

PLANNING COMMISSION

April 27, 2011

Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, April 27, 2011**, beginning at 10:09 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

Denise Werling, Chairman	Present
Randy Wall, Vice Chairman	Present
Jeb Hale	Present
Elizabeth Lustberg	Present
William Wiatt	Present

STAFF

Townsley Schwab, Sr. Director-Planning and Environmental Resources	Present
Susan Grimsley, Assistant County Attorney	Present
Thomas Wright, Planning Commission Counsel	Present
Joe Haberman, Planning and Development Review Manager	Present
Mitch Harvey, Comprehensive Planning Manager	Present
Steven Biel, Senior Planner	Present
Rey Ortiz, Planner	Present
Barbara Bauman, Planner	Present
Gail Creech, Planning Commission Coordinator	Present
Kim Kiraly, Staff Assistant	Present

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

County Resolution 131-92 was read into the record by Thomas Wright.

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Gail Creech confirmed receipt of all necessary paperwork.

SWEARING OF COUNTY STAFF

All staff members intending to speak were sworn in by Thomas Wright.

CHANGES TO THE AGENDA

Item Number 2, Roy's Trailer Park, had asked to be continued to the June 22, 2011 meeting.
Motion: Vice Chair Wall made a motion to continue Item 2 to June 22, 2011.

Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously. Ms. Grimsley noted that this was the first of two required public hearings on this item and it will be continued to that date and time.

MEETING

Continued Item:

1. Maxima Communication Corporation, 91940 Overseas Highway Suite # 3, Tavernier, Mile Marker 91: A request for approval of a 2-APS (beer and wine, package only) alcoholic beverage special use permit. The subject property is legally described as Block 1, Lots 26-31, Tavernier, Key Largo, Monroe County, Florida, having real estate number 00478550.000000.

(10:13 a.m.) Ms. Bauman presented the staff report. Staff recommended approval with conditions, which conditions were then outlined. Ms. Bauman informed the Commission that there is a minor code violation associated with this business that can be easily rectified.

Maria Perez, applicant, was sworn in by Mr. Wright. Ms. Perez stated that she wishes to extend her business.

Chair Werling asked for public comment.

Sue Hine, Tavernier resident, submitted photographs to the Commission. Mr. Wright asked for a vote of the Commission to admit the photographs since they were not submitted within the required time prior to the hearing. **Motion: Vice Chair Wall made a motion to accept the photographs. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.**

Sue Hine was sworn in by Mr. Wright. Ms. Hine stated that extending the business to include alcohol sales does not add anything to the character of the community, and that the configuration of the three streets at this location and the parking lot are not conducive to more traffic either coming in or being parked. Ms. Hine added that Sunbiz lists another business called Azucar Party Rentals operating out of this same address. There is a school bus stop close to this location.

Maria Sardinias was sworn in by Mr. Wright. Ms. Sardinias clarified that the party rental business is a new business that will be opening in Key Largo. Ms. Sardinias named several businesses in close proximity to Maxima Communication that sells beer and wine.

Ms. Bauman also stated that the party rental business is not being run out of this location and that there did appear to be ample parking. Chair Werling asked for, and received, confirmation that the store is not going to extend or change their hours of operation.

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

3.Douglas & Laurie Schroeder, 983 Indies Drive, Ramrod Key, Mile Marker 27: A request for approval of a variance of five (5) inches from the established fifteen (15)-foot front yard setback (established from a previous variance in 2004) along the western portion of the Indies Drive right-of-way, seven (7) inches from the required twenty-five (25)-foot front yard setback along the southern extension of the Indies Drive right-of-way, and five (5) inches from the required five (5)-foot side yard setback along the eastern property line. The subject parcel is legally described as Block 2, Lot 82 (less the North 25 feet), Breezeswept Beach Estates (PB4-143), Ramrod Key, Monroe County, Florida, having Real Estate Number 00201740.000000.

(10:33 a.m.) Steven Biel presented the staff report. There was a previous administrative variance of ten feet back in 2004. Mr. Biel explained that the applicant built a house and there were some slight modifications that never got picked up during the course of the construction, but during the final inspection it was discovered. Either this variance needs to be approved or the applicant would have to redesign the roof for a matter of inches, and staff thinks that the variance would be the prudent way to go about solving this.

A brief history was given of the property. Photographs of the property were projected. Staff recommended approval with conditions, which conditions were then outlined. The reasons for this discrepancy were discussed.

Temple Drummond, Esquire, appeared on behalf of the owners and was sworn in by Mr. Wright. Mr. Drummond explained that the additional inches on the roof line are a result of an error in the amount of eave on the sides of the house being 12 inches as opposed to the six inches drawn on the plans. The error on the front of the house is a result of the survey being off by one foot. The prior variance request was necessary because this is a corner lot and there is a 25-foot setback on both corner sides. Mr. Drummond pointed out that the errors made were not Mr. and Mrs. Schroeders' errors. When the error was discovered, the Schroeders brought it to the County's attention to get it taken care of.

Vice Chair Wall felt that what has been requested is perfectly reasonable, and feels that the waterside setback should be recognized and validated as being approved by the County. Mr. Schwab stated that there cannot be a variance to the shoreline, that it must be modified. Mr. Haberman brought to the Commission's attention that the proposed variance does not address the shoreline setback issue, which has to be addressed in the future, which might be as simple to fix as submitting the boundary survey to the building department as a revision so it is documented. Mr. Haberman stated that there have been no comments by any of the neighbors within the 300 surrounding feet to staff up to the present time. Mr. Schwab suggested that after this meeting staff meet with the senior administrative biologist and come up with a strategy of how to address the shoreline setback issue.

Chair Werling asked for public comment.

(10:59 a.m.) Margaret M. Miller, neighbor, was sworn in by Mr. Wright. Ms. Miller submitted a letter authored by her in '04 addressing the prior variance. Nobody on the Commission objected to the late submission of documents. Mr. Wright reminded the Commission that the prior variance is not at issue today or relevant to the issues in front of them.

Ms. Miller explained that the reason the letters were being submitted is because of her concern with the condition of that substandard road, Indies Drive, which does go around the corner, as well as her concern regarding the difficulty of trash collection in this area, which was then explained. Ms. Miller stated that the roof issue is not a huge problem with her, but as a concession she would like there to be assurance that the difficult situation with regard to the street and trash pickup does not get any worse.

Rob White was present on behalf of Mr. Reese, surveyor, and was sworn in by Mr. Wright. Mr. White spoke about the setback in the rear to the approximate shoreline. Mr. White explained that there will be a 20-foot setback there if mean high water is properly located. Mr. White admitted that there is a one-foot error in the survey, and spoke of the difficulty in navigating Indies Road at the turn. Different locations on the survey were pointed out by Mr. White.

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

Mr. Schwab stated that he wished to collaborate with Public Works and Engineering to look at the issue of the pole at the turn on Indies Road. Vice Chair Wall stated that if this survey were done at grade, it would seem that the residence would meet all the requirements.

Motion: Vice Chair Wall made a motion to approve with the conditions set forth in staff's recommendations. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

Ms. Grimsley requested that Item 2 be read into the record and a formal vote on the continuance occur.

2.Roy's Trailer Park, 6500 Maloney Avenue, Stock Island, Mile Marker 5: A request for approval of a development agreement between Roy's Trailer Park, Inc. and Monroe County. The development agreement would allow the property owner to transfer market-rate Rate of Growth Ordinance (ROGO) exemptions associated with 108 existing, lawfully established dwelling units to another receiver site or sites in exchange for maintaining an equal or greater number of deed-restricted affordable dwelling units on the subject property or sender site. The development agreement is required as part of an affordable housing incentive program as set forth in Section 130-161.1 of the Monroe County Code. The subject property is legally described as Lots 4-11 and 40-47, Square 46, Maloney Sub (PB1-55), Stock Island, Monroe County, Florida, having real estate number 00126090.000000.

Motion: Commissioner Lustberg made a motion to continue Item 2 to the June 22, 2011 Planning Commission meeting at 10 a.m. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

GROWTH MANAGEMENT

Mitch Harvey informed the Commission that at the May 25th, 2011 Planning Commission meeting Keith & Schnars will be giving an element by element review, with hardbound copies of the document distributed to the Commission more than ten days prior to the presentation.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 11:22 a.m.