

PLANNING COMMISSION
September 14, 2011
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, September 14, 2011**, beginning at 10:05 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
John Wolfe, Planning Commission Counsel	Present
Joe Haberman, Planning and Development Review Manager	Present
Mitch Harvey, Comp Plan Manager	Present
Tiffany Stankiewicz, Development Administrator	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 members intending to speak were sworn in by John Wolfe.

APPROVAL OF MINUTES

Motion: Vice Chair Wall made a motion to approve the minutes of the July 13, 2011 meeting. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

Motion: Commissioner Lustberg made a motion to approve the minutes of the July 27, 2011 meeting. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

CHANGES TO THE AGENDA

Staff requested to hear Items 2, 3 and 4 before Item 1.

MEETING

New Items:

2.A public hearing to consider and finalize the ranking of applications in the Dwelling Unit Allocation System for the April 13, 2011 through July 12, 2011 ROGO quarter (4th Quarter Year 19). Building permits will be allocated for all unincorporated Monroe County.

(10:08 a.m.) Tiffany Stankiewicz presented the staff report. The Planning and Environmental Resources Department recommended approval of the following market rate rankings: Lower Keys applicants ranked 1 through 3 are recommended for allocation awards; Lower Keys administrative relief applicant ranked 1 is recommended for allocation; Big Pine/No Name Key applicants ranked 1 through 2 are recommended for allocation based upon mitigation available; Upper Keys applicants ranked 1, 3 through 7, 9 and 11 through 18 are recommended for allocation awards. Staff is holding allocations in abeyance for applicants ranked 2, 8 and 10 since the properties do not have tier designations at this time. Once tier designations are finalized, staff will bring the allocations back to the Planning Commission for a recommendation of either sufficient ranking or insufficient ranking for an allocation award. Upper Keys administrative relief applicants ranked 1 through 2 are recommended for allocations. There were no affordable housing applicants.

Chair Werling asked for public comment. There was none.

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

3.A public hearing to consider and finalize the ranking of applications for Non-Residential Floor Area for all unincorporated Monroe County for the NROGO Period 2 of Year 19 January 13, 2011 – July 12, 2011. Building permits will be allocated for all unincorporated Monroe County.

(10:10 a.m.) Tiffany Stankiewicz presented the staff report. Staff recommended approval of NROGO allocations to be awarded to applicants in unincorporated Monroe County, excluding Big Pine/No Name Key, ranked 1 through 2, requesting a total of 1,864 square feet of floor area. There were no applicants on Big Pine/No Name Key.

There was no public comment.

Motion: Commissioner Hale made a motion to approve staff's recommendation. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

4.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 20, beginning July 13, 2011 and ending July 12, 2012.

(10:11 a.m.) Tiffany Stankiewicz presented the staff report. The Planning Department recommended 47,200 square feet, which is the maximum amount available of non-residential floor area, for the annual NROGO allocation period for Year 20, to be distributed as follows: Lower and Upper Keys subarea, the maximum amount of available nonresidential floor area for the annual NROGO allocation for Year 20 shall be 44,700 square feet. Year 20 will begin July 13, 2011 and will end July 12, 2012, with the first allocation period ending on January 12th, 2012 and the second allocation period ending July 12, 2012. The first allocation period shall be for 22,350 square feet and the remainder 22,350 square feet shall be held in reserve for the second allocation period of July 12, 2012, ending that date. 100 percent of the available floor area for each allocation period shall be for applicants requesting 2,500 square feet or less. For the Big Pine/No Name subarea, the maximum amount of available nonresidential floor area for the annual NROGO allocation for Year 20 shall be for 2,500 square feet. The year will begin July 13, 2011 and will end July 12, 2012. The first allocation shall be for 2500 and the remainder shall be held in reserve for the second allocation period ending July 12, 2012. 100 percent of the available floor area for each allocation period shall be for applicants requesting 2,500 square feet or less.

There was no public comment.

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

Continued Item:

1.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTIONS 138-19, RATE OF GROWTH ORDINANCE (ROGO), 138-25, APPLICATION PROCEDURES FOR RESIDENTIAL ROGO, 138-26 EVALUATION PROCEDURES FOR RESIDENTIAL DWELLING UNIT ALLOCATION, 138-28, EVALUATION CRITERIA, 138-47, NONRESIDENTIAL RATE OF GROWTH ORDINANCE, 138-52, APPLICATION PROCEDURES FOR NROGO, AND 138-55, EVALUATION CRITERIA (NROGO); ESTABLISHING NEW MONROE COUNTY CODE SECTIONS 138-29, ROGO SITE PLAN APPROVAL PROCESS AND 138-56, NROGO SITE PLAN APPROVAL PROCESS; RENUMBERING EXISTING MONROE COUNTY CODE SECTION 138-56, EMPLOYEE HOUSING FAIR SHARE IMPACT FEE TO SECTION 138-57, ELIMINATING SECTIONS 110-142, COMPLIANCE REQUIREMENTS FOR BUILDING PERMIT APPLICATIONS REQUIRING A ROGO OR NROGO ALLOCATION AWARD OR SUBMITTED UNDER

PRIVATIZED PLAN REVIEW, AND 110-143, DEADLINES FOR SUBMISSION OF BUILDING PERMIT APPLICATIONS TO BE ENTERED INTO THE RESIDENTIAL AND NONRESIDENTIAL PERMIT ALLOCATION SYSTEMS, TO ELIMINATE THE REQUIREMENT THAT A BUILDING PERMIT BE “APPROVED” PRIOR TO ENTERING ROGO OR NROGO AND REPLACE THAT REQUIREMENT WITH A REQUIREMENT THAT APPLICANTS SEEKING ROGO OR NROGO ALLOCATIONS OBTAIN A SITE PLAN APPROVAL PRIOR TO ENTERING ROGO OR NROGO; 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.

(10:15 a.m.) Joe Haberman presented the staff report. Mr. Haberman explained that the main purpose of this amendment is to improve upon the ROGO and NROGO systems. One reason for this is prior to entering ROGO or NROGO a full set of building plans and architectural plans must be prepared. A lot of money may be put into architectural plans for a building that may never be built, and because a building permit is reviewed in full prior to entering ROGO, but it is not issued until after receiving the ROGO allocation. It is possible that a building permit may be approved for a building that by the time the permit is actually issued is out of date with the Florida Building Code. The full building plans would not be reviewed until the back end, but the site plan and things that rarely change in the code would be reviewed in the front end. There have been a lot of changes discussed internally with staff. Unless the Commission is comfortable with Mr. Haberman making changes without the Commission’s review, Mr. Haberman requested a continuance of this item to the next meeting.

Vice Chair Wall noted that it appears that there is no requirement on the ROGO side for pre-approvals by the Health Department, the power company and water company. Mr. Haberman answered that because a lot can happen between when applying for the ROGO site plan and applying for the building permit, maybe a coordination letter could be submitted at the time of the building permit application showing that at least it is there at the time of ROGO. Mr. Haberman stated that language could be included to make it clear that just because a site plan is approved and actually entered into ROGO does not guarantee that a building permit will be given.

Mr. Haberman informed the Commission that staff has reached out to other departments to coordinate this effort. The next version of this amendment presented at the next meeting will include what other departments need to be approached for approval and when. Ms. Stankiewicz clarified for Commissioner Lustberg that ROGO points are given when it is determined that a property is able to be connected to sewer. Mr. Haberman added that a property owner is not denied their application and the application is not tolled because they are not ready to be hooked up to sewer. Once they get their ROGO allocation, they have to keep that building permit alive through the building permit channels. Ms. Stankiewicz further added that an application for an extension is typically granted for up to six months for those property owners who are in areas where sewer hookup is not available to allow them to get an engineered system on their property.

Vice Chair Wall thinks it would be good to have some communication from the Health Department stating that an on-site sewage treatment system is feasible for that property before it goes into the ROGO system. Mr. Haberman stated he would try to work a letter of coordination or some other kind of documentation into application submittal requirements. Vice Chair Wall suggested that the professional architect may be qualified to make that determination. Commissioner Lustberg then asked if the information the County would get in the site plan would be enough to let staff determine what they need for the ROGO rankings. Mr. Haberman answered that it is framed off what is already required for a conditional use. Everything is related to the site plan for both NROGO and ROGO. Commissioner Lustberg stated that she would be comfortable holding off on this item until staff comes back with a cleaned-up version of the amendment.

Motion: Commissioner Lustberg made a motion to continue this item until the next Planning Commission meeting. Vice Chair Wall seconded the motion. There was no opposition. The motion passed unanimously.

GROWTH MANAGEMENT COMMENTS

Mr. Schwab brought to the Commissioners' attention that the November 23 Planning Commission meeting is the day before Thanksgiving and during a week that many people take advantage of for vacation and family. The Commissioners agreed to cancel that meeting. Mr. Schwab then reminded the Commissioners that on November 2, 2011, from 10 a.m. to 1 p.m. Keith & Schnars will give a presentation to the Planning Commission of the Evaluation and Appraisal Report. Mr. Schwab then informed the Commission that the new planner introduced at the July meeting has moved on to another job, but Mr. Schwab believes that planner will be replaced quickly.

BOARD DISCUSSION

Vice Chair Wall asked at what stage the tier map challenge was currently. Ms. Grimsley stated that there was a challenge of one of the ordinances by one property owner of the group of 350 approved to be looked at by the BOCC. There was also a challenge of all four ordinances by another property owner, which all four were found to be insufficient on their face, but they were given 30 days to amend their petitions. Ms. Grimsley is hopeful that because severability clauses have been put in place to separate out those particular properties, the entire body of work will not be held up until those petitions are resolved. The group that brought the original challenge of these tiers has not appealed at this point.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 10:42 a.m.