents. His home is three houses from this property. Mr. Carter stated that at the community meeting, the property owner made a point that the Monroe County officials thought there was a lack of commercial development between Marvin D. Adams Waterway and mile marker 106.5. After taking a drive on this stretch of highway it may appear there is a lot of land available to build on, however, this is not the case. John Pennekamp Coral Reef State Park owns two large tracks. The Middle School, Rowell's Marina and the visitor's center change the land availability dramatically. All of these properties are positive for the residents of Monroe County. There is little property that is not already state owned, county owned, commercially owned, church owned or residentially built out. This is a positive for Monroe County as green space makes for a more livable community. There are many properties for rent, sale or lease along this four-mile stretch. Some have been available for years such as a marina, a restaurant, a large scarified fenced lot with a building at the entrance to Sexton Cove Subdivision, a church now for sale, 1.2 acres, zoned SC, a commercial space for lease at approximately mile marker 104.5 ocean side, a lot for sale ocean side, size unknown, three storefronts available immediately adjacent to the Monroe County Visitor's Center. These properties were noted on a cursory drive-by with minimal effort. There are many other commercial properties south of Marvin D. Adams Waterway that usually and currently are available in Key Largo. Upstairs at the Pink Plaza, Tradewinds Shopping Plaza, the now one-year-old units between McDonald's and the Dollar Store are still looking for tenant number one. Not a lot of effort is required to find available commercial space for rent in Key Largo. Keys wide, there are over 100 commercial spaces available today. If this is happening in a booming economy, what happens when the economy turns?

Mr. Enrico Menendez of Key Largo wanted to address Mr. Thompson's comments. He does not know Mr. Thompson and has been here only ten years. He embraces change and his event production company just finished producing the Key Largo Bridge Run which attracted over a thousand people that came into the community and brought the economy up during Veteran's Day weekend. As to rezoning, it's the impact of what happens afterwards. It's having the possibility of being able to change to whatever you want, whenever you want, and doing whatever you want. From the intersection all the way to Gus's Toy Box is about 250 feet. If this were zoned commercial he would not be able to come into the area via U.S. 1 because FDOT will not approve an entrance there. The community does not want entrances into a commercial property coming in through the neighborhood.

Ms. Donna Pacho and her husband own four homes and raised four children in this neighborhood. They are retired contractors and are not anti-development. They do strongly disagree on any change that would increase the intensity of use on these five lots. The lots were purchased in 2013 and were zoned IS at the time of purchase which allows for one single-family home to be built on each lot. A change is requested to SC and later to Mixed Use and would negatively affect the community character of the neighborhood of over 200 homeowners that has one of the best reputations in the Upper Keys. Increasing the intensity of use that would allow a restaurant, a commercial apartment complex, industrial use or another bar must not be allowed to happen and 200 households should not pay for the possible financial gain of one developer. The applicant is presently completing twelve homes behind the subject parcels, and that was his right. Those were twelve lots zoned IS and there are now 12 new homes, and he has done a beautiful

job. The homes were done very well so this is nothing personal. To increase the intensity of use on these lots would create a very serious safety issue. The Planning Commission Board Members' primary purpose of zoning is to segregate uses that are thought to be incompatible. In practice, zoning is also used to prevent new development from interfering with existing uses and/or to preserve the character of a community. These lots were zoned IS for 33 years. A change of this parcel of land will open a Pandora's Box for this neighborhood and other neighboring properties along the east side of U.S. 1. Ms. Pacho asked the Commission to please help protect the community character of this neighborhood and any others that may be affected by such a precedent.

Mr. Pat Meighan has been a homeowner in this subdivision for 38 years and has seen a lot of change in traffic. The intersection of Avenue B is a very dangerous place. Oftentimes, Avenue A is used because there is less traffic there due to the entrance to the bars and that goofy First Street that comes in at an angle. The proposal for this property has all the traffic for this new business coming in off of Avenue B. He would object less if it had its own entrance off U.S. 1 and no entrance at all from Avenue B, though he doubts the highway department would allow that to happen. He has been almost killed numerous times at that intersection both in a car and on a bicycle. It is a terrible place to add that much traffic. Keep things the way they are. If affordable workforce housing is desired, build five affordable houses there.

Mr. Jim Marks stated that the first place his family owned in Monroe County was in 1947. He bought his lot in the seventies and built his house in the eighties. He moved here in '92, is a professional engineer, and would be retired if NSTB would release the information he requested on the FIU bridge collapse. Parking is a big problem. He has seen a lot of inadequate parking. The properties across the highway all have inadequate parking. When winter comes that lot is full. Right now there is a lot of parking for any special event all down through his neighborhood, anywhere they can park. The commercial overflow is tremendous. Mr. Marks believes in zoning. It's hard to improve on what others have already said. Mr. Thompson has the right to build exactly what he bought and nothing more.

Mr. David King stated he and his wife walk their dogs every day and often ride bikes out to the bike path from Avenue B. The dangerous traffic situation existing at Avenue B, First Street and U.S. 1 is largely due to the oblique angle of First Street. Pedestrians and bicyclists face especially hazardous situations every day. With any new development considered for this area, traffic safety considerations should be paramount. The current zoning is for five single-family dwellings and offers the least negative impact. Changes to land use are generally undertaken as part of the overall planning process and are rarely made by application based on the desires of a single landowner, especially when such a small parcel is involved. Changes of this type are much more far reaching than simple variances and conditional use permits. A variance would require the applicant to demonstrate a showing of good and sufficient cause and prove exceptional hardship if denied. Mr. King could find neither of these in the two applications on file. The reason listed on the application is to allow for various types of residential and non-residential uses. That's a desire, but not good and sufficient cause. If these applications are denied, the parcel will remain in the IS Zoning District and five single-family residences can be built according to the current maps and plan. This would hardly constitute a hardship and was the condition of the properties when purchased by the current owner. Mr. Thompson mentioned

that children should be able to afford to grow up in a home here in the Keys in order to stay here. Perhaps this is a good opportunity for him to build five entry-level homes on the highway. Mr. King's first entry-level home was fifty yards from a three-lane highway with a Jersey Barrier down the middle and commercial property right across the highway, which was a good place to get your foot in the door. An argument can be made that the Florida Keys has a dire need for workforce housing. In Key Largo near mile marker 104, the area is well served by a labor surplus in Homestead and Florida City as shown by the workers commuting to the Keys by bus and car to this area daily. Workforce housing is needed more in areas like Marathon and Key West which are too far to commute from the mainland. Mr. King opposes the proposed changes and recommends the property remain in residential use as part of Largo Sound Village.

Ms. Paula Wheaton grew up in Largo Sound Village in 1972. It's one of the best places to grow up in. If her dad was still alive he would be here. This is the best community of love and support. This change would take a lot of that away, including the protection and safety for kids. Ms. Wheaton grew up selling Girl Scout cookies and sold them out because of the loving community of Largo Sound Village. Kids come back now that are playing in the streets and enjoying this community. At Halloween, one of the best, they ran out of candy because people felt safe there. If this change happens, there won't be the safety or the desire to bring up kids here. Ms. Wheaton told everyone to pray and have wisdom about what is happening.

Mr. John Hauk told Mr. Thompson to not take it personally. This is all about commercial property and the community doesn't want it. More homes are not needed because of evacuation times in the Keys and not being able to get out of the Keys fast enough.

Ms. Maryann Warren stated that Mr. Thompson's plan is quite pretty but the issue is with the location at Avenue B which cannot handle the traffic. There is no way a commercial property can be added with ten or eleven affordable housing units that would add any less traffic than five residential properties. The street is already over burdened. Yes, there is a precedent of commercial properties in the area, but to add more in that small corridor on Avenue B is unrealistic. This has everything to do with the safety and the community of Largo Sound Village.

Commissioner Miller asked Ms. Schemper about the plan referenced by Ms. Warren and whether the applicant would be bound by anything presently in writing. Ms. Schemper responded that no plans have been submitted at this point though there may have been a conceptual plan at the community meeting. Mr. Wolfe agreed that what may or may not occur on the parcel cannot be considered, that this is only for the zoning change.

Ms. Gail DeBrule stated she is a victim of the intersection of U.S. 1 and Avenue B. There are a lot of bicyclists and pedestrians in the area, then add tourists and things happen. Ms. DeBrule was run into by a bicyclist that did \$2,500 of damage to her car. More traffic is not needed.

Mr. Randy Robertson has lived in the Keys for 30 years and Largo Sound Village for 15. The biggest problem is the traffic and the access at Avenue B is where 90 percent of the community comes out onto U.S. 1, and it is already very congested. To do anything more than a few houses at this location would be silly if the real plan of Monroe County is to limit growth to retain a decent living for the future. In Key West during Christmas you can't drive in Key West without

a driver's license due to congestion, and it's nearly the same here. This is a small part of a gigantic problem that the Keys have besides sinking and it's a no-brainer.

Mr. Eric Gerjeski lives on a corner lot off Avenue A and during high events, there is a lot of traffic with the local businesses that are already there, and the median dividing the north and south lanes are used for parking lots. This property is also already used for parking. Before the recently built houses in the neighborhood were built, those vacant lots were also used for parking. The current traffic needs to be addressed with the current high events going on. Adding another business is going to have parking lining up against the forest.

Ms. Maureen Bote has lived in the Keys since the sixties. She lives directly opposite Mr. Thompson's new houses and stated that they are beautiful. Her biggest objection is the traffic that will come directly onto Avenue B which is a nightmare. People basically stay home after Thanksgiving on.

Ms. Connie Ledford stated the parking is a big deal and is up and down every street everywhere. The owners across the street could purchase the land and make a parking lot there or the County could do another parking lot somewhere else. It makes a problem and adds a lot of trash in the area. There is already no parking and something needs to be done about it. Affordable housing is a problem in the Keys and that's why so many people live in Homestead and Florida City. A lot of people would like to live down here if there were more affordable housing. But \$1,800 to \$2,500 a month for rent is a lot. The neighborhood is safe. The traffic is a lot and perhaps a traffic light could be considered there. The County should be responsible or the owners across the street should be made to put in a parking lot for their employees and customers besides what's being used now.

Mr. Bob Graff has lived in the neighborhood since 1996 and goes in and out constantly all day, every day. The layout of these streets along with the curve in Avenue B cause limited site distance and a hidden driveway for people coming around that curve. There have been many crashes and one of their residents was lost last year when struck by a car on U.S. 1 crossing from the community to the commercial property. Vehicular and pedestrian safety is the issue. Mr. Graff is a retired State Trooper and has worked pedestrian and bicycle crashes on the bike path. He also mows the grass and out there and has almost been hit while pushing the lawn mower.

Mr. Jose Pashoto stated the other speakers had covered most everything but he is sure FDOT will want to make the entrance at Avenue B and the community doesn't need any more problems right there. He is requesting the Commission please turn this proposal down.

There was no further public comment. Public comment was closed. The applicant was then allowed to speak again.

Mr. Don Horton stated that he appreciates the community comments and understands that change is hard. They had looked at making the entrance at Avenue B and the exit by Gus's Toy Box. He has had discussions with Ms. Judith Clarke in Engineering about considering a stacking lane at Avenue B which would be advantageous. Most of the comments are related to traffic but at this stage, that can't be used as the guidance and he would hope the Commission listens to the

experts in the County from their reports and studies done. At the development stage, they would be seeing this community again and hopefully work out a plan that was acceptable to the community and the Commission.

Commissioner Scarpelli asked if FDOT had already said the entrance would be at Avenue B. Mr. Horton responded that they had not stated that, but that it would be below FDOT's standards. It would be logical to have the exit next to the entrance to Gus's Toy Box which would allow people to go into the property at Avenue B. Commissioner Scarpelli asked if an entrance and exit could both be by Gus's Toy Box. Mr. Horton stated that that was what they would be asking FDOT to allow them to do. Commissioner Coward confirmed he was referring to a new entrance and exit.

Mr. David Thompson also reiterated that there are options that would present as a variance to improve or reconfigure the traffic. There is no one who is more interested in the safety of kids and the bus stop facility than him. He would build it a bus stop for the kids himself on that corner. One thing to note, if five houses were built, four of them would have driveways immediately after Avenue B, which is precisely what the FDOT does not want. They do not want more access aisles on the highway. There are options for ingress and egress that would be acceptable for the overall safety aspect. He has had every intention of working with the community to design something acceptable for everybody. At some future time, not at this Zoning change, that can be addressed as a limitation. The trips per day in and out of that community are in the thousands. This would not be a hugely significant addition to that. The Planning staff has done a lot of work analyzing this and every aspect of it is in conformance with the 2030 Comp Plan and he believes it should pass.

Commissioner Scarpelli stated that maybe it wasn't clear that there would be another level to go through for this project where the property would be looked at again, and asked staff if with the Zoning change the applicant would be allowed to do whatever they were allowed to do without coming before the Planning Commission. Ms. Schemper explained that the uses listed as-of-right could be permitted, assuming the proposed development meets every other aspect of the Code and does not require any variances. If a variance to access was needed or any other type of variance, it would come before the Planning Commission. Minor Conditional Use Permits are reviewed and approved administratively and would not come to the Planning Commission but are noticed to surrounding property owners with the option for public input. In general, the list increases in order of the intensity of the use. The most intense uses would require a Major Conditional Use Permit which would come back before the Planning Commission for approval. Commercial retail, office, restaurant or any combination of low or medium intensity, and anything greater than 10,000 square feet would also come back to the Planning Commission. Something less than 2,500 square feet would be allowed with just a building permit. Between 2,500 and 10,000 would require a Minor Conditional Use Permit.

Commissioner Coward asked if the affordable housing aspect would be a Minor Conditional Use. Ms. Schemper explained that attached and detached dwellings involving less than six units designated as employee housing would be allowed with just a building permit assuming all other aspects of the Code are met; six to eighteen units requires a Minor Conditional Use Permit, and the development potential here would be ten.

Commissioner Scarpelli stated that he understands the traffic concerns, but affordable housing isn't for a hotel employee or dishwasher at beginning salaries, it is for firemen, policemen, teachers, those types of people, and it's intended to make the community better. The housing would need to meet the same building requirements as a single-family residence. The applicant is allowed to build less than 2,500 square feet of floor area over five lots with direct access to U.S. 1. Those five lots would be five driveways with no parking lot requirement whatsoever and this would be asking for a lot of trouble. Commissioner Scarpelli asked what the parking requirements would be per square foot of area for commercial. Ms. Schemper responded that for commercial retail it is three spaces per thousand square feet of floor area. Multi-family residential has higher parking requirements of two spaces for a one bedroom, two spaces for a two bedroom, and three spaces for a three bedroom dwelling. Single family units are only required to have two spaces per dwelling unit regardless of how many bedrooms. Commissioner Scarpelli pointed out that the parking availability increased with the land use change, so there would be an ability to have more cars there depending on the development. Commissioner Scarpelli did admit that he drove through the area and the intersection is crazy and very intense. There should be a buffer yard if this were to go through to buffer the community and protect that corridor because it does not look like a good situation. There are also a couple of spots where MC Zoning crosses over U.S. 1 within a mile of this property. This would also decrease market rate density along the corridor which he believes is a good thing.

Commissioner Miller stated that he believes the Key Largo LCP does not support this Zoning change. At page ten of thirteen, line twelve, it talks about infill and regulating land use type, density and intensity on individual parcels. Action Item 1.3.7(a) is to promote infill and this is not an infill area. Except for Gus's Toy Box, which is a nonconforming use on two IS lots, and the canvas shop which is further down towards Adam's Cut, that's it from the bridge at Adam's Cut all the way for three-quarters of a mile. The community character here is woodlands and homes. This is not infill, and this does not transfer density to a community center. Then, to give consideration to whether the property provides a unique or outstanding opportunity for enhancement of design, connectivity, and other community goals especially along the U.S. 1 corridor, that is something that should be looked at, but the LCP does not support this Zoning change. Also, traffic on U.S. 1 is getting worse and it's not this nebulous idea that we have too much traffic. The last traffic study says fifteen of the twenty-four segments in the Keys have degraded since 2017. To vote for a zoning change that increases intensity on these lots is a no-no. The fact that the owner doesn't want to build homes on these lots is not a justification for a zoning change. There are other things that could be done with these lots.

Commissioner Wiatt stated that in a perfect world, these would have been Mixed Use back in '92 but that boat has sailed. Now we have to deal with 2019, and the traffic is a no-win regardless what you do. Driveways going out on to U.S. 1 is a bad idea, and it's also a bad idea to have an enlarged entrance on Avenue B. It boils down to whether this maintains or enhances the community as one of the objectives, and the community has told us that it's not, which cannot be discounted. Commissioner Miller added that this is the old domino effect. The community character on the ocean side is the woodland areas and the homes. What is being used to justify that this is even close to commercial is Gus's Toy Box which is nonconforming. This would cause a domino effect and Commissioner Miller does not want to be culpable for that.

Commissioner Coward agreed that rolling commercial over onto the ocean side where there's already a nonconforming situation was a bad precedent. Traffic is obviously a problem. Continuing to add commercial increases the intensity and he doesn't see it as something that's needed. Chair Werling also agreed, adding that the applicant bought the property as it is zoned now. If it wasn't appropriately zoned at the time, then that would have been the time to address that to see what was possible. The applicant's intentions may be honorable but he could get the zoning change and sell it. Once it's done there is no control over what happens, and traffic is a huge issue. Commissioner Coward asked staff if there was a way to do a zoning change with stipulations, to which Ms. Schemper replied there was not. Commissioner Coward stated the affordable housing aspect of this is appealing because there's a problem with having affordable housing; however, creating the zoning doesn't guarantee that's what the community would get. Commissioner Wiatt agreed that there was no guarantee.

Motion: Commissioner Miller made a motion to recommend denial for Item 3. Commissioner Coward seconded the motion.

Roll Call: Commissioner Scarpelli, No; Chair Wiatt, Yes; Commissioner Coward, Yes; Commissioner Miller, Yes; Chair Werling, Yes. The motion passed 4 to 5.

Motion: Commissioner Miller made a motion to recommend denial for Item 4. Commissioner Coward seconded the motion.

Roll Call: Commissioner Scarpelli, No; Chair Wiatt, Yes; Commissioner Coward, Yes; Commissioner Miller, Yes; Chair Werling, Yes. The motion passed 4 to 5.

7. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY COMPREHENSIVE PLAN; ADOPTING THE 10-YEAR WATER SUPPLY PLAN UPDATE TO BE CONSISTENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT LOWER EAST COAST WATER SUPPLY PLAN UPDATE OF 2018; 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 COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-102)

(11:41 a.m.) Ms. Janene Sclafani, Transportation Planner, presented the staff report. This item is the ten-year water supply facilities work plan update which is incorporated to the Comp Plan by reference. The County is to update this every five years or within eighteen months of the South Florida Water Management District update, which was recently updated in November of 2018. The previous update to that was 2013. The proposed amendment is to change the date of the new water supply plan which will be August 2019. Some key changes to the actual water plan are relevant to the regional issues based on information from the SFWMD update. There were also changes to data and tables in Section 3 under data and analysis, based on information from Section 7.2 from the FKAA twenty-year capital improvement master plan. There was also an update to the capital improvement plan which is Figure 7, the FKAA five-year capital improvement plan. The plan was originally sent to SFWMD for an informal review. Some

comments were received which were addressed, and it is now awaiting further comments. Staff recommends approval.

Chair Werling asked for comments or questions. There were none. Chair Werling asked for public comment. There was none. Public comment was closed.

Commissioner Wiatt stated he had read through the whole report and he was struck by Section 2.2 on page four and the idea that the compact communities have agreed on a sea level rise prediction between six and ten inches by 2030. This has been a scary October and he's been trying to figure out what happened. He vigilantly watches the water indicator at the NOAA weather station on Vaca Key and the predicted tide levels based on the moon and history, etc., is running about fourteen inches above what it's supposed to be, and there doesn't seem to be much of an explanation for it. Today's readings, what the high tide should have been this morning was one foot, two and-a-half inches, but the actual reading is two feet, five inches. That's double what it was supposed to be this morning. So when he sees we're prepared for a six to ten-inch increase by 2030, the actual data would indicate that 2030 has come and gone. Though he hopes it's an anomaly, he wanted to bring it to everyone's attention. No one seems to be talking about it a whole lot. Commissioner Miller stated his streets have been flooding for three months where they used to flood once or twice a year, but he thought it was the King Tide. Commissioner Wiatt added that he believes that's causing misinformation because a King Tide is nothing more than a tide that's above normal. What we're seeing in some of the raw data is we've got a King Tide on top of a King Tide. We've got this extra fourteen inches of water on top of these big tides which is why streets have been under water for long periods of time. Couple that with the fact that the Aqueduct Authority that provides potable water has one of the closest wells to the saltwater intrusion line, and the closer the saltwater comes, the more of a threat there is to the freshwater supply.

Ms. Schemper explained that among people who are talking about climate change and sea level rise, they are continually reevaluating the numbers and see that things are accelerating faster than previously thought. It's not just about the seal level rise level, but also about the extreme nature of extreme tides. The compact is in the process of putting together a new projection. Monroe County is hosting the Climate Change Leadership Summit in December in Key West and the new numbers should be out at that time. Ms. Schemper is confident FCAA is watching all of this and taking it into account. Commissioner Wiatt added that there would be no opportunity to find a solution unless everyone comes to terms that it's actually happening. Commissioner Miller noted that it's interesting that in some parts of the world, sea level has not gone up at all, so global warming and seal level rise are not directly tied at the hip because of the topography of the world itself and what happens. Commissioner Miller believes that it is happening and it is manmade, but there are areas that are not affected.

Motion: Commissioner Scarpelli made a motion to approve. Commissioner Coward seconded the motion. The motion passed unanimously.

8. FLORIDA KEYS AQUEDUCT AUTHORITY CROSS KEY WASTEWATER TREATMENT FACILITY, 574 HAZEL STREET, CROSS KEY, MILE MARKER 112.5:
A PUBLIC HEARING CONCERNING A REQUEST FOR A MAJOR CONDITIONAL USE

PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE DEVELOPMENT OF A PROPOSED WASTEWATER TREATMENT FACILITY. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS LOT 19, MONROE PARK, PLAT BOOK 3, PAGE 140, CROSS KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00573020-000000. (FILE 2019-103)

(11:54 a.m.) Mr. Jay Berenzweig, Principal Planner, presented the staff report. This is a Major Conditional Use Permit application for the development of a wastewater treatment facility on Cross Key located at approximately 112.5 on the stretch. The applicant is CPH, Inc., and the property owner is the FKAA. There are numerous Comp Plan policies that advocate connecting to the wastewater treatment facility. A community meeting was held on October 3, 2019 with a pretty good turnout. Most of the questions were regarding basic engineering aspects of the facility and other questions that the applicant would be more in line to answer. The plan complies with all aspects of the Land Development Code. There are two outstanding items, one being compliance with stormwater management which is being worked on with the applicant. Prior to recording, an approvable stormwater management plan is required. The other item was the solid waste letter of coordination, which has now been received. The Major Conditional Use is required because this is proposed within the Improved Subdivision Land Use District. There is quite a bit of buffer yards required to buffer the development from adjacent residential properties. The plans are in compliance. Staff recommends approval.

Commissioner Coward asked what the local residents have presently for wastewater. Mr. Berenzweig responded that he believed they were still on septic.

Mr. Todd Hendrix of CPH, Inc. spoke on behalf of the applicant. Both Todd Hendrix and Kyle Bechtelheimer are the civil engineers on this project for FKAA. Mr. Hendrix stated he was pleased to bring a sewer collection and treatment system to Cross Key and has worked well with staff in development of the plan and the application. He is confident this will bring a good solution to the neighborhood.

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

Ms. Jennifer Damiani who lives across the street from this wastewater facility explained that this was a neighborhood of ten houses, each having an aerobic system which is required to be inspected and in compliance with the Monroe County Health Department or they would be fined daily. Ms. Damiani has lived on Hazel Street for twenty years. This particular lot was wooded and a haven for felons and other people because there was no Code Enforcement that could get in there and clean it up. It took until 2009 to get the special magistrate to clean the lot up. Then it took another five years for Monroe County to get in and clean it. Now it's clean and now they want to put in a wastewater system which is directly across from her dining room. She has a three-story home and she sees this lot is flooded every other day. She is very concerned that if this is approved, the same thing will happen where the water level is going to rise, to say nothing of the endangered species that live in this one-street area, and all of this waste water is going to be flushed into the canal. The FKAA wants to connect several mobile units and marinas and all of that wastewater will come down across the street from her. The mobile units, boats and

marinas have their own units, and she believes one of those could be enlarged to accommodate the ten houses, rather than gathering all of this wastewater and putting it across the street from her. Ms. Damiani does not believe this makes sense and is asking the Commission to reconsider the other two areas that could be used, that are now being used, and could be repaired instead of creating this new treatment system.

Commissioner Wiatt confirmed that she was directly across the street from the proposed development and asked if there would be some level of green space buffer. Commissioner Scarpelli noted that it was pretty heavily landscaped, and asked if the tanks were on the ground. Mr. Hendrix explained that the applicant is sensitive to the fact that they are building a wastewater plant in a neighbourhood and in his twenty-two years of experience, this is the nicest wastewater plant he's seen. Great extent has been gone to, to make it not look like a wastewater plant. Mr. Kyle Bechtelheimer stated that the concrete tanks rise twelve feet. Per the community meetings, some vinyl fencing is being installed around the tanks to further screen them, and there is a small control room. Commissioner Scarpelli confirmed the tanks would be flood proof. Mr. Bechtelheimer stated there are no inlets or outlets in the first twelve feet and they are solid concrete twelve-foot tanks.

Chair Werling asked how many customers this was intended to service. Mr. Bechtelheimer responded there were between ten and fifteen single-family homes, but there are also the mobile homes, condos and marinas in the Cross Key Area. So the max per day float for this plant would be 40,000 per day. Right now, the Manatee Bay and Pelican Cay Associations are out of compliance with all FDOH and FDEP standards and are collecting and hauling off their sewage to a different facility. They do not have a system in place to treat their wastewater. The other single-family homes and some of the smaller marinas are all septic tanks. Chair Werling confirmed individual package plants would not be able to be retained.

Commissioner Wiatt asked if they would be injected into a deep well. Mr. Bechtelheimer responded they would be injected into six-inch shallow injection wells on site, adding that there is a twenty-foot landscape buffer with green space facing Hazel. This collection system has already been permitted by the FDEP to be within the roadways of Hazel and Morse. Commissioner Coward confirmed with staff that it was important for the County to get everyone on these treatment centers as opposed to septic. Chair Werling thought this was a very odd location. Commissioner Miller asked if this had been reviewed by the BOCC, and Mr. Berenzweig responded that it had not. Chair Werling asked what places had been turned down. Mr. Bechtelheimer responded that in terms of size and Zoning Codes, this was the only available lot that would fit a plant of this size. There was a previously-built wastewater treatment plant in Cross Key that FDEP shut down five to ten years ago because the tanks were cracked and it was not built to standards. That one was in the commercial area, but a privately-owned facility within a privately-owned HOA. Due to the size of that lot, it could not be built to meet current codes or canal setbacks. The other option was an HOA facility which has a small vacuum collection with aerobic treatment and then injection wells, but that system was built in 2000 and getting near the end of its design life, and they have also expressed interest in connecting. This property was owned by Monroe County and he believes it was given over to FKAA expressly for this project.

Commissioner Miller asked if there would be ways to tell that this is a wastewater treatment plant. Mr. Bechtelheimer stated there would be no signage. Commissioner Coward asked about the odor. Mr. Bechtelheimer responded that is one of the reasons they were buffering this with heavy landscape. Commissioner Miller asked if there was an upper limit for the smell, because for the plant in Key Largo they had been guaranteed no smell from that plant and you can smell it a mile away. Mr. Hendrix stated there would be no stagnant wastewater sitting in wet wells and it would not be open to the atmosphere.

Commissioner Scarpelli confirmed the facility would be gated and the fence would be at maximum height. Ms. Schemper noted that there is a provision in the Code that would allow a higher fence. Commissioner Miller stated he would like to make that stipulation. Commissioners Wiatt and Scarpelli agreed. Ms. Schemper stated that an evaluation may need to be done to check industry standards. Mr. Wolfe suggested recommending eight foot or lower if it's not lawful. Chair Werling thought eight feet or higher. Mr. Williams added that the County has had experience with this parcel for a long time. Commissioner Coward stated concern for some of the habitat. Mr. Berenzweig stated that the lot is scarified with some straggling mangroves on the existing shoreline. Ms. Schemper added that before this actually gets signed and recorded a stormwater and solid waste letter need to be compliant. At the time of building permit, any lighting must also be compliant and meet all other aspects of the building codes. Chair Werling added that she would feel better if this were on a commercial lot rather than residential.

Motion: Commissioner Wiatt made a motion to recommend approval with a recommendation for a higher fence. Commissioner Scarpelli seconded the motion. The motion passed unanimously.

Roll Call: Commissioner Scarpelli, Yes; Chair Wiatt, Yes; Commissioner Coward, Yes; Commissioner Miller, Yes; Chair Werling, No. The motion passed 4 to 1.

9. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 101-1 TO CREATE A DEFINITION FOR MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY AND SPECIFICALLY NOTE THAT A MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY IS A COMMERCIAL RETAIL OR AN INSTITUTIONAL USE; 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 LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-133)

(12:23 p.m.) Ms. Cheryl Cioffari presented the staff report for Mr. Bradley Stein and Ms. Mayte Santamaria. This proposal is an amendment to the Land Development Code to create a definition for medical marijuana treatment center dispensing facility and to clarify that such facilities are considered commercial retail or institutional use. Staff received direction from the BOCC as to where to allow these facilities on June 19, 2019. Page four of the staff report lists the Zoning Districts where these would be allowed, which is consistent with the regulations

provided by the State. This has been through a community meeting, the Development Review Committee, and staff is recommending approval.

Commissioner Coward commented that most of the State definitions he's seen have a more expanded definition. This recommendation restricts it to low THC, which is a version of it. It has been amended to include medical cannabis which is a higher dosage but still legally prescribed by doctors in the State of Florida. As this is written, it's being limited to something different than what the voters have approved. Ms. Cioffari responded that the item before the Commission has the current definition as proposed, and these would be alternative definitions which would be either low THC cannabis or medical cannabis. Then the second part for the facility, strike through low THC and just say cannabis for medical uses is authorized by the Department of Health. If those are changes that the Commission would like to see, the recommendation can be made and staff can amend the language as it moves forward to the BOCC. Commissioner Coward thought it should be consistent with the State language; "A medical marijuana treatment center dispensing facility means a facility that dispenses low THC cannabis, medical cannabis, and marijuana delivery services for medical uses."

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

Mr. Wolfe clarified that Commissioner Coward was not signing on to the alternative definition, but rather tweaking the definition entirely to match the State language. Ms. Schemper read Section 381.986(8) Florida Statute, which allows medical marijuana and is not about regulating where it goes, "As soon as practicable but no later than July 3, 2017, the Department shall license as a medical marijuana treatment center any entity that holds an active unrestricted license to cultivate, process, transport and dispense low TCH cannabis, medical cannabis, and cannabis delivery devices." Commissioner Coward confirmed that that was what he was referring to.

Motion: Commissioner Coward made a motion to approve with the clarified verbiage. Commissioner Scarpelli seconded the motion. The motion passed unanimously.

10. SCONSET INN, INC., 100360 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 100, BAY SIDE: A PUBLIC HEARING CONCERNING THE REQUEST FOR A VARIANCE TO ACCESS STANDARDS SET FORTH IN CHAPTER 114, ARTICLE VII OF THE LAND DEVELOPMENT CODE (LDC). APPROVAL WOULD RESULT IN AN ACCESS TO U.S. 1 THAT IS SPACED APPROXIMATELY 135 FEET FROM AN EXISTING ACCESS. THE VARIANCE IS REQUESTED IN ORDER TO BRING THE EXISTING ACCESS DRIVE INTO COMPLIANCE AS REQUIRED THROUGH THE PROPOSED CHANGE OF USE OF THE SUBJECT PROPERTY. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS LOTS 5, 6, 7, 8, 9, 10, 34, 35 36 37, 38, AND 39, BLOCK 8, AMENDED PLAT OF KEY LARGO PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 62, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBERS 00524660-000000, 00524690-000000, 00524700-000000, 00524710-000000, 00524980-000000, 00524970-000000, 00524960-000000. (FILE 2019-190)

(12:31 p.m.) Ms. Devin Tolpin, Senior Planner presented the staff report. This item is a request for a variance to access standards for the property located at 100360 Overseas Highway in Key Largo. The applicant is requesting a variance to access standards set forth in Chapter 114 of the Land Development Code. Approval would result in an access driveway 135 feet from that of an adjacent property. The property is currently developed with an office building permitted with two access driveways in 1987. The applicant is proposing to change the use of the property from office to institutional. Per the Land Development Code, a change of use of a property triggers compliance with the current access standards. The access standards today for this property would require a minimum distance of 245 feet between the access driveways onto U.S. 1 as measured from curb cut to curb cut. This proposal is for a distance of 135 feet. Ms. Tolpin presented an aerial view showing the existing subject property and building. The applicant will be closing the middle driveway and is proposing to leave the southern driveway. Part of the property is a large, primarily undisturbed hammock habitat, so this variance is requested in order to avoid large site improvements and come into compliance. Staff has found the requested variance and application has met all required standards to recommend approval.

Commissioner Scarpelli clarified that the driveway was existing right now. Commissioner Miller asked if the waiving of the 245 foot distance was to avoid going through the wooded part of the lot. Ms. Tolpin responded that that was what the applicant was requesting and is a basis for recommending approval. An alternative to potentially come into compliance would be to redevelop the site or create an alternative access drive. The wooded area is part of the subject property so that could be an option depending on all other Code regulations. Commissioner Miller asked if the lot was Tier I. Ms. Tolpin responded that it is Tier III-A with Suburban Commercial Zoning. Commissioner Scarpelli stated that they were eliminating the closest driveway and were making the situation better than what currently exists. Commissioner Wiatt added that the change in use would likely result in more traffic. Commissioner Miller stated that the situation is better but still nonconforming. Ms. Tolpin responded that they variance request is to become conforming.

Chair Werling asked for public comment.

Mr. David Thompson spoke as Chairman of the Board at Ocean Studies Charter School. The committee members recognize this is improving a situation on U.S. 1 and believe it is the safest way to continue to use this existing commercial building. Commissioner Coward asked how many school buses were anticipated to be running through the location. Mr. Thompson stated that the school has two fourteen-passenger buses, but do not bus kids to and from school. The buses are for field trip situations. Parents drop off students, and the reduction in the north access allows for a long stacking line for drop offs. Commissioner Scarpelli commented that the site plan looked very good.

There was no further public comment. Public comment was closed.

Motion: Commissioner Scarpelli made a motion approve. Commissioner Coward seconded the motion. Motion passed unanimously.

BOARD DISCUSSION

Commissioner Coward discussed the ability to reallocate the percentages of affordable housing ROGOs. He would like to make a motion to include the item on the agenda for December. Ms. Schemper asked if the intent was to discuss and potentially adopt a resolution in December that would change those ratios. Chair Werling indicated that they wanted to discuss it first. Commissioner Coward agreed that he would like to have the conversation to see if they can be switched, and also to make it effective. If a resolution is required, then that is what he would like to have happen.

Ms. Schemper confirmed that the agenda item should be written to discuss the affordable housing income level ratio for affordable housing ROGO allocations, and then adopt a resolution if the Commission desires. Commissioner Wiatt asked if it would be a recommendation or an actual change. Ms. Schemper clarified that the Planning Commission has the power to change the ratio. Chair Werling added that the Commission has been trying to do this for a while. Mr. Wolfe stated that they did not need a motion to give direction to staff for this to be added to the agenda. Ms. Schemper suggested that the item be advertised as it would probably generate a lot of interest.

Commissioner Miller then asked if there was a way the Commission could look at the Code regarding wedding venues. Mr. Williams interjected that it is already being discussed. A decision came out and it is still within the appeal period, so technically it's still considered to be in litigation.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 12:45 p.m.