

PLANNING COMMISSION
January 27, 2016
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, January 27, 2016**, 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 Steve Williams

PLANNING COMMISSION MEMBERS

Denise Werling, Chair	Present
William Wiatt, Vice Chair	Present
Elizabeth Lustberg	Present
Ron Miller	Present
Beth Ramsay-Vickrey	Present

STAFF

Mayte Santamaria, Sr. Director of Planning and Environmental Resources	Present
Steve Williams, Assistant County Attorney	Present
John Wolfe, Planning Commission Counsel	Present
Mike Roberts, Senior Administrator, Environmental Resources	Present
Kevin Bond, Planning & Development Review Manager	Present
Matt Coyle, Principal Planner	Present
Devin Rains, Senior Planner	Present
Janene Sclafani, Planner	Present
Debra Roberts, Staff Assistant	Present

COUNTY RESOLUTION 131-91 APPELLANT TO PROVIDE RECORD FOR APPEAL

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

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Debra Roberts confirmed receipt of all necessary paperwork.

SWEARING OF COUNTY STAFF

County staff members were sworn in by Mr. Wolfe.

APPROVAL OF MINUTES

Motion: Commissioner Wiatt made a motion to approve the November 18, 2015, meeting minutes. Commissioner Miller seconded the motion. There was no opposition. The motion passed unanimously.

Motion: Commissioner Wiatt made a motion to approve the December 16, 2015, meeting minutes. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

CHANGES TO THE AGENDA

Item 1 has been permanently withdrawn.

MEETING

Continued Item:

1.The Trustee of Raymond A. Warner, Sr., Living Trust, 99550 Overseas Highway, Key Largo, mile marker 99: A public hearing concerning a request for a Variance of 7 feet to the required 10 foot primary side non-shoreline setback, which is adjacent to the northeastern property line; and a request for a Variance to reduce the required amount of parking landscaping from 688 square feet to 399 square feet and to be located at a distance greater than 5 feet from the parking area. Approval would result in a primary side setback of 3 feet; and a 58% reduction in required landscaping located at a greater distance than allowed. The requested variances are required for the development of a proposed furniture showroom. The subject property is described as a parcel of land in Section 33, Township 61 South, Range 39 East, and further legally described in metes and bounds as provided in the application file, Key Largo, Monroe County, Florida, having real estate number 00088220.000000.

This item has been withdrawn and will not be heard. File is closed.

New Items:

2.5312 Third Avenue, Stock Island, mile marker 5: A public hearing concerning a request for a variance of 4 feet, 7 inches to the required ten (10)-foot primary side yard non-shoreline setback along the western property line. Approval would result in a setback of 5 feet, 5 inches. The requested variance is required for the development of a proposed balcony and stairs to an existing attached dwelling unit. The subject parcel is legally described as Lots 12, 13 and 14, Block 53, Maloney Subdivision (Plat Book 1, Page 55) Stock Island, Monroe County, Florida, having real estate numbers 00126710.000000, 00126720.000000 and 00126730.000000.
(File 2015-212)

(10:04 a.m.) Mr. Coyle presented the staff report. An aerial photograph was shown of the three subject properties. Mr. Coyle reported that the lots have been aggregated for the purposes of development. Mr. Coyle described the property and its designations. Mr. Coyle pointed out that the variance is to the western side yard setback and the property to the west of the subject property is undeveloped and Tier I. All the properties to the east are Tier III. Mr. Coyle reported that this property was developed in the 1960s and every setback on the property is nonconforming. This redevelopment improves the setback from 2.67 feet to 9 feet from the western property line. The applicant is requesting a reduction of four feet seven inches to the ten-foot primary side yard setback to construct a staircase and landing to provide secondary access to the upstairs western unit. The building permit includes a staircase on the eastern side that meets the setback requirements. Two duplexes are being built to replace some old buildings

on the property. The applicant has a number of building permits in process, but the revision that showed the western stairs was failed because they were in the side yard setback. Staff found that the applicant has met all the required standards and recommended approval with conditions: The variance approval is based on the design and placement of the stairs and balcony as shown in the site plan dated and sealed December 3, 2015, submitted with the application; and the variance does not waive or reduce any other required setbacks, nor waive the required primary side yard setback for any future structures or additions.

Lori Thompson of Trepanier and Associates, present on behalf of the applicant, was sworn in by Mr. Wolfe. Ms. Thompson thanked staff for their time guiding the applicant through review of this particular proposal and the recommendation of approval. Ms. Thompson stated the proposed staircase is on the westernmost side of the property adjacent to a Tier I wetland property and is more conforming than the one-story addition previously attached. The staircase is the minimum size necessary and, most importantly, the proposed staircase will allow for the second story access and egress, making it compliant with current Florida Building Code.

Chair Werling asked for questions or comments from the Commissioners. There was no public in attendance for public comment.

Motion: Commissioner Wiatt made a motion to approve the request for variance. Commissioner Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

3.Islander Village, 5030 Fifth Avenue, Stock Island, Mile Marker 4: A public hearing concerning a request for an Amendment to a Major Conditional Use Permit. The requested approval is required for the proposed removal of Condition #3 of Planning Commission Resolution No. P35-05, which required the applicant to construct and maintain a bus shelter. The subject property is legally described as being part of Block 59, Maloney Subdivision, according to the plat thereof, as recorded in Plat Book 1 at Page 55, of the Public Records of Monroe County, Florida, and adjacent submerged lands, and as having real estate numbers 00127400-000000, 00127400-000100, 00127400-000120, 00127400-000121, 00127400-000122, 00127400-000123, 00127400-000124, 00124700-000125, 00127400-000126, 00127400-000127, 00127400-000128, 00127400-000129, 00127400-000132, 00127400-000133, 00127400-000134, 00127400-000135, 00127400-000136, 00127400-000138, 00127400-000139, 00127400-000140, 00127400-000141, 00127400-000142, 00127400-000143, 00127400-000144, 00127400-000145, 00127400-000146, 00127400-000147, 00127400-000148, 00127400-000149, 00127400-000171, 00127400-000172, 00127400-000173, 00127400-000174, 00127400-000175, 00127400-000176, 00127400-000177, 00127400-000178, 00127400-000179, 00127400-000180, 00127400-000181, 00127400-000182, 00127400-000183, 00127401-010910, 00127401-010920, 00127401-010930, 00127401-010940, 00127401-010950, 00127401-010970, 00127401-010980, 00127401-010990, 00127401-011000, 00127401-011020, 00127401-011040, 00127401-011090, 00127401-011100.

(10:14 a.m.) Mr. Bond presented the staff report. Mr. Bond reported that this request is to remove Condition 3 of Planning Commission Resolution Number P35-05. Back in 2005 the Planning Commission granted a major conditional use permit for the development of the Islander Village project on Stock Island with five conditions. Condition 3 related to constructing and

maintaining a bus shelter. Over the years there have been several deviations granted to the conditional use by staff as well some time extensions, but none having to do with the bus shelter requirement.

Mr. Bond explained that the bus shelter was required because one of the criteria for conditional use approval has to do with the impact of the proposed development on other municipalities. The proximity of Key West to this project and the increased trips to and from the property was considered. A new bus shelter was required as a result. The proposed bus shelter as well as existing bus stops in this area were shown. Mr. Bond further reported that shortly after the approval in 2007 there was correspondence between the applicant, the City of Key West and the County discussing the fact that the bus shelter was not going to work for various reasons. The applicant had requested removal of Condition 3 back in 2007 and there was some agreement, but the condition was never removed. The City and the bus shelter company have concluded that it did not make sense to put in a shelter at the existing stop two blocks away because there was not enough right-of-way on that side of the street and the shelter company was concerned about the ongoing maintenance of the shelter. Key West Transit did not want to move their existing routes two blocks to serve a brand new stop on Island Village property. Staff is recommending approval to the requested amendment to the major conditional use originally approved by Planning Commission Resolution P35-05 to remove Condition 3 which required the applicant to construct and maintain a bus shelter.

Commissioner Miller commented that it is over a thousand feet to the bus stop and 75 percent of those trips are predicted to travel to Key West. Commissioner Miller suggested moving the bus stop toward the center of the property. Mr. Bond, unsure of the genesis of the shelter, pointed out that the shelter was going to be at that closest corner only two blocks away and the City did not want to reroute their bus service. Ms. Santamaria reiterated that the City of Key West is the one that provides bus service there and they are the ones that would indicate whether they would adjust their service or not. Key West has indicated they do not want to adjust their service. Commissioner Miller emphasized that the developer is noted to be against moving the bus stop into the proposed development when the engineering department recommended that that is what should be done. Ms. Santamaria clarified that staff asked the developer to reach out to Key West since they are the bus provider and they provide the routes.

Devin Rains commented that upon performing the plans review for the additional dwelling units the condition for the bus shelter was noticed. The initial interaction with the City came through Mr. Rains requesting their information and their involvement. After multiple attempts staff asked the developer to get involved. Staff was disappointed in the City's unwillingness to reroute their bus services in this area. Commissioner Lustberg commented that the road is not particularly suited for a bus to do a U-turn or a three-point turn, and that to walk from this property to the bus stop is not a long walk at all.

Chair Werling asked for public comment. There were no members of the public present. Public comment was closed.

Motion: Commissioner Wiatt made a motion to approve staff's recommendation for approval regarding Item 3. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

BOARD DISCUSSION

Commissioner Miller asked to have the components of making a motion reviewed by Legal staff at a future meeting. Mr. Williams agreed with that request.

GROWTH MANAGEMENT COMMENTS

Ms. Santamaria provided an update on the comp plan, as well as the Land Development Code. Ms. Santamaria stated there are going to be special meetings with the BOCC March 1st and April 13, hopefully with adoption and transmittal to the State.

Commissioner Wiatt asked whether regulations and development rules associated with ferry landings had been reviewed by staff. Ms. Santamaria replied that that will not be added into this comp plan because it was already transmitted, but staff is looking into this for future amendments.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 10:32 a.m.