

PLANNING COMMISSION  
February 25, 2025

Meeting Minutes

The Planning Commission of Monroe County conducted a hybrid virtual and in-person meeting on **Tuesday, February 25, 2025**, beginning at 10:00 a.m.

**CALL TO ORDER** by Vice Chair Demes

**PLEDGE OF ALLEGIANCE**

Vice Chair Demes stated that Chair Scarpelli would be unable to attend in person, and asked for a vote that he be allowed to join the meeting via Zoom. Mr. Peter Morris, Assistant County Attorney, interjected that late-breaking news as of about ten seconds ago, he had confirmed that Chair Scarpelli is very ill and will be unable to attend. Mr. Morris noted that Chair Scarpelli has had stellar attendance and this is his first occasion ever to miss a Planning Commission Hearing.

**ROLL CALL** by Jessica McKinney

**PLANNING COMMISSION MEMBERS**

Joe Scarpelli, Chair	Absent
Ron Demes, Vice Chair	Present
George Neugent, Commissioner	Present
Eric Anderson, Commissioner	Absent
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  
Barbara Powell, Planning Policy Advisor  
Tiffany Stankiewicz, Development Administrator  
Peter Morris, Assistant County Attorney  
Scott Black, Planning Commission Counsel  
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. Scott Black.

**SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS**

Ms. Jessica McKinney confirmed receipt of all necessary paperwork.

## **SWEARING OF COUNTY STAFF**

County staff and public attendees were sworn in by Mr. Scott Black.

## **DISCLOSURE OF EX PARTE COMMUNICATIONS**

Vice Chair Demes disclosed that he had spoken to Mr. Bart Smith about potential meeting dates and that Mr. Smith had explained that he had heard nothing about the meeting. Ms. Schemper interjected that they needed to go back as there were changes to the agenda. There were no further disclosures of ex parte communications.

## **CHANGES TO THE AGENDA**

There was a request for Item 6 to be moved first on the agenda. There was unanimous consent.

## **APPROVAL OF MINUTES**

**Motion: Commissioner Neugent made a motion to approve the January 22, 2025 meeting minutes. Commissioner Thomas seconded the motion. There was no opposition. The motion passed unanimously.**

## **MEETING**

### **AGENDA ITEMS**

**1. (Agenda Item 6.) CONSIDERATION OF A REQUEST TO SCHEDULE A SPECIAL PUBLIC HEARING IN MARCH, TO BE HELD IN KEY LARGO, TO CONSIDER THE APPLICATIONS FOR A MAJOR CONDITIONAL USE PERMIT (FILE 2022-012) AND A DEVELOPMENT AGREEMENT (2024-041).**

(10:05 a.m.) Ms. Emily Schemper, Senior Director of Planning and Environmental Resources, presented this request made by the Tavernier Community Association, the neighboring property owners of the Cemex site in Tavernier. The two items for consideration are the development approvals for the new Publix Supermarket and the affordable housing proposed on that site. The community is requesting a special meeting be held in Key Largo. The regular meeting cannot be moved to Key Largo because the code specifies that the regular meetings are held in Marathon, but the Commission can schedule a special meeting if they desire. Ms. Ilze Aguila, Senior Administrator, Operations, Planning and Environmental Resources, had polled the Commissioners beforehand and dates available that seemed to work for at least four Commissioners, along with the room availability and the Zoom webinar IT personnel was determined to be April 1 and 2.

Mr. Morris added that the basis for the request is in Land Development Code Section 102-20(i)(2) which provides inter alia that the Planning Commission may, in its discretion, schedule special meetings as required by the demand of such meetings. To clarify, when Ms. Schemper used the word “poll” that refers exclusively to the staff internally round-robinning each of the individual Planning Commission members for their calendars, but none of that information was shared among other Planning Commissioners. Because “polling” sometimes has some legal significance in the Sunshine Law world, he wanted it to be clear that there was no polling in the sense of one member of the Planning Department or some other County department asking Commissioners about their availabilities and then liaising amongst Planning Commissioners to

functionally violate the Sunshine Law. That did not happen. However, in preparation for this meeting, everyone's individual calendars were consulted to make sure that there was some consensus of availability.

There was no discussion amongst Commissioners. Vice Chair Demes then asked for public comment.

Mr. Richard Barreto stated that he had sent a letter articulating the Tavernier Community Association's position and he appreciates the Commission's concern. There are a lot of people in Tavernier concerned about this project that want to be at the Planning Commission hearing to discuss it. Many will not be able to attend in Marathon, and things are now further complicated by the water main infrastructure project extending from Founder's Park to Plantation. This morning, traffic was backed up going southbound from Buttonwood Bay to Tavernier Creek. Throwing in the high school and everything that complicates traffic it is pretty much of a nightmare going south. Any consideration the Commission could make in consideration for the citizens would be appreciated.

Mr. Bart Smith, agent for the applicant, stated that both April 1 and 2 would work for the applicant, and he understands the concerns for having the meeting held in Key Largo.

There was no further public comment. Public comment was closed. Commissioner Thomas stated she did not have an issue with having the meeting in Key Largo. Commissioner Neugent agreed, noting that four of the Commissioners would have to drive through what was just described by Mr. Barreto as a traffic jam.

Ms. Schemper clarified that the items being reviewed at this meeting would be the request for a major conditional use permit, a development agreement, and a variance for access drive separation. This was confirmed by Ms. Devin Tolpin, Senior Planner. Mr. Morris added that the meeting would be held at the Murray Nelson Government Center.

**Motion: Commissioner Thomas made a motion to approve the special meeting date for Tuesday, April 1, 2025, beginning at 10:00 a.m. Commissioner Neugent seconded the motion. There was no opposition. Motion passed unanimously.**

**2. (Agenda Item 1.) A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM FOR OCTOBER 16, 2024 THROUGH JANUARY 13, 2025, ROGO (Quarter 2, Year 33). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY. (File 2024-140)**

(10:14 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, and

affordable housing applicants ranked 1 through 4 recommended for allocation awards. All other applications, market rate and affordable housing, roll over to the next quarter.

There were no comments or questions by the Commissioners. Vice Chair Demes 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. There was no opposition. Motion passed unanimously.**

**3. (Agenda Item 2.) A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE NON-RESIDENTIAL ALLOCATION SYSTEM FOR OCTOBER 16, 2024 THROUGH JANUARY 13, 2025, NROGO (QUARTER 2, YEAR 33). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY. PURSUANT TO MONROE COUNTY CODE SECTION 138-53(E)(13), THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT IS PROVIDING A NOTIFICATION TO THE GENERAL PUBLIC OF THE NROGO ACCOUNT BALANCES. (FILE 2024-141)**

(10:15 a.m.) Ms. Tiffany Stankiewicz, Development Administrator, presented the staff report for NROGO allocations. The Planning Department is recommending approval of the 1 NROGO applicant.

There were no comments or questions by the Commissioners. Vice Chair Demes 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. There was no opposition. Motion passed unanimously.**

**Items 4 and 5 were read together. (Agenda Items 3& 4)**

**4. (Agenda Item 3.) AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM(RM) TO MIXED USE COMMERCIAL (MC), FOR PROPERTY LOCATED AT 104001 OVERSEAS HIGHWAY, KEY LARGO, LOTS 1-8, BLOCK 7, LARGO SOUND VILLAGE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, AT PAGE 92, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, CURRENTLY HAVING PARCEL IDENTIFICATION NUMBERS 00475160-000000, 00475170-000000, 00475180-000000, 00475190-000000, 00475200-000000, 00475220-000000, AND 00475230-000000; AS PROPOSED BY GUSTAVO SOLIS; 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. 2024-099)**

**5. (Agenda Item 4.) AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM IMPROVED SUBDIVISION (IS) TO SUBURBAN COMMERCIAL (SC), FOR PROPERTY LOCATED AT 104001 OVERSEAS HIGHWAY, KEY LARGO, LOTS 1-8, BLOCK 7, LARGO SOUND VILLAGE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, AT PAGE 92, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, CURRENTLY HAVING PARCEL IDENTIFICATION NUMBERS 00475160-000000, 00475170-000000, 00475180-000000, 00475190-000000, 00475200-000000, 00475220-000000, AND 00475230-000000; AS PROPOSED BY GUSTAVO SOLIS; 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. 2024-100)**

(10:16 a.m.) Ms. Barbara Powell, Senior Policy Advisor, presented the staff report. This is a request for a Future Land Use Map and Zoning change from residential medium to mixed use commercial, and improved subdivision to suburban commercial, on seven lots located at 104001 Overseas Highway in Key Largo. The property is on U.S. 1. The existing use is boat sales, Gus's Toybox, and is developed property. The hammock area to the north is a parcel that belongs to Monroe County Land Authority. The rest of the parcels are land owned by the Board of Trustees that surrounds Pennekamp State Park. There are some transient residential, commercial and public uses surrounding the property as well as the residential in the back. The property is just over 51,000 square feet, is Tier III and in Flood Zone X. Ms. Powell presented a close-up showing the small existing building. The purpose of the amendment is to allow for the replacement of the business's sign. Under the current Code and Comp Plan, the sign would not be allowed to be replaced. There is also mixed use commercial surrounding the property so changing it would be a continuation of existing uses. Similarly positioned with suburban commercial there is mixed use and suburban commercial recently approved next to this set of parcels.

Ms. Powell made one correction on the written staff report that the analysis in the staff report had been done based on accounting for the zoning as well as the FLUM designation. Rather than doing the development potential of the Comprehensive Plan solely on the maps she had inadvertently included the zoning category as part of that analysis. This had also been explained to the agent for the applicant. So the allocated density for the proposed mixed use commercial would allow for seven, which is the same as the one per lot allowance that the existing land use map designation would allow. The other increases on the amendment are in TDRs, affordable dwelling units, and the non-residential uses since the current map amendment category does not allow for non-residential uses.

Vice Chair Demes, asked if the changes would then go from the market rate allocated density up to seven by zero and the TDR market rate residential max net density goes from zero to 17. Ms. Powell confirmed that was correct, because she had taken into account the zoning category and what would be allowed under the Comp Plan for that zoning category, but that is the improper way to do the analysis. The analysis should ignore the zoning category because the zoning could

change in the future. Changing the Comp Plan map should only account for the max allowed in the Comp Plan. Ms. Schemper confirmed that to be correct. The FLUM category has multiple zoning categories associated with it, so when you change the FLUM category you have to consider all possible zoning categories within it. This is the highest possible market rate allocated TDR residential max net, affordable max net, and transient. This is the highest possible in that FLUM category in blue. The net change in the orange is based on the highest possible in the FLUM category. The zoning change will be smaller numbers because it's more restrictive, but later someone could come in and just do a zoning change leaving that new FLUM category in place.

Vice Chair Demes asked if the table in the zoning were unchanged numbers from what was in the staff report. Ms. Schemper confirmed that to be correct. The differences are only in the FLUM table. Ms. Powell apologized for the error. The presentation covered both items but there was not a separate table in the staff report. Ms. Schemper clarified that for the zoning change it would be a smaller net change for some of the categories because the zoning is a more restrictive density table. Ms. Powell stated that the applicant had been made aware of the error in the staff report, and that staff is recommending approval. Mr. Black advised that comment could be taken on both items; however, Mr. Morris requested that separate votes be taken.

Vice Chair Demes then asked for public comment. There was none. Public comment was closed. The agent for the applicant, Mr. Ty Harris representing Mr. Gus Solis who was also present, stated that Mr. Solis had owned the property for 11 years, but had been on the property for almost 15 years. It had previously been a mattress store and a bunch of different businesses, originally being a gas station with a café, so the property has a history of commercial use. During Hurricane Irma the Contender sign had come down. When Mr. Solis was ready to replace the sign, he was going for a sign variance and the issue with the zoning of the property came up. The cleaner way to do this was to take this from being a legal non-conforming use and make it conforming through a change to the Comp Plan FLUM and Zoning, but this is just about replacing the sign, not expansion of the business.

Vice Chair Demes commented regarding the FLUM (Item 4) that he is very concerned because looking at the big picture of development in the Keys and potentially four or five years from now there is the potential increase of transient allocated density, and going up from the market rate density. He likes to start with the maximum density and intensity for the property as it is today. This opens a different magnitude of residential housing type development for this property. The next agenda item curbs that a bit, but it does open the door to having multiple more residential developments.

**Motion: Commissioner Thomas made a motion to approve Item 4 (Agenda Item 3). Commissioner Neugent seconded the motion. There was no opposition. Motion passed unanimously.**

Commissioner Thomas then made a motion to approve Item 5 (Agenda Item 4). Commissioner Neugent asked if this item required a majority vote of the three sitting Commissioners. Mr. Black confirmed that to be correct. There was no second to the motion. Motion failed.

Commissioner Neugent made a motion to deny Item 5 (Agenda Item 4). There was no second to the motion. Motion failed.

Mr. Peter Morris requested a five-minute recess be taken.

Vice Chair Demes again asked for a second to Commissioner Neugent's motion. There was no second. Motion failed. Vice Chair Demes asked for a motion to table the item.

**Motion: Commissioner Thomas made a motion to table Item 5 (Agenda Item 4) to a date certain, March 26, 2025. Commissioner Neugent seconded the motion. There was no opposition. Motion passed unanimously.**

**6. (Agenda Item 5.) AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY TIER OVERLAY DISTRICT MAP FROM TIER I TO TIER III AS REQUESTED BY BRETT BILLER FOR PROPERTY LOCATED AT 305 AVENUE 'A', BIG COPPITT, LEGALLY DESCRIBED AS BLOCK 3, LOT 6, JOHNSONVILLE PLAT BOOK 1, PAGE 53, BIG COPPITT KEY, HAVING PARCEL ID NUMBER 00151350-000000; APPROXIMATE MILE MARKER10. (FILE 2024-191)**

(10:43 a.m.) Mr. Mike Roberts, Assistant Director, Environmental Resources, presented the staff report. This is a request for the property to go from Tier I to Tier III. Mr. Roberts presented a slide with the property represented in blue. The existing Tier I is on the left, the proposed Tier III is on the right. The property is located on Avenue A on Big Coppitt at the north end of Fourth Street across from the Lower Keys Cemetery. The area immediately surrounding the property is developed land. In 1985, the block was not developed. It was all mapped as tropical hardwood hammock. It is zoned improved subdivision and the property is on the Florida Forever Land Acquisition List for the Florida Keys Ecosystem. The properties immediately north of the property are owned by the State. The parcels in yellow at the bottom are owned by Monroe County Housing Authority. The tier boundary designation criteria, includes lands that are designated for acquisition by public agencies, including Florida Forever, FDEP, and Monroe County Land Authority. Communication with Monroe County Land Authority did indicate that were the property to be listed on the MLS, they would be in a position to make an offer for the property. Policy 205.1.1 reiterates the criteria for a tier designation and highlights the land designated for acquisition for public agencies. Staff recommends denial of the proposed amendment for the parcel. The subject property is more appropriately designated as Tier I in accordance with Policy 105.2.1 and 205.1.1 of the Comp Plan, and Section 130-130(c)(1) of the Land Development Code.

Commissioner Neugent asked if this topic had been discussed at the last BOCC meeting regarding the property that had the conservation easement. Mr. Roberts responded that it was not, that this was a new application. Vice Chair Demes confirmed that the topic referred to by Commissioner Neugent was the one in Cudjoe Key. Vice-Chair Demes then asked for public comment.

Ms. Natalie Liz stated that she is under contract with Mr. Biller to purchase this lot. She lives on Big Coppitt Key and the goal for this lot is for her son, who now works for the Aqueduct Authority, to build a home. She believes this request is justifiable and aligns with responsible stewardship. She understands aligning with environmental protection and the process of ROGO and evacuation, and she is grateful for that process and respects it. However, the adjacent neighbors had been approved to build in Tier I and she believes that that sets the precedent to go through with this. In the real world, this is not a hammock. There are properties closer to the hammock that are built on and they were approved. She hopes this can be amended and she can eventually build a home for someone who will live here, pay property taxes here, and serve in the community. The current property owner and his realtor claim that this has been on the MLS since 2023, and no one from the State has reached out to make an offer.

Mr. Daniel Lubbers, listing broker for the property, stated that the property has been listed in the MLS under Florida Keys Zone 98 since December of 2023. He's had lots of inquiries and ended up making a contract with the current buyer. It has been on the market and he has not heard from anyone else through the County or whatever authority may have had a right to make an offer.

Vice Chair Demes asked for the number of years this property was on the MLS. Mr. Lubbers responded December 14, 2023, and it's currently still active.

Mr. Brett Biller, owner of the property, stated that this property has been in his family for forty-plus years. He retired from the fire department five years ago and is downsizing, so he listed the property and he found a good buyer who lives down the street or in the area. He would like to proceed and let them buy the property. He's owned the property a long time and wants to move on from it.

There was no further public comment. Public comment was closed.

Vice Chair Demes stated that he thinks this property is in the MIAI and he did not see any reference to that. Ms. Schemper responded that it may be, but that's not part of the criteria for tier consideration. Vice Chair Demes stated that he believes it's paragraph H4 in the Principles for Guiding Development where it sites that particular interest of the government, and that's why he tied it back to that. If we say we're going to protect those public interests, one of those interests would tie back to the Air Station, and he always likes to know what DNL it is in because that would really sway him in voting.

Ms. Christina Gardner, Ex-Officio Member, NAS Key West, stated that this property is within the 55 to 64 DNL of the MIAI. Although any future residents would not be conflicting, she would highly recommend noise-reducing construction and continued future occupant notification at the very least. Anything within the MIAI is always a concern.

Commissioner Neugent stated that he is having a little heartburn over not having the full Commission here on the last two items. He likes for the applicants to get a full bite at the apple. He doesn't like killing something just because it requires a full Commission vote, but he is going to take the same position he took on the last one and move to table this for March. Ms.

Schemper stated that there will only be four Commissioners at the next meeting so it won't be a full Commission. The applicant also may have a preference as they are allowed to request a continuance if there is not a full Commission.

Mr. Morris asked that if this was going to be Commissioner Neugent's stance consistently then staff should know ahead of time so as to not schedule items before a three-person quorum in which he is one of the three members given that he does not feel comfortable voting on such items. It may save applicants time if they know that in advance. Commissioner Neugent responded that he would be much more comfortable if there were four Commissioners present. Today there is only three and it requires a unanimous vote. Mr. Morris stated that it does not require a unanimous vote, rather a two out of three vote for today. There is no supermajority requirement. Commissioner Neugent asked why the last item required a supermajority, and Ms. Schemper and Mr. Morris both responded that it did not, that it only required a majority of the Commissioners present today. Commissioner Neugent stated he had misunderstood that. Vice Chair Demes added that since the applicant for the last agenda item had left, he would feel uncomfortable doing it now, but he would have opened the item back up again. Vice Chair Demes asked what the Commission's desire would be on this. Commissioner Thomas stated that she would like to second Commissioner Neugent's motion to table the item until next month.

**Motion: Commissioner Neugent made a motion to table Item 6 (Agenda Item 5) to the next meeting on March 26, 2025. Commissioner Thomas seconded the motion. There was no opposition. Motion passed unanimously.**

#### **BOARD DISCUSSION**

Vice Chair Demes asked about the status of the Little Palm project and the court hearing. Mr. Morris responded that the case is still in active litigation. The window to file a motion for rehearing or reconsideration is still pending, so it can still be filed. The County is tightly cordoned in as to how much this can be discussed. It would not be appropriate to inadvertently divulge privileged information in a public meeting. There was no further Board Discussion.

#### **GROWTH MANAGEMENT COMMENTS**

None.

#### **RESOLUTIONS FOR SIGNATURE**

None.

#### **ADJOURNMENT**

The Monroe County Planning Commission meeting was adjourned at 11:00 a.m.