

PLANNING COMMISSION SPECIAL HEARING
April 14, 2025

Meeting Minutes

The Planning Commission of Monroe County conducted a hybrid virtual and in-person Special Meeting in Key Largo on **Monday, April 14, 2025**, 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	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, Planning & Development Review Manager
Peter Morris, Assistant County Attorney
Hunter O'Connor, Planning Commission Counsel
Dirk Smits, 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. Hunter O'Connor.

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Ms. Jessica McKinney confirmed receipt of all necessary paperwork.

SWEARING OF COUNTY STAFF

County staff members and public attendees were sworn in by Mr. Hunter O'Connor.

CHANGES TO THE AGENDA

Items 1 and 2 were read together.

DISCLOSURE OF EX PARTE COMMUNICATIONS

Commissioner Demes stated that he has had three communications via emails. Mr. Andrew Tobin sent an email which he had not responded to. Ms. Dottie Moses, President of the Key Largo Federation of Homeowners had expressed her concerns on the traffic, scale of the project and affordable livability. Mr. Chris Hoguet had expressed concerns about the scale of the project. He had also spoken with Mr. Bart Smith.

Commissioner Anderson stated that he had received documentation from Ms. Moses, had spoken with Mr. Tobin briefly, and also with Mr. Bart Smith.

Commissioner Neugent stated that he had received the same information from Mr. Tobin and Mr. Smith.

Commissioner Scarpelli stated that he had spoken with Mr. Smith and Mr. Tobin as well. This will not sway his vote in any way.

Mr. Peter Morris, Assistant County Attorney, asked that the Commission confirm that none of the ex parte communications would affect their views to remove the taint of any presumption of prejudice. The Commissioners confirmed.

MEETING

Items 1 and 2 were read together.

AGENDA ITEMS

1. BLACKSTONE GROUP TAVERNIER 925, L.L.C. AND VC TAVERNIER, LLC, 92501 OVERSEAS HIGHWAY, TAVERNIER, MILE MARKER 92: A PUBLIC HEARING CONCERNING A REQUEST FOR A MAJOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE PROPOSED DEVELOPMENT OF 86 ATTACHED DEED RESTRICTED AFFORDABLE WORKFORCE DWELLING UNITS, A 49,340 SQUARE FOOT NONRESIDENTIAL COMMERCIAL RETAIL STRUCTURE AND AN INSTITUTIONAL USE IN THE FORM OF 350 SQUARE FEET OF OFFICE SPACE. THE SUBJECT PROPERTY IS DESCRIBED AS PARCELS OF LAND IN SECTION 27, TOWNSHIP 62 SOUTH, RANGE 38 EAST, TAVERNIER, MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBERS 00089490-000000 AND 00490250-000000. (FILE 2022-012)

2. BLACKSTONE GROUP TAVERNIER 925, L.L.C. AND VC TAVERNIER, LLC, 92501 OVERSEAS HIGHWAY, TAVERNIER, MILE MARKER 92: A PUBLIC HEARING CONCERNING A REQUEST FOR A VARIANCE TO ACCESS STANDARDS SET FORTH IN CHAPTER 114, ARTICLE VII OF THE LAND DEVELOPMENT CODE (LDC). APPROVAL WOULD RESULT IN ONE ACCESS DRIVE TO U.S. 1. THAT IS SPACED LESS THAN THE REQUIRED 400 FEET BETWEEN CURB CUTS. THE VARIANCE IS REQUESTED TO FACILITATE THE DEVELOPMENT OF 86 ATTACHED DEED RESTRICTED AFFORDABLE WORKFORCE DWELLING UNITS, A 49,340

SQUARE FOOT NONRESIDENTIAL COMMERCIAL RETAIL STRUCTURE AND AN INSTITUTIONAL USE IN THE FORM OF 350 SQUARE FEET OF OFFICE SPACE. THE SUBJECT PROPERTY IS DESCRIBED AS PARCELS OF LAND IN SECTION 27, TOWNSHIP 62 SOUTH, RANGE 38 EAST, TAVERNIER, MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBERS 00089490-000000 AND 00490250-000000. (FILE 2025-010)

(10:07 a.m.) Ms. Devin Tolpin, Planning and Development Review Manager, presented the staff report for the major conditional use permit, to be followed by the request for the variance to the access standards. Two separate votes will be needed. Afterwards, the text of the development agreement will be discussed.

The property is located within the suburban commercial zoning district, designated as mixed use commercial on the County's future land use map, and designated as Tier III. Within this zoning district commercial retail uses over 10,000 square feet and more than 18 dwelling units designated as employee housing require a major conditional use permit. There have been many items that have come before the Commission and the Board for approval for this specific project over the last couple of years. This project has always been on two separate parcels located on the same property. The parcel boundaries have changed since the overlay that will be referenced was originally adopted. The western parcel is owned by Blackstone, and the eastern parcel is owned by VC Tavernier. These two parcels are aggregated and need to be aggregated for development purposes. Together they make up the combined subject property being discussed today. This property is located within the Tavernier Commercial Overlay adopted in February of 2024 through BOCC Ordinance 004-2024. This overlay is established in Land Development Code Section 130-143, and allows for properties within the overlay to develop a single non-residential structure up to 49,900 square feet. The property is also located within the Tavernier Corridor Overlay, which requires consistency with the adopted design guidelines. A portion of this property is also located within the Tavernier Workforce Subarea 1 established in the Comp Plan and adopted in December of 2024 through Ordinance 030-2024. Properties within this subarea are eligible to receive up to 86 early evacuation workforce housing ROGO allocations without the one-for-one exchange requirement. This portion of the property is the only property within that subarea. This property is also subject to the requirements of the Tavernier Livable CommuniKeys Plan.

Ms. Tolpin presented the proposed site plan, noting that it is consistent with the Tavernier Corridor Development Standards and Guidelines. The applicant is proposing to construct a 47,240 square foot grocery store with a 2,100 square foot liquor store. There are six residential buildings throughout the site that contain the 86 workforce housing dwelling units. There are 248 parking spaces in the front of the property dedicated to the commercial retail uses, with 189 parking spaces in the back of the property and throughout dedicated to the residential uses. There is a clubhouse located on the southeastern portion of the property that is accessory to the residential uses where the applicant is also proposing a 350 square foot institutional office use within that clubhouse. One of those 189 parking spaces is dedicated for that office space. The proposed development is in compliance with the required setbacks. The parking lot is 25 feet from the front property line, and is in compliance with the required side yard setbacks and the Class E buffer yard along U.S. 1 and adjacent district boundary buffers. The development is in

compliance with required wetland setbacks. There is 40.14 percent of open space proposed which exceeds the required minimum of 20 percent. This proposed development is utilizing 99.6 percent of the total development potential for properties within the Tavernier Commercial Overlay.

The access driveway allowing access in and out of the site is less than the required 400 feet from the northern curb cut to Garden Street, and exceeds the 400 feet from the southern curb cut to Julep Street. That requirement is per code and the subject of the access variance to be discussed shortly. It has recently been brought to staff's attention that the applicant may be working on a revised site plan that will include interior pedestrian walkways. If submitted, that has not been reviewed for compliance yet. As of now, this is the plan being reviewed by the Commission and as part of the development agreement. Ms. Tolpin then presented the elevation plans for all buildings. No residential building will be greater than 38 feet, and the nonresidential building will not exceed 35 feet. The Land Development Code has nine standards that are applicable to all conditional uses. The proposed development generally meets all nine standards, but there are two that need to be discussed.

The first is adequacy of public facilities and services. Staff would recommend as a condition of approval that the applicant must coordinate and receive approval from FDOT for the driveway location and alignment, and any potential impacts on the FDOT right-of-way. Staff is also recommending this item be continued until the development agreement is heard by the BOCC. If the Commission does agree to continue the item and it is brought back, staff would be editing the recommended condition to read that prior to a certificate of occupancy, FDOT approval must be submitted for the proposed access drive. Staff understands that the FDOT will not grant the access permit until the County has granted their permits for the proposed development. Also, based on the preliminary traffic concurrency review, there is a need to mitigate 16 trips on segment 21 of U.S. 1. The applicant is proposing to pay into a fund for the freebie ride sharing service in Islamorada to mitigate those 16 trips. The second item for discussion is compliance with the access standards. The applicant is requesting a variance to meet this which will be discussed shortly. At this time, the proposed site plan is not in compliance with all of the requirements until or if the access variance is granted.

A required community meeting was held for these items on December 19, 2024. This major conditional use permit was presented to the Development Review Committee in February. The DRC did recommend that the traffic issues be addressed before this item went before the Commission. Those items have been addressed, and comments have been included as part of the backup. However, the Tavernier Commercial Overlay has a provision that requires a development agreement for the proposed uses for the development of a structure over 10,000 square feet. In the development agreement to be discussed today, the Commission will be making a recommendation to the Board. Staff is recommending that the Planning Commission continue the major conditional use permit until after the development agreement has been entered into by the Board with the applicant, so the major conditional use permit would be heard at a future meeting, either in May or at a later date.

Chair Scarpelli asked about the FDOT permit only being available after the County permit. Ms. Emily Schemper, Senior Director of Planning and Environmental Resources, explained that

FDOT used to issue a notice of intent, would review all of the plans for an access point on the highway and give official documentation that everything is approved and that they intend to issue a driveway permit once the local permit for development is issued, but they stopped doing that several years ago. They do not want to issue a permit for a driveway if the development doesn't get permitted locally so the County has no choice but to issue the permit first. The County can wait for the CO of the building permit pending issuance of the driveway permit, which is the standard procedure at this point. If FDOT were to disagree with the alignment of the access and it changed in a way that required a change to the conditional use permit, the applicant would have to come back for a revision.

Ms. Tolpin then presented the request for the variance to the County's access standards for the proposed location of the driveway which is required in order to meet the code requirements. The County code requires access drives whether it is a new development, a redevelopment, or a substantial improvement to be 400 feet for any curb cut from another curb cut on U.S. 1 for portions of the highway not designated as a Class 5 or 6 access control classification. This portion of U.S. 1 is designated as a Class 4 access control classification. The applicant is proposing to use the existing access drive with minor modifications, but the location itself is proposed to remain. When measured from curb cut to curb cut, the proposed distance is approximately 220 feet to the Garden Street curb cut. Ms. Tolpin noted that the property's frontage is fragmented on U.S. 1. There is a private property in the center. It should also be noted that the southern portion of the property consists of native vegetation. There are eight standards that must be met for the Commission to grant a variance to the access standards. Staff has found that the request does meet all eight of those required standards. Staff recommends approval to the variance to the access standards with conditions provided in the staff report.

Commissioner Demes asked if the 220 foot distance is from part of the arc that touches the right-of-way or the actual paved surface. Ms. Tolpin responded that it should be the curb cut that touches the paved surface on U.S. 1, from curb cut to curb cut. Commissioner Demes then asked Ms. Schemper about the FDOT requirements and wanted an example of what magnitude of change would cause the Commission to need to relook at the major conditional use. Ms. Schemper responded that she wasn't sure she could quantify that at the moment, but she does not know where else this driveway would go. If for some reason FDOT wanted the driveway moved over 50 feet, it would probably need to come back to the Commission. There's not a lot of wiggle room in this instance. Commissioner Demes then asked about the triangular piece of private property near the access, and whether the access standards would allow, with the arc and visibility, for anything that was placed in that triangle, and whether it was large enough to put anything in there. Ms. Tolpin responded that it would be difficult to say, but limited to this circumstance she would say no. Chair Scarpelli asked what if that guy wanted to put in an access drive. Ms. Tolpin stated the code would require the 400 foot distance and the Commission would likely see a request for a variance to access standards or some sort of shared access agreement.

There were no other questions from the Commissioners. Chair Scarpelli then asked if the applicant wished to speak.

Mr. Bart Smith, on behalf of the applicant, stated that Ms. Tolpin had been very thorough so he would move quickly. Mr. Smith stated that he agrees with staff's recommendations and at the end of the presentation he would ask that the Commission postpone the major conditional use and approve the variance to the access standards. Mr. Smith then presented the site plan for the property explaining that there is no appropriate other place to put an access drive, and that moving it would cause the distance to be less than 400 feet on the other side. There have been three approvals on the property already; the creation of the overlay, applying the property to the overlay, and to allow for the workforce units to be utilized on the east part of the property. This request is for a 49,340 square foot supermarket, 350 square feet of institutional office in conjunction with the 86 workforce housing units. He has worked vigorously with staff on the design guidelines and development standards of the code to put together a plan that provides that the affordable housing and supermarket can operate. The drive entrance is compliant with site triangles and the property meets all requirements of the code. There was one thing he did not notice and Publix had brought this up as well. Publix has a lot of stores that have housing located near or adjacent to it, and they want to make sure there is safe access to roadways by either bike, walking or otherwise. What was missing is a sidewalk that goes to the back, so that has been added in and he has requested a continuance. They did not want to submit this as a revision until after today. The landscaping has also been updated increasing the sound barrier to the closest building. The designs of all the buildings meet the Tavernier Corridor design guidelines of having insets every 50 feet that are one-third of the width. The buildings themselves, the STC rating is concrete block, poured concrete, and foam insulation with sound attenuation. The building STC is 58 and the windows are STC 55.

Mr. Smith then addressed the access to the property. In order to have any beneficial use of your property you have to have access. If the code itself denies you access to your property, that in itself is the definition of a hardship. This property was filled in the fifties and sixties, has operated as a concrete batch plant in the past, and the access has existed since the property was developed pre-code. The plan is to keep the access in its current location. He has had pre-application meetings with FDOT and they have not identified any concerns or uncomfotableness with this, but they will not give approval in writing until after a building permit is issued. He is comfortable with the conditions as laid out by staff. If the variance is not granted, then there would be no access to the property which would deny any beneficial use of the property, which is the ultimate constitution of a hardship. The other criteria of the variance have been gone through in the staff reports so he won't belabor them unless there's are questions on them, but at this time he requests that the Commission approve the access variance with the requirements from staff.

Chair Scarpelli asked if FDOT had any recommendations or had seen anything that may potentially be needed. Mr. Smith responded that they had not brought up any concerns and that it was designed to meet FDOT standards. Chair Scarpelli asked about the potential for a traffic light study, and Mr. Smith responded that, at this time, they had no concerns about that. Chair Scarpelli then asked for public comment. Mr. Peter Morris, Assistant County Attorney, reminded everyone to identify themselves for the record.

Mr. James Loduca of 192 Orange Blossom read an open letter to the Planning Commission from Andrew Tobin, the attorney for the Tavernier Community Association. Pursuant to Code 110-65

set forth below, the Planning Commission has the authority to deny the subject major conditional use if the proposed use is not appropriate with any particular area in the context of surrounding properties. Section 110-65 entitled Authorized Conditional Uses states in part that the Planning Director and Planning Commission are empowered with their review of minor and major conditional use applications respectively to approve or approve with conditions, or deny any application that may not be appropriate with any particular area in the context of surrounding properties and neighborhoods as well as on grounds of insufficient submittals for adequate review or contrary to objectives, policies and goals of the comprehensive plan or the provision of this land development code. In this case, the proposed supermarket on the Blackstone property and the proposed 86 workforce housing units on the VC Tavernier property are not appropriate in the context of this joint application for numerous reasons including Building A1, A2 and A3 do not have any usable open space or green space or even back yard and are located a few feet from the supermarket's parking lot. Buildings B, C, D and E do not have any usable open space because the buildings are adjacent to a 25-foot wetland conservation buffer area. Building E is within a few feet of a wall that separates the residents from the supermarket's delivery bays and trash and garbage areas, thereby exposing residents to delivery noise starting at 5:00 a.m. and noxious fumes and smells from trash, garbage, delivery and garbage trucks. There are 12 one-bedroom, 42 two-bedroom and 32 three-bedroom units presumably to accommodate families with children. One can't imagine you would be proud to live here in such a poorly-planned and potentially dangerous project. While we can't go backwards, it is worth noting that on April 28, 2023, the Planning Commission adopted Resolution Number 6P16-23, recommending the BOCC deny proposed amendments to the LDC establishing Section 130 to 143. On December 13, 2023, the Senior Director wrote, "It is anticipated that the proposed overlay would result in an adverse change to the community character of Tavernier Community." The BOCC rejected the Planning Commission's and staff's recommendations to deny the text amendment and the overlay based solely on the need for workforce housing and the novel argument that the workforce housing requires an economic engine. The BOCC, in their legislative capacity, had jurisdiction to change the code, but it does not have jurisdiction to determine whether the two projects are designed as appropriate. That is the exclusive jurisdiction of the Planning Commission. On behalf of the Tavernier Community Association and the residents that may live there, we urge you to deny the Blackstone and VC Tavernier's applications for MCU and to direct the applicants to reduce the size of the supermarket, and increase the open space for the essential workers and their families to have a decent place to live.

Ms. Angelica Litteken of 199 Garden Street stated that along this cement plant property, most all the way to Oleander Street, there is a beautiful saltwater canal filled by the ocean through limestone cracks. It is home to Florida wildlife and ocean life. Every morning she starts her day sitting along this peaceful, small but beautiful ecosystem. She was flabbergasted to start seeing garbage bags, Styrofoam cups and lunch containers floating in the water. She has lived at this property for nine years and has never seen garbage of this kind. This is a habitat and home for wildlife. There are six green egrets that have been born and live in this canal. There are different types of mangroves that are protected by law and are not to be cut. The owner, management and working force need to be made aware that this habitat is not a garbage ground. This canal is full of wildlife and needs to be protected by having a sign on the premises, no dumping and no destroying. You cannot start bringing garbage, rats and pollution in our neighborhood. Your company will do a lot of damage to our small town.

Ms. Page Giacin of 216 Orange Blossom states that she and her neighborhood are directly impacted by this project and it's taking ten pounds of stuff and trying to put it into a five-pound bag. It's the wrong project for the space. She understands it's a big company and currently, in the middle of the night, she hears trucks doing some kind of development. She knows they got in trouble or whatever, but they were taking down mangroves and clearing the property. When she built her house she had to do studies on snails and all kinds of things to ensure they were following the rules. Already, they are kind of a bad neighbor in going about this the way they are. Her biggest concern is the traffic and noise and all of the things that will impact her property financially. Orange Blossom is a special spot. There are mangroves and natural trees there that need to be protected. This project is going to impact her property and that of her neighbors. She is not a mathematician but traffic of 400 versus 20 is an obvious concern for safety. She and others in the neighborhood have kids and it's not a good fit. Between the financial concerns and continuation of all of the commercial property, there is not the space for it. It is putting a square peg in a round hole.

Mr. Raul Guerra of 176 Orange Blossom stated that this is insane. The first thing when he walked this morning is the picture in the background that shows the beauty of the Keys. This is an insane project. Not only the size of this building but the 40,000 square feet with a liquor store. What will be next in the Keys, a Home Depot or a Walmart? What is going to be the next project that we're going to have if we allow this massive, massive Publix in the neighborhood? The beauty of the Keys is how beautiful it is as it is right now and we're moving away from that to become a major city. In other words, we don't need a major Publix when we have a Winn Dixie five minutes away from where this Publix is going to be located. 40,000 square feet and a liquor store is ridiculous. There are many neighbors around that land. These people already started the wrong way by cutting mangroves and pulling them out when they're not allowed. Not only that, he have gone through a lot of process. He's been building his house for the past seven and-a-half years and still hasn't finished. Biology was at his house last week and asked him for another drain when he had a drain already installed, and these people are pulling out mangroves and being allowed to do whatever they want with that land. It's just crazy, the power that a company has to do whatever they want. He thinks this project is insane to the Keys, to the environment and the community. We don't need such a large Publix in the community that will create crazy traffic. People walk, do exercise on the sidewalk, and this is going to change the complete structure to something not needed. He would like the Commission to reconsider this massive project. The beauty of the Keys will be destroyed by approving this project because it opens doors for many other companies to come down and be next. If you allow this one, you can't stop the next one. These people are destroying mangroves. If anyone gets a machete or chain saw and starts cutting mangroves at their house, they will probably go to jail. Time was called.

Mr. Morris interjected that the Planning Commission members should recall that the code enforcement proceeding referred to by Mr. Guerra is something of a wild pitch that is outside of the record of this item. Considerations of litigation or code enforcement proceedings extrinsic to this application do not need to be considered in the Commission's consideration of whether or not the criteria are prospectively met. Mr. Morris asked them to be careful of that, and asked

future public speakers to make sure their comments are materially relevant to the criteria or the applications, as litigation or the code enforcement case are not the function of this body.

Mr. Burke Cannon of 149 Westminster Drive stated there are three main issues; safety, workforce housing and community impact. The safety issue was explained a little bit and there will be a traffic engineer speaking later on to go into more detail, but just listening to the change in the entrance that may be required in this location is very troubling mainly from the safety aspect of this project. Mr. Cannon presented the traffic diagrams going in, out and through the area. He spent 31 years in the City of Miami Fire Rescue, was a certified fire inspector for the State of Florida, and he has a troubling view of this project and gaining access with his equipment. All of the traffic that flows through there is going to be drastic for not only the shoppers but for the people being helped with the employee housing. He had read one thing about the affordable housing element being used to justify the project and that is deeply concerning. If the County is changing development regulations under the guise of providing essential workforce housing, that housing must be livable, dignified and supported by adequate open space and infrastructure. From what has been presented, the proposed affordable housing units lack sufficient green space and do not provide a quality living environment or features for the workers they claim to support. Increasing density without ensuring livability is a disservice for essential workers and undermines the integrity of affordable housing initiatives. The community deserves thoughtful development that genuinely addresses local needs without sacrificing quality of life or long term sustainability. Another thing about the entrance, if you have one wreck out there, nobody is coming in or going out. It will be blocked and people will be stuck in there. In November the development was reviewed by the DRC who passed a resolution recommending that the committee not approve the project. The application was reviewed by the Planning Commission which recommended denial of the application. The Planning Department stated that the proposed amendment was not consistent with the goals, policies and objectives of the Monroe County 2030 Comp Plan. He knows there has been talk of all these things happening ever since, but there are also conditions that the Planning Director has put on which are not small items. Time was called. Mr. Cannon requested to read one last thing. In no event shall an amendment be approved which will result in an adverse community change to the planning area in accordance with the Livable CommuniKeys Master Plan pursuant to the BOCC's rules and regulations.

Ms. Helen Shinnors spoke on behalf of the Hammer Point Homeowners Association, having about 400 homeowners objecting to the major conditional use permit as well as the variance to access standards being requested, and joins in support of the Tavernier Community Association and Islands of Key Largo Federation in their efforts to uphold the Tavernier Livable ComuniKeys Master Plan. That plan delineates the needs and desires of the Tavernier community for future development and preservation of the planning area, and the wish to maintain a small-town character and commercial footprint for the area. This is what helps Tavernier maintain its unique identity. Considerable opposition from the local community has been expressed since this started in 2022, and should be taken under consideration for the final determination since these are the residents of Tavernier and the ones that will be directly impacted by this project. The Hammer Point Community is not in opposition to the workforce housing units, they actually want those units, and know how important it is for this area. They want them for the local first responders and service workers, and would even support the idea of

expanding the footprint to include more amenities and open spaces for the essential workers occupying these units. She urges the Commission to consider the salient points delineated by Mr. Tobin in the open letter to the Commission. The main concerns are the traffic impacts and safety. There is already a tremendous burden in this area. Increasing traffic to accommodate this major commercial project would aggravate the burden further. Ms. Shinnors urges the Commission to take note of the report presented by Mr. Miles Moss, the traffic engineer, detailing the safety and traffic concerns in this area. The potential for increased accidents is very real and safety impacts are of utmost concern. Let's not wait for somebody to die before we then decide, oh, maybe this was not the best idea. Another concern is the altering of the small-town community character and heritage of Tavernier. This building is way beyond the 10,000 square foot limit as delineated by the Livable CommuniKeys Plan and will not protect or maintain the community character of the town. The impacts on adjacent neighboring communities, the noise, traffic, congestion, pollution, ingress and egress will negatively impact the quality of life for everyone concerned. The environmental impacts are also concerning. This is an Area of Critical State Concern. The need to preserve what is left of this unique environment for us and future generations should be of priority. Lastly, it is setting a dangerous precedent for future developers for similar proposals. Once an exception is granted for one developer, others will surely follow. Overall, the MCU is not in the best interest of the Tavernier Community. The Hammer Point community urges the Commission to oppose the MCU and variance as presented. Please listen to the constituents' concerns and protect the local community heritage, character, quality of life and the environment.

Ms. Judy Draska of 220 Orange Blossom spoke representing the Island of Key Largo Federation of Homeowners Association who writes to express their strong opposition to the proposed development of 49,900 square feet of commercial use in Tavernier. While understanding the importance of providing services and housing in the community, this particular project raises serious concerns that they believe are not being adequately addressed. Traffic congestion is already a significant issue. The proposed development brings increased vehicle volume to an already overburdened U.S. 1 corridor posing a safety risk and contributing to longer travel times for residents, visitors and emergency purposes. The increased traffic generated by this development along with additional residential units will only exacerbate this problem. There are serious concerns about the capacity of the single entrance to handle large delivery vehicles and the thousands of additional trips this development will generate. The existing median cannot accommodate the increased volume of vehicles, and traffic is likely to back up into adjacent neighborhoods preventing residents from exiting their streets. It is also probable that an additional traffic light placed just yards from an existing one will be required, further worsening an already congested traffic pattern. Beyond these logical issues there are significant safety concerns. The entrance is located on a curve limiting visibility and creating a dangerous blind spot for oncoming traffic. The scale and nature of this project represent a detrimental shift to the character of Tavernier. Our community is defined by its small town island atmosphere and unique and fragile balance that large-scale commercial developments threaten to disrupt. The large retail space and accompanying high residential component are inconsistent with the existing fabric and scale of the area. The affordable housing element being used to justify this project is deeply concerning. If the County is changing development regulations under the guise of providing essential workforce housing, then that housing must be livable, dignified and supported by adequate open space infrastructure. From what has been presented, the proposed

affordable housing units lack sufficient green space and do not provide a quality living environment or features for the very workers they claim to support. Increasing density without ensuring livability is a disservice to the essential workers and undermines the integrity of affordable housing initiatives. The community deserves a whole development that generally addresses local needs without sacrificing quality or long-term sustainability. This was from Dottie Moses. Ms. Draska added that in Tavernier there have been five fatalities already. The safety concerns of this proposed entrance is very concerning considering there will be additional people going in and out of it on bicycles and walking.

Mr. Steve Draska has owned on Orange Blossom for thirty years. He recalls living there when they did dynamiting in the Cemex plant. He also recalls spongers there. The reality is this: the Keys are about conservation, preservation, evacuation and safety. He understands the housing is needed but this is too large and incomprehensible for the surrounding area and the residents adjacent to the property. He used to ride his bike up and down Orange Blossom, would run when he was younger, and he could never see into that property. Now it's almost transparent. He also used to buy his pea rock on this property. What has been done already on the property is beyond comprehension. He likes the idea of housing for folks and has no problem with manufactured housing or mobile homes. He would like everybody to have a chance to experience life down here. But putting a 50,000 square foot colossus in his back yard and having such restraints in a very constrained area to do it, is not a good fit. It is about conservation, preservation, evacuation and safety, and these are clearly violations.

Ms. Linda Lillo Norman of 105 Ivanhoe Court in Hammer Point has lived in Tavernier for 47 years. She had spoken on this the first time and was shocked at the idea of a huge store being built in a little area that she bikes by three times a week going to the gym. It doesn't make sense that a store is needed when she can ride her bike to Winn Dixie. We already have what we need in our community. And how will she bike now when the only bike trail is on the ocean side, which is also the side of this development, and get past there without being run over by the vehicles. She will try to go to the gym but may not make it. She asked if the Commission had considered the problem of people walking and biking by this area to get by. It's already hard enough to get by Burton Drive with traffic turning at that light. She was shocked after so many people were at the first meeting and all had given their hearts to the Commission asking, please, this is our community. We want it to be a lovely community for us all to live in. Then she heard now they're not going to build that structure until the affordable housing is completed, that they cannot stop building that grocery store. Where are we with that? Who is to say they build the grocery store and they never do affordable housing. She wanted to remind the Commission of the American creed. We have a government of the people, by the people, and for the people. Is this what we're doing here today?

Ms. Devin Tolpin interjected that the Tavernier Commercial Overlay does require that permits for all 86 of the employee housing units be issued with at least half of them receiving certificates of occupancy before permits for the nonresidential structure can be issued. Mr. Morris read the provision into the record which is Section 130-143 of the overlay district, sub (h). Prior to the issuance of a certificate of occupancy for a nonresidential structure that is more than 10,000 square feet. At least 50 percent of the required 86 workforce housing units must have received a temporary certificate of occupancy, and all required 86 workforce housing units must have

received approved foundation inspections. Chair Scarpelli noted that it is going to be a logistical nightmare to have people living there with construction going on in and out of the same entrance.

Mr. Chris Hoguet of 160 Orange Blossom lives close this whole project and his experience in dealing with something like this was having a plan to find, protect and move 27,000 people out of a South American Country. After helicopters, planes, guns and all the other stuff that had to happen it came down to keeping the families happy. By keeping the crowd happy, everything else just works. The quality of life here, talking about statistics, traffic the quality of living in this facility looks poor. If he was bringing a military unit in here and he had to find housing, this would not be someplace he'd ask his service members to go. How can this be salvaged? Telling Blackstone they can't do anything and VC they can't do anything is a myth. We know something is going in there. So how does everybody else get a little bit more out of this? You get that by focusing on the 86 units right now. This is supposedly about a housing crisis and workforce housing, or is it? Can we improve the quality of the living standards that's going to be here? If you look at the site plan, most of the housing is sitting either in a bubble or it's wrapped around the building. You've heard about open spaces already. Move the buildings and increase the open space. He would like Blackstone and VC to volunteer a different plan versus being forced simply to follow some of this. If these were your kids, would you want them living there? He has worked three jobs, lived in a trailer and he knows what it's like, it sucks. Every one of us knows that we'd take that one bedroom for whatever we were getting paid and we can party like hell in that parking lot. We'd have fun because we're 20, 25, 30. It's not that bad for them. It's going to get worse. Open up the living space, give it more. He does not believe the economic engine argument but he'll give it to them for now. Reduce the size of that, reduce the amount of traffic. Not just that traffic is happening, but let's get it under control by reducing some of the size. It will change the peak hours, will change when people are moving, and will change the type of traffic coming in and out of there. Improve this quality and the community will back this thing up. You've never heard anybody say no housing ever. There are multi-million dollar houses sitting next to this and these people are saying, hey, I'm willing to have you put in trailers. So bring up some different plans, folks. Bring this together, open it up. Do you really need this size of store? Pay Fair would better idea size wise. Give the community something back on this. You'll make your money and you won't have such a bad name as you have right now if that's the only thing you gain back off of this. Because you look bad and if you look bad, people think you're bad. Improve this for everybody. Every single person here can win out of this. If you make this better for those 86 dwellings, you've improved his quality of life and that would go for all 56 houses around that property. Why don't we meet the minimum standard?

Mr. Galen Spaulding of 10 Southeast Marlin stated that he had done a little Google and Chat GPT research, and it takes 2,500 to 4,000 people to support a grocery store. Between Channel 2 Bridge and Ocean Reef, there are about 20,000 people and we already have six grocery stores. He does not know if another store could be economically supported and we don't need one. The average distance is only 3.8 miles to a grocery store all over the United States. There is plenty of adequate grocery representation for the population.

Ms. Barbara Froelich of Key Largo has worked at the Tavernier Post Office as a mail carrier for the past 20 years. The area of concern is her route. When she makes the turn from Julep to go to

Garden, every single day, Tuesday through Saturday, she runs the risk of being rear ended because of people flying around the corner. She has her hazard lights on, turn signal on, and LED yellow flashers on. That whole area for traffic is dangerous. You cannot see runners coming or the electric bikes on the bike path. Traffic is backed up at the end of the day from the day workers trying to get out of the Keys, and the traffic at the Burton light backs up past the Mobil Station all the way to where the Ocean Studies School used to be. As part of her route she has to come out at the light at Burton, and those people will run that light trying to beat it. There have been accidents there, not as many since the light has been there, but there are still accidents there every day whether it's a sliding stop or somebody trying to beat the light. This is an issue of safety, and she does not know where you're going to have a turnoff for this grocery store and apartment complex because there's no room. There's the bike path and that's it. There needs to be an independent traffic study done by an agency that's not affiliated with any of the builders so that it's realistic and people understand the danger for motorists, pedestrians and bicyclists.

Mr. Donny Lang of 167 Key Heights in Tavernier stated that he was a planner for the County nearly 30 years ago, and he had the privilege of working on the Tavernier CommuniKeys Plan with the architect, Kim Ogren. He was the local planner in what was then the local Tavernier office. This is not the project that was intended when the CommuniKeys Plan was put in place. It was meant to keep Tavernier as the small town that it has always been. This project isn't really that appropriate for what even the Comp Plan showed and trying to keep our small town a small town. They were trying to keep big box stores and that sort of thing out, and this is clearly way over the limits of what was intended originally. Yes, it meets the code, but it does not meet the intent of what this was originally designed for. His biggest concern is the safety aspect and the terribly congested area right here for Tavernier, this bend and the relatively new light at Burton Drive. It does frequently back up all the way around the bend. He can't understand how the planners don't look at the big picture of what's going on. Publix brings big tractor-trailers down with their supplies. How is that truck heading southbound going to get over across the highway into and out of this project safely? There aren't any good crossover streets, even going down to the Mobil Station and the Shell Man. This is too big of a project for Tavernier, it doesn't fit, and he hopes the Commission looks at the safety concerns. He hasn't had a car accident for the past 45 years until about ten years ago, right on this bend where somebody sideswiped him front to rear as he was just driving through the area. So, even ten years ago, this was a congested area with a lot of accidents and it's gotten a lot worse in the past few years. We don't need this big of a project from a safety standpoint, and Tavernier doesn't need a new grocery store. We have a Winn Dixie and a Publix, below and above, ten minutes in either direction. Think about the safety aspect and the quality of life for those that have lived here for a long time, and the people that will be living here in the future.

Mr. Paul Ellison of 92165 Overseas Highway stated that when the cement plant was there, he knew a family that moved from Orange Blossom because of the noise. There's no wall that you can make that's going to stop that noise. Those who drive south from here need to look at the median right before the traffic light in Key Largo. He is sure a traffic study was done there but if you look at the left-hand turn lane you will see north of the pavement where the grass is worn out, the turn lane can hold nine or ten cars but it's not enough. They have put a road sign there to try to keep people from getting into the median. The grass is still worn. Traffic in that left-hand lane is stopped because traffic trying to turn left is stopped in that lane. So you have a two-lane

highway going south, one lane is stopped with people trying to make a left-hand turn, and that is exactly what will happen here. When you come around that bend with these dump trucks and 18-wheelers and they're flying to get home, something really bad is going to happen. That is something you can see. Is the number of tourists included in the traffic study or is it just the people that live there. That's a bit of reality.

Mr. James Anderson of 181 Coconut Row has lived in the Keys since 1982, and he was on the Livable CommuniKeys program back in the 80s when the Tavernier Community Association made up all of these great ideas about how to keep the community in the character of Tavernier. He has seen all of the changes that have taken place and he is begging the Commission to consider what the community is asking for, all of the messages about the traffic, the amount of people that will be involved and the danger. He lives here and he doesn't want his wife or himself to be killed in a car accident on that curve. The developer pulling this fast stunt of the clearing is horrible. He would appreciate the Commission considering the people that live and visit here and the objections. This is putting lives in danger. The community needs the Commission's help.

Mr. Andrew Tobin stated he had sent a lot of emails, open letters, and a traffic study by Mr. Miles Moss who will be testifying. He believes most of what needs to be said has been said except that it was Mr. Chris Hoguet who opened his eyes to the fact that the essential workforce housing, which was the whole reason that the BOCC rejected the staff report and the Planning Commission recommendation not to change the law to allow this workforce housing, with Mr. Bart Smith and people from the hospital and sheriff's office showing up to urge the Commission to allow the workforce housing, and this site plan highlighted in yellow is a wetland conservation area. That means that none of the essential workforce housing residents have any open space, zero, nada, nothing. He had been focused on traffic and community character, the economic impact on the surrounding residents, and Mr. Hoguet who was a commander in the Army alerted him to this. It is understood that there is going to be something there. He was the attorney who had represented Publix in Islamorada and the planning staff in Islamorada convinced them that if they wanted to build a store, it needed to be around 30,000 square feet. He had sent the Commission a copy of that conditional use and a copy of a store on Miami Beach where there's a 28,000 square foot Publix. When the BOCC changed the law, they had the jurisdiction to do that. They don't have the jurisdiction to tell the Planning Commission what's appropriate. In the letter he sent to the Commission quoting 110-65 it states, "The Planning Commission has the authority to approve or deny any application that may not be appropriate within any particular area." There are 42 two-bedroom units and 32 two-bedroom units there, presumably because children are going to live in these units. Understanding there will be a Publix there, if you reduce the size, Publix is not going to lose any money. If you follow the BOCC's lead which is to respect the fact that we need essential workforce housing for teachers, nurses and deputies, then give them a decent place to live. The Commission has the power to do that and should do that. The issue before the Planning Commission is do you deny this or suggest to the applicant that they withdraw their application and come back with a better project. If you deny it, they have to wait two years to reapply. Mr. Tobin suggested a compromise would be for this to go back to the drawing boards. Another thing to look at is Building A1, A2 and A3 which are in the parking lot. Are people expected to live in a parking lot with no back yard? This is terrible. The yellow is a conservation buffer yard. You can't go in it, walk in it or do anything in it. So the

people that the BOCC was trying to protect were not looking at the site plan, they were just trying to do the right thing. That is what the community is asking the Commission to do. Time was called. Mr. Tobin then asked to speak on behalf of the Tavernier Community Association, asking if the Commission had received his open letter and traffic study from Miles Moss, and the Commission confirmed they had received it.

Dr. Tina Cash of 185 Seminole Boulevard has lived in Tavernier since 1977. She thanked the Commission who had driven from Marathon and had likely experienced a bit of the traffic lifestyle near the water pump. She had lived here when the original land use plan was being done and she wondered what was taking them so long. Now she understands. Looking to the future from so long ago has now come to fruition, and that future is to protect our Tavernier community's natural beauty and lifestyle. She thanked the Planning Committee for their professional work and research for this project over the last two years. She believes she has been to every meeting. If the Commission does not understand the community's major concerns at this point she does not think there's anything she can say that's going to add to that. She truly and honestly believes that the Commission has already decided what to do, and believes they will support the locals. Affordable housing is needed but it needs to be done right. She hates to use too strong of a word but this will be more of a ghetto than a living area. Traffic is a huge issue and everyone knows that. She believes it's clear that there are more questions than answers at this point. Let's get some true, affordable housing, try to keep some green space as this is a Natural Marine Sanctuary, only one of fifteen in the United States. With the Commission's help we can do what's right and appropriate in this situation.

Ms. Melissa Ptomey stated that she is ill, that she had sent a prepared statement to Mr. Tobin, and asked if someone could read that on her behalf if that is allowed as an accommodation. Mr. Chris Hoguet read Ms. Ptomey's statement. In my professional biological opinion, major conditional use of the site plan should be delayed until we are absolutely certain of where the wetland lies under the illegally filled area present on site 1/25/25 to present. The fill should first be removed to verify the hydrology of soils underneath to verify that the wetland line that was reflagged by Macy Richards is correctly identified, identifying the extent of the wetlands. The illegally filled area was shown as consisting of both removed wetland area and wetland vegetation. However, the flagging was not verified in the field by Mike Roberts until after the fill had been placed over the soils of removed vegetation based on information Mike Roberts stated in the February 19, 2025 BOCC special approval meeting. Fill was placed on 1/25/25 and Mike Roberts had verified the flagging area on 1/30/25. Why is this important? The areas needed setback lines to comply with the 25-foot setback from the wetland area for these buildings depicted on the site plan of this major conditional use approval you are voting on today. The south most corner of the Publix building, Building E, the administrative clubhouse, Building D, it is my strong professional opinion that no biologist or environmental consultant could forensically determine the extent of the wetland lines when there are tons of illegal fill compacted over a large portion of where the wetland line was flagged as ending in the middle of an illegally filled area. There is no way to fill the hydrology of the soils and therefore the extent of the wetlands in the area until after the fill is removed for verification. Therefore, approving the MCU in its current configuration is premature without knowing what exactly is under illegal fill that is still on site today, with soils needed to be verified, if the flagged area by Macy

Richards and observed by Mike Roberts after the fact needs to be removed to verify wetland line in that area of the lot.

Mr. Miles Moss, traffic engineer, was next up to speak. Mr. Dirk Smits, Planning Commission Counsel, interjected that there was a traffic study submitted outside of the timeline. The Commission can allow it in but must vote to allow it in. Chair Scarpelli noted that everyone had received the traffic study. It had been emailed unsolicited to the Commission. Mr. Bart Smith on behalf of the applicant stated that it was produced April 8, 2025. He does not know who it was produced to, but it was not produced to the applicant who has not had the opportunity to review this or have its traffic consultant review it. At this juncture, he objects to it. If this is allowed, the applicant requests the MCU be continued to have time to review it, which would cure the issue. But, as of today, because of what is occurring today, he objects to it at this juncture. Chair Scarpelli noted that it had not been provided by staff, but had been emailed as many of the general public had emailed information to share with the Commission. At this point, Chair Scarpelli did not know if it would need to be entered into the record. Mr. Morris responded that this study was received last Friday by the County's professional staff. It was then uploaded to the website as part of the public comments for this item. For purposes of considering the variance, the Commission needs to make the decision whether or not to let that traffic related information into the record since it was submitted untimely per the County's Rules of Procedure. So there needs to be a vote whether or not to deem it untimely and exclude it from the record, or if the Commission wants to conduct discussion on it and consider it, it would need to be let into the record in the event of a subsequent appeal or petition for review by one of the two parties if the decision involved the information. Chair Scarpelli asked if a decision needed to be made on all of the public correspondence as well. Mr. Morris stated that everything was let into the record if it was received timely. This traffic study was not received timely so the Commission would have to vote to cure that to let it in to become part of the record. Mr. Smits added that it is being submitted to be part of the evidence for the record. Chair Scarpelli noted that the public speakers are automatically being let into the record and if Mr. Moss speaks that would be in the record. Mr. Smits clarified that the report would not be in the record, or it could be let in. Mr. Morris added that the study itself would take more time than three minutes of public comment from an engineer and can't be smuggled in under the three minutes of talking. If the Commission wants to consider it, it needs to be let into the record.

Commissioner Neugent stated that what is being voted on is the variance. The rest of it is just a recommendation that goes forward to the BOCC for the development agreement. Maybe the BOCC will review this. For anything to be untimely right now since this is being dealt with for over two years he finds ridiculous. Mr. Morris stated that he MCU will be decided by this body at a later date, but the meat of the discussion is happening right now. The variance will receive the final decision today. If there is an aggrieved party that files a lawsuit based on whatever this panel's decision is, in order to keep the record clean and not have a discussion that strays into a traffic study that was not received timely, the Commission must determine whether it will grant leave to let it be considered as part of the record. A decision needs to be made as a matter of keeping good hygiene in the record. Commissioner Anderson added that even if it's not let in Mr. Moss can speak to it. Mr. Tobin requested to speak on the issue. Commissioner Demes added that this is inexact science and there are so many variables that can impact a traffic situation at different times, though he appreciates the concerns over the different findings of the

traffic study. Unfortunately, it's extremely untimely and he is torn. He is interested in hearing about the other traffic study. If three or four groups do independent traffic studies, he doesn't believe any of them would say the same thing. He is open to putting it in the record. Mr. Tobin stated that Mr. Moss had originally prepared a traffic report quite a while ago which is probably in the record somewhere. Recently, the Planning staff asked for a traffic safety report, and that traffic safety report is 600 pages, 550 of which are statistics, and he does not believe were very helpful. Mr. Moss prepared a four-page traffic safety report. It's not rocket science. He actually did a capacity study of how many cars actually fit in the median. Chair Scarpelli stopped him, stating that he was getting into testimony. Mr. Tobin continued, stating the reason the report is late is because the County staff had recently asked for a traffic safety report which didn't come in until recently, so it was difficult for Mr. Moss to prepare a traffic safety report to refute and look at some of the issues that were not prepared by the traffic consultant. He does not think it's prejudicial. Chair Scarpelli thought there was no reason it should not come in. Considering it was submitted untimely, it would have been beneficial to submit it to the applicant untimely as well, because then everybody could be on the same page and it would be fair. Mr. Tobin had thought the County would submit it to everybody. Mr. Morris added that the County does not function as a proxy e-filing portal, but it had been posted on the agenda on the County's website. Chair Scarpelli thought that Mr. Moss could get through four pages in his comments, but asked for a motion to allow the traffic study report into the record, though noted it would be allowed to be submitted for the hearing of the MCUP.

Motion: Commissioner Demes made a motion to admit the report. Motion died.

Motion: Commissioner Neugent made a motion to not accept the report. Commissioner Anderson seconded the motion.

Roll Call: Commissioner Demes, No; Commissioner Neugent, Yes; Commissioner Anderson, Yes; Chair Scarpelli, Yes. Motion passed 3 to 1.

(Recess from 12:02 p.m. to 12:11 p.m.)

Mr. Miles Moss, Traffic Engineer, of 12900 Southwest 84th Street in Miami, is president of Moss Accident Reconstruction. He has a bachelor's of science in engineering from the University of South Carolina, a master's of science in civil engineering from the University of Miami, is a registered professional engineer, and was employed as a traffic engineer by the Dade County Department of Traffic and Transportation for over 12 years. He was part of the University of Miami Crash Team studying the causes of accidents for the federal government for the U.S. Department of Transportation and the National Highway Traffic Safety Administration. He has testified in trials on over 700 occasions on the causes of accidents and reconstructing accidents. It is his overall opinion that the proposed development and traffic generated will create a hazardous condition and result in accidents. In addition, it is his opinion that a traffic signal should be required at this location. The numbers he used in analyzing the accidents assumed that the consultant studies as far as how much traffic, how many vehicles the development will generate and the traffic distribution, how many of them will be entering and exiting and which direction they're going, he has assumed all of those to be correct. He has not done a traffic analysis study. He just looked at the numbers and tried to apply that to the site in the restrictive conditions. He noted from the Florida Department of Transportation there are 31,500 vehicles a

day traveling on U.S. 1 in this area, approaching the proposed driveway. 16,000 of them are northbound daily, 15,500 are southbound daily, and according to the consultant study there would be 5,362 trips per day generated by the development. Vehicles trying to enter and exit the development have to do what everybody has to do every time they approach a stop sign. They would have to stop, look down the road, estimate the speed of an approaching vehicle, how far the approaching vehicle was away, estimate how much time the approaching vehicle would get to the site, and have to estimate how much time they needed to cross the roadway. This is something everybody has to do. Some people do it better than others, but when you add a lot of cars to the roadway conflicting with a lot of cars already on the roadway, it's going to lead to a hazardous condition. Specifically, the vehicles entering the facility have to cross about 53 feet, and need a gap of 4.7 to 5.8 seconds, and have to be able to see an approaching vehicle at the speed limit over 300 feet away. Exiting cars have to cross 65 feet, and have to see approaching vehicles between 342 and 419 feet away. During the peak hour the conflicts are even more so. The median itself can only store six vehicles. The peak hour conditions would be 2,681 vehicles traveling westbound exiting the facility conflicting with 16,000 northbound vehicles, in addition to 1,206 eastbound vehicles conflicting with – Mr. Moss was interrupted by Chair Scarpelli for time. Overall, the traffic generated –

There were no further public speakers. Public comment was closed. Chair Scarpelli asked if Mr. Smith wanted any rebuttal. Mr. Bart Smith stated that staff has recommended continuing the MCU and the applicant has agreed to that. The only thing before the Commission today is the access standard variance. None of the statements today went to the access standard variance. They were all directed to the MCU. This is a textbook variance where the code's adoption, if you do not grant the variance, would not allow for the property to have any beneficial use, so therefore the hardship criteria is met. Addressing some of the comments on the major conditional use, as to the traffic study, the applicant has worked with Mr. Carl Peterson who is on the preferred list of traffic consultants for the County. He has provided data and analysis that the applicant meets the traffic concurrency. It was reviewed by ACOM, an independent traffic consultant hired by the County. Mr. Peterson has stated that his belief is that the actual traffic produced will be far less than what the IT manual says because the larger square footage grocery stores distorts those numbers. As to the construction and design of the property, Vestcor has built over 20,000 units of housing and over 50 percent of those are affordable housing. They have built more affordable housing in the State of Florida than any other developer. They understand quality of life, to provide the amenities in the space necessary for housing better than any group in the State of Florida. The design is a functional design that will provide safe, clean housing for 86 workforce units. They have over five acres for those 86 units. He just did a postage stamp in Key West with 124 units on three acres. The Quarry was 256 units on 10 acres. The fact is, any time you do multi-family it's on a dense parcel, and this quality of life is above and beyond some of those designs. As to the grocery store, it was brought up about the 30,000 square foot store in Islamorada, which was on 4.9 acres. This is 49,000 square feet on 8.25 acres. If that corollary was correct it would be a 60 to 70,000 square foot store. This is providing a reasonable-sized store. Mr. Smith believes all of the comments have been addressed with staff, and he looks forward to a final vote on that at a later date. At this time he requests the Commission approve the access variance standard and postpone the major conditional use.

Ms. Tolpin pointed out that the development agreement coming up to be discussed does include text that adopts or accepts the conceptual site plan which is consistent with the site plan being reviewed now through the conditional use permit. This is the opportunity to discuss the site plan and development overall that is proposed as part of it. Chair Scarpelli stated that now is the time for comments on the site plan, building configurations, questions and concerns. Commissioner Demes asked if that would be done before voting on the variance. Mr. Morris stated it could be done either way but if some of the comments on the site plan impacts on the variance, then it may be better to mete out all of the comments on the site plan.

Chair Scarpelli stated that he has lots of comments. He has concerns about the access because the bike path lane is being shifted and the deceleration lane is being added, and he is assuming that ACOM has looked at this. He is not a traffic engineer but it seems it is essentially adding a third lane to the intersection, so the people trying to cross have to look for three lanes of traffic. Ms. Schemper stated that she believed ACOM was on Zoom, and confirmed he was referring to the northbound right turn lane being added to the two lanes of existing traffic. Chair Scarpelli clarified that someone leaving the development wanting to cross to go to the southbound lanes would need to look ahead to see if someone is trying to turn left, look left and look for bikers, look past someone trying to turn right into the Publix, and look for two oncoming cars in two lanes coming around the curve. Ms. Schemper assumed ACOM had looked at this but asked for the ACOM representative to speak to this. Mr. Viviker Costos (phonetic) from ACOM stated that the person turning left would have to wait for a sufficient gap to be able to reach the median and then continue going south. The right turn lane is a requirement because of traffic going north. One other thing is having the adequate line of site. Anybody coming from the development will have the line of site required to be able to judge the oncoming traffic to be able to turn, and there is a sufficient gap for all three lanes. Chair Scarpelli asked if they had the line of site available with the car coming in the deceleration lane. Mr. Costos' line of site analysis was looked into and there was some landscaping on the curve to make sure it was clear to provide sufficient line of site for the traffic existing, coming in and coming out. Chair Scarpelli asked what was being done for the bike path, if there would be rumble strips or a cross light. It is kind of hidden because it's only dashed in on the north side of the entranceway. Mr. Costos stated that any bike lane would have to have green striping and marking. In paragraph two it says to identify any pedestrian and bike safety potential issues and have counter measures. Chair Scarpelli thought there was only a foot separation from the deceleration lane to the bike path.

Mr. Smith stated that the consultants reviewed the site line triangles and provided that it's sufficient for the cars that come out. Mr. Smith presented the diagram of the site line triangle. Ms. Schemper added that FDOT has a minimum standard they use for that type of situation so they would make sure that it complied. Mr. Smith said that the standard was met. Chair Scarpelli noted that a delivery truck would be coming southbound and would take up the whole median while waiting to cross the highway with two lanes and a deceleration lane. Mr. Smith stated they had gone through this in multiple meetings about the use of the WE-40 and the WCB-67, the timing and hours it's done, the traffic flows at that time that allows sufficient time to make that crossing. The driver has to make accommodation to make that turn safely. Chair Scarpelli thinks it warrants a traffic light, but staff has said that FDOT won't consider a traffic light until the site is developed. The bike path seems a little impeded by this design.

Commissioner Demes stated that in looking at the DOT vision versus reality, all you have to do is go to Key West and you see the structures put up for crosswalks with blinking lights that turn red that people ignore and drive right through them, and absolutely don't even slow down for the blinking red lights. The person who said she wanted to ride her bicycle safely and go to the gym, he feels for that. To Chair Scarpelli's point, this intersection is serious. Using bicycles is promoted, and you've also got electric bikes and scooters at this intersection. He agrees that ingress and egress is needed to get to peoples' property, but in this particular case it's a very bad situation. Between DOT and the County, this is an attempt to make something that is acceptable and safe for bicycle and pedestrian traffic. He sees it as a very difficult issue and hopes a safe situation can be worked out. To what degree would the site plan have to possibly change with DOT? DOT's track record with him isn't that great with what he's seen.

Commissioner Neugent added that he agrees with everybody's concern. He lives with it every day trying to get on U.S. 1 when there are about six entry points going across five lanes in Marathon, and then there are bikes coming down the bike path. He also hopes something can be come up with to address these issues and doesn't make matters worse. In reading the material, he applauds staff for putting something so comprehensive together, but it states the applicant has coordinated with FDOT regarding the development access point and the existing location has been approved to remain with DOT based on its existence from the original development of the property. The safety of the public, and the inability to move the access point due to constraints placed on the property based on current Monroe county regulations, the staff has addressed. The applicant says, in working with DOT, the current access point is the only safe and viable option for ingress and egress to the property. It's not like somebody is not working on this. To approve the variance, as pointed out by the applicant, they have to have access to the property. It would become a takings case if access wasn't allowed. Mr. Morris corrected that statement, to be clear, it would not be a takings case, but there may be other rational reasons to approve it. Commissioner Neugent stated that staff has recommended approval on this. Mr. Morris clarified staff has recommended approval to the extent the discussion is about standards for a variance. Staff has not opined that there would be a taking if this was denied.

Chair Scarpelli noted that out of the four site plans in the file, none of them show how the bike path continues on the northbound side of the entrance. It is incomplete. The dashed lines are very hard to see and will need to be moved if a right turn lane is added. It is hard to understand the full plan at the access at this juncture. Not saying it can't change, and that has nothing to do with the variance, he is just pointing out things he does not like for the fact of the livability for the pedestrian. Right now, the bike path dies into the right turn lane on the northbound side and doesn't cohesively go through the entrance. Commissioner Demes asked to see the diagram of the bike path. Chair Scarpelli stated that it does not show up on the property and there's a giant electric pole over there that is not located on the site plan. Also, there is no mitigation for removal of the hammock in order to move the bike path. Chair Scarpelli asked if there was any flagging done along U.S. 1 for the native hammock that would need to be trimmed down on FDOT's property in order to move the bike path. Mr. Mike Roberts, Assistant Director of Environmental Resources, stated that there has been no application for development of that area so they have not been flagged. Ms. Schemper added that vegetation on the right-of-way is treated a bit differently than vegetation on the property. As to the variance, it is really an issue of distance spacing. On this property a driveway could be put in that meets the distance

requirements as there is enough frontage. However, it would be just south of the little missing parcel along the frontage. A driveway that meets the 400-foot requirement could be put in south of that parcel, but it would go through a huge area of hammock. It would also not be aligned with the roadway that crosses over the median. If the Commission prefers that and doesn't feel the standards are met for the access variance for distance only, the variance could be denied. Staff is recommending approval and believes it is a better option to keep the driveway where it is. The actual layout of the driveway and those details are more suited for the conditional use permit review. It's fine to discuss but keep in mind the two separate applications. Mr. Morris thought it was clear, and if any second thoughts arise afterwards it can always be motioned to recall the variance approval. Chair Scarpelli stated that he understands the focus of the variance, but he wanted to share his thoughts on what he's seeing on the MCUP assuming it's coming back to the Commission.

Commissioner Neugent stated that he had talked to a couple of Commissioners over the weekend and reading this, and they also have concerns about how to address this ingress and egress. That will be a discussion at the BOCC. Chair Scarpelli stated that the BOCC doesn't determine that, though. They are only addressing the development agreement. The Planning Commission determines the conditional use permit. Ms. Schemper noted that what's drafted in the development agreement is called conceptual approval of the site plan. It has some more detailed language following that about layouts of the drive, the parking and all of that, which is part of the reason staff scheduled the conditional use permit hearing to begin now so if there are comments on the details of the layout it could be included in your recommendation on the development agreement as well.

Commissioner Anderson stated that if the variance for the access was denied and it gets moved into compliance that will make it worse. It's not going to resolve the bike path issue and traffic is going to have to go further south to come back north to gain access. Chair Scarpelli agreed, and asked for a motion on the variance, Item 2, first. Commissioner Demes asked about moving the entrance to the south, and asked Ms. Schemper in her professional opinion if moving that entrance south would create a problem with FDOT as far as the ingress and egress and the safety involved in that, that there is no cross street, and would that impact the traffic study. Ms. Schemper stated she does not have enough of a professional background in traffic to say whether it would be better for it to move south away from that cross street.

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

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

Chair Scarpelli stated that he believes the consensus is that this is the best possible location for the driveway to this property given the options available. Getting back to his concerns, he wants to fully understand how this entrance is designed and he believes it needs more massaging for the pedestrian. It lacks a definitive location of how this bike path is going to continue on the north side, and it does not address any environmental impact in moving the bike path more towards the property. Judging by what he just saw on Google Earth, that's a heavily vegetated area right up to the bike path currently. To move it over eight or nine feet is going to impact something. Ms.

Emily Schemper then shared her screen to display the entrance zoomed in, showing the dashed line for the old bike path. A complete plan has not been done showing what the markings and striping will look like. Mr. Smith stated that the width of pavement shown is far wider than the actual lanes of roadway. So the right turn lane almost remains completely within the current pavement that is the right-of-way. The bike path doesn't actually have to be moved and there's not that much more pavement to put in the right turn lane. Mr. Smith pointed out the bike path on the drawing, indicating that there would need to be some correction. When the plan is brought back there will be more visibility on it. Chair Scarpelli is concerned that a person jogging or on the bike has to cross 48 feet of roadway. Most entranceways aren't four lanes across into a property. Mr. Smith stated he would come back with further detail for the Commission and requested these things be kept under the motion to continue. Ms. Schemper noted that these may be things to be included in the recommendation for the development agreement. Mr. Smith stated that the development agreement item hadn't been read into the record yet. Mr. Morris thought it would be beneficial to open the development agreement item to allow public comment on that item. It would become difficult if there are a lot of comments on the site planning for the conditional use permit, then that is concluded with presumably a motion to continue, and then to open up the development agreement and try to recall what elements have been dog eared that need to pour over into the development agreement discussion. It would be cleaner to open up the development agreement item. Chair Scarpelli, with the consensus of the Commission, then asked for Item 3 to be read into the record

3. BLACKSTONE GROUP TAVERNIER 925, L.L.C. AND VC TAVERNIER, LLC, 92501 OVERSEAS HIGHWAY, TAVERNIER, MILE MARKER 92: A PUBLIC HEARING CONCERNING A REQUEST FOR A DEVELOPMENT AGREEMENT BETWEEN MONROE COUNTY AND BLACKSTONE GROUP TAVERNIER 925, L.L.C. AND VC TAVERNIER, LLC. THE REQUESTED AGREEMENT RELATES TO THE DEVELOPMENT OF 86 ATTACHED DEED RESTRICTED AFFORDABLE WORKFORCE DWELLING UNITS, A 49,340 SQUARE FOOT NONRESIDENTIAL COMMERCIAL RETAIL STRUCTURE AND AN INSTITUTIONAL USE IN THE FORM OF 350 SQUARE FEET OF OFFICE SPACE. NO STRUCTURES WILL BE HIGHER THAN 38 FEET. THE SUBJECT PROPERTY IS DESCRIBED AS PARCELS OF LAND IN SECTION 27, TOWNSHIP 62 SOUTH, RANGE 38 EAST, TAVERNIER, MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBERS 00089490-000000 AND 00490250-000000. (FILE 2024-041)

(12:56 p.m.) Ms. Devin Tolpin, Planning and Development Review Manager, presented the staff report. This development agreement is required per the Tavernier Commercial Overlay in order to construct a nonresidential building over 10,000 square feet. There were required components as adopted per that overlay. The proposed development agreement does include all of those required components pursuant to LDC Section 130-43. A traffic safety analysis was completed as part of the required traffic study. Comments and recommendations from the County's transportation consultant were included as Attachment 3 to the staff report. Ms. Tolpin went through her recommendations in the staff report and any conflicting items. The applicant and staff met last week. Minor changes recommended to the language were pointed out. The agreement requirements are for a duration of ten years or until issuance of the certificate of occupancy for all proposed structures, whichever occurs sooner. Staff recommends striking

language from the code that did not pertain specifically to this development. Excerpts from the code relating to the Tavernier Commercial Overlay District are included, along with excerpts from Goal 113 and the objective in the site specific subarea policy that applied to this property allowing utilization of the 86 workforce housing early evacuation ROGO allocations without the one-for-one exchange requirement. Page 11 goes through the public facilities and complexities. Page 12 describes the proposed mitigation for the impact of the 16 daily trips. The applicant requested adding language that payment for the freebie service in Islamorada is to mitigate the impact of the 16 daily trips and staff has no issue with adding that language. The development is allowed as part of this agreement. The language in blue is what is new, and Ms. Tolpin read the specific criteria that will guide the subject redevelopment of the property. The changes are similar to those seen in the purpose of the agreement. Page 22 has some recommended changes that the development agreement includes conceptual approval of the site plan. The Commission is making a recommendation today for the Board. The Board will be choosing whether to enter into this agreement or not, and whether to approve this conceptual site plan or not. That is why the MCU public hearing was heard so the Commission, when making recommendation on the development agreement, has all of the information needed. Page 21 includes approval of conceptual site plan, minor revisions and final site plan. The development authorized by this agreement is depicted on the conceptual site plan prepared by Perez Engineering and Development, Inc., attached hereto as Exhibit F. The conceptual site plan is hereby approved by the County, including but not limited to the orientation, placement, design features and location, the location and configuration of parking associated with the nonresidential structure and workforce housing which are consistent with the adopted Monroe County Comp Plan, Tavernier Livable CommuniKeys Plan, the Tavernier Creek to Mile Marker 97 U.S. Highway Corridor Development Standards and Guidelines, and the Monroe County Land Development Code. Any subsequent site plan, site plan approvals and building permits shall substantially comply with the conceptual site plan provided, however, that the final site plan submitted for building permits may slightly deviate from the conceptual site plan to accommodate 1) refinements to the development plan made by the parties including minor configuration structures, roadways, parking areas and pathways, 2) changes to the proposed workforce housing dwelling units and accessory uses so long as the density and intensity set forth in the agreement is not exceeded or, 3) to accommodate modifications that are necessary to meet any and all regulatory requirements. The applicant has requested adding, "Notwithstanding any provisions or regulations directly related to life safety," and staff does not have an issue with that. The power and authority to determine and deem accepted what constitutes permissible substantial compliance, a slight deviation, a permissible accessory use compliant with the density and intensity set forth in the agreement and a permissible minor modification that is necessary to meet the regulatory requirements is exclusively reserved to the Planning Director. The parties reserve the right to appeal any decision, determination or interpretation made by the Planning Director pursuant to Land Development Code Section 102-185. The final site plan shall meet all applicable requirements established in the Monroe County Land Development Code.

The language then requires some more requirements of the site plan per the development agreement including a pedestrian walkway connecting the nonresidential parking area to Orange Blossom Road, which is already included on the site plan. There's a provision related to outdoor lighting, zero foot candles cut off at the property line. The applicant is requesting adding in subsection 3) the County and parties agree to incorporate staff's comments regarding painting,

striping, signage and alignment of the curb cuts. Both parties recognize that FDOT is the governing authority for the curb cut connection and permit. Should FDOT require modifications to the design, FDOT's requirements shall control.

Ms. Tolpin continued, page 23 has no changes with the exception of the term "if any" added under (j) requested by the applicant, and staff has no objection. Page 24, in blue, staff is recommending striking the language that would reserve a 24-hour noticing period prior to the County inspecting the site. This property will be subject to County Code compliance like any other property in Monroe County. There were no further changes. The proposed development agreement does meet the requirements for the County to enter into it. Staff recommends approval with staff recommended edits as included in the backup and presented today.

Chair Scarpelli asked if the workforce housing number of units and income needed to be determined. Ms. Tolpin responded that it is included in the agreement, but there were no changes. Mr. Smith thought he was referring to where it said if they did less than 86, but that was stricken through because they are doing 86. Ms. Tolpin noted that staff would like to keep that language in, on page 15, with recommended edits under subsection (j) deed restrictions for affordable housing, if fewer than 86 units are built and completed on site the distribution income categories shall be 57 percent moderate income and 43 percent low income.

Commissioner Demes stated that it's unfortunate he didn't have that yesterday so he could think about it. One of the first comments under purpose had the word "approximately" added to the 49,340 square feet. As an engineering person, approximate can mean a lot of things, especially when showing four significant digits. If the number is not to be exceeded, it would be helpful to put that, to know the upper limit of approximate. Chair Scarpelli added that the finite number is 49,900, and it includes the 350. Commissioner Demes asked to include the upper limit if using the word approximately, the 49,900 minus the 350. To the extent that the intersection has been discussed today, at page 22 it says, "Any subsequent site plans," and top of page 22, "submitted for building permits may slightly deviate from the conceptual plan." Commissioner Demes thought in the scheme of this huge project, the intersection is tiny, but it has major consequences. He was wondering to what degree that was a concern and if this concern about the intersection could be addressed.

Chair Scarpelli added that the entrance was just one of his concerns and he also has trouble with the word "slightly" and putting it on the Planning Director. Then if the applicant doesn't agree, off it goes to litigation, the determination of what is slight and what isn't. Chair Scarpelli then asked if the applicant wished to speak on this.

Mr. Smith stated that the applicant has agreed to the revisions and is fine adding in 49,550 square feet as the top limit. To address the comment about disagreeing with the Planning Director, that's why the code was referenced. Any changes or disagreements as to ingress and egress and the design of that are appealed to the Planning Commission so it's very clear, and he is fine with adding that. He believes that's what the code states anyways. Mr. Morris interjected that the Code speaks for itself and it doesn't need to be duplicated. A reasonable revision disagreement with staff would go back before the Planning Commission. Mr. Smith thanked staff for being so diligent. Chair Scarpelli then asked for public comment.

Mr. Andrew Tobin stated that he's sure the BOCC was thinking about the health, safety and welfare of the community when they amended the text and the overlay, and he wanted to remind the Commission that the ordinance says up to 49,900 square feet. There's 86 workforce housing units and a 49,300 square foot store, all sorts of wetlands all over the place, an incredibly difficult traffic situation, and at some point in time the Planning Commission has to make a decision as to what is appropriate for this site. It seems that issue keeps getting put off with all of these other issues. The planning issue and the whole reason for the Planning Commission is to decide what is appropriate for this piece of property. The Commission is not stuck with 49,900 square feet and 86 workforce housing units. Those are goals that the BOCC set, but those are not carved in stone. Everything the Commission is doing is locking in and preventing the Commission from exercising its primary jurisdiction, what is appropriate for this piece of property. A lot of time and money has been spent trying to prove that the workforce housing units don't work. There's no open space, no place for people to have a barbecue or sit. It just does not work. There is not enough room on that site with the store, parking lot, setbacks and buffer yards to accommodate it. The entire purpose that the BOCC agreed to all of these other conditions and amended the text and overlay was to accommodate workforce housing. Mr. Tobin respectfully believes that the cart has been put before the horse and now it's time for the Planning Commission to look at this site and say what is appropriate and not send this to the BOCC until that decision is made. If the Commission is comfortable with the outline and terms of the development agreement, he would suggest there be a provision that removes the word "slightly deviate" and include language that says that whatever the Planning Commission decides is appropriate through the MCU process, that that will be substituted for the conceptual site plan. It's a conceptual site plan. Don't handcuff yourself. At some point in time you're going to regret it.

Ms. Melissa Ptomey of 125 Coconut, a couple of streets away from this property, stated that one of the reasons she got involved with this issue is she had visions of children getting on bikes and scooters, and potentially having somebody try and go around traffic that stems from this area because there are a couple of streets where you can try to get around traffic and people do try to speed in that neighborhood to go around. Since March 17 there have been six pedestrian deaths in the Upper Keys alone and that is not going to stop anytime soon, especially with some of the stuff going on with this bike path as discussed. She is sure the Commission doesn't want to be the cause of more pedestrian deaths in the future.

There was no further public comment. Public comment was closed. Commissioner Anderson asked how many units there were to be of two and three bedroom, and how that decision was made. Ms. Tolpin responded that the decision is made by the applicant who comes with their proposal. Ms. Schemper verified there were 12 one-bed, 58 two-bed, and 16 three-bed. Mr. Smith added that it's pretty much the model, having built over 10,000 affordable units, based on demand for apartments in the area and what has been experienced close by to ensure that all of the units can be occupied. The three bedrooms are the most difficult to fill because of qualifications, and the trend is one and two bedrooms. Commissioner Neugent asked if Mr. Smith had any idea how many Publix employees would reside there. Mr. Smith thought it would be very little, ultimately. Publix employees may get a unit but they will start taking applications three months in advance. A significant number of the units are ready to be occupied right when

they open and they have to be CO'd first. So it will be people from the community that are getting workforce housing, and there is also a priority for opening first to emergency first responders. He's guessing it will be nurses, firefighters and police accepted first.

Commissioner Anderson stated that most of the housing is two and three bedrooms and, as Mr. Tobin has highlighted, he is concerned there is not any green space, it's a concrete jungle, and where will the children play. Mr. Smith responded that every property is different and there are size constraints. Commissioner Anderson added that he doesn't know that he wants that project with it being so massive. Chair Scarpelli asked where the nearest community park was from this development. Ms. Tolpin responded Harry Harris Park. Ms. Schemper stated that the intersection to Harry Harris is very close, at the light, but you must travel through the neighborhoods back to Harry Harris so the overall distance is fairly far. There is also Old Settlers' Park to the south which is closer and has a small playground. Chair Scarpelli thought it would be nice to have at least a swing set here. There's no place for a kid to do anything on this property whatsoever. It would be different if it was all single bedrooms where it's purely workforce and not much room for children. Commissioner Neugent thought it was a good point to bring up, but he's trying to think of the projects that he's familiar with in the Marathon area that were large developments and he hasn't seen a lot of recreation places on site. Chair Scarpelli thought it was required for affordable housing, but Ms. Schemper stated it wasn't in the code. Commissioner Anderson noted that Tavernier is not as developed as Key Largo, Marathon and Key West, and asked if they wanted a development like this. Wrecker's Cay and Quarry both have a swimming pool and an area to congregate. Here there is a 150 square foot clubhouse, so what is in the clubhouse. Mr. Smith stated the interior of the clubhouse is basically open space to be utilized like a lounge area. A swing set can be added but he has not seen this at other project so he would need to discuss the reasons why they don't include such things.

Chair Scarpelli asked if the wetland area had been officially determined. Mr. Roberts responded that it has. Chair Scarpelli remarked on the sidewalk on the one side and from the looks of it, it only connected the one building. Mr. Smith stated that the new sidewalk gets to the back area and it would be accessed from underneath the buildings. Chair Scarpelli observed that the sidewalk crosses directly through where the delivery trucks would be backing in. Mr. Smith stated that the sidewalk goes across the street and south, and then goes across Building E. Mr. Smith presented the major conditional use plan. The delivery trucks would be coming before 7:00 a.m., and there are only a couple of deliveries per day with the larger vehicles. There may be a truck once in a blue moon that would go across there. Chair Scarpelli noted that the building is so close there is no buffer whatsoever. People living in that building get to look at trucks and a loading dock and nothing else. The only reason this is able to be done is because the sites are aggregated. Mr. Smith stated that this has always been one site, and the line reflects the two owners that are building this. It's not aggregated because the site has been historically one site owned by one owner. It now has two owners but they're not a subdivision. Chair Scarpelli stated that he doesn't appreciate that there is no buffer between the back of a grocery store. Mr. Smith pointed out that the back of the building would be landscaped, but landscaping at the back of the building is not required to be shown for the VUAs. This will certainly be covered to the greatest extent practicable. Chair Scarpelli noted that there is no room, and then it runs into an issue where the site plan will deviate. Mr. Smith disagreed. This is something that

multi-family projects have all the time. Chair Scarpelli stated that Wrecker's Cay and Quarry are beautiful and neither one of them have to look at the back of a loading dock. Going through the guidelines, he believes the façade of Buildings A1 and A2 do not meet the guidelines because of how they're broken up. Mr. Smith disagreed and presented pocket parks that would have equipment for people to sit and enjoy. Playground equipment and pocket parks is not normally shown on a site plan. Commissioner Anderson interjected that in Tavernier there are no postage stamp size properties that he's aware of. It's too much stuff in a small space in his opinion. Commissioner Neugent added that it seems like there's a lot more land here but a lot of it is either wetland or sensitive land. Mr. Smith stated he has no concern about adding some additional green space. He thinks that is something that can be produced. Those comments are duly noted and will be addressed. That's the reason for this discussion. The project is over parked so they could reduce some of the parking spaces and add some green spaces. Commissioner Anderson asked if by reducing the parking there would be enough parking for a store this big. Mr. Smith responded absolutely.

Chair Scarpelli stated that he thinks the Publix building is beautiful, but Building A1 and A2 are less desirable. The Livable CommuniKeys Plan states the width of the multi-family buildings should not be greater than 50 feet. A building wider than 50 feet should be architecturally defined as a series of smaller repetitive units with insets between primary facades. The inset facades should not be set back less than six feet, and should not be wider than one-third of the primary façade. Here it is backwards. The primary facades are one-third the size of the inset facades, and that's why it looks so broken up and like block housing. Mr. Smith asked for clarification on the concern, and stated that architectural features could be looked at. Chair Scarpelli added that he would like to see the buildings look more like Publix, put shutters on it and make it look more residential. Mr. Smith noted the shutters and to widen the main facades to get away from a box feel. Chair Scarpelli also wanted to work on the interior pedestrian circulation and pocket parks. He did not understand how the 8-foot-10 existing grade height was determined. Ms. Schemper responded that 8.83 is 8-foot-10 and it came from crown of road, which is on the southbound lane side. That is routinely done, the full width of U.S. 1. Chair Scarpelli thought the residential buildings in the back looked quite nice, and he wished A1 and A2 could like those.

Commissioner Demes added that the proximity of Building E has no real buffer to speak of and asked if it would be possible to take one strip of parking spaces and push those toward U.S. 1, lose one row of parking and move the building eight and-a-half feet away from the wall to allow some buffer or allow a canopy of some sort, even a palm tree. At the trapezoid on the lower left of the drawing, at the southwest, make up those parking spaces if needed to get some type of minimal standoff from Building E. Chair Scarpelli thought adding any feet by there would be great, and confirmed that the striped area to the north was the fire lane. Chair Scarpelli thought there were issues with a quality livable environment so it's hard for him to have language about a site plan that is still being massaged into something that could be amazing but it still needs work. Mr. Smith stated that the reason the BOCC added in that provision is because the County wants the ultimate decisions on a lot of the things on the site plan. That's why the development agreement has been put into this overlay. The whole idea is the BOCC wants to look at this and make a decision as the County Commission. To the extent that they are making that decision, he thinks it's beholden on them, bringing all of this input and the recommendations to them, and

then they have to address that at the BOCC. Chair Scarpelli stated that he feels this is trying to take a little bit of power away from the Planning Commission approving the site plan with how the language is currently written in the development agreement. Mr. Morris pointed out that the overlay text amendment does require the site plan as part of the development agreement. However, it does not indicate what level of detail and if the applicant would stipulate, he thinks more language could be provided that would pour into the site plan from the CUP as the site plan of record for the development agreement. Mr. Smith thought that was sort of defeating the language from the overlay and the express provision of why that was put in. That's why the conceptual site plan was approved, because the conceptual site plan is not the final site plan which is approved by the Planning Commission. You still have the visual aspects and green space that are being addressed. Mr. Smith suggested taking a break to work with staff on how to phrase that, but he understands what Chair Scarpelli is saying. Chair Scarpelli reiterated that they have to increase the better quality of life for the residents that are living here. He understands there are other scenarios within the Keys with very limited land mass, but that's what those cards dealt. These are the cards and we have all the cards to play.

Mr. Smith asked to take a break to discuss language with staff, but asked if there was anything else seen on this before doing that. Commissioner Demes stated that he wants to focus on the buffer between the back of the building at Building E, if there's anything that can be done to bring it more towards U.S. 1 a little bit and capitalize on the trapezoid to the southwest to maybe make up that parking if some is lost. Chair Scarpelli stated that he would love to address the parking lot lighting to somehow lower the K value. The bright white ones, even with the cutoff lights, still shine in. That would be his last thing, the four or five lights right along Orange Blossom Road.

Mr. Morris told Mr. Smith that in his view, the cleanest way to ensure coherence between the development agreement and its site plan, and the conditional use permit and its site plan would be to have the development agreement fold in and cross reference that the site plan of record governing the development agreement is the site plan that is approved as part of the major conditional use permit, and that the legal effectiveness of the development agreement will be conditioned upon the approval of the conditional use permit and its site plan of record, so then you'll have one site plan governing both. Mr. Smith responded that he was not adverse to that and again asked for a break. Chair Scarpelli agreed to a five-minute recess.

(Recess from 2:02 p.m. to 2:17 p.m.)

Mr. Smith announced that Ms. Tolpin would take the reins on the language. Ms. Tolpin presented the site plan language. Staff is recommending striking most of the site plan language and having the section that approves the conceptual site plan to read, "The conceptual development authorized by this agreement is depicted on the conceptual site plan prepared by Perez Engineering and Development, Inc., the conceptual site plan attached hereto as Exhibit F. However, the effective site plan of record governing the development agreement shall be the site plan of record that is approved as part of the development order approving the major conditional use permit." So this language still approves the conceptual site plan which is required per the overlay, however gives wiggle room to make changes so as to address the concerns by the Commission.

Chair Scarpelli thought that sounded great to him. Mr. Smith requested the Commission recommend the approval of the development agreement with the proposed changes, and recommend that the Commission focus on Building E buffer, pocket parks, lighting, and architectural features on A1 and A2, and continue the major conditional use. Chair Scarpelli asked for a motion on Item 1 to be continued to the May 28, 2025 meeting.

Motion: Commissioner Neugent made a motion to continue Item 1 to the May 28, 2025 meeting. Commissioner Demes seconded the motion. There was no opposition. Motion passed unanimously.

Chair Scarpelli then asked for a motion on Item 3, the development agreement, and asked Mr. Smith to recite the edits. Mr. Smith listed staff's edits provided today, including the amendments to the conceptual site plan, final revisions, final site plan, paragraph (m), and to instruct the Commission to focus on the architecture of A1 and A2, additional green space for the residential, and the buffering of Building E. Commissioner Demes asked if this would also show the reworking of the intersection and the bike path, prompting Mr. Morris to remind the Commission to make sure everything was included. Mr. Smith agreed to review of the intersection, ingress and egress for pedestrians, bicycles and vehicles. Commissioner Neugent asked when this would go before the BOCC. Ms. Tolpin responded, on April 28, 2025 in Marathon at 10:00 a.m.

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

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

BOARD DISCUSSION

None.

GROWTH MANAGEMENT COMMENTS

None.

RESOLUTIONS FOR SIGNATURE

None.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 2:24 p.m.