

PLANNING COMMISSION
December 21, 2011
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, December 21, 2011**, beginning at 10:08 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	Absent
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
Mike Roberts, Administrator, Environmental Resources	Present
Joe Haberman, Planning & Development Review Manager	Present
Mitch Harvey, Comp Plan Manager	Present
Rey Ortiz, Planner	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.

CHANGES TO THE AGENDA

Ms. Creech announced that Item Nos. 4 and 5 would be heard as Items 1 and 2, Item 2 would be heard as Item 3, Item 1 would be heard as Item 4, and Item 3 would be heard as Item 5. The Commissioners had no objection.

APPROVAL OF MINUTES

Motion: Vice Chair Wall made a motion to approve the minutes of the November 2, 2011 meeting. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

Motion: Vice Chair Wall made a motion to approve the minutes of the November 9, 2011 meeting. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

New Items:

1. Pirate Hat Marina, 199 Morris Lane, Cross Key/Key Largo, Mile Marker 113: A request for approval of a variance that the required off-street parking be reduced from 36 parking spaces to 26 parking spaces, a reduction of twenty eight (28) percent. The granting of this variance will allow the property owner to proceed with a Major Conditional Use for the site. The subject parcel is legally described as Lot 1, Monroe Park Subdivision, Cross Key, Monroe County, Florida, having Real Estate Number 00572820.000000 and 00152810.000000.
(File 2011-095)

(10:11 a.m.) Rey Ortiz presented the staff report. Mr. Ortiz reported that this is a request for a variance to reduce the off-street parking requirements for a proposed redevelopment from 36 spaces to 26 spaces. Part of the reduction would include a waiver of the six 14-by-55 parking spaces required for the boat ramp. The site is deemed to have a major conditional use permit. Concurrently the applicants have applied for an amendment to the major conditional use permit in order to redevelop the existing area by installing dry boat racks to accommodate up to 80 vessels, modifying the existing off-street parking area, installing new landscaping and other associated improvements. The applicant demonstrates that they meet the criteria for a variance based on staff's recommendation. Staff recommended approval of the variance application if the following conditions are met: The proposed site plan shall be approved by a major conditional use permit; if the major conditional use permit application is denied for any reason this variance approval is null and void; this variance is based on the design of the development as shown on the site plan submitted with the variance and major conditional use permit application; alterations of the site plan may not be carried out without additional Environmental Resources approval; and this variance does not waive the required parking for any future structures or additions.

Mr. Ortiz explained to Vice Chair Wall that the applicant has vertical parking within the development and that is why staff recommends approval of the reduction in parking spaces. Mr. Ortiz described for Commissioner Wiatt the surrounding area as well developed.

Joel Reed, Planner, was present on behalf of the applicant, Bud Cornell, who was also present. Mr. Reed was sworn in by Mr. Wolfe. Mr. Reed gave a brief history of this site. Mr. Reed explained that applying setbacks to this peninsula-shaped property would not leave any land on which to have boats. The applicant is trying to create a balance by bringing the site into

compliance to the maximum extent practicable and not be overly egregious with the request of the number of slips and boats on the property. Different layouts for the rack options have been analyzed. Mr. Reed described the adjacent properties as intensely developed peninsula marinas. The boat ramp will remain open to the public, but primarily will be used by clients who store their boats off season. One of the three rack systems will be used for trailer storage. The applicant has submitted with their application a study of six other marinas that show the parking requirements for dry rack slips are high compared to what is actually used at the marinas.

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

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

2.Pirate Hat Marina, 199 Morris Lane, Cross Key/Key Largo, Mile Marker 113: A request for approval to amend the site's major conditional use permit to allow for the addition of boat racks (dry slips), parking, landscaping and other associated site improvements. The subject parcel is legally described as Lot 1, Monroe Park Subdivision, Cross Key, Monroe County, Florida, having Real Estate Number 00572820.000000 and 00152810.000000. (File 2011-096)

(10:23 a.m.) Rey Ortiz presented the staff report. Mr. Ortiz reported that this is a follow-up to the variance application just heard. The applicant is requesting an approval to amend an existing major conditional use permit in order to redevelop the existing marina by installing dry slips to accommodate up to 74 vessels. As part of the amendment the applicant is requesting a special approval to allow water dependent marina uses within the shoreline setbacks. Mr. Ortiz then described the property. The applicant must indicate in the final plan if the bath house structure is going to be remaining or not. A significant concern that must be resolved is one of the boat racks appears to be in the middle of one of the 88 parking spaces. Site improvements include a plan for retrofitting existing facilities to include an on-site pump out station and sewage treatment as required by the comprehensive plan. Staff recommended approval of the revised site plan submitted after the DRC meeting. Mr. Ortiz then outlined the conditions that must be met prior to the issuance of a resolution for approval by the Planning Commission.

Chair Werling asked if removal of the bath house should be included as a condition, to which Mr. Ortiz answered that it is not included in the approved site plan at this point.

Joel Reed, Planner, was present on behalf of the applicant. Mr. Reed clarified for Chair Werling that Condition B states prior to issuance of a resolution for approval by the Planning Commission the applicant shall submit a revised site plan addressing concerns outlined in the staff report, which would include a pump out station location. Mr. Reed stated that the site plans were revised after the DRC meeting which included the bath house, which is why the number of dry slip spaces was lowered. Mr. Ortiz corrected himself and clarified that he meant to say canopy area north of the bath house, not the bath house itself. Mr. Reed agreed that canopy area would be removed. A site plan of what the applicant is requesting approval for was shown. Mr.

Reed described the sewage system that supports the bath house as a thousand-gallon septic tank, which has plenty of capacity for the uses on this site.

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

Vice Chair Wall asked for clarification of Condition B. Mr. Reed stated that the applicant accepts Condition B to show the pump out location and also provide ADA parking spaces in compliance with the regulations. Chair Werling requested to have the items that were listed as other issues put in as conditions.

Motion: Vice Chair Wall made a motion for approval in accordance with staff's recommendations and including the other issues discussed to be included in Condition B. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

3.Key Largo Ocean Resort (KLOR), 94825 Overseas Highway (US 1), Key Largo, Mile Marker 94.8: A request for approval of a major deviation to the site plan and major conditional use permit approved by Planning Commission Resolution #P35-07. The subject parcel is legally described as portions of Sections 13 and 14, Township 62 South, Range 38 East on Key Largo, being part Tract 10 and part Tract 11 of Southcliff Estates (PB2-45), Monroe County, Florida, having real estate numbers 00483390.000000, 00483400.000000, 00088680.000100 and 00088670.000100.

(File 2011-119)

(10:38 a.m.) Joe Haberman presented the staff report. Mr. Haberman summarized the history of this proposed development. Today the applicant is asking for a major deviation to the conditional use site plan. The types of uses are not going to change, nor are the accessory uses. The applicant is asking for some changes to the approved site plan. Architectural guidelines will be used as opposed to pre-approved model homes, which gives more options for building. Staff believes the site plan is consistent with the parameters of the original conditional use and is consistent with the code. Staff recommended approval of the deviation with conditions. Mr. Haberman then outlined those conditions.

Attorney Kent Harrison Robbins was present on behalf of the applicant. Mr. Robbins stated that in the co-op's election concerning the site plan only three people out of 285 units opposed the proposed guidelines and site plans. Any objections that were lodged by the oceanfront units have been withdrawn and released. The applicant agrees with the conditions set forth in the staff report. KLOR's architect will discuss further Condition A, which is the square footage issue. Mr. Robbins updated the Commission that the guidelines have been modified in order to accommodate the objections of the waterfront owners, a new guard house will be put in, the total square footage of open space has increased by over 100 percent, and the number of community parking spaces has increased from a total of 29 spaces to a total of 60 spaces. Two parking spaces are designated under each of the units and parking will not be allowed along the streets. All of the fire, open space and accessibility issues have been resolved by the new site plan. Mr. Robbins briefly described the architectural guidelines. Mr. Robbins then thanked staff for their cooperation in this matter.

Mr. Robbins clarified for Vice Chair Wall that each unit's parking will be underneath the structure. Mr. Robbins also informed Vice Chair Wall that there is a storage area permitted underneath the units, but that is the only area that would be permitted to be enclosed. Mr. Haberman explained that by requiring that the architectural guidelines be recorded with the approval would require a major deviation to allow any modification of them.

Orestes Lopez Recio, architect for KLOR, was sworn in by Mr. Wolfe. Mr. Lopez-Recio agreed with the conditions imposed by staff. A plan was submitted to the Commissioners showing the acreage of the different areas of the property. Mr. Haberman stated that this plan would satisfy the first condition imposed.

Vice Chair Wall brought up his concern of the possibility of the entire area underneath the units being enclosed. Mr. Recio-Lopez explained that that is controlled in the guidelines by requiring the highest parking area under the unit to be plus six feet above mean sea level and that the minimum flood zone is eight feet in that area. Mr. Recio-Lopez suggested revising the guidelines to make it a point that the bottom ground floor area may not be enclosed. Mr. Haberman suggested using the language 299 square feet of enclosure is allowed or current flood plain rules, whichever is more restrictive. Mr. Recio-Lopez agreed to that language.

Chair Werling asked for public comment.

Stanley Nitz, neighbor of the KLOR property, was sworn in by Mr. Wolfe and then asked how close the houses would be to the lot line on the south end of the property, to which Mr. Lopez-Recio answered that there is a landscape buffer of 20 feet between the project property line and the nearest unit boundary line and that it will be heavily landscaped.

Angel Cortina was sworn in by Mr. Wolfe. Mr. Cortina stated that individual proprietary leaseholders and owners agree with the revised site plan that respects the shoreline setback in each of the properties along the shore. Mr. Cortina voiced his concern that making the 299 square foot limit a condition would delay the process, and then explained that that condition is not necessary because it is written into the design guidelines. Mr. Cortina then thanked staff, and especially the Commissioners for respecting the property rights, which led to the resolution among the vast majority of people in KLOR.

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

Vice Chair Wall asked if imposing the condition of the 299 square foot limit would create an unnecessary delay, to which Mr. Haberman answered that is a possibility. Mr. Wolfe advised the Commission that this would be a condition imposed on the approval and that condition would not require them to amend their guidelines. Mr. Haberman informed Chair Werling that the plan just submitted by Mr. Recio-Lopez will be accepted by staff and a sealed survey is no longer necessary to satisfy the first condition.

Motion: Vice Chair Wall made a motion to approve the major deviation with staff's conditions written in the staff report, deleting Condition A and adding the condition that

there shall be no enclosed area below the first level other than storage up to 299 square feet or less if the Monroe County Code authorizes a lower amount, whichever is more restrictive at time of permitting. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

Continued Item:

4.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE REGULATIONS PERTAINING TO SIGNAGE IN MONROE COUNTY CODE CHAPTER 142, SIGNS; 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 CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. (File 2011-113)

(11:20 a.m.) Mr. Haberman presented the staff report. Mr. Haberman reported that three changes have been made. The first change is a whole new section was created for guidelines. The guidelines were not changed, but they were reorganized. The second change made is a whole new administrative variance was created for multi-tenant/multi-user signs. The biggest change made is allowing A-frame signs for those who do not have a ground-mounted sign. It would still be permitted, but the cumbersome requirements have been removed. The permit requirement remains because that enables code compliance officers to check them. The term “user” for the multi-tenant/multi-user signs will be defined as any business or organization.

Mr. Haberman explained to Vice Chair Wall that when a permit is issued for a ground-mounted sign, then the right of the A-frame would go away. An A-frame sign is now being called a type of ground-mounted sign. Mr. Haberman further explained it is going to be a small population of businesses that do not have a ground-mounted sign that can do this. Signage is due to the property, not necessarily a building, so if a property has two or three buildings on it, technically only one ground-mounted sign is allowed. Vice Chair Wall questioned whether the language stricken on Page 19 should remain. Commissioner Wiatt answered that this will still provide the relief the Commission desired to give. Mr. Haberman pointed out that if somebody is in a real unique situation, they can come to the Planning Commission and request an adjustment of the rules if they meet the conditions or the standards of a variance.

Chair Werling asked for public comment.

Dan Leslie, Key West resident, asked for clarification on what is considered a ground-mounted sign. Mr. Haberman explained that if a sign rests on the ground or is affixed to the ground, it is considered ground mounted. Mr. Haberman further clarified for Mr. Leslie that if somebody has a wall-mounted sign or roof-mounted sign, they could still have an A-frame sign. Mr. Leslie believes this is something that business owners can accept.

Marney Brown, Big Pine Key business owner, thanked the staff and the Commission for their consideration and kindness shown in this matter.

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

Motion: Commissioner Wiatt made a motion to approve the amendments to the text of Monroe County Code concerning County sign regulations and incorporate Bullet E on Page 3 of 31 that discusses A-frame signs as ground-mounted signage. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

New Item:

5. CONSIDERATION OF A RESOLUTION TRANSMITTING TO THE STATE LAND PLANNING AGENCY AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AN AMENDMENT TO THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, CREATING POLICY 101.4.26 TO ESTABLISH A NEW FUTURE LAND USE MAP DESIGNATION CATEGORY OF MARITIME HARBOR ISLAND, AMENDING POLICY 101.4.21 TO ESTABLISH DENSITY AND INTENSITY STANDARDS FOR THE MARITIME HARBOR ISLAND CATEGORY AND AMENDING POLICY 101.5.8 TO ALLOW LANDS DESIGNATED AS MARITIME HARBOR ISLAND TO BE A RECEIVER SITE FOR TRANSFERRABLE ROGO EXEMPTIONS (TRES); PROVIDING FOR SEVERABILITY; DIRECTING THE DIRECTOR OF PLANNING TO FORWARD A COPY TO THE FLORIDA STATE LAND PLANNING AGENCY; PROVIDING FOR FILING WITH THE SECRETARY OF STATE; PROVIDING FOR THE INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

(File 2011-078)

(11:36 a.m.) Susan Grimsley explained that the Bureau of Land Management of the Federal Government has asserted ownership over Wisteria Island. FEB Corporation, the applicant on this amendment, is also still claiming ownership of the property. Ms. Grimsley believes it would be inappropriate to move forward on this matter until the question of ownership is settled.

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

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 11:39 a.m.