

PLANNING COMMISSION  
September 24, 2025

Meeting Minutes

The Planning Commission of Monroe County conducted a hybrid virtual and in-person meeting on **Wednesday, September 24, 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	Present
Douglas Pryor, Ex-Officio Member (MCSD)	Absent
Christina Gardner, Ex-Officio Member (NASKW)	Absent

**STAFF**

Devin Tolpin, Senior Director of Planning and Environmental Resources  
Mike Roberts, Assistant Director of Environmental Resources  
Cheryl Cioffari, Assistant Director of Planning  
Liz Lustberg, Senior Planner  
Peter Morris, Assistant County Attorney  
Hunter O'Connor, 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.

**SWEARING OF COUNTY STAFF**

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

**SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS**

Ms. Jessica McKinney confirmed receipt of all necessary paperwork.

**CHANGES TO THE AGENDA**

None.

## **APPROVAL OF MINUTES**

**Motion:** Commissioner Neugent made a motion to approve the August 27, 2025 meeting minutes. Commissioner Demes seconded the motion. There was no opposition. The motion passed unanimously.

## **DISCLOSURE OF EX PARTE COMMUNICATIONS**

Chair Scarpelli recused himself from the single item on the agenda. Vice Chair Demes chaired the agenda item.

## **MEETING**

### **AGENDA ITEMS**

**1. 307 OVERSEAS HIGHWAY, BIG COPPITT KEY, MILE MARKER 10:** A PUBLIC HEARING CONCERNING A REQUEST FOR A VARIANCE OF EIGHT (8) FEET AND EIGHT (8) INCHES TO THE REQUIRED TEN (10) FOOT PRIMARY SIDE YARD SETBACK, WHICH IS ADJACENT TO THE WESTERN PROPERTY LINE. APPROVAL WOULD RESULT IN A PRIMARY SIDE YARD SETBACK OF ONE (1) FOOT AND FOUR (4) INCHES FROM THE WESTERN PROPERTY LINE TO THE VEHICLE PARKING, LOADING SPACE, AND BICYCLE PARKING FOR A PROPOSED MIXED-USE DEVELOPMENT. THE SUBJECT PROPERTY IS DESCRIBED AS LOT 17, BLOCK 1, AMENDED PLAT OF COPPITT SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 50, PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, CURRENTLY HAVING PARCEL IDENTIFICATION NUMBER 00149540-000000. (FILE 2025-151)

(10:02 a.m.) Ms. Liz Lustberg, Senior Planner, presented the staff report. This request is for a primary side yard setback to accommodate parking spaces, a loading zone and bicycle parking. Ms. Lustberg presented the site plan reflecting the zoning as suburban commercial and then presented a site plan showing the ground floor area, pointing out that the orange boxes had shifted in email, and should be down to the property line outlining the area of the requested variance. The proposed development is a light industrial use combined with two affordable apartments. Approval requires conditional use approval followed by a permit approval. Applications for that development have not yet been received and reviewed. This application is only the request for the setback variance. Ms. Lustberg then presented the complete ground floor as proposed. Based on planning and biology review the rest of the site components would be in compliance. Ms. Lustberg then presented a close-up of the site plan showing that the building is proposed to comply with the ten-foot side yard setback. The parking spaces and proposed loading zone would stick into that side yard setback out from underneath the building. The bicycle parking would also be located within that setback. The trash, even at five feet, is in compliance with the code which allows trash at five feet. The dimensional request for the loading zone is not part of this application. Ms. Lustberg indicated that the applicant has almost demonstrated compliance for the variance to be approved. Staff review states the eight criteria are in compliance and recommends approval of the request with four listed conditions.

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

Vice Chair Demes stated that he had been out to the site and the first thing he noticed was the church whose roofline is either on the actual fence line or slightly over it, which is disheartening to see. This adds to the concern that he was looking at this small site and understanding to the east of it towards the restaurant, which is still an open area, the applicant had done a great job of putting three large rocks into a one-rock container. He is concerned that if this was done on all 50-by-150 lots, it would not be the type of community that he would want to be part of or feel comfortable with. The degree of development on the site is extreme and wouldn't be possible without variances. The variance itself for the vehicles shows the wheel stops, and what he sees is people park up to the wheel stops and the front of the car protrudes well beyond the stops towards fence, which would make it difficult to walk up that side of the lot. Having been out there and seeing this, there's a non-paved road that he couldn't get to because there was a utility truck parked in road installing a water meter. It's very tight getting in and out of that lot due to the utility connections or facilities built in the right-of-way. He does not know what the future of that access road will be but right now it's a single-lane dirt road. Looking at the degree of development, it is concerning, especially from the standpoint of fire safety and not having the benefit of knowing what the fire marshal would think of it. The wonderful thing about this project is the two affordable housing units, but he feels it is too much for this property without sacrificing actual fire safety and access. He would rather give the back setbacks away, realizing that one side would be impassable because of the amount of cars parked there and over extending to the fence. In looking at the staff report, he doesn't necessarily agree with a lot of it. To say the variance will allow enough parking to include two three-bedroom, two-bath affordable units, which is under the applicant showing a good and sufficient cause, it is a good cause but to what degree do you compromise to that with variances. He is not a variance person. The carrot is the affordable housing. Going to the failure to grant the variance would result in exceptional hardship to the applicant, he does not believe that because he believes it is too much development. The hardship is that we would not be able to grant everything the applicant wanted, and the applicant wants too much. He has concerns about public safety and fire and hopes somewhere along the line that is looked at. He understands that two lots were combined to give more allowance to not require variances that would potentially have an impact to the public safety. He does not feel good about this and is torn over the affordable housing issue versus his concern over this being looked into by the fire marshal.

Ms. Devin Tolpin, Senior Director of Planning and Environmental Resources, stated that the site plan had been forwarded to the office of the fire marshal for preliminary review and comment. Though it is not typical to obtain fire marshal review to a variance application, it was asked as a courtesy. The fire marshal provided preliminary comments and in general, it is her preliminary opinion that they did not see massive issues with the variance request itself. They did note that the interior floor plan of the units may require some modifications to locate exit ladders from the second story affordable housing units so that they are on the other side of the building. But, in general, the comments did not have an objection to the proposed variance. Additional review for the fire codes is done at the conditional use permit process where approval would not be permitted without clear compliance with those requirements.

Mr. Seth Neal, the architect for the applicant, stated that to go along with the concerns for fire safety, the building will be sprinkled, and for health safety there will be fire separations between the floors. Vice Chair Demes then asked for a roll call on the motion.

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

**Roll Call: Commissioner Thomas, Yes; Commissioner Neugent, Yes; Commissioner Anderson, Yes; Vice Chair Demes, Yes. Motion passed unanimously.**

### **BOARD DISCUSSION**

Chair Scarpelli resumed his seat and stated that he had told his client that there was one wild card on the Commission, and Commissioner Demes proved his point to a tee. Commissioner Demes wanted everyone to know that back when he was an ex-officio member he was very keen on the Sunshine Laws and applicability. Not all ex-officio members know that, and he had asked Mr. Peter Morris, Assistant County Attorney, to come back with case law stating ex-officio members are subject to Sunshine. Commissioner Demes has the opportunity, with his background, to discuss particular things with NASKW, and he is very careful. There is one person that he cannot speak to about issues that may affect County Planning and that is the Community Plans and Liaison Officer, which is counter to why they exist. In the State of Florida, that is important to know to protect themselves and the Commission from that whenever speaking to an ex-officio member. He just wanted to bring that up. Mr. Peter Morris reiterated that it is his understanding that ex-officio panels are subject to the Sunshine Law. It's worth periodically refreshing everyone's recollection on this because sometimes there creeps up or accumulates a popular misimpression that ex-officio is purely advisory or less than a fulsome member of the panel. In some context, ex-officio members do vote. Under our laws, they don't have a vote, but obviously substantively participate in the discussion. One always has to be careful that people don't get under the misimpression that ex-officio means something less than and is excluded from the sweep of the Sunshine Law, unlike the Florida Legislature which exempted themselves from the Sunshine Law.

### **GROWTH MANAGEMENT COMMENTS**

None.

### **ADJOURNMENT**

The Monroe County Planning Commission meeting was adjourned at 10:25 a.m.



**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Joseph Scarpelli, hereby disclose that on September 24<sup>th</sup>, 20 25:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of My client Natalie McIntype, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

*I am the Architect for the project at 307 Overseas Highway. Therefore I had a direct interest in the variance heard before the Commission I serve on.*

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

09/24/2025

Date Filed

Joseph Scarpelli  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.