

PLANNING COMMISSION
October 19, 2010
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Tuesday, October 19, 2010**, beginning at 10:00 a.m. at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL by 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
Joe Haberman, Principal Planner	Present
Barbara Bauman, Planner	Present
Tiffany Stankiewicz, Dev. Administrator.-Planning and Environmental Resources	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

Townsley Schwab requested a deferral of the approval of minutes.

CHANGES TO THE AGENDA

Item No. 4 will be not be heard and will be re-advertised. Item No. 6 will be heard as Item No. 2.

MEETING

Continued Items:

1. A public hearing to consider and finalize the ranking of applications in the Dwelling Unit Allocation System for the market rate applications 3-44 in the Big Pine/No Name Key sub-area between April 13, 2010, through July 12, 2010, ROGO quarter (4th Quarter Year 18), unincorporated Monroe County.

(10:04 a.m.) Susan Grimsley informed the Commissioners that a letter of authorization of representation by Ray Garcia's firm had been received from Mr. Aikens, as well as from the proposed purchaser of Mr. Aikens' property.

Alexi Rodriguez, Esq. was present on behalf of Mr. Aikens. Ms. Rodriguez requested an extension of time in order to contest the flood zoning. Tiffany Stankiewicz explained the process of having a property reassessed regarding its flood zone and the effect that has in the ROGO process.

Motion: Commissioner Cameron made a motion to approve the rankings as set forth in the staff report. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

New Items:

6. Non-Residential Floor Area Allocation: The Planning Director is requesting recommendations from the Planning Commission, to the Board of County Commissioners, for the amount of commercial floor area to be available for the annual NROGO allocation for Year 19, beginning July 13, 2010 and ending July 12, 2011.

(10:15 a.m.) Tiffany Stankiewicz presented the staff report.

Chairman Wall asked for public comment. There was none.

Commissioner Cameron commented that the 2500 square foot limitation is not needed, as the whole idea of competition does not work, and has not worked for many years. Townsley Schwab stated that options are being looked into to address this issue.

Motion: Commissioner Cameron made a motion for approval of the recommendations in the staff report. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

2.D-Hooker Sports Bar & Grill, 102250 Overseas Highway (US 1), Key Largo, Mile Marker 102: A request for approval of a 5SRX (restaurant, no package sales) Alcoholic Beverage Special Use Permit to replace an existing 2COP (beer and wine, on premise and package) Alcoholic Beverage Special Use Permit. The subject property is legally described as part of Lots 6, 7 and 8 lying northwesterly of US 1 in Section 22, Township 61 South, Range 39 East, Model Land Company's Plat (PB1-68) less the south 200' and the north 60' thereof, Key Largo, Monroe County, Florida, having real estate number 00086730.000000.

(10:21 a.m.) Barbara Bauman presented the staff report. Ms. Bauman recommended approval with conditions.

James Lupino, Esq. was present on behalf of the applicant. Chairman Wall asked for public comment. There was no public comment.

Motion: Commissioner Cameron made a motion for approval with conditions in the staff report. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

3.The Shell Woman Inc., dba the Shell Man, 92439 Overseas Highway (US 1), Key Largo, Mile Marker 92: A request for approval of a 2APS (beer and wine, package only) Alcoholic Beverage Special Use Permit. The subject property is legally described as Parcels A and B, part Tract 2, Plat of Survey of the Ellis Property (PB2-99), Section 27, Township 62 South, Range 38 East, Key Largo, Monroe County, Florida having real estate number 00490210.000000.

(10:26 a.m.) Barbara Bauman presented the staff report. Ms. Bauman recommended approval with conditions.

Gary Johnson was present on behalf of the applicant. Chairman Wall asked for public comment. There was no public comment.

Motion: Commissioner Werling made a motion for approval with conditions in the staff report. Commissioner Cameron seconded the motion. There was no opposition. The motion passed unanimously.

5.Walgreens, 30351 Overseas Highway (US 1), Big Pine Key, Mile Marker 30: A request for approval of a 3APS (package only, included beer, wine and liquor) Alcoholic Beverage Special Use Permit. The subject property is legally described as a tract of land in part of the southeast quarter of the northwest quarter of Section 26, Township 66 South, Range 29 East, Big Pine Key, Monroe County, Florida having real estate number 00111690.000900.

(10:30 a.m.) Joseph Haberman presented background information on this property and presented the staff report. Mr. Haberman clarified that the commissioners were being asked to approve the special use permit, not the liquor license, and explained which licenses were quota licenses. Mr. Haberman then summarized the relevant criteria used in approving or denying a permit request.

Staff recommended approval with conditions, and added the disclaimer that staff reserved the right to write additional conditions if people came forward and proved they were being adversely affected by the requested use.

(10:50 a.m.) Ed Scales, Esq. and Rob Lewis, Esq. were present on behalf of the applicant. Mr. Scales reminded the commissioners that the narrow issue before them was whether the site meets the five criteria for the special use permit.

(10:53 a.m.) Bruce Beckner, the store manager, was sworn and described the size of the store and which area of the store would be dedicated to the sale of alcohol. Mr. Beckner also described the services to be provided and the types of products sold at the store. Approximately fourteen Walgreen's employees were in the audience and were introduced. Mr. Beckner agreed to the conditions in the staff report.

(10:58 a.m.) Don Craig, Planner, was sworn and presented his education and land use background. Mr. Scales proffered Mr. Craig as an expert. The suburban commercial zoning of the property was explained, and the other liquor licenses issued to properties within proximity to Walgreen's was described. Mr. Craig stated that he did not feel the requested use would have an impact on any properties within 500 feet of the subject property and that the requested use is consistent with the applicable Monroe County land development regulations.

(11:05 a.m.) Joaquin Vargas of Traf Tech Engineering was sworn and presented his traffic engineering background. Mr. Scales proffered Mr. Vargas as an expert. Mr. Vargas opined that the application of the liquor sales will have a negligible effect in terms of traffic increase in the area and would not adversely affect the site's compliance with all applicable laws and ordinances from a traffic perspective.

Chairman Wall asked for public comment.

(11:11 a.m.) Steve Miller, an owner of Big Pine Liquor, stated that he feels the requested use will generate traffic in the area. Mr. Miller added that there were too many liquor stores in too small of an area, within five miles, of the subject property.

(11:17 a.m.) Charles Tallent of Big Pine Key stated he welcomes the competition in the area.

Mr. Haberman informed the commissioners that there is no criteria relating to number of licenses in the area. Mr. Scales concluded that even though saturation may be an important issue, it is a legislative issue that should be dealt with by the County Commission and is not part of the five criteria at issue.

Commissioner Cameron asked if a traffic study that included the liquor sales might be warranted. Chairman Wall stated he didn't believe that an additional traffic study would be reasonable. Mr. Haberman agreed that another traffic study was not necessary.

Motion: Chairman Wall made a motion to approve the staff report as presented and approve the permit. Commissioner Hale seconded the motion. A poll was conducted with

the following results: Commissioner Hale, Yes; Commissioner Cameron, No; Commissioner Lustberg, Yes; Commissioner Werling, No; and Chairman Wall, Yes. The motion passed.

7.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 101-1, DEFINITIONS, AND SECTION 130-187, MAXIMUM HEIGHT; PROVIDING CONSISTENCY BETWEEN REGULATIONS REGARDING HEIGHT IN THE LAND DEVELOPMENT CODE AND POLICIES REGARDING HEIGHT IN THE COMPREHENSIVE PLAN; PROVIDING CONSISTENCY BETWEEN THE DEFINITIONS OF HEIGHT AND GRADE IN THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

(11:32 a.m.) Joseph Haberman presented the staff report.

Commissioner Cameron stated that he disagreed with no allowance being made for affordable housing. Chairman Wall commented that he feels the location of the measurement should be changed in the definition of grade.

(11:48 a.m.) Don Craig, Planner, agreed that the definition of grade should be tightened up. Mr. Craig encouraged the commissioners to change both the definition of height and grade, and to change the criteria that spells out how it is to be measured, and from where, in a comprehensive way. Mr. Craig also encouraged the commissioners to not put limits on alternative energy sources.

(11:58 a.m.) John November was present and pointed out that the language related to 44 feet, affordable housing and hotels was never passed by ordinance by a County Commission. Mr. November urged the commissioners to pass the proposed ordinance.

Motion: Commissioner Cameron made a motion for approval. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

BOARD DISCUSSION

Scheduling of upcoming meetings was discussed.

GROWTH MANAGEMENT COMMENTS

(12:06 p.m.) Mitch Harvey gave an update on the comprehensive plan process. Several complete drafts of the technical document have been received from Keith & Schnars.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 12:13 p.m.