

PLANNING COMMISSION

October 6, 2010

Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, October 6, 2010**, beginning at 10:03 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

Randy Wall, Chairman	Present
Denise Werling	Present
Jeb Hale	Present
James Cameron	Present
Elizabeth Lustberg	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, Principal Planner	Present
Steven Biel, Senior Planner	Present
Barbara Bauman, Planner	Present
Tiffany Stankiewicz, Dev. Administrator.-Planning and Environmental Resources	Present
Gail Creech, Planning Commission Coordinator	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 intending to speak were sworn in by John Wolfe.

MINUTES FOR APPROVAL

Townsley Schwab requested a deferral of the approval of minutes to the next Planning Commission meeting.

CHANGES TO THE AGENDA

Item No. 4 was rescheduled for the October 19, 2010 Planning Commission meeting due to a revision of the application by the property owner and the need for a re-advertisement.

MEETING

Continued Items:

10:07 a.m.

1.A public hearing to consider and finalize the ranking of applications in the Dwelling Unit Allocation System for the market rate applications 3-44 in the Big Pine/No Name Key sub-area between April 13, 2010, through July 12, 2010, ROGO quarter (4th Quarter Year 18), unincorporated Monroe County.

Susan Grimsley informed the Commission a representative of a person who has an equitable interest in the property has requested a continuance. The representative was informed, and understood, that the last meeting at which this matter could be heard is the October 19, 2010 Planning Commission meeting. **Motion: James Cameron made a motion to continue this item to the October 19, 2010 meeting. Denise Werling seconded the motion. There was no opposition. The motion passed unanimously.**

New Items:

10:09 a.m.

2.Circle K, 92720 Overseas Highway (US 1), Mile Marker 92.7: A request for approval of an amendment to a major conditional use permit in order to redevelop the existing gas station and convenience store by removing the one (1) existing fuel pump with two (2) dispensers; constructing five (5) new fuel pumps with two (2) dispensers per pump; demolishing the existing canopy; constructing a new canopy; improving the existing convenience store building; and carrying out associated site improvements. The subject property is legally described as a portion of the East ¼ of Section 27, Township 62S, Range 38E, Key Largo, Monroe County, Florida, and Parcel 2, Tavernier Boat Basin, PB4-147, Key Largo, Monroe County, Florida, having real estate numbers 00089480.000000 and 00487290.000000.

John Wolfe informed the Commission that a phasing plan with a letter explaining the plan had been submitted. The size of the canopy has been cut back to less than 2500 square feet, so that the applicants will only have to go through one NROGO period as opposed to two.

(10:15 a.m.) Steven Biel stated there has been a revision to the revised site plan. Mr. Biel then presented the staff report. The recommendation by staff was for approval with conditions. The conditions were read into the record.

(10:31 a.m.) Chairman Wall voiced concern about the angle of the turn into the first southbound curb cut, as well as its close proximity to Burton Drive.

Bob Webster of MDM Services was sworn in by John Wolfe. Mr. Webster explained that the first southbound curb cut was to be used by the fuel delivery trucks, as the fuel is offloaded on the right-hand side of the truck, but that the hose could be pulled underneath the truck instead. Circle K would make that change if the Planning Commission desired. Chairman Wall recommended signage directing vehicular traffic to enter the second southbound entrance.

Chairman Wall asked for public comment. There was no public comment.

(10:39 a.m.) James Cameron stated he felt that what is being proposed is a vast improvement over what exists today, but feels that it is unnecessary for staff to be asking for rationale regarding the number of pumps on the site. Townsley Schwab responded that it has to do with controlling intensities and community character issues. Mr. Cameron then stated that the traffic studies available are outdated and are of counties that are much different than Monroe County.

Elizabeth Lustberg asked for confirmation that there was no response from the letters sent out to the community. Mr. Schwab confirmed that.

Mr. Cameron asked why under-canopy parking spaces were not counted as part of parking. Joe Haberman explained that there is no parking standard for a fueling station in the code, so a shared parking calculation cannot be done and, therefore, the convenience store has to be treated separately.

Chairman Wall stated that he would feel more comfortable if in the major conditional use there was a clause that said the first southbound curb cut was set up to be a left-hand exit only. Mr. Webster said that would be fine.

(10:51 a.m.) Motion: Chairman Wall made a motion to approve the staff report and conditions, with the addition of making the first southbound curb cut on U.S.1 a left-hand exit only. Elizabeth Lustberg seconded the motion. There was no opposition. The motion passed unanimously.

10:54 a.m.

3. Tavern Stores Chevron, 91860 Overseas Highway (US1), Key Largo, Mile Marker 91: A request for approval of a 2APS (beer and wine, package only) Alcoholic Beverage Special Use Permit. The subject property is legally described as Block 1, Lots 6-14, Tavernier (PB1-105), Key Largo, Monroe County, Florida, having real estate number 00478410.000000.

Barbara Bauman presented the staff report. The recommendation by staff was for approval with conditions. The conditions were read into the record.

Chairman Wall asked for questions from the Commissioners. There were none. Chairman Wall asked for public comment. There was none.

(10:59 a.m.) Motion: James Cameron made a motion for approval. Jeb Hale seconded the motion. There was no opposition. The motion passed unanimously.

10:59 a.m.

5.Liszka Residence, 58 Key Haven Road, Raccoon Key, Mile Marker 5: A request for approval of a variance of two (2) feet to the five (5) foot required side yard setback along the northwestern property line in order to construct a building addition. The subject property is legally described as Block 1, part Lot 5 and Lots 6 and 7, Key Haven Fifth Addition (PB5-105), Raccoon Key, Monroe County, Florida, having real estate number 00136830.000000.

Joe Haberman presented the staff report. The recommendation by staff was approval with conditions. The conditions were read into the record.

(11:04 a.m.) Owen Trepanier appeared on behalf of the property owner. Mr. Trepanier was sworn in by John Wolfe. The property owner, Joe Liszka, was also present. Mr. Trepanier presented to the Commission the proposed site plan and the existing site plan, and he explained that the covered deck area on the existing site plan was being replaced by an addition to the property. Mr. Trepanier informed the Commission that the architect has, in fact, coordinated with the fire marshal regarding this site plan.

Chairman Wall asked for questions from the Commission members. There were none. Chairman Wall asked for public comment. There was none.

(11:07 a.m.) **Motion: James Cameron made a motion for approval. Jeb Hale seconded the motion.** Elizabeth Lustberg asked if any of the neighbors had anything to say about this. Joe Haberman answered that a letter was provided by the neighbor on the opposite side of the addition stating they had no objection, and that nothing was provided by the neighbor in closer proximity to the addition on the property. **There was no opposition to the motion. The motion passed unanimously.**

BOARD DISCUSSION

(11:09 a.m.) Elizabeth Lustberg asked if canopies are looked at the same way as regular floor space regarding NROGO. Jose Haberman answered they are the same in terms of NROGO, but they are different in terms of density calculation. Mr. Haberman explained that the way NROGO is phrased and defined in the code, all covered areas are subject to NROGO. The reason behind NROGO being set up this way was discussed.

Elizabeth Lustberg asked if this issue would be looked at when the comprehensive plan was being worked on. Joe Haberman stated that the comp plan policies that relate to NROGO are broader, but that it could be addressed forthwith in the LDRs if it was felt to be necessary, or it could be addressed when a rewrite of the LDRs occurs. Townsley Schwab is hopeful it will be able to be addressed without waiting for the comp plan. John Wolfe informed the Commission that the 2500 square foot limit comes from the LDRs.

Commissioner James Cameron asked when Parrottdise Bar & Grill will be on the agenda. Joe Haberman answered that it will be put on the agenda for approval of the NROGO allocations for that quarter, but it is not know when.

Chairman Wall asked when the calendar for next year will be established. Susan Grimsley explained that a tentative schedule is made at the end of November or the beginning of December, but that it is dependent on room availability, which is based on the Board of County Commissioners' schedule.

Townsley Schwab introduced the Commissioners to Ray Ortiz, an emergency temporary hire as a planner. Mr. Schwab then explained to the Commissioners that the packets for the next meeting will be submitted ten days prior to the next meeting as opposed to at the close of the prior meeting. Commissioner Cameron requested an agenda be provided at the end of the prior meeting.

Elizabeth Lustberg requested her personal e-mail be cc'd on any Planning Board e-mail. Susan Grimsley requested e-mail addresses where the forwarded e-mails should go to be provided to Gail Creech.

Chairman Wall asked if there is a regulation for staff reports to be posted on the County website. Susan Grimsley explained that the only requirement is the notice of public hearing, and everything else is posted as a courtesy.

GROWTH MANAGEMENT COMMENTS

(11:27) Mitch Harvey reported that last month the Board of County Commissioners approved the compilation of report to be transmitted to the Department of Community Affairs. Also, a second iteration of the existing conditions of the technical document update has been received, and the future conditions of the technical document are expected to be received October 18. When that draft is complete, a workshop with Keith & Schnars will be scheduled for January. The Big Pine Key Rotary Club has been provided an update on the plan by Keith & Schnars and Mitch Harvey.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 11:30 a.m.