

PLANNING COMMISSION
October 23, 2024

Meeting Minutes

The Planning Commission of Monroe County conducted a hybrid virtual and in-person meeting on **Wednesday, October 23, 2024**, beginning at 10:00 a.m.

CALL TO ORDER by Chair Scarpelli

PLEDGE OF ALLEGIANCE

ROLL CALL by Jessica McKinney

PLANNING COMMISSION MEMBERS

Joe Scarpelli, Chair	Present
Ron Demes, Vice Chair	Present
George Neugent, Commissioner	Present
Eric Anderson, 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
Barbara Powell, Planning Policy Advisor
Peter Morris, Assistant County Attorney
Dirk Smits, Planning Commission Counsel
Ilze Aguila, Sr. Administrator, Operations, Planning and Environmental Resources
Jessica McKinney, Senior Planning Commission Coordinator

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

County Resolution 131-92 was read into the record by Mr. Dirk Smits.

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Ms. Jessica McKinney confirmed receipt of all necessary paperwork,

SWEARING OF COUNTY STAFF

County staff was sworn in by Mr. Dirk Smits.

CHANGES TO THE AGENDA

None.

DISCLOSURE OF EX PARTE COMMUNICATIONS

None.

APPROVAL OF MINUTES

Motion: Commissioner Neugent made a motion to approve the September 25, 2024 meeting minutes. Commissioner Demes seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

AGENDA ITEMS

1. A PUBLIC HEARING CONCERNING AN APPLICATION SUBMITTED BY 21660 OVERSEAS HIGHWAY, LLC, REQUESTING FOR THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO APPROVE AN ORDINANCE AMENDING THE MONROE COUNTY TIER OVERLAY DISTRICT MAP TO CHANGE THE TIER DESIGNATION OF THE PROPERTY LOCATED AT 21660 OVERSEAS HIGHWAY ON CUDJOE KEY FROM TIER III-A TO TIER III, SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS LOTS 10 THROUGH 16 SACARMA PLAT BOOK 2, PAGE 48, CUDJOE KEY, SAID APPLICATION RECEIVED THROUGH THE APPLICANT'S AUTHORIZED AGENT SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD AND STERLING PLLC, AND SAID PROPERTY HAVING PARCEL ID NUMBERS 00174740-000100; 00174770-000000; 00174780-000000; 00174790-000000; 00174800-000000 AND 00174810-000000, APPROXIMATE MILE MARKER 21.75. (FILE NO. 2024-016)

(10:19 a.m.) Mr. Mike Roberts, Assistant Director, Environmental Resources, presented the staff report. Mr. Roberts pointed out that the application originally received was for the entirety of the parcels mentioned. However, on October 7, 2023, the application was amended to remove half of parcel 00174740-000100 or Lot 10. The application now covers Lots 11-16 Sacarma. This is to amend the tier overlay district map from Tier III-A to Tier III for these parcels. A map was presented to show the overall area. The area in question was mapped primarily as salt marsh and buttonwood with scrub mangrove and Florida mangrove habitats. The 2009 habitat map was presented with 2006 aerial imagery, showing mangrove and disturbed land with a fringe of hammock along the edge of U.S. 1. The current habitat map showed no significant changes and has the area previously mapped as hammock now designated as developed land, so the overall habitat signature now is more managed than native. Mr. Roberts then presented the land use zoning map, noting the parcel on the far right was half native and half suburban commercial. The primarily native portion of that parcel, Lot 10, has been eliminated from the application. Mr. Roberts then presented the tier boundary criteria found in Chapter 130-130 of the Land Development Code, all of which were found to be inapplicable to these parcels. Staff recommends approval of the proposed amendment for the west half of Parcel 00174740-000100 which is Lot 11, parcels 00174770-000000, 00174780-000000, 00174790-000000, 001747800-000000 and 00174810-000000 as the designated parcels do not meet the criteria for Tier I and are more appropriately designated Tier III.

Commissioner Demes asked when saying half of a parcel that runs north and south, do you take the north and south boundary dimension, divide it by two, and that's half. Mr. Roberts responded that the parcel itself is Lot 10 and Lot 11 of Sacarma combined. The amended application removes Lot 10 from consideration so it becomes the west half of that parcel. Chair Scarpelli then asked for public comment. There was none. Public comment was closed. Chair Scarpelli then asked if the applicant wished to speak.

Mr. Donald Craig, agent for the applicant, stated that the application has been amended so that the parcels that meet the criteria of the County for Tier III are those moving forward with the request. It is apparent, based on the environmental analysis by Phil Frank and the County that, these parcels deserve a tier ranking of III rather than III-A. He agrees with staff and requests approval from the Commission.

Chair Scarpelli stated that he had found the rendering of what the plan is for these particular parcels and it is pretty aggressive, in his opinion, though that is not on the ticket for today. He will look forward to those discussions. Mr. Craig responded that that plan was conceptual in nature and will not necessarily be the plan moving forward. The client has options which must be achieved once this step is completed. The rezoning of the parcels from native to SC is the next step. If successful, then the next step is the decision on the type of use desired by the client for the property.

Commissioner Demes added that he had gone by the property a couple of times and did not notice the notice, and then made a motion to approve.

Motion: Commissioner Demes made a motion to approve. Commissioner Neugent seconded the motion. There was no opposition. The motion passed unanimously.

Items 2 and 3 were read together.

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO COMMERCIAL (COMM), FOR PROPERTY LOCATED AT 24150 OVERSEAS HIGHWAY, SUMMERLAND KEY, LOTS 2 AND 3, AS SHOWN ON THE AMENDED PLAT OF DOBIE'S SUBDIVISION, DULY RECORDED IN PLAT BOOK 2, PAGE 135, OF THE PUBLIC RECORDS OF MONROE COUNTY, CURRENTLY HAVING PARCEL IDENTIFICATION NUMBER 00190940-000200; AS PROPOSED BY MACIEJ JARZEBOWSKI; 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN AND FOR AMENDMENT TO THE FUTURE LAND USE MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE NO. 2024-030)

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM IMPROVED SUBDIVISION (IS) TO COMMERCIAL 1 (C1), FOR PROPERTY LOCATED AT 24150 OVERSEAS HIGHWAY, SUMMERLAND KEY, LOTS 2 AND 3, AS SHOWN ON THE AMENDED PLAT OF DOBIE'S SUBDIVISION, DULY RECORDED IN PLAT BOOK 2, PAGE 135, OF THE PUBLIC RECORDS OF MONROE COUNTY, CURRENTLY HAVING PARCEL IDENTIFICATION NUMBER 00190940-000200; AS PROPOSED BY MACIEJ JARZEBOWSKI; 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 NO. 2024-031)

(10:19 a.m.) Ms. Barbara Powell, Planning Policy Advisor, presented the staff report. This is a request for an amendment to the future land use map and the land use district map. The FLUM change is from residential medium to commercial, commercial having no residential components. The land use district map change is from improved subdivision to commercial one. Ms. Powell presented an image of the property. The existing use is vacant, undeveloped land. The adjacent land uses are residential. The parcel is just less than 19,000 square feet with a Tier III designation and Flood Zone AE10 and AE11. Ms. Powell presented a closer-up visual of the property showing Mote Marine next to it and the adjacent residential areas. The land uses surrounding the property are a mix of residential, residential conservation and mixed use commercial. Modifying this to a commercial use would not create an island of commercial amongst the residential uses. The same is true for the zoning changes from suburban commercial to commercial one. In 2019 there was a lot line adjustment to create a flag lot for the large residential lot behind the property, and creating an additional lot. In 2023 there was a tier map overlay modification from Tier III-A to Tier III. Staff recommends approval of both amendments.

Chair Scarpelli asked why it was being changed to commercial one rather than suburban commercial. Ms. Powell responded that the applicant had originally proposed SC, but that would actually increase residential. Chair Scarpelli then asked for public comment.

Mr. Van D. Fischer, attorney representing the Kennedys who own the property immediately behind this parcel, wanted to go on record stating that the Kennedys object to this, largely because it will result in additional creep of the commercial area moving commercial immediately in front of their property rather than having a buffer. They are concerned about negative effects to property value and potential disturbance from whatever activities may take place. He has heard that it is likely that Mote Marine is going to expand onto this parcel which is their concern and reason for their objection, and that it's promulgating more development and loss of space in the Keys. Chair Scarpelli stated that Mote Marine does scientific research for reef restoration and he does not see how that would create more congestion. Mr. Fischer responded that it is more the disturbance.

Chair Scarpelli asked what the buffer is between C1 and IS. Ms. Schemper believed it to be 20 feet, which could be reduced to 16 feet if a solid fence is put in. There was no further public comment. Public comment was closed. Chair Scarpelli then asked if the applicant wished to speak.

Mr. Donald Craig, agent for the applicant, stated that the reason for the proposal is the current zoning has to do with the availability of ROGO allocations for residential use going into the future. The client wants to use the property for a reasonable use. Because it's located on U.S. 1, is adjacent to commercial zoning and with the buffer yard requirement, feels that rezoning to C1 is the most appropriate use of the property. His client does have a current five-year lease with Mote Marine for possible use of the property which would require further approvals by the County as a conditional use for that property. Most in the community recognize that Mote Marine has been a good neighbor to the adjacent existing residential uses and, if developed for that use in the future, would continue to be a good neighbor. Mote Marine does work that is important to the community from both a business and environmental standpoint. This is only the first step in a process of reviewing any development on the property. The many steps to follow will allow the neighbors to participate in the decision as to what goes on the property. Mr. Fischer interjected that, in the past, Mote Marine students or researchers have trespassed and used pool of the Kennedys, so he was just addressing the good neighbor comment made by Mr. Craig.

Commissioner Demes noted that he had seen the notices at this location, that it has some of the best grass in the Keys, and he would make a motion to approve.

Motion: Commissioner Demes made a motion to approve Item 2. Commissioner Thomas seconded the motion. There was no opposition. The motion passed unanimously.

Motion: Commissioner Thomas made a motion to approve Item 3. Commissioner Demes seconded the motion. There was no opposition. The motion passed unanimously.

BOARD DISCUSSION

Commissioner Demes complimented Joell at the County as he has been trying to get a flag at this place for about a year, which makes him happy today.

GROWTH MANAGEMENT COMMENTS

None.

RESOLUTIONS FOR SIGNATURE

None.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 10:36 a.m.