

MINUTES

PLANNING COMMISSION

JULY 28, 2010

PLANNING COMMISSION
MARATHON GOVERNMENT CENTER
2798 OVERSEAS HIGHWAY
MARATHON, FL
MONROE COUNTY

CALL TO ORDER

10:04 am

PLEDGE OF ALLEGIANCE

ROLL CALL by Debby Tedesco

COMMISSION:

Randy Wall, Chairman
Denise Werling
Jeb Hale
Jim Cameron
Elizabeth Lustberg

present
present
present
present
present

STAFF:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Susan Grimsley, Ass't County Attorney
John Wolfe, Planning Commission Counsel
Christine Limbert-Barrows, Ass't County Attorney
Mitch Harvey, Comprehensive Plan Manager
Joe Haberman, Principal Planner
Barbara Bauman, Planner
Bill Harbert, Planner
Thomas Lloyd, Planner
Debby Tedesco, Planning Commission Coordinator

present
present
present
present
present
present
absent
present
present
present

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

SWEARING OF COUNTY STAFF

MINUTES FOR APPROVAL

Held until next meeting

CHANGES TO THE AGENDA

Item #1 tabled Was not heard

Moved Item #5 to Item #1

ADA ASSISTANCE: *If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than ten (10) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".*

MEETING

1. **Hill Family Investments Inc., aka Key Largo Fisheries, 1313 Ocean Bay Drive, Key Largo, Mile Marker 99:** A request for approval of a 2APS (package sales only) alcoholic beverage special use permit. The subject property is legally described as Block 9, Lots 1, 2 & 3, Key Largo Beach Addition (PB4-22), Monroe County, Florida, having Real Estate Number 00502870.000000.

Tabled, not heard

2. **Laguna Investments, Inc. DBA Paradise Pub, 102041 Overseas Highway, Key Largo, Mile Marker 102:** A request for approval of a 5SRX (restaurant, no package sales) Alcoholic Beverage Special Use Permit to replace the existing 2COP (beer and wine on premise and package sales). The subject parcels are legally described as Block 6, Lots 16 and 17, Pamela Villa (PB3-125), Key Largo, Monroe County, Florida, having Real Estate Numbers 00464920.000000 and 00464930.000000

10:11am

Read into record by John Wolfe

10:12am

Staff Report presented in Power Point by Thomas Lloyd including location, history and zoning of property.

Discussion followed and included, but was not limited to, the following:

5 SRX license was noted as a special license for restaurants only, seating capacity, parking capacity, ADA space re-striping parking lot, and purchase of adjacent lot for parking.

10:26am

Applicant Jay Clinton's comments included, but were not limited to, the fact that increased food sales requires a license which would enable the sale of a cocktail with a dinner.

Public Comment-None

Commissioner Jim Cameron moved to approve

Commissioner Jeb Hale seconded

Motion was unanimously approved

3. **Summerland Key Marina, Block 2, Lots 9 - 13, Summerland Key Cove Addition #2, Summerland Key, Mile Marker 24:** A request for variances to the site's northern front yard and eastern side yard setbacks; eastern and western bufferyard requirements; and the off-street parking space requirements. The proposed variance will allow for the addition of dry slips (boat racks), driveway connections and off-street parking being located in the required non-shoreline setbacks and bufferyards as proposed. As a result the front yard setback along US 1 will be reduced by 15 feet, the western bufferyard will be reduced by 5 feet, the eastern setback and bufferyard requirement will be reduced by 10 feet and the total number of off-street parking spaces will be reduced by 22 spaces. The subject property is legally described as Block 2, Lots 9 - 13, Summerland Key Cove Addition #2 (PB4-100), Summerland Key, Monroe County, Florida, having Real Estate Number 00190830.000000.

10:27am

John Wolfe read Items #3 & #4 together and noted there would be a separate vote on each item.

10:29-10:41am

Staff Report was presented in Power Point by Bill Harbert who noted recommendation of the Conditional Use application was dependent on approval of the Variance application.

Discussion followed and included, but was not limited to, the following:

Bill Harbert noted the standards for approval of a conditional use had been met, there were no adverse impacts on surrounding properties, and all Land Development Regulations would be in compliance before approvals are given. He stated the Fire Marshal wanted access to the parking area for emergency trucks only through a gate, which would be closed when not in use by emergency vehicles.

Staff recommends approval

4. Summerland Key Marina, Block 2, Lots 9 - 13, Summerland Key Cove Addition #2, Summerland Key, Mile Marker 24: A request for approval to amend the site's major conditional use permit to improve the existing marina; install dry boat slips (boat racks); retrofit the existing building to accommodate employee housing units; increase the approved intensity of the commercial retail use within the existing building; and carry out parking, landscaping and other associated site improvements. The subject property is legally described as Block 2, Lots 9 - 13, Summerland Key Cove Addition #2 (PB4-100), Summerland Key, Monroe County, Florida, having Real Estate Number 00190830.000000. Staff recommends approval with approval of the variance "as-is"

Discussion followed and included, but was not limited to, the following:

10:46am

Commissioner Denise Werling asked if Heritage Trail was impacted by this development, and Townsley Schwab answered that nothing is affecting the right-of-way, and Heritage Trail is not a concern.

10:47-11:08am

Ty Symroski, agent for the applicants, was sworn in by John Wolfe

Discussion followed and included, but was not limited to, the following:

Adequate parking, Townsley Schwab stated a condition prohibiting storage of boat trailers on-site was needed because 6 parking spaces would be required for the boat launch.

PUBLIC COMMENT:

11:08

Debbie Pearl spoke for her parents who live in the area. She asked how high the racks were going to be and Chair Wall answered there will be three (3) levels, not to exceed thirty-five (35) feet.

11:09-11:39am

Discussion followed and included, but was not limited to the following topics:

Small boat rack in the fenced area to be removed to create two (2) or three (3) parking spaces, condition to allow 1 charter boat with mooring space, paving for the fork lift area, and the Fire Marshall's approval is needed, Commissioners Cameron and Werling expressed their concern over lack of parking affected by Charter service and 5 employee housing units. Commissioner Werling also expressed concern over vessel traffic in the canal. Townsley Schwab noted a new parking study by a traffic engineer, rather than by the agent for the applicant, should be provided. Commissioner Lustberg expressed concern over the lack of window area in the housing units and concern regarding parking which she said should be applied to required parking.

11:40am

Motion was made by Commissioner Cameron to approve with conditions

There was no second made.

Chair Wall noted that although it was out of the ordinary for the Chairperson to make a motion, he stated he would like to make one to continue this to another meeting to work out concerns.

11:43 am Break

11:56am reconvene

Ty Symroski stated the applicants agreed to 17 parking spaces by elimination of the small boat rack, reduction of affordable housing units to 4 from 5, agreed to the condition of no boat trailer storage, and agreed to the condition of one charter boat.

Commissioner Jim Cameron moved to approve with conditions

Commissioner Jeb Hale seconded

Discussion followed and included, but was not limited to, the following:

Commissioner Liz Lustberg stated concern regarding canal size and vessel traffic, and Summerland Key commercial code.

John Wolfe noted that the motion included all conditions, and the vote on the variance was first. He also stated it should be noted the reduction in required parking spaces was reduced with Planning Commission approval.

ROLL CALL by Debby Tedesco

Commissioner Jeb Hale Yes

Commissioner Jim Cameron Yes

Commissioner Liz Lustberg Yes
Commissioner Denise Werling No
Chair Randy Wall Yes

Commissioner Jim Cameron moved to approve the Major Conditional Use with the same conditions as the Variance approval.

Commissioner Jeb Hale seconded

ROLL CALL by Debby Tedesco:

Commissioner Jeb Hale Yes
Commissioner Jim Cameron Yes
Commissioner Liz Lustberg Yes
Commissioner Denise Werling No
Chair Randy Wall Yes

5. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS CREATING SECTION 130-101 TO ALLOW DOGS IN DESIGNATED OUTDOOR AREAS OF PUBLIC FOOD ESTABLISHMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

This was heard as the first Item.

10:08am

Read into record by John Wolfe

Presentation made by Christine Limbert-Barrows who stated the Monroe County Ordinance follows the Florida Statue.

Commissioner Liz Lustberg made a motion to approve
Motion was seconded by Commissioner Denise Werling
Motion was unanimously approved

6. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 130-92(A), TO AMEND THE AS-OF-RIGHT PERMITTED USES IN THE RECREATIONAL VEHICLE (RV) LAND USE DISTRICT; 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.

12:04-12:12pm

Read into record by John Wolfe

Bill Harbert presented staff report in Power Point

Susan Grimsley suggested a changes in #5 & #6 to read

No questions came forward.

PUBLIC COMMENT

Attorney Lee Rohe said he was representing Blue Water and the managers unit was changed to accommodate overflow guests. He asked if staff would be willing to issue a Special Vacation Rental license for this scenario.

12:12pm

Joe Haberman answered stating since Blue Water is gated they would not have to come into the building department for a special permit. He noted the requirement that a manager be on duty on the premises had already been met.

Commissioner Jim Cameron moved for approval with changes
Commissioner Jeb Hale seconded
Motion was unanimously approved

BOARD DISCUSSION

Commissioner Liz Lustberg asked if anyone went to the Keith and Schnars EAR (Evaluation Appraisal Report) meeting on August 14, 2010. Commissioner Jim Cameron said those attending did not think it was "green enough".

Mitch Harvey noted most of those that attended the meetings were environmentally pro-active. He noted the EAR will be presented to the BOCC on 9.15.10, and that Keith and Schnars will present drafts of the technical document with population requirements to the Planning Commission on 9.22.10.

Commissioner Jim Cameron said Keith and Schnars are trying to reach out to more citizens other than those who regularly attend. He mentioned that Keith and Schnars will reach out to other groups such as giving a presentation to the Rotary Club of which Commissioner Cameron is a member.

Mitch Harvey noted they have an interactive website as well.

GROWTH MANAGEMENT COMMENTS

12:23 pm

Townsley Schwab noted that on November 8th and November 10th, 2010 were scheduled for Special Planning Commission Meetings for hearings on the findings of the TDR Committee, where public comment will be accepted for the first time.

Townsley Schwab noted Bill Harbert and his wife Amy are leaving Monroe County; also Thomas Lloyd is leaving at the end of August and thus the Planning Department will once again be hiring and training planners. He noted a pool to draw from was in existence from previous interviews, and additionally national advertising was in motion to begin interviewing promptly. Townsley Schwab noted the Planning Department had lost two very exceptional people.

RESOLUTIONS FOR SIGNATURE

None

ADJOURNMENT

12:25pm