

PLANNING COMMISSION  
**June 9, 2010**  
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, June 9, 2010**, beginning at 10:08 a.m. at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** by Debby Tedesco

**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
Mike Roberts, Senior Administrator, Environmental Resources	Present
Mitch Harvey, Comprehensive Plan Manager	Present
Joe Haberman, Principal Planner	Present
Barbara Bauman, Planner	Present
Tiffany Stankiewicz, Dev. Administrator.-Planning and Environmental Resources	Present
Ron Demes, U.S. Navy Liaison	Present
Debby Tedesco, 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**

Debby Tedesco confirmed receipt of all necessary paperwork.

**SWEARING OF COUNTY STAFF**

All staff intending to speak were sworn in by John Wolfe. Mr. Wolfe then swore in all members of the public intending to speak.

**CHANGES TO THE AGENDA**

Mr. Wolfe asked the commissioners if they could announce whether this meeting would be continued to the following day, June 10, 2010, in Key West. The public was informed that if

Items 5 and 6 were continued to June 10, there would be an opportunity for them to speak at today's meeting or the following day, but not both days. Mr. Schwab explained that deciding at this point whether to continue the matter or not would allow the members of the public to choose which day they wished to speak.

Mr. Schwab then stated that The Citizen had published that the Planning Commission would be meeting in Key West on June 10, 2010, as opposed to the Planning Commission was going to consider whether to hold a meeting in Key West on June 10, 2010, thereby causing an expectation for the meeting by the public. There is a stipulation in the code that the Planning Commission has the prerogative, under special circumstances, to hold a meeting in a sub-area relative to a particular issue being discussed.

(10:17 a.m.) Ron Miller questioned how the Planning Commission could vote in a meeting on June 10, 2010 when that meeting was not publicly noticed. Mr. Wolfe explained that a meeting may be continued without an advertisement as long as it is to a time, date and place certain.

(10:18 a.m.) Nicholas Mulick, Esq. was present on behalf of the applicant. Mr. Mulick noted that the applicant was not aware that this continuance was being considered and, therefore, the experts are not prepared to attend another meeting. Mr. Mulick then expressed the concern that the Planning Commission is giving deference to one part of the county that other parts of the county do not get.

Mr. Wolfe responded that what is heard on both the first and second day is all part of the hearing. Section 102.20 of the code was read into the record, delineating the allowance of holding a special meeting in other sub-areas. Ms. Grimsley reminded the Commissioners that they are not bound by a newspaper's publishing mistake, and that the reason this discussion is being held early in the meeting is to allow the decision to be publicized.

The Commission reached an agreement to continue the meeting to June 10, 2010 at 6 p.m. in Key West at the Harvey Government Center. Mr. Demes stated that he would not be able to attend, but that a representative from the Naval Air station would be present.

**Motion: Commissioner Werling made a motion to continue Items 5 and 6, effective at the end of the testimony taken at this public meeting, to the Harvey Government Center in Key West at 6 p.m. on June 10, 2010. Commissioner Cameron seconded the motion. There was no opposition. The motion passed unanimously.** Mr. Wolfe reiterated that this will be a two-day hearing and members of the public could speak either day, but not speak twice on the same subject, although Chairman Wall has the discretion to allow someone to rebut a certain point.

#### **APPROVAL OF MINUTES**

Commissioner Cameron requested time to be able to review the April 28, 2010 minutes before approval. It was agreed that approval of the minutes will take place at the June 10, 2010 meeting.

## MEETING

### New Items:

**1.A public hearing to consider and finalize the ranking of applications in the Dwelling Unit Allocation** System for the January 13, 2010 through April 12, 2010 ROGO quarter (3<sup>rd</sup> Quarter Year 18). Building permits will be allocated for all unincorporated Monroe County.

(10:29 a.m.) Tiffany Stankiewicz stated that staff will be amending the ROGO report for the Upper Keys market rate applications due to conflicting information regarding sewer connection availability. Staff is recommending approval for the following residential dwelling unit allocations for the Lower Keys sub-area and Big Pine: Lower Keys applicants ranked 1, 2, 5 through 7 and 9 through 13. Staff is holding allocations in abeyance for applications ranked 3, 4 and 8, since the properties do not have tier designations at this time. Lower Keys administrative relief applicant Number 1, Big Pine/No Name Keys applicants ranked 1 through 2 are recommended for allocation awards based on mitigation available. It was recommended that the Upper Keys market rate applications be continued to the June 23, 2010 Planning Commission meeting.

**Motion: Commissioner Werling made a motion to continue the Upper Keys applications to the June 23, 2010 meeting and approve the Lower Keys and Big Pine applications. Commissioner Cameron seconded the motion.** Ms. Grimsley explained the recourse and the cost thereof for the property owners whose ROGO allocations were being withheld due to a tier designation challenge. Mike Roberts updated the Commissioners on the progress being made on the Tier Designation Review Committee's review. **There was no opposition. The motion passed unanimously.**

**2.Denny's 2 Pizzeria d/b/a The Place, 99620 Overseas Highway, Key Largo, Mile Marker 99:** A request for approval of a 2-COP alcoholic beverage special use permit in order to sell beer and wine on premises. The subject property is legally described as Block 6, Lots 9 & 10, Lazy Lagoon Subdivision, PB2-126, Monroe County, Florida having Real Estate Number 00497430.000000.

(10:38 a.m.) Barbara Bauman presented the staff report. Chairman Wall expressed concern at the close proximity of the outdoor seating area to U.S.1. Ms. Bauman made the assurance that staff is recommending bollards be installed. Staff recommends approval with conditions, including restriping of the parking area and installation of bollards or fencing between the outdoor seating and U.S.1 for safety purposes. Mr. Schwab stated that the outdoor seating issue needs to be reviewed to address the safety issues.

(10:52 a.m.) The property owner, Arnaldo Diaz, was present. Mr. Diaz stated that he has agreed to install a protective barrier in the outdoor seating area. Mr. Diaz said that without this license to sell beer and wine his business will not survive. The property owner is also willing to move the outdoor seating area in closer to the building. Commissioner Cameron suggested allowing the permit with the condition that the outdoor seating is removed until protective barriers are in place.

Chairman Wall asked for public comment.

(10:56 a.m.) Ron Miller commented that outdoor seating should be promoted to encourage tourists to stop in Key Largo.

**Motion: Commissioner Cameron made a motion for approval with staff conditions and the added condition that the outdoor seating be moved until the Director of Planning approves a safer solution. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.**

**3.Blue Water Work Force Housing, Overseas Highway (US 1) between Burton and Oleander Drives, Tavernier, Mile Marker 92.6:** A request for approval of a variance to the 25-foot front yard setback along Sabal Palm Lane in order to develop the property with thirty-six (36) deed-restricted employee housing units and associated improvements. The subject parcel is legally described as Tract C, Blue Water Trailer Village Section 1 (PB5-104), Key Largo, Monroe County, Florida, having real estate number 00488730.000000.

**4.Blue Water Work Force Housing, Overseas Highway (US 1) between Burton and Oleander Drives, Tavernier, Mile Marker 92.6:** A request for approval of a major conditional use permit in order to develop the property with thirty-six (36) deed-restricted employee housing units and associated improvements. The subject parcel is legally described as Tract C, Blue Water Trailer Village Section 1 (PB5-104), Key Largo, Monroe County, Florida, having real estate number 00488730.000000.

It was agreed that the requests for approval of both the variance and major conditional use permit would be heard together, but voted on separately. Mr. Haberman pointed out that if the variance is denied, the conditional use would have to be denied unless conditions were made for minor adjustments.

(11:03 a.m.) Mr. Haberman presented the staff report on Item 3. The necessity for the variance was explained as being for four off-street parking spaces, a recycling/trash enclosure, and the request by staff to shift two buildings to allow for larger walkways. Staff recommended approval with conditions. The conditions were listed. The location of the recycling/trash enclosure was discussed.

(11:10 a.m.) Mr. Haberman stated the applicant is proposing 36 work force housing units that will be deed-restricted as affordable housing. Ms. Grimsley explained that this is set up as rental housing by a lease from the County dated February 20, 2008, and that the language in the condition of staff that this is “subject to the affordable housing restrictions set forth in the Monroe County Code” should stated “subject to the terms of the lease dated February 20, 2008.”

Mr. Haberman resumed his presentation of the staff report. The standards for a conditional use were listed. Access points into and out of the property were discussed. Mr. Haberman reported that the County’s traffic engineer does not anticipate this project affecting the level of service along U.S.1 to the point of interfering with approval of the development. Mr. Haberman

described the redevelopment proposed for the Circle K across U.S.1 coming before the Commission in the near future and stated that might improve the traffic situation in the area. Staff's recommendations were outlined. The proposed parking on County right-of-way was discussed. Mr. Haberman recommended approval with conditions, and those conditions were outlined.

(11:33 a.m.) Joel Reed of Solaria Design and Consulting Company spoke on behalf of the applicant, Gorman and Company. Mr. Reed introduced the members of his team involved with the project to the Commission. A brief history of the project was presented. Mr. Reed stated that the access onto Sabal Palm was necessary due to traffic flow. Mr. Reed then explained that the sidewalks serve as the five-foot access for the handicap parking spots on Sabal Palm. This proposed development, along with the proposed development across U.S.1, was described as alleviating current traffic problems in this area, and the reasons were explained. A traffic light is not warranted at the intersection of Burton Drive and U.S.1 at this time.

Mr. Reed detailed the reasons for the variance request and the difficulties with setbacks for this project. There is an eight-month build-out scheduled for the site, to begin October of 2010. Pinnacle is the management company, and their tenant profile was described. Mr. Reed stated that the applicant accepts staff's elevation and landscaping conditions. Chairman Wall questioned the access to the dumpster on Sabal Palm. Mr. Reed explained that there is no requirement for curbing on Public Works' right-of-ways, and since Sabal Palm is the least-used street surrounding the development, this is the logical site for garbage collection.

(11:47 a.m.) Ms. Grimsley clarified that the lease refers to the affordable housing restrictions governing subject to LIHTC qualification, and that the sub-lessees, the tenants, qualify for affordable housing under 9.5 of the Monroe County Code and are gainfully employed at the time of their rental. Ms. Grimsley suggested changing the qualification in Condition E to "Occupants of the employee housing units must meet all requirements for occupancy of employee housing and affordable housing as set for in the Monroe County Code subject to the qualifications for LIHTC in the lease." Ms. Grimsley further suggested the applicant and County attempt to amend the lease to make it solely employee housing, if possible.

(11:50 a.m.) Mary Lou Wilkinson, neighboring property owner, spoke about the traffic in the area, and stated that this project will make the situation worse. Ms. Wilkinson opposed the requested variance because there will not be enough parking for the development proposed and there will not be enough recycle and trash bins for the number of people who will be living in this development. The fact that the plans don't address the obstructions to line of sight in this area was pointed out. Mr. Schwab agreed that those obstructions should be evaluated.

(12:00 p.m.) Jerry Wilkinson, neighboring property owner, stated that he is not opposed to work force housing, and not particularly opposed to this project, but is very concerned with any increase in traffic the proposed development would bring. The difficult traffic situation surrounding the project was described. The location of the County bike path was discussed. Mr. Wilkinson asked the Commission to consult with FDOT to rectify the problems at the intersection of U.S.1 and Burton Drive as a condition of this project.

(12:10 p.m.) Kelly Pardo, a neighboring property owner, questioned where guests of tenants in these rental units would park. Chairman Wall explained that code requires 1.5 parking spaces per unit, regardless of the size of the unit. Overflow parking along Burton Drive, as well as other right-of-ways in the area, were discussed.

(12:13 p.m.) Jim Briggs, a neighboring property owner, stated that the traffic generated from this proposed development would exacerbate an already bad situation and that no notice for this meeting was received by him. Mr. Briggs expressed his concern with the type of people who may live in this development, as well as the possibility of a decrease in property values.

(12:16 p.m.) Lisa Reim, neighboring property owner, voiced her concerns about the traffic in this area and the difficulty of exiting the proposed access points, as well as the increased parking surrounding the project.

(12:20 p.m.) Joel Reed responded that bulk trash pick-up would need to be designated and scheduled by the property manager. Mr. Reed stated that his opinion is that the power pole described as an obstruction does not obstruct the clear-sight triangle. Mr. Reed reminded the Commission that the applicant is to provide clear-sight triangles within their development only. Assurance was made that traffic will be maintained during the construction period. The applicant is willing to bring awareness to motorists of the bike path in the area. Mr. Reed stated that notice was posted on all four corners of the property and property owners within a 300-foot radius were noticed. The tenant profiles were addressed again and described as representative of the community and the people living within the community.

It was clarified that the units are being rented as a whole unit, not divided up, and that all units have windows and private courtyards, as well as access to public space.

(12:30 p.m.) Commissioner Werling stated that, understanding that the parking meets the requirements, she feels it is inadequate, and wished that the trash and recycle containers could be enclosed on the property.

**Motion: Commissioner Cameron made a motion for approval of the variance, Item 3, with the conditions stated in the staff report. Commissioner Hale seconded the motion.** Chairman Wall noted that this project increases dwelling units in the neighborhood by only 3 percent, which is not enough to deny the applicant's request for a variance, and the surrounding neighborhood deals with their garbage the same way as is proposed for this development. **A poll was conducted with the following results: Commission Hale, Yes; Commissioner Cameron, Yes; Commissioner Lustberg, Yes; Commissioner Werling, No; and Chairman Wall, Yes.**

**Motion: Commissioner Cameron made a motion to approve Item 4 with the conditions stated in staff's report, as well as the change to Condition E suggested by Ms. Grimsley. Commissioner Hale seconded the motion.** It was clarified that the applicant does not have to bring the clear-sight triangle into compliance with Burton Drive, but only the proposed development's two exits. Mr. Wolfe confirmed that the 300-foot radius mailings were carried out by the Property Appraiser. **A poll was conducted with the following results:**

**Commissioner Hale, Yes; Commissioner Cameron, Yes; Commissioner Lustberg, Yes; Commissioner Werling, Yes; and Chairman Wall, Yes.**

A luncheon recess was held from 12:45 p.m. to 1:57 p.m.

**5. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS CREATING GOAL 107, OBJECTIVE 107.1, AND POLICY 107.1.1 OF THE MONROE COUNTY 2010 COMPREHENSIVE PLAN TO ESTABLISH A SUB AREA POLICY FOR PROPERTY LEGALLY DESCRIBED AS WISTERIA ISLAND & ADJACENT BAY BOTTOM (OR385-897-898), HAVING REAL ESTATE NUMBER 00123950-000000; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR THE TRANSMITTAL TO THE SECRETARY OF STATE AND THE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.**

John Wolfe informed the Commission that Items 5 and 6 would be heard together.

**6. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO AMEND THE FUTURE LAND USE MAP (FLUM) DESIGNATION FROM UNDESIGNATED TO MIXED USE COMMERCIAL (MC) FOR PROPERTY LEGALLY DESCRIBED AS WISTERIA ISLAND & ADJACENT BAY BOTTOM (OR385-897-898), HAVING REAL ESTATE NUMBER 00123950-000000; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR THE TRANSMITTAL TO THE SECRETARY OF STATE AND THE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.**

(1:59 p.m.) Mitch Harvey presented the staff report, as well as photographs depicting an aerial view of the island and what is currently on the island itself. An intensity and density analysis was presented. Issues brought up at the Key West Development Review Committee meeting and the public meeting, both held May 27, 2010, were highlighted. Mr. Harvey listed staff's recommended changes to the previous Planning Commission backup, as well as the outstanding issues. Mr. Harvey concluded that the proposed amendment: One, will not affect the existing future land use character of Monroe County of the City of Key West: two, is internally consistent with the Monroe County comprehensive plan; and, three, is consistent with the principles for guiding development in the Florida Keys Area of Critical State Concern. Mr. Harvey also concluded that Monroe County has coordinated with the City of Key West by appearing before their DRC on May 27, 2010.

Staff recommended approval of the proposed sub-area policy language as recommended by staff only with and subject to approval of the mixed use commercial future land use designation approval.

(2:16 p.m.) Commissioner Cameron questioned and corrected different items in the proposed sub-area policy and state that he felt the applicant was being given unfair conditions to meeting before being allowed to progress with the development. Mr. Demes noted that on Page 4, above

Paragraph 2(iii) the word “eliminating” should be replaced with “providing.” Mr. Jones answered questions regarding the mooring fee and the percentage of mooring dedicated to affordable housing. Mr. Jones also explained the prohibition of storage vessels in the mooring field. Commissioner Lustberg asked about the difference between what is and what can be regulated currently as opposed to if this application is approved. Mr. Jones delineated those differences, as well as if Monroe County is successful through the FWC Pilot Program in initiating regulatory action. Ron Demes interjected that the Navy perceives this project as a positive impact in regulating where moorings could take place, and stated that the Navy does not wish to see the problem of derelict vessels simply displaced, but addressed in its entirety. Commissioner Werling brought up the unintended consequence of a need for parking if storage vessels were permitted. The intensity of the upland mooring-related facilities decreasing commensurate with the impact of the mooring field was discussed. Mike Roberts explained to Commissioner Cameron what is allowed in the transfer of development rights. Mr. Demes commented that the parking study should include the possible impacts shore side as a result of the development. Mr. Harvey confirmed that the applicant was not proposing to include a beach in this development.

(3:11 p.m.) Nicholas Mulick, Esq. was present on behalf of the applicant, FEB Corporation. Mr. Mulick introduced Roger Bernstein and Tom McMurray, both from FEB Corporation.

(3:12 p.m.) Bruce Popham, from Marathon Boatyard, was sworn in and spoke about his involvement in and developing rules for managed mooring fields and all of the positive results of those efforts. Mr. Popham stated that the purpose of a mooring field is to provide a place for a transient or live-aboard boater who chooses not to live in a marina a place to put their boat while enjoying the lifestyle, not to provide an anchorage for a stored boat. The suggestion was made to have the mooring field managed by a public municipality. Mr. Popham cited the success of the Boot Key mooring field as an indication of the demand for managed mooring fields. The value of having a mooring field to the area in which it is located was explained. Mr. Popham confirmed that his presence was as an expert witness, not as a paid lobbyist.

(3:22 p.m.) Florida Fish & Wildlife Officer David Dipre, after being sworn, clarified that the FWC does not take a political or commercial stance on this proposed development, but only wished to enlighten the Commission on what is occurring around Wisteria Island currently. Wisteria Island is an area of concern because it has the highest concentration of derelict vessels in the Florida Keys. The cost to the County to remove derelict vessels was discussed. The benefits of this proposed mooring field to FWC and Monroe County were listed. The different jurisdictions’ involvement was described. Officer Dipre attested to the fact that the number of derelict vessels in the Boot Key Harbor has diminished almost completely since the mooring field has been in place. Officer Dipre described the possible consequences of boats being stored at a mooring field. The lack of anchorage lights on vessels around Wisteria Island was discussed, as well as the lack of marine sanitation devices on these boats. Officer Dipre informed the Commission that the responsibility to remove derelict vessels washed up onto Wisteria Island or privately-owned bay bottom falls to the County or the private owner, although FWC has the authority to proceed with a criminal investigation. The radius size surrounding the proposed mooring field for restriction of anchoring has not been decided. Officer Dipre explained what occurs in a mooring field when a hurricane evacuation notice is given.

(3:37 p.m.) Mr. Mulick outlined the applicant's presentation to the Commission. The procedure to be followed in dealing with an abandoned vessel in the proposed mooring field was described. Mr. Mulick informed the Commission that the applicant would not argue against the prohibition of storage vessels in their mooring field. The incentive to the applicants to ensure a pump-out facility is being used by vessels within their mooring field was discussed.

(3:49 p.m.) Owen Trepanier, planning consultant with Trepanier & Associates, was called as a witness by Mr. Mulick. Mr. Trepanier provided the Commission with the benefit of his education, training and professional associations. Mr. Trepanier was recognized by the Commission as an expert in the area of interpretation and application of the Monroe County land regulations and comprehensive plan. Mr. Trepanier testified that he is familiar with Wisteria Island with regard to its location, configuration and the surrounding waters. The application for the two amendments to the comprehensive plan prepared and submitted by Mr. Trepanier was explained. Mr. Trepanier reviewed with the Commission the general policies and objectives that apply to this proposed development and described how this development is compliant with those policies and objectives. The comprehensive plan requirements for a designation of mixed use were explained. The proposed development was compared and contrasted to the development on Sunset Key. Mr. Trepanier then testified that the proposed FLUM designation for Wisteria Island would be compliant with all applicable land development regulations in the Monroe County comprehensive plan provisions and that the proposed sub-area policy adequately protects the environmental resources on the island. Mr. Trepanier further testified that the proposed FLUM for Wisteria Island would not create any conflict with the surrounding properties and that staff's report is adequate, accurate and consistent with the comprehensive plan.

A brief recess was held from 4:10 p.m. to 4:21 p.m.

(4:21 p.m.) Robert Altman, architect, was called as a witness by Mr. Muick and was sworn in. Mr. Altman testified that he has been a registered architect since 1974 and then provided his experience in the development of mixed use communities. The Commission recognized Mr. Altman as an expert in the area of mixed use development. Mr. Altman opined that the SAP allows for reasonable development of Wisteria Island and would protect all natural resources on the island.

(4:25 p.m.) George Hermanson, engineer, was called to testify by the applicant and was sworn in. Mr. Hermanson testified that he is a registered professional engineer in four states, including Florida, and then provided his background and experience in the area of engineering. The feasibility of transporting utilities to Wisteria Island was described, and then Mr. Hermanson testified that he doesn't foresee any potential problems with the utility permitting or the shoreline permitting that would be involved in this project. Mr. Mulick informed the Commission that Phil Frank, the applicant's environmental consultant, was present and available to answer any questions in that realm.

(4:30 p.m.) Roger Bernstein, president of FEB Corporation, was sworn in. Mr. Bernstein described how the FWC Pilot Program would work in the area of Wisteria Island. Mr. Bernstein stated that the Wisteria Island mooring field does not impose any additional obligation on the

County, and that the mooring field will clean this area up and will generate significant revenue for the neighboring municipalities.

Mr. Bernstein answered Commissioner Cameron that the applicant is not happy with all of the extra requirements imposed since the last meeting regarding this matter and deferred the explanation of that to Mr. Mulick. Mr. Bernstein explained to Commissioner Werling that the reason that all the properties for the mooring field were not obtained before bringing forth this proposal is because the Governor and Cabinet cannot consider the land swap proposed until they are satisfied that this project is consistent with the County's comprehensive plan, which requires a FLUM designation. The reasons the project is being proposed in conjunction with a mooring field were explained. The parking impact was described as minimal due to the fact that the mooring field is not for the purpose of wet storage.

(4:47 p.m.) Tom McMurrain, an officer of FEB Corporation, addressed the issue of parking impacts. Mr. McMurrain explained how Sunset Key deals with parking, and then stated that he didn't feel that 30 percent of the mooring field being reserved for work force housing would cause a parking impact.

(4:50 p.m.) Mr. Mulick clarified that the items in the proposed SAP that the applicant disagreed with were the 30 percent of the mooring balls being applied to affordable housing as opposed to 30 percent of the entire project and the location of the two-acre park facilities being defined as opposed to letting the architect decide the most appropriate location. Mr. Mulick reminded the Commission and public of the process of review, that a FLUM must be in place in order to create a mooring field, and that the Board of County Commissioners can only consider staff's recommendations if the project passes review by the Planning Commission. Mr. Wolfe addressed the fact that the SAP caps the development allowable and imposes requirements on the applicant, and that at this point the Commission is not approving any development. Ms. Grimsley noted that there are still other conditions that can be imposed at the time of the conditional use. Mr. Mulick confirmed for Commissioner Cameron that the applicant was fine with the 30 percent affordable housing number as long as it applied to the entire project, and that the applicant accepts the change in open space requirement from 20 percent to 30 percent. After conferring with the applicant, Mr. Mulick clarified that the applicant believes the property owner should decide whether or not an active two-acre park should be created or whether the conservation land already set aside is sufficient to provide for open space. Mr. Trepanier wanted to add a couple of points to the SAP, and Commissioner Cameron suggested that those points be submitted in writing at the Planning Commission scheduled for the following day.

(5:15 p.m.) Mr. Harvey summarized the differences between what the staff is recommending and what the applicant objects to relating to the open space requirement, what a reasonable public access fee would be, and how to calculate the 30 percent of allocated affordable housing. Mr. Trepanier discussed what a reasonable fee would be, and stated that the applicant wants the two acres of open space to include the facilities on the island that are open to the public. Mr. Harvey spoke about the strong desire of the public for public access to the island.

Chairman Wall asked for public comment.

(5:25 p.m.) Ron Miller urged the Commission to consider the effects of hurricanes on offshore islands, regardless of whether Wisteria Island is called an offshore island or not, and to be careful with how much density is placed on Wisteria Island. Part of the Local Mitigation Strategy was read into the record and Mr. Miller stated that it should be a source of guidance in planning in Monroe County.

(5:32 p.m.) Andrea Quigley expressed her curiosity as to how the public would access the island, and questioned if the proposed water taxi fee is included in the public access fee.

Public comment was closed for the day.

**7. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 138-24 OF THE MONROE COUNTY CODE CONCERNING ROGO ALLOCATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR INCLUSION IN THE MONROE COUNTY CODE OF ORDINANCES; PROVIDING FOR FILING WITH THE SECRETARY OF STATE AND TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE.**

(5:34 p.m.) Susan Grimsley presented the staff report. Chair Wall asked for public comment. There was none. **Motion: Commissioner Cameron made a motion for approval. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.**

### **BOARD DISCUSSION**

Commissioner Lustberg suggested that how large the radius is for giving notice and the County's parking requirements should be looked at, as no one from the public who spoke was happy with either of those two issues. Mr. Wolfe described the process followed for giving notice and noted that a lot of property owners in Monroe County live out of town. Parking available for the Key West meeting being held the following day was described.

### **ADJOURNMENT**

The Monroe County Planning Commission meeting was adjourned at 5:40 p.m.