

PLANNING COMMISSION
May 29, 2019

Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, May 29, 2019**, beginning at 10:00 a.m. at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER by Acting Chair Wiatt

PLEDGE OF ALLEGIANCE

ROLL CALL by Debra Roberts

PLANNING COMMISSION MEMBERS

Denise Werling, Chair	Absent
William Wiatt, Acting Chair	Present
Ron Miller	Present
Tom Coward	Present
Joe Scarpelli	Present

STAFF

Emily Schemper, Senior Director of Planning and Environmental Resources	Present
Steve Williams, Assistant County Attorney	Present
Thomas D. Wright, Planning Commission Counsel	Present
Mike Roberts, Senior Administrator, Environmental Resources	Present
Cheryl Cioffari, Comprehensive Planning Manager	Present
Bradley Stein, Development Review Manager	Present
Tiffany Stankiewicz, Development Administrator	Present
Brittany Burtner, Senior Biologist	Present
Debra Roberts, Planning Coordinator	Present

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

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

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Ms. Debra Roberts confirmed receipt of all necessary paperwork.

SWEARING OF COUNTY STAFF

County staff and members of the public were sworn in by Mr. Wright.

CHANGES TO THE AGENDA

There were no changes to the agenda. Items 3 and 4 were read together.

APPROVAL OF MINUTES

Motion: Commissioner Coward made a motion to approve both the February 27, 2019 and the April 24, 2019 meeting minutes. Commissioner Scarpelli seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

1. A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM FOR JANUARY 15, 2019, THROUGH APRIL 12, 2019, ROGO (Quarter 3, Year 27). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY. (File 2018-128)

Commissioner Scarpelli announced that he would recuse himself for Lower Keys approvals. Mr. Steve Williams, Assistant County Attorney, advised the Commission to break out the vote for everything except the Lower Keys queue, and have two individual votes.

Ms. Tiffany Stankiewicz, Development Administrator presented the staff report. This is the report for the dwelling unit allocations for the Lower and Upper Keys Subareas, and the Big Pine Key and No Name Key Subarea. The Planning Department recommends approval for all market-rate rankings; Lower Keys applicants 1 through 21; Big Pine Key and No Name Key applicants 1 and 3, subject to mitigation availability at the time of permitting; and Upper Keys applicants 1 through 15. There were no affordable housing applicants. All other applicants roll over to the following quarter.

Chair Wiatt asked for public comment. There was none. Public comment was closed. Chair Wiatt asked for Commission discussion or a motion for Item 1, first excluding the Lower Keys.

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

Chair Wiatt then asked for a motion specifically on the Lower Keys portion. Commissioner Miller asked if Commissioner Scarpelli could speak on this. Mr. Williams suggested he abstain.

Motion: Commissioner Coward made a motion to approve. Commissioner Miller seconded the motion. Commissioner Scarpelli abstained, and there was no other opposition. The motion passed 3 to 0 with one abstention.

2. A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE NON-RESIDENTIAL ALLOCATION SYSTEM FOR JANUARY 15, 2019, THROUGH APRIL 12, 2019, NROGO (Quarter 3, Year 27). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY.

Pursuant to Monroe County Code Section 138-53(e)(14), the Planning and Environmental

Resources Department is providing a notification to the general public of the NROGO account balances. The chart with balances is set forth in the agenda.

Ms. Tiffany Stankiewicz, Development Administrator, presented the staff report. There was only one NROGO applicant in the Lower Keys. Staff recommends approval.

Chair Wiatt asked for public comment. There was none. Public comment was closed. Chair Wiatt asked for Commission discussion.

Commissioner Miller asked how NROGO would work after there are no more residential ROGOs. Ms. Schemper responded that without a Comp Plan Amendment it would remain as is, that it is not exactly tied to the number of ROGOs awarded anymore. Once no further ROGOs are available, there is square footage that comes available every year for NROGO and the non-residential square footage was not restricted by the State. So it would continue as is unless staff is directed otherwise by the BOCC.

Motion: Commissioner Coward made a motion to approve. Commissioner Miller seconded the motion. Commissioner Scarpelli abstained. There was no opposition. The motion passed 3 to 0 with one abstention.

Ms. Emily Schemper requested Items 3 and 4 be read together.

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY TIER OVERLAY DISTRICT MAP FROM TIER I TO TIER III, FOR PROPERTY LOCATED AT MILE MARKER 5, LEGALLY DESCRIBED AS BLOCK 3, LOT 15, KEY HAVEN ESTATES, SIXTH ADDITION, RACCOON KEY PLAT BOOK 5, PAGE 18, RACCOON KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NO. 00136970-000000, AS PROPOSED BY ROBERTO LOPEZ AND MARGO REV TRUST; 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 AMENDMENT TO THE TIER OVERLAY DISTRICT MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2018-238)

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY TIER OVERLAY DISTRICT MAP FROM TIER I TO TIER III, FOR PROPERTY LOCATED AT MILE MARKER 5, LEGALLY DESCRIBED AS BLOCK 3, LOT 16, KEY HAVEN ESTATES, SIXTH ADDITION, RACCOON KEY PLAT BOOK 5, PAGE 18, RACCOON KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NO. 00136980-000000, AS PROPOSED BY ROBERTO LOPEZ AND MARGO REV TRUST; 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 AMENDMENT TO THE TIER OVERLAY DISTRICT MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2018-238)

Ms. Brittany Burtner, Senior Biologist, presented the staff report and provided aerials showing the parcels in Key Haven with existing habitat. Dr. Phil Frank had provided an existing conditions report and the site was also visited by Ms. Burtner, confirming this is mostly developed land with some scattered native vegetation. Staff recommends approval.

Chair Wiatt asked for public comment. There was none. Public comment was closed. Chair Wiatt asked for Commission discussion.

Commissioner Miller confirmed with Ms. Burtner that these were contiguous parcels and asked what made them Tier I. Ms. Burtner responded that staff believes this to be a correction of a mapping error. Commissioner Miller asked if there is sewer hookup, and Ms. Burtner stated it is available.

Motion: Commissioner Scarpelli made a motion to approve both Items 3 and 4. Commissioner Coward seconded the motion. There was no opposition. The motion passed unanimously.

5. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY COMPREHENSIVE PLAN AS A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, CREATING POLICY 107.1.8 SUGARLOAF SCHOOL WORKFORCE HOUSING SUBAREA; ESTABLISHING THE BOUNDARY OF THE SUGARLOAF SCHOOL WORKFORCE HOUSING SUBAREA; LIMITING THE PERMITTED USES OF THE SUBAREA TO DEED RESTRICTED AFFORDABLE HOUSING DWELLING UNITS; LIMITING MAXIMUM NET DENSITY FOR AFFORDABLE HOUSING IN THE SUBAREA; AND ELIMINATING ALLOCATED DENSITY AND FLOOR AREA RATIO FOR A 2.81-ACRE PORTION OF PROPERTY LOCATED AT 255 CRANE BOULEVARD ON SUGARLOAF KEY AS PROPOSED BY THE SCHOOL BOARD OF MONROE COUNTY; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-038)

Ms. Cheryl Cioffari, Comprehensive Planning Manager, presented the staff report. The School Board applied for a Text Amendment to the Comp Plan to establish the Sugarloaf School Workforce Housing Subarea to accompany a proposed FLUM change that came before the Planning Commission a couple of months ago. The proposed Subarea Policy with the accompanying FLUM Amendment would be processed as a small-scale Comp Plan Amendment. Currently, the property is developed with a school, and accessory uses and structures. This proposal would apply to a 2.81-acre portion of the property where the parking area extends behind the school. The School Board chose to apply for a Comp Plan Text Amendment to clarify and specify the purpose of the development which is to develop workforce housing with a maximum of 20 units. Staff requested some changes to the language, as reflected on page nine of the staff report, to clarify that the property would be subject to the requirements set forth in the Suburban Commercial Land Use District, that there is a maximum of 20 affordable dwelling

units, that non-residential uses are prohibited, that the maximum floor area for any non-residential uses is zero, that the allocated residential density consistent with Policy 101-526 is zero, that there is no maximum net density for any market rate or transient units, that any new residential development be subject to the ROGO allocation system, and to clarify what the boundary of the Sugarloaf School Workforce Housing Subarea is which was provided by the survey and map. Staff finds the proposed amendment is consistent with the Comp Plan, the Lower Keys Livable Communi-Keys Plan, and Florida Statutes, and recommends approval with changes as cited in the staff report.

Chair Wiatt asked for public comment.

Mr. Gaelan Jones, attorney for the School Board, explained that this was a condition previously imposed by the Planning Commission at the time of the FLUM Amendment and had also been developed after feedback from the local Sugarloaf community. The School Board is pleased to be working with the Sugarloaf community on this project and requests approval.

Mr. Bill Hunter of Lower Sugarloaf Key, having been previously sworn in, clarified that he was speaking on his individual behalf. There are six separate communities within Sugarloaf Key, with varied opinions on this project. He has watched this item progress from the beginning and there has been push-back in two arenas. One, should this be done at all, putting housing on school property; and, secondly, how much is appropriate as the community does not want more than is appropriate for the surrounding area. The number 20 came up in negotiation with the School District and the neighbors. The School District did not have to do this with a Subarea Policy, but chose to go forward in this direction to assure the community that what they said they were going to do is what they actually do, and limited development to 20 units. Mr. Hunter applauds the School District and neighbors for working together, and staff for their efforts making this what it needs to be. Mr. Hunter strongly supports this amendment.

There was no further public comment. Public comment was closed. Chair Wiatt asked for Commission discussion or a motion.

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

6. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 102-57(e)(2)c TO ALLOW RESIDENTIAL DWELLING UNITS WITH LAWFULLY NONCONFORMING OPEN SPACE TO REDEVELOP AT THE PREVIOUSLY APPROVED OPEN SPACE RATIO IN CASES WHERE COMPLIANCE WITH CURRENT OPEN SPACE REGULATIONS WOULD RESULT IN A REDUCTION IN LOT COVERAGE AND CONSIDER AMENDMENTS TO CLARIFY THE MAXIMUM SHORELINE SETBACK THEREIN; 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 INCLUSION IN THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE. (File 2019-021)

Ms. Cheryl Cioffari, Comprehensive Planning Manager, presented the staff report. This is a companion piece to a Comp Plan Text Amendment considered by the Planning Commission at the February meeting and is a bit of catch up. The proposal is to amend the Code to allow residential dwelling units rebuild where strict compliance with the open-space ratio would result in a reduction of the footprint, allowing the previously-approved open-space ratio to be used. Staff finds this to be consistent with the required provisions of Section 102-158 and recommends approval.

Chair Wiatt asked for public comment. There was none. Public comment was closed. Chair Wiatt asked for Commission discussion.

Commissioner Miller stated he has a bit of a problem with this as it is similar to what happened with the Toppino property where there was a neighborhood allowing no vacation rentals and the change made allows a vacation rental. Ms. Emily Schemper responded that this amendment would fix that problem. With the Toppino case, this language was not in the Comp Plan or Code so the only way for them to rebuild to the prior footprint was to go through a Zoning change, which is what opened the door to vacation rentals. This amendment makes it so these properties can rebuild without doing a Zoning change, and changes nothing regarding vacation rentals. Commissioner Miller asked if that prior situation had motivated this amendment. Ms. Schemper responded that there have been cases with houses that were destroyed by Irma that didn't meet the current open-space requirements without reducing the footprint. Commissioner Miller asked if this would stop property owners in this situation from getting a Zoning change. Ms. Schemper stated that it would not stop it, but also would not allow for a good argument for getting one.

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

ANNOUNCEMENT

Ms. Emily Schemper reminded the Commission that she would be gone for the next three meetings, and informed the Commission that the reserved parking spots in front were for them to use.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 11:10 a.m.