

PLANNING COMMISSION
November 15, 2023

Meeting Minutes

The Planning Commission of Monroe County conducted a hybrid virtual and in-person meeting on **Wednesday, November 15, 2023**, beginning at 10:05 a.m.

CALL TO ORDER by Chair Scarpelli

PLEDGE OF ALLEGIANCE

Chair Scarpelli stated that due to some extenuating circumstances, Commissioner Demes would not be able to be present in person. A vote was taken indicating the Commissioners present were okay with Commissioner Demes attending via Zoom.

Motion: Commissioner Neugent made a motion to allow it. Commissioner Thomas seconded the motion. There was no opposition. The motion passed unanimously.

ROLL CALL by Ilze Aguila

PLANNING COMMISSION MEMBERS

Joe Scarpelli, Chair	Present
Ron Demes, Vice Chair	Present Via Zoom
George Neugent, Commissioner	Present
David Ritz, Commissioner	Absent
Rosemary Thomas, Commissioner	Present
Douglas Pryor, Ex-Officio Member (MCSD)	Absent
Christina Gardner, Ex-Officio Member (NASKW)	Absent

STAFF

Emily Schemper, Senior Director of Planning and Environmental Resources
Mike Roberts, Assistant Director of Environmental Resources
Cheryl Cioffari, Assistant Director of Planning
Brad Stein, Development Review Manager
Tiffany Stankiewicz, Development Administrator
Peter Morris, Assistant County Attorney
John Wolfe, Planning Commission Counsel
Ilze Aguila, Planning Commission Supervisor

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

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

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Ms. Ilze Aguila confirmed receipt of all necessary paperwork.

SWEARING OF COUNTY STAFF

County staff was sworn in by Mr. John Wolfe.

CHANGES TO THE AGENDA

None.

DISCLOSURE OF EX PARTE COMMUNICATIONS

None.

APPROVAL OF MINUTES

Motion: Commissioner Neugent made a motion to approve the October 25, 2023 meeting minutes. Commissioner Thomas seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

AGENDA ITEMS

Commissioner Scarpelli stated that he would need to recuse himself from Items 1 and 2 as he has a current client that will be awarded their ROGO allocations today. Commissioner Neugent became acting chair.

1. A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM FOR JULY 13, 2023 THROUGH OCTOBER 12, 2023, ROGO (Quarter 1, Year 32). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY. (File 2023-183)

(10:09 a.m.) Ms. Tiffany Stankiewicz, Development Administrator, presented the staff report for the residential dwelling unit allocations for Lower and Upper Keys subareas and Big Pine and No Name Key subareas. The Planning Department is recommending approval of the following market rate rankings: Lower Keys applicants ranked 1 through 7 recommended for allocation awards; Big Pine/No Name applicant ranked 1, recommended for allocation award subject to mitigation availability at the time of permitting; Upper Keys applicants ranked 1 through 8 recommended for allocation awards. There are 2 affordable housing applicants in the Lower/Upper Keys for allocation award. All other applications roll over to the next quarter.

There were no comments or questions by Commissioners. Acting Chair Neugent asked for public comment. There was none. Public comment was closed.

Motion: Commissioner Neugent made a motion to approve. Commissioner Thomas seconded the motion.

Roll Call: Commissioner Demes, Yes; Commissioner Thomas, Yes; Commissioner Neugent, Yes; Commissioner Ritz, Absent; Chair Scarpelli, Recused. The motion passed.

2. A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE NON-RESIDENTIAL ALLOCATION SYSTEM FOR JULY 13, 2023 THROUGH OCTOBER 12, 2023, NROGO (Quarter 1, Year 32). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY.

Chart of NROGO balances was presented as part of the agenda. (File 2023-184)

(10:11 a.m.) Ms. Tiffany Stankiewicz, presented the staff report for the Non-residential allocations. The Planning Department recommended approval of the two applicants for N-ROGO. There were no further questions or comments from the Commission. Acting Chair Neugent asked for public comment. There was none. Public comment was closed.

Motion: Commissioner Thomas made a motion to approve. Commissioner Demes seconded the motion.

Roll Call: Commissioner Demes, Yes; Commissioner Thomas, Yes; Commissioner Neugent, Yes; Commissioner Ritz, Absent; Chair Scarpelli, Recused. The motion passed.

BOARD DISCUSSION

Chair Scarpelli stated that future schedules would normally be discussed at this time but with Commissioner Ritz absent and Commissioner Demes appearing by Zoom this would be discussed at the meeting next month. Mr. Peter Morris, Assistant County Attorney, agreed that it would be prudent to wait until everyone was present to be able to synch their calendars.

Chair Scarpelli then stated that since the last Planning Commission meetings, things had been said regarding his personal ethics in doing his duty on this Commission and he wants everyone to know that he takes this position very seriously and always makes sure to keep his things above par because people are always watching. This is not an easy job and the Commission doesn't take it lightly. Everything is looked at with scrutiny for all projects in the County as a whole, and it's not easy. Commissioner Neugent asked if any further details needed to be relayed. Chair Scarpelli noted that everything was on Facebook.

Commissioner Demes added that he had attended a meeting in Marathon where the Planning Commission was under attack over the one particular contentious issue at the last meeting for having made up their minds before showing up, stating that they did not take notes and were inattentive. He had taken major exception to that and presented his notes containing all 33 speakers, who they were, where they lived and what their issues were, and this could not be further from the truth. This Commission is extremely dedicated and listens attentively.

Mr. John Wolfe, Planning Commission Counsel, added that he had pushed back at the time the comments came up on this topic at the last meeting, stating that the Commissioners are all legally obligated to consider everything and could not discuss the items in advance because of the Sunshine Law.

GROWTH MANAGEMENT COMMENTS

Ms. Emily Schemper stated that she had a couple of things to discuss regarding what Commissioner Neugent was about to bring up. Commissioner Neugent then stated that it had

been proposed by DEO to give the County 8,000 development allocations and there was going to be a Zoom meeting regarding this the following day, and he believes the Planning Commission needs to be informed and attend because, as this unfolds, it will become a very heated situation. He had predicted this long ago that the State would pop up one day and give the County allocations that would go on for a long time. Though the County can still manage those allocations, he believes the County is in a box where the allocations can't be turned down or the State will say, fine, you're on your own with the litigation situation because they gave an out that wasn't taken.

Ms. Schemper further explained that it is not clear cut that the DEO is going to give the County 8,000 allocations. There was a webinar yesterday discussing their new draft hurricane modeling results and there is another webinar scheduled for tomorrow from 2:00 to 3:00. The link has been put on the County website calendar by Kristin Livingood. The results were discussed yesterday in some detail with scenarios of what offering additional ROGO allocations would do to the hurricane evacuation modeling. Public comment was not taken but questions were answered that had been previously emailed in. Staff is gathering information at this point to find out about the time line and what is expected of County staff. Ms. Schemper suggested the Commissioners attend the webinar as these are the beginning stages of what needs to be done and who is making what type of recommendation to whom. It is not simply, as the rumor implies, that the State is offering 8,000 allocations.

Mr. Peter Morris added that the landscape of considerations is still taking shape and is by no means crystallized. For example, the U.S. 1 Arterial Travel Time Delay Study which was approved on a 3 to 2 vote at the most recent BOCC meeting was approved before any of this news broke. Even that approval which was by a narrow simple majority is potentially subject to a motion for reconsideration to bring it back based upon this newly perceived information and decisional process from the State land planning agency. At yesterday's webinar there were five different potential scenarios that Secretary Meredith Ivy laid out. That meeting was very different than those held locally where there is a lot of live public comment received and responded to. This situation is still very much in flux.

Commissioner Neugent added that there obviously had to be some justification addressing hurricane evacuation which is separate from the traffic studies but he doesn't know of anyone who has been in contact with the State about the number of allocations or what that justification is. He believes in order to avoid litigation there needs to be a mix of market rate and affordable allocations because no one wants to build a house that they can't live in because of income requirements. Mr. Morris stated that the County's position is that these are questions of potential liability exposure. Commissioner Neugent asked if DEO had been conversing with the County's legal department. Mr. Morris responded that that was above his pay grade but he had not had any contact with anyone personally. Ms. Schemper restated that the webinar would be the source of hurricane evacuation model results and information. Both she and Mr. Morris encouraged everyone who cares about these issues to tune in, pay attention and participate. Significant changes may or may not be made, but people need to participate.

Chair Scarpelli then accepted a public speaker.

Ms. Julee Marzella wanted clarification on which resolutions had been approved for signature today. Chair Scarpelli responded that only ROGO and N-ROGO had been covered today.

Ms. Schemper also announced that this would be the last meeting for Bradley Stein, Development Review Manager, as he is moving to Montana. The Commission thanked him for his service and agreed he would be missed.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 10:29 a.m.