

PLANNING COMMISSION
November 13, 2024

Meeting Minutes

The Planning Commission of Monroe County conducted a hybrid virtual and in-person meeting on **Wednesday, November 13, 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
Rosemary Thomas, Commissioner	Present
Eric Anderson, Commissioner	Absent
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
Julie Cheon, Special Projects Administrator, Environmental Resources
Tiffany Stankiewicz, Development Administrator
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

Commissioner Demes requested that Item 2 be postponed as the Commission had not received the paperwork in advance. A motion was required.

Motion: Commissioner Demes made a motion to continue Item 2 to the December 12, 2024 meeting; and if that meeting does not take place, to the January meeting. Commissioner Neugent seconded the motion. The motion passed unanimously.

Roll Call: Commissioner Demes, Yes; Commissioner Thomas, Yes; Commissioner Neugent, Yes; Chair Scarpelli, Yes.

APPROVAL OF MINUTES

Commissioner Demes noted that a correction was needed on page five, on the second motion, to indicate that Commissioner Thomas had made the motion and that he had seconded that motion.

Motion: Commissioner Neugent made a motion to approve the October 23, 2024 meeting minutes with noted correction. Commissioner Demes 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 JULY 13, 2024, THROUGH OCTOBER 15, 2024, ROGO (QUARTER 1, YEAR 33). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY. (FILE 2024-140)

(10:05 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, market and affordable housing, 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 Demes made a motion to approve. Commissioner Neugent seconded the motion. Motion passed unanimously.

2. A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION ADOPTING RULES AND PROCEDURES FOR THE ADMINISTRATION AND CONDUCT OF PROCEEDINGS AND HEARINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

(Continued to the December 12, 2024 meeting. See motion above.)

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 114-163 WATERFRONT LIGHTING, TO ALIGN WITH CHAPTER 62B-55 F.A.C. AND CHAPTER 12, ARTICLE V OF THE MONROE COUNTY CODE OF ORDINANCES.; 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 NO. 2024-066)

(10:07 a.m.) Mr. Mike Roberts, Assistant Director, Environmental Resources, presented the staff report. The Board of County Commissioners first adopted sea turtle protection lighting ordinances back in 1994 and the County has had them ever since. In 2020, the DEP updated their model lighting ordinance for sea turtle nesting areas. This amendment to 114-163, which are the waterfront lighting ordinances, reflect those best management practices and the model lighting ordinance in DEP Chapter 62B-55.004 of the Florida Administrative Code. The language proposed by staff states that in the outdoor lighting within 25 feet of any body of water shall be cutoff lights and shall not exceed a height of 18 feet above grade; and, any lighting fixtures directly, indirectly or cumulatively visible from any portion of a sea turtle nesting area shall be designed, positioned, modified or removed to comply with Section 12-116 of the Monroe County Code of Ordinances. Dock lighting not visible from turtle nesting areas shall also comply with design criteria in Section 12-116. Mr. Roberts noted that Section 12-116 reflects the language of this amendment. Light fixtures shall contain recessed light sources or shields that consist of long wavelength light with wavelength of 560 nanometers or greater, and absent wavelengths below 560 nanometers. This replaces the language allowing a yellow bug-type bulb or low-pressure sodium vapor lamps which oftentimes did not meet the intent of the code. The lighting guidelines are essentially keeping it long, low and shielded. Mr. Roberts presented photographic examples.

Commissioner Demes asked if directly and indirectly are covered, why is cumulatively needed. Mr. Roberts responded that it was the legal approach in making sure that all bases were covered. Commissioner Demes stated that this is one case where the lawyers did not take an appreciation course in engineering. Commissioner Demes then asked what impact this would have to the County as far as recreation areas and parks that are close to the water and what it would cost the County to come into compliance. Mr. Roberts responded that staff had not done an in-depth analysis of the potential economic input as far as County facilities are concerned. However, there are very few County-owned recreational areas that front a known or designated turtle

nesting beach. Commissioner Demes stated that he does not have a problem with this though they may learn there are compliance considerations for local governments to comply as well as the citizens of the County, but that he would make a motion to approve. Chair Scarpelli added that light pollution overall needs to be addressed, that this is part of it, and they must start somewhere. There were no further questions or comments from the Commissioners. Chair Scarpelli then asked for public comment. There was none. Public comment was closed.

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

BOARD DISCUSSION

Mr. Peter Morris, Assistant County Attorney, stated that the Planning Department, through Ms. Emily Schemper in her capacity as the Planning Director, recently adopted an administrative rule of procedure specifically to the Planning Department and its coordinate professional staff and legal counsel that is not posted on the website. This is for information purposes for the Commission. Alleged silence or a lack of response from professional staff shall not be construed as consent or assent. The motivation behind that is to inoculate the Department, professional staff and counsel from previous bad faith outreach from certain enterprising plaintiff's counsel to professional staff who have nothing to do with the subject matter that they're asking about, or reaching out to somebody who may be on vacation and does not answer; and then, when no answer is obtained, then running to court and insisting they didn't say anything so that's consent or that it was detrimentally relied on. This does not require Planning Commission ratification. Rather, it's an independent administrative rule of procedure for the professional staff only.

Commissioner Demes commented that responsible government employees, when they go on vacation, could use the alert through out-of-office messages and voicemail so that people are aware that they are not going to get a response and can go on to a different individual in the County if they are pressed for particular information and an answer. Mr. Morris agreed, though indicated that that may not be enough to stop people from suing the government and claiming detrimental reliance.

GROWTH MANAGEMENT COMMENTS

None.

RESOLUTIONS FOR SIGNATURE

None.

ADJOURNMENT

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