

PLANNING COMMISSION

Minutes

November 4, 2009

PLANNING COMMISSION
MONROE COUNTY, FL

MARATHON GOV'N'T CENTER
2798 OVERSEAS HIGHWAY
MARATHON, FL

CALL TO ORDER by Chair Randy Wall

10:00am

PLEDGE OF ALLEGIANCE

ROLL CALL by Debby Tedesco, Coordinator

10:02am

COMMISSION:

Randy Wall, Chairman

Present

Jim Cameron, Vice Chairman

Present

Denise Werling

Present

Jeb Hale

Present

Elizabeth Lustberg

Present

STAFF:

Townsley Schwab, Senior Director of Planning and Environmental Resources

Present

Susan Grimsley, Ass't County Attorney, Acting Growth Management Director

Present

John Wolfe, Planning Commission Counsel

Present

Mitch Harvey, Comprehensive Plan Manager

Present

Kathy Grasser, Comprehensive Planner

Present

Joe Haberman, Principal Current Planner

Present

Steven Biel, Sr. Planner

Present

Thomas Lloyd, Planner

Present

Debby Tedesco, Planning Commission Coordinator

Present

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

10:03 am

Read into record by John Wolfe

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

SWEARING OF COUNTY STAFF

10:04am

By John Wolfe

APPROVAL OF MINUTES

Commissioner Cameron motioned to approve the Minutes from the October 7, 2009 Planning Commission Meeting; Commissioner Werling seconded
Motion was unanimously approved

CHANGES TO THE AGENDA

Item #6 is to be heard first.

Commissioner Cameron motioned to approve; Commissioner Werling seconded
Motion unanimously approved

Item #2

Staff requested continuance to PC 12.2.09

Commissioner Cameron motioned to approve; Commissioner Werling, seconded
Motion unanimously approved

Item #5

Applicant requested his application to be continued to the date of the second Planning Commission meeting in January 2010. Date is to be determined after the BOCC Meeting scheduled for 11.18.09 at which time the BOCC calendar will be adopted and the Planning Commission calendar can be finalized.

Commissioner Cameron motioned to approve; Commissioner Werling, seconded
Motion unanimously approved

MEETING

CONTINUED ITEM:

1. An Ordinance Of The Monroe County Board Of County Commissioners amending Section 102-21 of the Monroe County code; updating the qualifications and duties of the Director of Planning; eliminating specific job descriptions for other positions; amending the duties of the Development Review Committee; deleting obsolete provisions; placing the duties of the building official in one location in Chapter 6 of the Monroe County code; providing for severability; providing for repeal of conflicting provisions; providing for codification; providing for an effective date.

10:21am

Read into record by John Wolfe

10:21:46am

Discussion between Joe Haberman and Commissioners

Motion to approve staff report as is was made by Commissioner Hale; Commissioner Werling seconded

No Discussion

Motions was unanimously approved

NEW ITEMS:

2. 348 East Seaview Drive, Duck Key, Mile Marker 61: A request for approval of a variance of five (5) feet to the required ten (10) foot side yard setback along the northern property line and of four (4) feet from the required five (5) foot side yard setback along the southern property line. The subject parcel is legally described as Duck Key Yacht Club Island, Section 4, Tom's Harbor, Block 1, Lot 24, Duck Key, Monroe County, Florida, having Real Estate Number 00384370.000000

Request by staff to continue to 12.2.09

Commissioner Cameron motioned to continue, Commissioner Werling, seconded

Motion was unanimously approved

3. Bicentennial Post 333, Inc. (American Legion), 2 Seagate Boulevard, Key Largo, Mile Marker 100: A request for approval of an 11-C (Private Club; Cabana Club) Alcoholic Beverage Special Use Permit to authorize the sale of alcohol by the drink to members and members' guests only. The subject parcels are legally described as Block 4, Lots 24, 25, and 26, Key Largo

Beach (PB2-149), Key Largo, Monroe County, Florida, having Real Estate Numbers 00502290.000000, 00502300.000000, and 00502310.000000.

10:25am

Read into record by John Wolfe

10:25:48-10:38am

Staff report was presented in power point by Thomas Lloyd

10:29am

Discussion regarding parking, unity of title to be approved by the Planning Department, and will run with the land, final parking plan, after the fact permit for the figure 8 shaped patio or demolition permit, not to be used for outdoor seating or use, no sales to the general public, no outdoor functions with amplified noise will be permitted except by a Special Public Assembly permit.

No Comment from Applicant who stated he had nothing to add.

PUBLIC COMMENT

10:39am

Albert Perrine: Stated agreement that the patio had been there a long time and it was the roots of the Mahogany tree that caused the cracks.

10:43:22am

Michael G. Holler: Stated his support for previous and present occupants of the property. He noted the music from Pilot House across the street is present almost every night.

10:44:41am

Commissioner Cameron motioned to approve; Commissioner Hale seconded
Motion was unanimously approved

4. AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE DEFINITION OF "ACCESSORY USES OR ACCESSORY STRUCTURES"; DEFINING "ADJACENT LAND" AND ELIMINATING "ADJACENT LANDOWNER" IN SECTION 101-1 OF THE MONROE COUNTY CODE; PERMITTING SOME ACCESSORY USES OR STRUCTURES ON ADJACENT NON-CONTIGUOUS LAND; PERMITTING DOCKING FACILITIES ON ADJACENT LAND UNDER CERTAIN CONDITIONS AND CREATING AN APPROVAL PROCESS; PROVIDING FOR A VARIANCE PROCESS TO DETERMINE ADJACENCY FOR CERTAIN ACCESSORY USES AND STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

10:45am

Read into record by John Wolfe

10:46:21am

Staff report presented by Steven Biel

10:53:50

Staff recommends denial

Visual Unightly views multi-level residences. Allowance of incompatible use in residential area

BOARD DISCUSSION

10:54am

PUBLIC COMMENT

10:55am

Frank Greenman, attorney

Recommended overturning the denial by staff

Exhibit 1 Ord. 010-1995 Pg 2 Paragraph #1 Parking: States that currently licensed vehicles & registered vessels should be allowed to park on adjacent properties. He recommended that only vehicles belonging to owners, relatives or guests of the owners of the adjacent primary residence should be allowed to park on the adjacent property.

10:59:15am-11:56am

Discussion and Public Comment

11:08am
Susan Holler
Against denial

11:12:40am
Michael G. Holler
Against denial

12:24:18am
Ron Miller
Approves of the denial

11:29am
Larry Connelly
Against the denial

11:36am
David Lyon
Against the denial

11:56:39am Commissioner Lustberg noted there were no limits on the size of vehicles or boats; it just says 3 vehicles

11:57 Motion: Commissioner Lustberg motioned to deny for reasons given by staff; Commissioner Werling seconded.

BOARD DISCUSSION

Commissioner Hale stated he thought this could work out by amending it from both sides.

Chair Wall to Commissioners Lustberg and Werling asking if there was anything in the ordinance with which they may be able to arrive at a compromise.

12:00:04
Commissioner Werling noted her concern was with the interpretations, such as the allowed size of a boat.
Chair Wall noted that language could be added stating if it is legal on the highway without a special permit it would be allowed.

Commissioner Werling noted by beginning change, we start to inch our way to erosion of residential neighborhoods.

12:03:48pm
Townshley Schwab noted it is necessary to stand back and see the big picture. For instance, he said we need to ask ourselves why there are zoning laws, and why we have them in the Keys. We separate different uses to create character within districts in order to maintain that characteristic. We are creating storage in what was zoned for residences – a drastic change. In the Keys, our subdivisions are different – boats, cars, pick up trucks on canals. All residential districts will be affected. Zoning also protects property values and this could create a negative impact.

12:07:18am
Commissioner Cameron noted his opinion was that he saw no difference between vehicles parked at a primary residence or on a vacant lot across the street.

ROLL CALL by Debby Tedesco, Coordinator (Yes votes with staff to deny; a NO Vote is not to deny)

Commissioner Hale	NO
Commissioner Cameron	NO
Commissioner Werling	YES
Commissioner Lustberg	YES
Commissioner Wall	NO

12:19:06pm

Chair Wall asked all Commissioners to readdress this once more and said he is not asking staff to do anything more with it. He asked the Commissioners to write down things they could live with within the ordinance, so at the next meeting a consensus could more readily be met.

First Motion to continue to the November 17, 2009 without directing staff to change anything was made by Commissioner Hale and seconded by Commissioner Werling.

Frank Greenman noted he cannot attend on November 17, 2009.

Second Motion to move to December 15, 2009 (Tuesday) was made by Commissioner Cameron; seconded by Chair Wall Motion was unanimously approved

12:23:13pm

Commissioner Cameron noted to other Commissioners to be sure to bring their list to get this approved at the December 15, 2009 Planning Commission meeting.

12:23am

Chair Wall noted that he would like to see how the Board can help those affected.

5. 99101 Overseas Highway, Key Largo, Mile Marker 99.1: A request by MDJ Investments, LLC to amend the Future Land Use Map designation from Residential Low (RL) To Mixed Use / Commercial (MC) in accordance with Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan. The subject parcel is legally described as Thompson's Subdivision, Key Largo, PB1-147 Lots 13-18, Monroe County, Florida having real estate number 00440100.000000.

99101 Overseas Highway, Key Largo, Mile Marker 99.1: A request by MDJ Investments, LLC to amend the Land Use District designation from Sub Urban Residential (SR) To Sub Urban Commercial (SC) in accordance with Monroe County Code, Section 130-43. The subject parcel is legally described as Thompson's Subdivision, Key Largo, PB1-147 lots 13-18, Monroe County, Florida having real estate number 00440100.000000

Applicant requested his application to be continued to the date of the second Planning Commission meeting in January 2010. Date is to be determined after the BOCC Meeting scheduled for 11.18.09 at which time the BOCC calendar will be adopted and the Planning Commission calendar can be finalized.

At the beginning of the meeting under CHANGES TO THE AGENDA Commissioner Cameron motioned to approve; Commissioner Werling, seconded
Motion unanimously approved

6. Monroe County Owned Conservation Lands – Various sites throughout the Keys: A request by the Monroe County Land Steward to amend the Future Land Use Map (FLUM) designation from Mixed Use / Commercial (MC) to Conservation (C) for parcels having Real Estate Numbers 00111260-000000, 00111270-000000, 00111880-000030 (part), 00111880-000300 (part), 00111890-000000 (part), 00111940-000000 (part), 00177000-000000; from Residential Conservation (RC) to Conservation (C) for parcels having Real Estate Numbers 00115510-000600, 00115520-002300 (part), 00117530-000000 (part), 00117560-000000 (part), 00516800-000000 (part), from Residential High (RH) to Conservation (C) for parcels having Real Estate Numbers 00111880-000030 (part), 00111890-000000 (part), 00111940-000000 (part), 00481320-000000 (part), 00481340-000000 (part); from Residential Low (RL) to Conservation (C) for parcels having Real Estate Numbers 00111880-000300 (part), 00115520-002300 (part), 00118110-000200, 00177340-000000, 00177350-000000 (part), 00200680-000500, 00200680-000800, 00200680-000900, 00200680-001000, 00481320-000000 (part), 00481340-000000 (part), 00516800-000000 (part), 00516830-000000, 00517080-000000, 00519320-000000; and from Residential Medium (RM) to Conservation (C) for parcels having Real Estate Numbers 00117530-000000 (part), 00117560-000000 (part), 00169770-000000, 00169840-000000, 00169850-000000, 00170270-000000 to 00170350-000000, 00170670-000000 to 00170780-000000, 00170910-000000 to 00170960-000000, 00171160-000000 to 00171220-000000, 00171240-000000 to 00171270-000000, 00177350-000000 (part), 00177400-000000, 00177610-000000, 00177620-000000, 00177960-000000, 00316370-000000, 00316380-000000, 00442620-000000 to 00442730-000000, 00551580-000000 to 00552010-000000 in accordance with Policy 101.4.15 of the Monroe County Year 2010 Comprehensive Plan. The subject parcels (127 total parcels) were purchased utilizing funding from the Florida Communities Trust (FCT), are located throughout the Keys and are currently used as conservation lands. No change in use is proposed. The amendments are being requested by the Monroe County Land Steward to create conformity between the FLUM and the current use, as required by the grant agreement with the FCT.

10:07 am

Read into record by John Wolfe (abbreviated).

Mr. Wolfe noted that the State law has changed so the Commission can hear Future Land Use Maps (FLUMs) & Land Use District Designations (LUDDs) together. He noted that Kathy Grasser's testimony can be incorporated in both parts of Item #6.

10:10am

Staff Report presented in power point by Kathy Grasser

She noted that there are 127 parcels with 10 FLUM categories, all going to Conservation designation.

All parcels are in Tier 1 and all are vacant.

Staff recommended approval

Susan Grimsley noted to the Commissioners that any change in land use would have to be approved by the Florida Communities Trust and would not affect actions taken today.

BOARD DISCUSSION

None

PUBLIC COMMENT:

None

Monroe County Owned Conservation Lands – Various sites throughout the Keys: A request by the Monroe County Land Steward to amend the Land Use District (LUD) designation from Commercial Fishing District (CFD) to Conservation District (CD) for parcels having Real Estate Numbers 00442620-000000 to 00442640-000000; from Improved Subdivision (IS) to Conservation District (CD) for parcels having Real Estate Numbers 00117530-000000 (part), 00117560-000000 (part), 00169770-000000, 00169840-000000, 00169850-000000, 00170270-000000 to 00170350-000000, 00170670-000000 to 00170780-000000, 00170960-000000, 00171160-000000 to 00171220-000000, 00171240-000000 to 00171270-000000, 00177000-000000, 00177400-000000, 00177610-000000, 00177620-000000, 00177960-000000, 00316370-000000, 00316380-000000, 00442650-000000 to 00442730-000000, 00551580-000000 to 00552010-000000; from Improved Subdivision / Duplex (IS-D) to Conservation District (CD) for parcels having Real Estate Numbers 00481320-000000, 00481340-000000; from Native Area (NA) to Conservation District (CD) for parcels having Real Estate Numbers 00117530-000000 (part), 00117560-000000 (part), 00170910-000000 to 00170950-000000; from Suburban Commercial (SC) to Conservation District (CD) for parcels having Real Estate Numbers 00111260-000000, 00111270-000000, 00111880-000030, 00111880-000300, 00111890-000000, 00111940-000000; from Suburban Residential (SR) to Conservation District (CD) for parcels having Real Estate Numbers 00115510-000600, 00115520-002300, 00177340-000000, 00177350-000000, 00200680-000500, 00200680-000800, 00200680-000900, 00200680-001000 00516800-000000, 00516830-000000, 00517080-000000, 00519320-000000; from Suburban Residential Limited (SRL) to Conservation district (CD) for a parcel having Real Estate Number 00118110-000200 in accordance with Sec. 130-28 of the Monroe County Code. The subject parcels (127 total parcels) were purchased utilizing funding from the Florida Communities Trust (FCT), are located throughout the Keys and are currently used as conservation lands. No change in use is proposed. The amendments are being requested by the Monroe County Land Steward to create conformity between the LUD map and the current use, as required by the grant agreement with the FCT.

10:15am

Read into record by John Wolfe (abbreviated)

10:16am

Staff Report presented by Kathy Grasser

The LUDD is contingent on the FLUM being approved @ BOCC meeting to be held in January 2010.

She noted there are 8 land use categories within the 127 parcels.

BOARD DISCUSSION

None

PUBLIC COMMENT:

10:19am

Ron Miller was sworn in by John Wolfe.

He pointed out that Public lands are supposed to have a vote.

Commissioner Cameron motioned to approve; Commissioner Werling, seconded
Motion was unanimously approved

BOARD DISCUSSION

12:29pm

Commissioner Cameron asked if Susan Grimsley had any further information on the issue of Commercial space not exceeding 2500 square feet. Susan Grimsley said she would have more time once the new Growth Management Director is in place. She noted that Christine Hurley will be the new Director as determined at the November 18, 2009 BOCC meeting, and her first day should be November 30, 2009 if approved.

12:29am

Commissioner Cameron noted he attended the BOCC selection committee meeting and said that Ms. Hurley had the most votes of all the selections.

GROWTH MANAGEMENT COMMENTS

12:30:31pm

RESOLUTIONS FOR SIGNATURE

P36-09 FCT 127 FLUM

P37-09 FCT 127 LUDD

ADJOURNMENT

12:31pm