

PLANNING COMMISSION
January 24, 2024

Meeting Minutes

The Planning Commission of Monroe County conducted a hybrid virtual and in-person meeting on **Wednesday, January 24, 2024**, beginning at 10:00 a.m.

CALL TO ORDER by Chair Scarpelli

PLEDGE OF ALLEGIANCE

ROLL CALL by Ilze Aguila

PLANNING COMMISSION MEMBERS

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

STAFF

Emily Schemper, Senior Director of Planning and Environmental Resources
Mike Roberts, Assistant Director of Environmental Resources
Cheryl Cioffari, Assistant Director of Planning
Devin Tolpin, Principal Planner
Peter Morris, Assistant County Attorney
Patrick Stevens, Planning Commission Counsel
Mayte Machado, Sr. Coordinator, Planning Commission
Ilze Aguila, Sr. Administrator, Operations, Planning and Environmental Resources

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

County Resolution 131-92 was read into the record by Mr. Patrick Stevens.

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. Patrick Stevens.

CHANGES TO THE AGENDA

Item Number 1 was postponed indefinitely. Mr. Patrick Stevens stated that based on the item being pulled from the agenda, no testimony will be heard on this matter from any party, whether opposing or the party themselves.

APPROVAL OF MINUTES

Motion: Commissioner Neugent made a motion to approve the December 20, 2023 meeting minutes. Commissioner Ritz seconded the motion. There was no opposition. The motion passed unanimously.

DISCLOSURE OF EX PARTE COMMUNICATIONS

None.

MEETING

AGENDA ITEMS

1. POSTPONED

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM SPARSELY SETTLED (SS) TO SUBURBAN RESIDENTIAL (SR), FOR PROPERTY LOCATED AT 1489 BOCA CHICA ROAD, GEIGER KEY, FL, APPROXIMATE MILE MARKER 10, HAVING PARCEL IDENTIFICATION NUMBER 00141810-000000 AS PROPOSED BY ROBERT L. BEARDSLEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2023-193)

(10:11 a.m.) Ms. Devin Tolpin, Principal Planner, presented the staff report. This is a request to amend the land use district from sparsely settled to suburban residential. The property is a platted lot within the Boca Chica Ocean Shores subdivision. Both the existing and proposed land use districts are consistent and located within residential low FLUM designation. The lot is approximately 6,000 square feet, is designated Tier III, and is located within the AE9 flood zone. A community meeting was held on November 15, 2023. This was also reviewed by the Development Review Committee on December 21, 2023, where the Chair of the DRC signed a resolution recommending approval to the Planning Commission and the BOCC. The Planning Commission is here to make a recommendation that will ultimately go before the BOCC for a decision.

On April 26, 1976, a building permit was issued to construct a single-family residence which is still in existence. At that time, the property was located within the RU-1 single-family residential district permitting residential uses. In 1986, the zoning was amended to sparsely settled zoning. The applicant's justification for the proposed amendment is in the included file, but the driving force behind this application is for an opportunity to build a pool and/or other accessory structures. Currently, the sparsely settled zoning district has a purpose to establish areas of low density residential development where the predominant character is native or open space lands and has an 80 percent minimum required open space ratio. The property currently is lawfully nonconforming. The purpose of the suburban residential zoning district is to establish areas of low to medium density residential uses characterized by single-family detached dwellings. This district is predominated by development, however natural and open space creates an environment defined by plants, spaces and overwater views. The suburban residential district has a 50 percent minimum required open space ratio. Ms. Tolpin presented aerials of the property and the surrounding area with a table reflecting that the permitted and conditional uses within both zoning

districts are fairly similar with the exception of items highlighted in red. One of note is vacation rental use which could be permitted on this lot if rezoned to suburban residential. Also of note, the allocated maximum net and transient density would be unchanged. There would be a minor increase in non-residential development intensity that could be permitted of around 300 square feet, depending on the use proposed. Approval of the requested amendment would bring the property into compliance with the required 50 percent open space ratio of suburban residential. There is a property within the same platted subdivision approximately 770 feet away located in the suburban residential land use district which was amended to suburban residential through a BOCC ordinance in 2018. Staff finds the proposed zoning amendment is not anticipated to adversely impact the community character of the surrounding area, and that this is consistent with the Monroe County Comprehensive Plan, the Lower Keys CommuniKeys Plan, and the Land Development Code, and is recommending approval.

Chair Scarpelli asked the Commission for questions or comments. There were none. Chair Scarpelli then asked for public comment.

Mr. Jim Reynolds, agent for the applicant, stated that he is available for any questions or to address any concerns. There was no public comment. Public comment was closed. Chair Scarpelli asked for motions or comments. Commissioner Ritz made a motion to approve.

Ms. Gardener asked to read a statement into the record. The subject property at 1489 Boca Chica Road is within the MIA of impact, specifically within both the type one accident potential zone and the 70 to 74 DNL noise contour as designated by the February 2018 AICUZ study. Amending the land use district map from sparsely settled to suburban residential reduces the minimum open space requirement. According to land use compatibility recommendations, residential usage is incompatible in type one accident potential zones and strongly discouraged in the 70 to 74 DNL noise contours. Therefore, NAS Key West is opposed to amending the land use district.

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

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

Commissioner Demes stated that he can appreciate the community planning liaison officer's comment because that's why the property was all condemned to begin with, to control development, which equates to encroachment and complaints about the noise and accident potential. In this particular case, the property has not been condemned and this person wants to build a swimming pool to increase their quality of life. He does not see that as a threat as in the textbook reasons for not approving this, nor does he believe there will be an increase in density. The other property up the street was done as well. When this area was sparsely settled it was traps in that community. Yes, there is a concern about transient rentals but this particular individual was put through the ringer to get to this point. He hopes there will be an opportunity to figure out how changes can be made without having to put individual property owners through such obstacles. The Navy owns most of the property and it will not be sold for residential. He is glad this case that this particular community member can be aided.

BOARD DISCUSSION

None.

GROWTH MANAGEMENT COMMENTS

None.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 10:23 a.m.