

PLANNING COMMISSION  
February 28, 2024

Meeting Minutes

The Planning Commission of Monroe County conducted a hybrid virtual and in-person meeting on **Wednesday, February 28, 2024**, beginning at 10:00 a.m.

**CALL TO ORDER** by Chair Scarpelli

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** by Ilze Aguila

Commissioner Demes requested to attend via Zoom.

**Motion: Commissioner Ritz made a motion to allow. Commissioner Neugent seconded the motion. Motion passed unanimously.**

**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)	Absent

**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  
Tiffany Stankiewicz, Development Administrator  
Peter Morris, Assistant County Attorney  
Patrick Stevens, Planning Commission Counsel  
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**

Chair Scarpelli stated the Commission had everything they needed

**SWEARING OF COUNTY STAFF**

County staff was sworn in by Mr. Patrick Stevens.

**CHANGES TO THE AGENDA**

None.

**APPROVAL OF MINUTES**

**Motion: Commissioner Neugent made a motion to approve the January 24, 2024 meeting minutes. Commissioner Thomas seconded the motion. There was no opposition. The motion passed unanimously.**

**DISCLOSURE OF EX PARTE COMMUNICATIONS**

None.

**MEETING**

**AGENDA ITEMS**

**1. A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM FOR OCTOBER 13, 2023, THROUGH JANUARY 12, 2024, ROGO (Quarter 2, Year 32). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY. (FILE 2023-183)**

(10:03 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. All other applications roll over to the next quarter.

There were no comments or questions by the Commissioners. Chair Scarpelli then asked for public comment. There was none. Public comment was closed.

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

**2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 139-1(f) NONRESIDENTIAL INCLUSIONARY HOUSING REQUIREMENTS, TO PROVIDE FOR LIMITED EXEMPTIONS TO THE NONRESIDENTIAL INCLUSIONARY HOUSING REQUIREMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO AND INCORPORATION IN THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2023-196)**

(10:04 a.m.) Ms. Devin Tolpin, Planning and Development Review Manager, presented the staff report. At the July 2023 BOCC meeting staff was directed to process this ordinance to amend Chapter 139, Section 139-1(f) to exempt up to 1,000 square feet of new development or up to 1,000 square feet of existing areas with a change of use category from the non-residential inclusionary housing requirement. Inclusionary housing is defined as the resulting affordable and/or employee housing and/or workforce housing that is created or preserved with the development and/or redevelopment of a parcel where provisions of approved development agreements or orders implement and promote affordable and/or employee housing and/or workforce housing goals, objections and policies contained in the plan by requiring set asides for affordable and/or employee housing and/or workforce housing units. In February of 2021, the BOCC adopted an amendment to the text of the Land Development Code which would require inclusionary housing be developed for non-residential and transient land uses. This section requires inclusionary housing be mitigated for new development, redevelopment with an expansion, redevelopment with a change of use, and unspecified uses. This section also adopted a subsection (4) with exemptions and waivers which described those uses that are exempt or waived from the inclusionary housing requirement.

Staff is proposing the BOCC-directed amendments to subsection (8) under that subsection (4) of exemptions and waivers that will now add new development and the change of use to a different use category of up to 1,000 square feet for non-residential uses to be exempt from that inclusionary housing requirement. This text amendment was presented at a community meeting on November 9, 2023, and also went before the DRC on December 19, 2023, where the Chair of the DRC recommended approval. Staff has found that the proposed amendment is consistent with the Land Development Code, the Comprehensive Plan, and the Principles for Guiding Development, and recommends approval of the proposed amendment.

Commissioner Ritz asked what problem was being solved with this amendment. Ms. Tolpin responded that since the adoption of this ordinance, a number of requests for waivers had been received to reduce or waive the inclusionary housing requirement for what the BOCC appears to see as fairly minor changes for new businesses or other business. For example, an established unit in a shopping center that is changing use to a different use category is then required to pay 50 percent of the inclusionary or affordable housing requirement, which sometimes can add up. While staff is in favor of reducing that requirement with this amendment, it still only reduces or exempts up to 1,000 square feet, so larger businesses will still be required to mitigate.

Mr. Peter Morris, Assistant County Attorney, clarified this is a policy-driven change because, over time, the Board changes, and when the study was produced by Clarion and Associates, there was one particular policy vision with respect to non-residential inclusionary. Since these applications have come in for waivers, there is a different policy view as to what the scope of non-inclusionary requirements ought to be. This is not course correcting for any legal problem, it is just a shift in policy preferences.

Commissioner Ritz stated that he is in favor of this, but was curious as to what is magic about 1,000 as opposed to 1,500, 2,000 or 2,500. Ms. Schemper responded that there was already an exemption in the existing ordinance for the first 1,000 square feet. Though it is a different issue, there is already an exemption from the non-residential ROGO, for example, for 1,000 square feet, and the Board feels comfortable with that. Ms. Schemper had reviewed this number with the BOCC after that direction was given as there was a subsequent waiver they had approved that was more than 1,000 square feet. She had confirmed the Board was indeed still comfortable with the 1,000 square foot waiver amendment, and they had stated they would still hear waiver requests for something greater than that. It's not exactly a magic number, but rather is consistent with what was already on the books. There were no further questions for Ms. Tolpin. Chair Scarpelli then asked for public comment.

Ms. Dottie Moses, speaking on behalf of Keys Last Stand, stated that as policy decisions have consequences, every exemption granted to the non-residential inclusionary housing requirement makes the affordable workforce housing crisis even worse. Keys Last Stand supports regulatory measures that promote truly affordable workforce housing. To that end, the Keys Last Stand Board would like to offer some suggestions on the amendment to the non-residential inclusionary housing requirement. Number 1) Recommend the BOCC raise the required mitigation percentage under the non-residential inclusionary housing requirement from 50 percent to 75 percent. Further, exemptions for the other listed types of developments and redevelopments should be reexamined as all of them require staff and those workers require housing. Number 2) Recommend that if there is to be an exemption for small business creations and expansions that there be no waivers to the remaining requirements for non-residential inclusionary housing. Number 3) Recommend that the BOCC explore incentivizing non-profit organizations to undertake affordable workforce housing projects that will accommodate higher proportions of low and very low income workers because affordable workforce housing projects developed by for-profit groups result in mostly the equivalent of market rate units. If amending the Land Development Code, why not do so in a way that helps solve the affordable workforce housing crisis and does not exasperate it.

There was no further public comment. Public comment was closed. There were no further questions from the Commission. Chair Scarpelli stated that the recommendations provided by Ms. Moses would be in the record for the BOCC to consider, but this is not what is being recommended today. From what Chair Scarpelli hears from the Housing Authority, low and very low are hard to fill because the income levels are far too low for this area, and this is not what is needed right now for the professionals needing to live here. Commissioner Neugent pointed out that every affordable housing project the Planning Commission and County had participated in are now 100 percent full, so it must be getting done right.

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

### **BOARD DISCUSSION**

Commissioner Neugent asked if the Cemex project in Tavernier would be coming back before the Planning Commission. Ms. Schemper responded that the items already reviewed would not come back before them, which was the text amendment for the overlay district that had been approved by the BOCC, and the zoning amendment that applied that overlay to the property which will go before the BOCC. Additional applications have been submitted for a Comp Plan amendment for a subarea policy, a zoning and FLUM amendment that goes with that for the affordable housing portion, and an application for a development, all four of which will come before the Planning Commission. An application has also been submitted for a conditional use permit which would come before the Planning Commission if the prior applications are adopted. Mr. Morris added that this would be the stopping point for discussion to avoid crossing a red line as the Sunshine Law precludes any discussion of any of those forthcoming applications in the queue because this panel is likely to review and issue decisions on multiple of those. He advises caution and to not go beyond asking what is in the queue.

### **GROWTH MANAGEMENT COMMENTS**

None.

### **ADJOURNMENT**

The Monroe County Planning Commission meeting was adjourned at 10:17 a.m.