

PLANNING COMMISSION  
**September 22, 2010**  
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, September 22, 2010**, beginning at 10:02 a.m. at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** by Gail Creech

**PLANNING COMMISSION MEMBERS**

Randy Wall, Chairman	Present
Denise Werling	Present
Jeb Hale	Present
James Cameron	Present
Elizabeth Lustberg	Present

**STAFF**

Townsley Schwab, Sr. Director-Planning and Environmental Resources	Present
Susan Grimsley, Assistant County Attorney	Present
John Wolfe, Planning Commission Counsel	Present
Mitch Harvey, Comprehensive Plan Manager	Present
Tiffany Stankiewicz, Development Administrator	Present
Joe Haberman, Principal Planner	Present
Debby Tedesco, Planning Commission Coordinator	Present
Gail Creech, Planning Commission Coordinator	Present

**COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL**

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

**SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS**

Gail Creech confirmed receipt of all necessary paperwork.

**SWEARING OF COUNTY STAFF**

All staff intending to speak were sworn in by John Wolfe.

**MINUTES FOR APPROVAL**

Commissioner Cameron questioned the purpose of preparing minutes when video and audio recordings are available. Townsley Schwab explained that a new format for future meeting minutes has been agreed upon and proposed resubmitting the meeting minutes in a revised and more abbreviated format.

**Motion: Commissioner Cameron made a motion to approve the July 28, 2010 meeting minutes. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.**

**CHANGES TO THE AGENDA**

Item 4 was re-advertised and will be heard at the October 6, 2010 meeting.

**MEETING**

**Continued Item:**

**1.A public hearing to consider and finalize the ranking of applications in the Dwelling Unit Allocation System** for the April 13, 2010, through July 12, 2010, ROGO quarter (4<sup>th</sup> Quarter Year 18). Building permits will be allocated for Big Pine Key only, unincorporated Monroe County.

(10:10 a.m.) Tiffany Stankiewicz stated that Banks Prevatt, agent for the Aikens, requested a continuance. John Wolfe presented the Commissioners with three options in regard to the continuance: One, continue the item in whole; two, deny the request and move forward in whole; or, three, move forward with the hearing and, if desired, approve the two allocations that are up and continue the rest of them. Chairman Wall said that he felt strongly that the Planning Commission has a responsibility to the applicants that have allocations waiting to move forward.

Tiffany Stankiewicz presented the staff report.

**Motion: Commissioner Cameron made a motion to approve the two applicants ranked 1 – 24 and to continue the rest of the hearing until the October 6, 2010 meeting. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.**

**New Items:**

**2.Tom Thumb Food Store, 104701 Overseas Highway (US 1), Key Largo, Mile Marker 104.7: A request for approval of an amendment to a major conditional use permit in order to redevelop the existing gas station and convenience store** by relocating the two (2) existing fuel pumps and constructing two (2) new fuel pumps, thus establishing a total of four (4) fuel pumps with eight (8) dispensers; demolishing the existing canopy; constructing a new canopy; and carrying out associated improvements. The subject parcel is legally described as Block 1, Lots 1-5 and 36-39 of Largo City subdivision (PB4-142), Key Largo, Monroe County, Florida, having real estate number 00508260.000000.

(10:16 a.m.) Joe Haberman presented the staff report. Mr. Haberman recommended approval with conditions. Commissioner Cameron questioned the County's right to request a written rationale from business owners. Townsley Schwab and John Wolfe both responded it was within the County's right to ask for that, as it goes to intensity on the site.

Mr. Haberman explained the condition regarding the need for a revised site plan to remove the non-conforming access drive on US 1, or a letter from FDOT stating that it can continue to exist, prior to the issuance of a building permit. The staff report states “prior to the issuance of a resolution” in error. Mr. Haberman presented the remaining conditions in the staff report. Commissioner Cameron stated that he disagrees with the “cookie cutter” requirements imposed by the County. Chairman Wall asked for, and received, clarification on Condition E.

(10:33 a.m.) Gay Marie Smith, agent for the owner, was sworn in. Ms. Smith stated that the owners will not be submitting a phasing plan so as to move forward the completion of the project. An application to FDOT has been submitted for the access drive on US 1. The owner has taken into consideration the close proximity to the school in their plans.

Chairman Wall asked for public comment. There was none.

**Motion: Commissioner Werling made a motion for approval with the conditions in the staff report, except that Condition A is being deleted because it has already been met, and with regard to Condition B, the applicant is submitting their revised site plan prior to issuance of a building permit instead of prior to the signing of a resolution by the Planning Commission Chair. Commissioner Cameron seconded the motion. There was no opposition. The motion passed unanimously.**

**3. Tom Thumb Food Store, 97950 Overseas Highway (US 1), Key Largo, Mile Marker 98: A request for approval of an amendment to a major conditional use permit in order to redevelop the existing gas station and convenience store** by relocating the two (2) existing fuel pumps and constructing four (4) new fuel pumps, thus establishing a total of six (6) fuel pumps with twelve (12) dispensers; demolishing the existing canopy; constructing a new canopy; and carrying out associated improvements. The subject parcel is legally described as a parcel of land lying between the southeasterly right-of-way line of the southerly bound traffic lane and the northwesterly right-of-way line of the northerly bound traffic lane of US 1 in Section 6, Township 62 South, Range 39 East, Key Largo, Monroe County, Florida, having real estate number 00090630.000000.

(10:39 a.m.) Joe Haberman presented the staff report. Mr. Haberman recommended approval with conditions, which were then presented.

(10:44 a.m.) Marie Gay Smith was present on behalf of the owner. Ms. Smith stated that the owner hired a biologist to assess up-to-date site conditions. The clearing proposed was below what is allowable.

Chair Wall asked for public comment.

(10:47 a.m.) Susie Robling was sworn in. Ms. Robling cited the historic importance of this area and asked the Commissioners to honor the current land use plan and protect the community character and natural environment from commercial intensity such as this proposed project.

Mike Roberts, Senior Administrator, Environmental Resources, was sworn in. Mr. Roberts stated that the application as proposed was consistent with clearing limitations set forth in the code. The proposed clearing was further discussed. Ms. Smith stated that if the proposed clearing is not allowed, the project could not go forward, and that the owner wants to clean up this property and is doing everything possible to limit pollution.

(10:54 a.m.) Keith Krauf was sworn in. Mr. Krauf spoke of his concerns about the destruction of native habitat in this area and stated that he did not believe this property was well-maintained. Mr. Krauf then discussed his concerns regarding the elevation of the property, as well as the lighting involved in the proposed project.

Chairman Wall discussed the storm water requirements and the lack of storm surge requirements. The mitigation plan was explained by Mr. Roberts.

(11:05 a.m.) Ms. Smith addressed concerns raised. Ms. Smith then asked for, and received, clarification from Mr. Roberts regarding the options an owner has in the mitigation plan.

Lighting regulations and requirements were explained by Mr. Haberman.

**Motion: Commissioner Cameron made a motion for approval with conditions in the staff report, except deleting Condition A, and adding the condition the lights will be off when the business is closed except for reasonably acceptable security lights. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.**

### **BOARD DISCUSSION**

(11:14 a.m.) Mr. Haberman explained to Commissioner Lustberg a clearing permit has to be for a purpose and that a stand-alone clearing permit can be obtained for clearing of exotics only.

Townsley Schwab informed the Commissioners that Debby Tedesco was leaving the Planning Department and Gail Creech would be replacing Ms. Tedesco.

(11:16 a.m.) Mike Roberts explained to the Planning Commission what the Tier Designation Review Committee has accomplished thus far in the designation of tiers and what the Commissioners will be presented at the November 16, 2010 meeting. Susan Grimsley said that more detail will be presented to the Commissioners in the November 3, 2010 meeting by Mr. Roberts, and then explained the advertising that has occurred for the November 16, 2010 meeting. The process was further discussed by Mr. Roberts.

### **ADJOURNMENT**

The Monroe County Planning Commission meeting was adjourned at 11:29 a.m.