

PLANNING COMMISSION
August 26, 2020

Meeting Minutes

The Planning Commission of Monroe County conducted a virtual meeting on **Wednesday, August 26, 2020**, beginning at 10:00 a.m.

CALL TO ORDER by Chair Coward

PLEDGE OF ALLEGIANCE

ROLL CALL by Ilze Aguila

PLANNING COMMISSION MEMBERS

Tom Coward, Chair	Present
Bill Wiatt, Vice Chair	Present
Ron Miller	Present
Joe Scarpelli	Present
Ron Demes	Present

STAFF

Emily Schemper, Senior Director of Planning and Environmental Resources
Cheryl Cioffari, Assistant Director of Planning
Peter Morris, Assistant County Attorney
John Wolfe, Planning Commission Counsel
Mayte Santamaria, Senior Planning Policy Advisor
Tiffany Stankiewicz, Development Administrator
Liz Lustburg, Senior Planner
Devin Tolpin, Senior Planner
Ilze Aguila, 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. Ilze Aguila confirmed receipt of all necessary paperwork.

SWEARING OF COUNTY STAFF

County staff was sworn in by Mr. Wolfe.

CHANGES TO THE AGENDA

Ms. Ilze Aguila stated that staff was requesting Item 2 be continued to the September 23, 2020 Planning Commission Meeting.

Motion: Commissioner Demes made a motion to continue Item 2. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

DISCLOSURE OF EX PARTE COMMUNICATIONS

There were no disclosures of ex parte communications.

APPROVAL OF MINUTES

Commissioner Demes noted a correction on page five, that Commissioner Wiatt's vote was not clear as it indicated both yes and no, and he had actually voted no.

Motion: Commissioner Demes made a motion to approve the July 22, 2020, meeting minutes with noted correction. Commissioner Scarpelli seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

NEW ITEM:

1. A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM FOR JANUARY 14, 2020 THROUGH JULY 13, 2020, ROGO (Quarter 3 & 4, Year 28). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY. (FILE 2019-135)

(10:05 a.m.) Ms. Tiffany Stankiewicz presented the staff report for Residential Dwelling Unit Allocations. One correction was made on the Big Pine/No Name Sub Area as to the numbering and did not affect any of the rankings. The Planning Department is recommending approval of allocation awards for the Lower Keys sub area, applicants ranked 1 through 29; Big Pine and No Name Key applicants ranked 1 and 4, subject to mitigation availability at the time of permitting; and, Upper Keys applicants ranked 1 through 21. There were no affordable housing applicants for the Upper or Lower Keys, and all other affordable housing allocations roll over to the following quarter. Staff recommended approval.

Commissioner Miller asked about the 21 approved allocations for the Upper Keys and if there were a total of 31 allocated. Ms. Stankiewicz responded that there were a total of 31 available allocations, but the maximum had already been reached with regard to Tier I allocations, and they were stopped at 21. Commissioner Scarpelli stated that he would abstain from voting on this item due to personal interest as he has clients that apply for ROGO allocations, which he would expect financial benefit to the extent that some of those were granted.

Chair Coward asked for public comment. There was none. Public comment was closed. Commissioner Miller then asked Ms. Stankiewicz if there were any more market rate applications beyond 21 for the Upper Keys. Ms. Stankiewicz responded that this was a complete list of everyone in the ROGO system as of this quarter's closure. Ms. Emily Schemper added that there are applications beyond 21, but the remainder are all Tier I and could not be given out until the next ROGO year.

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

3. AN ORDINANCE BY MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 130-75, THE PERMITTED AND CONDITIONAL USES OF THE AIRPORT DISTRICT, TO ELIMINATE THE CONDITIONAL USE REQUIREMENT FOR PUBLIC AIRPORTS; 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 AND INCORPORATION IN THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2020-081)

(10:10 a.m.) Ms. Mayte Santamaria, Senior Planning Policy Advisor, presented the staff report. This is a request submitted by the Monroe County Airport Department to amend the Airport District Section 130-75 to eliminate the conditional use requirement for public airports, specifically for the Key West and Marathon Airports. The changes are indicated in the white boxes with the orange arrows on the staff report which show those strike outs. There would still be review as a permitted as-of-right building permit. This is requested because both airports are public airports that receive funding from the FAA and must comply with specific directives and safety requirements of both FAA and FDOT. FAA requires that both airports maintain an airport master plan and airport layout plan. Those two documents are a comprehensive study of the upcoming demands and forecasts for the airports as well as improvements they need to do to maintain public health, safety and welfare. This is a public process that happens about every five years, goes through public input and reviews by the state and federal agencies, and ultimately must be approved by the FAA and the BOCC at a public meeting. The Comp Plan specifically requires these airport master plans and airport layout plans be maintained and that any improvements and expansions at the airports must be consistent with those documents. Additionally, one of the changes within the Code is also to specify that any projects must be done in accordance with the airport master plan and airport layout plan. These amendments are proposed to streamline project review and alleviate some timing conflicts with federal requirements such as when there are funding opportunities with the FAA. Adding the conditional use layer sometimes causes delays that conflict with those requirements. There have been no public comments, including at the DRC meeting. Staff recommends approval.

Chair Coward asked for questions or comments from Commissioners. Commissioner Demes asked whether with this approval, if the County wanted to build 20,000 square foot of aircraft-hangar space for private aircraft, if that would fall under this approved amendment so that they would not need the major conditional use permit. Ms. Santamaria responded that they would not need the major conditional use but the project must be identified in the master plan and layout plan, and if it's not included then it wouldn't get approved because it would be inconsistent with those plans. Commissioner Demes asked if that would be considered as being for the health and welfare of the County because it seemed like a stretch to him. Ms. Santamaria indicated the

Airport Director was present if he needed further information. Commissioner Demes indicated she had answered his question sufficiently.

Mr. Richard Strickland, Director of Airports for Monroe County, stated he appreciated the time the Commission was giving this item and the efforts of the Planning Department. This will bring about an efficiency so that when projects are brought forward, from a timing standpoint, they are not taking steps backwards to re-do things that have already been reviewed. This will streamline things to get the projects moved forward.

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

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

4. KAMPGROUNDS OF AMERICA INC, 251 STATE ROAD 939, SUGARLOAF KEY, MILE MARKER 20: A PUBLIC HEARING CONCERNING A REQUEST FOR A VARIANCE OF 2 FEET TO THE REQUIRED 6 FOOT MAXIMUM FENCE HEIGHT. APPROVAL WOULD RESULT IN A FENCE OF 8 FEET IN HEIGHT. THE REQUESTED VARIANCE IS REQUIRED FOR SECURITY ON THE PROPERTY. THE SUBJECT PROPERTY IS DESCRIBED AS A PARCEL OF LAND IN SECTION 31, TOWNSHIP 66 SOUTH, RANGE 28 EAST, SUGARLOAF KEY, MONROE COUNTY, FLORIDA, HAVING PARCEL ID NUMBER 00118180-000100. (FILE 2020-097)

(10:17 a.m.) Ms. Liz Lustberg, Senior Planner, presented the staff report. This application is for a fence height variance of eight foot instead of six foot at a portion of the subject property. Ms. Lustberg presented the site plan. According to Section 114-13 of the Land Development Code, the maximum fence height is six feet; but, according to Section 102 of the Land Development Code, the Planning Commission has the ability to grant a variance. Ms. Lustberg presented the required criteria, pointed out the area on the site plan where the eight-foot height was being requested, and stated that the applicant had met all eight criteria. Staff recommends approval with two conditions; that the variance would only apply to the portions indicated in red on the site plan, and that this variance is for the fence height only so the applicant would be required to meet all other code requirements related to fencing.

Ms. Schemper asked for clarification on the red outline which looked to be in red pen and wanted to confirm the actual areas included in the variance. Ms. Lustberg indicated she would have the applicant do that, but also wanted to point out the proposed hotel building, maintenance building, trash area, manager's house and certain RV spaces. Mr. Bart Smith responded that the red line depicting the internal fence is a scrivener's error. This application is only for the portion outlined in red along the edge of the property line and not the portion that goes through the property and is internal. This is solely for security on that edge of the property. Ms. Lustberg added that the variance applies to the western property boundaries depicted in red, and the recommended condition in the staff report is the one that would still apply.

Commissioner Demes stated that he did not have a problem with the fence but asked what made that part of the perimeter different than the rest of the perimeter as far as needing eight versus six feet. Ms. Lustberg responded that this was an area that could be accessible at the end of a dead-end road that doesn't get much traffic and where walkers wouldn't be noticed. Mr. Smith agreed, indicating that area historically had RVs in those locations and eight-foot fence for security, and that the applicant is requesting to put the fence back for security concerns.

Commissioner Miller believed the statements by the applicant seem to be at odds. At page five of eight, line nine, it says a six-foot fence would allow direct view into RVs, whereas an eight-foot fence eliminates this concern. Then on line seventeen, it states a fence would provide security and not impair visibility without any apparent downsides. Commissioner Miller asked how those statements could be reconciled, and how an eight-foot chain-link fence would prevent looking through a fence. Mr. Smith responded that it was his understanding that the green cloth material would go on the fence. Commissioner Miller added that there is then more going on with this fence than just a chain-link fence.

Chair Coward pointed out that line four, page five, states that the fence is chain link and will have flex over it to provide security, which he believe is the "green stuff" previously mentioned.

Ms. Lustberg pointed out that this variance is only for the height, so when applying for a fence permit, it would be reviewed by Planning and the Building Department. The only thing the applicant would be able to do differently that they would not otherwise be able to get a permit for is the height. Chair Coward stated that there seems to be a discrepancy between what was there previously and what is now being requested, that it was a six-foot fence in the past yet the applicant had stated it had been eight foot. Ms. Lustberg responded that she had done a search for permits for the property and there were several fence permits but none were for an eight-foot fence. There were also no prior variances. At this point now, staff is reviewing a variance for an eight-foot fence.

Commissioner Wiatt stated that he was going to comment on the flex but Chair Coward had beat him to it. Commissioner Demes added that he had driven out to the site, the site is currently screened with construction fence, and asked Mr. Smith how high the fence is right now. Mr. Smith was not aware of how high the fence is now, but believes construction fence is typically six or eight feet. Commissioner Scarpelli asked if the Commission needed to be concerned with the fence on Kings Road being eight foot where the trucks would be entering and exiting the property regarding the site triangles. Ms. Lustberg responded that the fence code itself requires site triangles be maintained, so that would be addressed when the actual permit comes in. Commissioner Wiatt asked if any public had commented on this item to staff. Ms. Lustberg responded there had been none.

Commissioner Miller asked the County Attorney if this would be setting a precedent by giving an eight-foot high fence. Mr. Morris responded that it would not. And Ms. Lustberg interjected that she had done a search for fence heights and variances for other RV parks and had found no permits or variance requests for higher fence heights. Commissioner Miller commented that that was because they knew about the six-foot rule. Ms. Lustberg continued that they could apply for

a variance and if they meet the eight criteria, could receive a variance. Commissioner Miller then added that he was trying to figure out how that would affect the adjacent vacant properties if those properties were sold in the future. Mr. Wolfe responded that each variance is judged on its own merits and must prove that all requirements are met.

Chair Coward asked for further comments or questions. There were none. Chair Coward then asked for public comment. There was none. Public comment was closed.

Motion: Commissioner Demes made a motion to approve. Commissioner Wiatt seconded the motion.

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

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 10:35 a.m.