

PLANNING COMMISSION
November 18, 2020

Meeting Minutes

The Planning Commission of Monroe County conducted a hybrid virtual and in-person meeting on **Wednesday, November 18, 2020**, beginning at 1:00 p.m.

CALL TO ORDER by Vice Chair Wiatt

PLEDGE OF ALLEGIANCE

ROLL CALL by Debra Roberts

PLANNING COMMISSION MEMBERS

Bill Wiatt, Vice Chair	Present
Joe Scarpelli	Present
Ron Demes	Present
George Nugent	Present
David Ritz	Present
Douglas Prior, Ex-Officio Member (MCSD)	Absent
Karen Taporco, Ex-Officio Member (NASKW)	Absent

STAFF

Emily Schemper, Senior Director of Planning and Environmental Resources
Cheryl Cioffari, Assistant Director of Planning
Mike Roberts, Assistant Director of Environmental Resources
Mayte Santamaria, Senior Planning Policy Advisor
Bradley Stein, Development Review Manager
Devin Tolpin, Senior Planner
Tiffany Stankiewicz, Development Administrator
Peter Morris, Assistant County Attorney
John Wolfe, Planning Commission Counsel
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 was sworn in by Mr. Wolfe.

CHANGES TO THE AGENDA

Ms. Debra Roberts confirmed no changes to the agenda.

DISCLOSURE OF EX PARTE COMMUNICATIONS

There were no disclosures of ex parte communications.

APPROVAL OF MINUTES

Commissioner Demes requested a correction be made to page nine of the minutes, changing “eight” to lower-case “(h).” Ms. Schemper confirmed the correction had been made previously.

Motion: Commissioner Demes made a motion to approve the October 28, 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 JULY 14, 2020 THROUGH OCTOBER 13, 2020, ROGO (Quarter 1, Year 29). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY. (FILE 2020-109)

(1:06 p.m.) Ms. Tiffiany Stankiewicz, Development Administrator, presented the staff report for the quarterly ROGO Allocations for the Lower, Upper Keys Sub Areas and Big Pine/No Name Sub Area. The Planning Department is recommending approval for the following market rate rankings: Lower Keys applicants ranked 1 through 8; Big Pine and No Name Key applicant ranked number 1, subject to mitigation availability at the time of permitting; and, Upper Keys applicants ranked 1 through 8. The four affordable housing applicants located in the Upper and Lower Keys for moderate were recommended for allocation award. All other applicants roll over to the following quarter. Staff recommended approval.

Commissioner Scarpelli noted it had been difficult to hear Ms. Stankiewicz. Ms. Emily Schemper repeated the presentation in more detail. Commissioner Scarpelli confirmed with Mr. John Wolfe that he was able to vote on these since he had no clients in this pool.

Vice-Chair Wiatt asked for public comment. There was none. Public comment was closed. Vice-Chair Wiatt asked for any additional questions, comments or concerns from the Commission. There were none.

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

2. 92425 OVERSEAS HIGHWAY, TAVERNIER, MILE MARKER 92: A PUBLIC HEARING CONCERNING A REQUEST FOR A VARIANCE TO ACCESS STANDARDS SET FORTH IN CHAPTER 114, ARTICLE VII AND A REQUEST FOR A VARIANCE OF 5 FEET TO THE REQUIRED 25 TO THE FRONT YARD SETBACK REQUIREMENTS SET FORTH IN CHAPTER 131 OF THE LAND DEVELOPMENT CODE (LDC). APPROVAL WOULD RESULT IN AN ACCESS DRIVE TO U.S. 1 THAT IS SPACED APPROXIMATELY 40 FEET FROM AN EXISTING ACCESS DRIVE AND WOULD RESULT IN A PRIMARY FRONT YARD SETBACK OF 20 FEET, ADJACENT TO US1. THE VARIANCES ARE REQUESTED FOR THE REDEVELOPMENT OF THE SUBJECT PROPERTY WITH A MINI-STORAGE UNIT FACILITY AND A SINGLE APARTMENT. THE SUBJECT PROPERTY IS DESCRIBED AS A PARCEL OF LAND IN SECTION 27, TOWNSHIP 62 SOUTH, RANGE 38 EAST, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING PARCEL ID NUMBER 00490270-000000. (FILE# 2020-161)

(1:11 p.m.) Ms. Devin Tolpin, Senior Planner, presented the staff report. This is a request for a variance to access standards and front-yard setback requirements on the subject property located in the SC Zoning District and Mixed Use Commercial FLUM Land Use Map Designation. The property is proposed to be redeveloped with a mini storage unit facility with a single apartment on the second floor. That use is a light industrial use which will require a minor conditional use permit as well. The applicant is requesting a variance to access standards and front yard setbacks. Approval would result in an access drive to U.S. 1 that is approximately 40 feet from an existing access drive and a primary setback of 20 feet. The LDC requires a 400 foot minimum distance requirement between curb cuts onto U.S. 1 unless the speed limit is 45 miles per hour, in which case that distance requirement can deviate down to 245 feet. Ms. Tolpin presented an aerial of the site as it is today. Ingress is proposed through Julep Road and is a one-way access drive which is then proposed to exit onto U.S. 1, and is the access drive approximately 40 feet from the northern curb cut which provides access to a property owned by the Key Largo Wastewater Treatment District. The second variance is to the setback requirements. The County LDC requires properties located within the median of U.S. 1 to have two primary front yard setbacks from each property line adjacent to U.S. 1 of 25 feet. This application is proposing a 20-foot setback along each property line. Ms. Tolpin presented the site plan with the new mini storage facility and apartment. The access drive is approximately 20 feet from the south U.S. 1 direction, and the structure and parking lot are approximately 20 feet from U.S. 1 heading north. This site plan does include an ice machine which is currently there today which does not appear to be in compliance and is not a part of this variance application. The Land Development Code gives the Planning Commission authority to grant a variance to the standards with or without conditions, if and only if the applicant has demonstrated that all of the required standards are met. Staff is recommending approval of the requested variance to the access standards and the front yard setbacks with the general conditions, including an additional condition that this variance approval does not include the existing ice machine.

Vice-Chair Wiatt asked for questions or comments from the Commission. Commissioner Ritz asked where the landscaping is on the site plan, adding that this would definitely be an improvement to the appearance of this area, but he's seen attractive mini storage facilities and some that are just a big warehouse. He would hate to see a big warehouse if it couldn't be

hidden in some way or at least mitigated. Ms. Tolpin responded that landscaping was not included on this particular site plan, but in the submitted plans it did include a landscape plan as well as a buffer yard. This development would require a Class C buffer yard within the setback area, one adjacent to U.S. 1 along the opposite setback area, as well as required parking lot landscaping. Commissioner Ritz confirmed that she was speaking of the buffer yard being along the road itself.

Vice-Chair Wiatt asked if the applicant wished to address the Commission. Mr. Chris Sante, after being sworn in by Mr. John Wolfe, stated that the entire 20-foot setback on the northbound lane would be landscaped with a Class C buffer, and also on the southbound side except where the access is going. The exit next to the sewer plant is an exit only. The entrance driveway is on Julep. Commissioner Scarpelli asked about the single-family residence. Mr. Sante responded that currently, there are two apartments. Upon redevelopment, he wants to put in affordable housing on top of the mini warehouse. Mr. Sante stated that he had heard they were running out of affordable units, but after this application, he would have two left over from other projects that he would be donating back to the County. Ms. Schemper responded that that could be discussed off line.

Vice-Chair Wiatt asked for public comment. There was none. Public comment was closed. Vice-Chair Wiatt asked for any further questions, comments or a motion. Commissioner Scarpelli confirmed with Ms. Tolpin that the ice machine would be required to come into compliance.

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

3. KEYS' MEADS, LLC, 99411 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 99.4: A PUBLIC HEARING CONCERNING THE REQUEST FOR A DD(CD) CRAFT DISTILLERY ALCOHOLIC BEVERAGE USE PERMIT, WHICH WOULD ALLOW FOR THE DISTILLING OF SPIRITUOUS LIQUOR AND THE SALE OF PRODUCTS DISTILLED ON ITS PREMISES IN SEALED CONTAINERS FOR OFF-PREMISES CONSUMPTION . THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS LOTS 39, 40, 41, 42, 43, 44, 45, 46, 47, AND 48, BLOCK 11, SUNSET COVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 165 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA HAVING PARCEL IDENTIFICATION NUMBERS 00505210-000000 AND 00505270-000000. (FILE 2020-179)

(1:23 p.m.) Ms. Devin Tolpin, Senior Planner, presented the staff report. This property is located within the Suburban Commercial Zoning District and the Mixed Use Commercial FLUM designation. In October of 2019, the Commission had approved a 2COP Alcoholic Beverage Special Use Permit for this property within one unit which is now known as High Tides Restaurant within a larger commercial retail structure. That 2COP allows for the on-premises consumption of beer and wine in sealed containers and for package sales. Again, in January of this year, the Commission approved another 2COP Alcoholic Beverage Use Permit for Keys' Meads, which allows for on-premises consumption of beer and wine in sealed containers and for package sales within the unit itself as well as the parking lot area. That approval was requested

in order to accommodate any sort of future events if the applicant were to go through the proper permitting routes for those events. The request today is for a DD(CD) Alcoholic Beverage Special Use Permit which would allow for the craft distilling within the unit itself only. This DD(CD) license is not being requested for the property which includes that parking lot area. The Planning Commission shall consider the following factors when reviewing a request for an Alcoholic Beverage Special Use Permit, including the effect of such use on surrounding properties: The suitability of the premises; the access, traffic generation, road capacity and parking requirements; the demands upon utilities, community facilities and public services; and compliance with County restrictions, requirements and regulations. Staff is recommending approval.

Vice-Chair Wiatt asked the Commission if there were any question for staff. Commissioner Ritz stated that he lives about a mile from this site which is an ideal and well-suited location for this. Commissioner Scarpelli had a question for the applicant, so Vice-Chair Wiatt then asked if the applicant wished to speak. Mr. Jeff Kessling was first sworn in by Mr. John Wolfe. Commissioner Scarpelli asked Mr. Kesling if he was restricting himself too much with this particular license for distilling without allowing the distribution of spirits. Mr. Kesling responded that the consumption on premise license is much more complicated to obtain, including requiring him to enter into a lottery or a purchase for well over \$150,000 for a license to serve. At this time, he is only looking for the simple craft distillery license. If he decides to pursue a distribution license in the future, it would not require Planning Commission approval, only County Commission approval. There were no further questions for the applicant.

Vice-Chair Wiatt then asked for public comment. There was none. Public comment was closed. Vice-Chair Wiatt asked for further comments, questions, or a motion.

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

BOARD DISCUSSION

Vice-Chair Wiatt nominated Commissioner Joe Scarpelli for Chairman. There were no opposing nominations. There was no opposition. Commissioner Joe Scarpelli was elected the new Chairman.

Commissioner David Ritz asked if it was possible to start these meetings at 1:00 p.m. normally as that time was better for him than 10:00 a.m. Vice-Chair Wiatt stated that had no problem with it other than the fact that it was not uncommon for the meeting to go until 4:00 or 5:00 with a 10:00 a.m. start time. However, there were no objections. Commissioner Ritz asked if it could be done if the agenda permitted. Ms. Emily Schemper had the same concern for the meetings that run longer which could require going hours into the evening, though it would legally be allowed. She would also have concerns with switching the time it back and forth and preferred to be consistent. Commissioner Ritz had a conflict for the 10:00 am start time in December. Ms. Schemper explained that the December meeting would potentially include the affordable housing project on Sugarloaf Key referred to as Dockside and Landings, and this item has a high potential for many public speakers and is a fairly contentious project. The bigger issue is that per Section 110-6 in the Land Development Code, hearing procedures for applications for development approval, in the event of written protests against a proposed major conditional use

permit signed by the real property owners of 20 percent or more of the people required to be noticed, then such application shall not be approved except by the concurring vote of at least four Commissioners before the full Board of the Commission. So that means in order to be heard, all five Commissioners would need to be present and they would need a vote of four. Those written protests have already been submitted and meet the requirement for the upcoming Dockside and Landings project. So the December meeting could be set for 1:00 p.m. so the full Commission can be present, but then the Commission would need to go from there. Commissioner Demes asked if he would be allowed to vote on that item being a resident of Sugarloaf Shores. Mr. Wolfe responded that it wouldn't be a problem since he does not have a financial interest in the project.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 1:45 p.m.