

PLANNING COMMISSION

March 9, 2011

Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, March 9, 2011**, 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**

Denise Werling, Chairman	Absent
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
Mitch Harvey, Comprehensive Plan Manager	Present
Joe Haberman, Planning and Development Review Manager	Present
Tiffany Stankiewicz, Dev. Administrator-Planning and Environmental Resources	Present
Rey Ortiz, 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 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**

There were no changes to the agenda.

## **APPROVAL OF MINUTES**

**Motion: Commissioner Lustberg made a motion to approve the June 9, 2010 minutes. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.**

**Motion: Commissioner Lustberg made a motion to approve the June 10, 2010 minutes. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.**

**Motion: Commissioner Lustberg made a motion to approve the December 14, 2010 minutes. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.**

**Motion: Commission Lustberg made a motion to approve the September 8, 2010 minutes. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.**

## **MEETING**

### **New Items:**

**1.A public hearing to consider and finalize the ranking of applications in the Dwelling Unit Allocation System** for the October 13, 2010 through January 12, 2011 ROGO quarter (2<sup>nd</sup> Quarter Year 19). Building permits will be allocated for all unincorporated Monroe County.

(10:03 a.m.) Tiffany Stankiewicz presented the staff report and recommended approval of the following market rate rankings: Lower Keys, applicants ranked 1 through 5, 7 through 12 and 14; Big Pine/No Name Key, applicants ranked 1 through 2; Upper Keys, applicants ranked 1 through 3, 6 through 9, and 13 through 15. Vice Chairman Wall asked for public comment. There was none.

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

**2.A public hearing to consider and finalize the ranking of applications for Non-Residential Floor Area** for all unincorporated Monroe County for the first NROGO allocation Period 1 of Year 19 July 13, 2010 – January 12, 2011. Building permits will be allocated for all unincorporated Monroe County.

(10:06 a.m.) Tiffany Stankiewicz presented the staff report and recommended approval of the following non-residential floor area allocations: Lower Keys and Upper Keys applicants ranked 1 through 4; Big Pine/No Name Key, applicant ranked 1. Vice Chairman Wall asked for public comment. There was none.

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

**3.Mamma Onesti’s Italian Restaurant, Pink Plaza Center, 103400 Overseas Highway (US 1), Key Largo, Mile Marker 103:** A request for approval of a 2COP (beer and wine, on premise and package) Alcoholic Beverage Special Use Permit. The subject property is legally described as a parcel of land lying in Section 14, Township 61 South, Range 39 East, being a portion of the former right of way of U.S. Highway No. 1 and Tract “A” of Cross Key Waterway Estates, Section Two (PB6-60), Monroe County, Florida, having real estate number 00468472.009700.

(10:08 a.m.) Rey Ortiz presented the staff report and recommended approval with three conditions, which were then outlined. Laura Sergo, the owner, was sworn in. Ms. Sergo stated that she would appreciate getting the license approved as quickly as possible to promote the restaurant and generate some revenue for the County and for herself. Vice Chairman Wall asked for public comment. There was none.

**Motion: Commissioner Lustberg made a motion for approval. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.**

**4.Comprehensive Plan Amendment Transmittal – Transient Use Moratorium – Amendment to Policy 101.2.6:** AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING POLICY 101.2.6 OF THE MONROE COUNTY 2010 COMPREHENSIVE PLAN REGARDING THE MORATORIUM FOR TRANSIENT UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; DIRECTING THE PLANNING DIRECTOR TO FORWARD A COPY TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR FILING WITH THE SECRETARY OF STATE; PROVIDING FOR THE INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

(10:12 a.m.) Mitch Harvey presented the staff report and recommended approval, as this recommendation is totally consistent with the comprehensive plan and is also consistent with the principles for guiding development. Mr. Harvey added that there have been no requests for new transient use allocations since this moratorium has gone into effect. Confirmation was given to Vice Chairman Wall that transient units are transferable to another site under the code. Vice Chairman Wall asked for public comment. There was none.

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

**5.Comprehensive Plan Amendment Transmittal – Sub Area Policy – Amendment to Goal 107 & Objective 107.1:** AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING GOAL 107 AND OBJECTIVE 107.1 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN TO CLARIFY THE DEFINITION AND APPLICATION OF SUB AREA POLICY FOR PROPERTY LOCATED

WITHIN UNINCORPORATED MONROE COUNTY; PROVIDING FOR SEVERABILITY; DIRECTING THE DIRECTOR OF PLANNING TO FORWARD A COPY TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR FILING WITH THE SECRETARY OF STATE; PROVIDING FOR THE INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

(10:18 a.m.) Mitch Harvey presented the staff report and recommended approval because the proposal is consistent with the comprehensive plan and principles for guiding development. Mr. Harvey explained how the amendment would be a vehicle to address non-conforming uses on a piece of property, but it would not be a vehicle to change the designation of a piece of property. Mr. Harvey further explained that the term “scarified” on Page 1 was used and the term “filled portions” was stricken because “scarified” could apply to filled or natural portions.

(10:25 a.m.) Naja Girard spoke on behalf of Last Stand. Ms. Girard stated that Last Stand does support this amendment. Commissioner Lustberg suggested that the language at the very end of 107.1 be changed to include, “Environmentally sensitive areas shall be preserved through the application of methods such as, but not limited to, conservation easements that require mandatory eradication of exotic invasive vegetation.” Mr. Harvey clarified that when property has 50 percent or more of environmentally sensitive land, the requirement of a conservation easement would be a very standard requirement for redevelopment.

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

### **BOARD DISCUSSION**

(10:29 a.m.) Townsley Schwab informed the Commission that Christine Hurley, Director of Growth Management, is taking before the Board of County Commissioners on March 16<sup>th</sup>, 2011 discussion and a request for direction from the Board on consideration of adjusting the Planning Commission schedule to meeting monthly rather than twice a month. The clause would remain that the Planning Commission can hold special meetings. Part of the purpose is for cost saving measures, and the other part is that it will allow staff to be more efficient and to be on a better timeline.

There was discussion of two-day meetings being scheduled for a month that had an inordinate amount of items to cover, as well as the possibility of continuing meetings to the next day. John Wolfe reminded the Commission that the meeting room would not always be available the next day on short notice. Vice Chairman Wall felt this would be reasonable for the taxpayer given the number of meetings that have been canceled and the number of short meetings that have occurred. Commissioner Hale stated that although he understands the logic behind it for cost savings, that schedule does not work as well with his personal schedule. Commissioner Lustberg felt that this would work, but wanted to make a concerted effort to allow people to speak as needed at those meeting and not have things cut short on a longer agenda. Mr. Schwab explained that the time difference for the applicant would be two weeks in a worst case scenario.

Mr. Harvey clarified the difference between a district overlay and a sub-area policy was that a district overlay has to do with zoning and the sub-area policy has to do with the comprehensive

plan, the FLUM. Scheduling of the April 13, 2011 Planning Commission meeting was discussed to allow for the Keith & Schnars presentation as well as the Key Largo Ocean Resort agenda item. Susan Grismley suggested that staff contact the KLOR applicant to see if rescheduling the item would be necessary due to the lack of a full board at the April 13 meeting.

Mr. Schwab informed the Commission that Mayte Santamaria will be starting as Assistant Planning Director for the County the following Monday.

**ADJOURNMENT**

The Monroe County Planning Commission meeting was adjourned at 10:46 a.m.