

PLANNING COMMISSION
November 19, 2025

Meeting Minutes

The Planning Commission of Monroe County conducted a hybrid virtual and in-person meeting on **Wednesday, November 19, 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)	Present via Zoom

STAFF

Devin Tolpin, Senior Director of Planning and Environmental Resources
Mike Roberts, Assistant Director of Environmental Resources
Liz Lustberg, Senior Planner
Thomas Francis-Siburg, Acting Development Review Manager
Matthew Restaino, Senior Planner
Janene Sclafani, Transportation Planner
Tiffany Stankiewicz, Development Administrator
Peter Morris, Assistant County Attorney
Dirk Smits, Planning Commission Counsel
Jessica McKinney, Senior Planning Commission Coordinator

Noted: Ms. Gardner was attending via Zoom. Commissioner Demes stated there had to be cause. Mr. Dirk Smits, Planning Commission Counsel, clarified that it was due to Ms. Gardner having just returned from furlough.

Motion: Commissioner Neugent made a motion to allow Ms. Gardner's attendance via Zoom. Commissioner Thomas seconded the motion. There was no opposition. The motion passed unanimously.

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

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

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Ms. Jessica McKinney confirmed receipt of all necessary paperwork.

SWEARING OF COUNTY STAFF

County staff members and public attendees were sworn in by Mr. Dirk Smits.

CHANGES TO THE AGENDA

None.

DISCLOSURE OF EX PARTE COMMUNICATIONS

None.

APPROVAL OF MINUTES

Motion: Commissioner Neugent made a motion to approve the October 22, 2025 meeting minutes. Commissioner Anderson seconded the motion. There was no opposition. The motion passed unanimously. However, Chair Scarpelli did not vote as he had not been present at the last meeting.

MEETING

AGENDA ITEMS

1. A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM FOR JULY 15, 2025 THROUGH OCTOBER 14, 2025, ROGO (Quarter 1, Year 34). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY. (FILE NO. 2025-161)

Chair Scarpelli was recused due to having a client receiving a permit. Vice-Chair Demes chaired Item 1.

(10:05 a.m.) Ms. Tiffany Stankiewicz, Development Administrator, presented the staff report for the residential dwelling unit allocations for Lower and Upper Keys subareas and Big Pine and No Name Key subareas. The Planning and Environmental Resources Department is recommending approval of the following market rate rankings: Lower Keys applicants ranked 1 through 7 recommended for allocation award; Big Pine/No Name applicant ranked 1, recommended for allocation award subject to mitigation availability at the time of permitting; Upper Keys applicants ranked 1 through 8 recommended for allocation awards. All other market rate and affordable housing applications roll over to the next quarter.

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

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

2. A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE NON-RESIDENTIAL ALLOCATION SYSTEM FOR JULY 15, 2025 THROUGH OCTOBER 14, 2025, NROGO (Quarter 1, Year 34). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY. PURSUANT TO MONROE COUNTY LAND DEVELOPMENT CODE SECTION 138-53(E)(13), THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT IS PROVIDING A NOTIFICATION TO THE GENERAL PUBLIC OF THE NROGO ACCOUNT BALANCES. (FILE NO. 2025-162)

(10:08 a.m.) Ms. Tiffany Stankiewicz, Development Administrator, presented the staff report for NROGO allocations. The Planning and Environmental Resources Department is recommending approval of the 1 NROGO applicant.

There were no comments or questions by the Commissioners. Chair Scarpelli confirmed that this was for the Tavernier Shopping Center. Chair Scarpelli then asked for public comment. There was none. Public comment was closed.

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

3. STOCK ISLAND OWNER, LLC AND KW PERRY, LLC, 7001 AND 7025 SHRIMP ROAD, STOCK ISLAND, MILE MARKER 5: A PUBLIC HEARING CONCERNING A REQUEST FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE ADDITION OF THIRTY (30) TRANSIENT HOTEL ROOMS AND ASSOCIATED SITE REDEVELOPMENT. THE SUBJECT PROPERTY IS DESCRIBED AS PARCELS OF LAND IN SECTION 35, TOWNSHIP 67 SOUTH, RANGE 25 EAST, MONROE COUNTY, FLORIDA, HAVING PARCEL ID NUMBERS 00123761-000400 AND 00123761-000800. (FILE NO. 2023-243)

(10:10 a.m.) Ms. Liz Lustberg, Senior Planner, presented the staff report. This is an amendment to an existing major conditional use. Ms. Lustberg presented the site diagram, having zoning of maritime industries, FLUM of mixed use commercial and most relevant the property is within the Safe Harbor Overlay District. The property is currently developed with a 100-room hotel having a marina with wet slips, office floor area, commercial retail and restaurants. The property has also been approved for outdoor boat storage and a boat barn, neither of which have yet been built, along with a light industrial marine building. This amendment is for 30 proposed additional hotel rooms. Previously, the applicant went through conditional use approval to transfer the ROGO exemptions to the property. The applicant is also proposing to add a banquet hall building accessory to the hotel, to increase the commercial retail floor area, and reduce the amount of office floor area. Ms. Lustberg presented the site plan showing the new proposed hotel building, being the longer rectangular building, closer to the water is the proposed new pool, and the smaller square building is the proposed banquet hall having 8,200 square feet. Since the banquet hall is accessory to the hotel, it is not reviewed as floor area and is not calculated into the floor area ratios nor the parking requirements. The proposal is to reduce the existing hotel building to having 96 rooms, and the rooms going out of existence are proposed to go into storage.

Ms. Lustberg presented the existing marina building which is proposed to be redeveloped to have eight hotel units, maintaining some office floor area, and adding commercial retail floor area. There is no change in the footprint of the building, only a redesign of uses inside the building. The large rectangle on the southernmost portion of the property is the approved but not yet built boat barn, and the approved but not yet built outdoor boat storage.

Conditional use approvals are all required to meet the criteria in Section 110-67. Ms. Lustberg presented the list of the criteria. Staff's review indicates compliance with the criteria once the conditional use and conditions of the conditional use are met. There are some issues with criteria (i). The proposed use complies with all additional standards imposed on it by the particular provisions of the land development code. The plans demonstrate compliance with the quantity but not the quality required for the surface water management criteria. Staff recommends this be definitively addressed at the permit stage to demonstrate compliance. There is some additional clarity required on the plans regarding the landscaping. It appears to be in compliance but additional detail will be required at the time of permit review. In the staff report there were issues regarding transportation, level of service, and the traffic study. Staff was recommending that this item not come before the Commission if those items had not been adequately addressed, reviewed, and determined to be in compliance based on the traffic consultant. The updated traffic study was received, the traffic consultant had some questions, the applicant responded to those questions, and the traffic consultant determined that the response was adequate so the applicant was able to move forward.

Staff recommends approval with many conditions. The first condition is a requirement of the Safe Harbor Overlay that the wet slips dedicated to commercial and recreational fishing must be shown on the site plan and also be a part of the approvals. The second condition is that the public access be documented as part of the conditions of the conditional use approval. Condition number three goes to the issues with landscaping as shown in the plans to ensure that it is in compliance at time of building permit. Because the hotel is proposed to be reconfigured to turn some hotel units into storage, staff wants to make sure that actually happens as those units are approved to be located elsewhere on the property. Condition five relates back to the stormwater issue demonstrating compliance with both quantity and quality. Number six addresses the boat barn design guidelines. Condition seven is to address inclusionary housing at the time of permit review. The property may not require inclusionary housing given the prior development recognized in an LDRD, but those details will be gone through with permit reviews. Eight is standard for outdoor lighting compliance. Nine is a minor discrepancy in the parking table provided on the site plan and staff's calculation of three spaces. That must be updated at time of permit approval. Continuing with the conditions, the level of service must be re-reviewed at time of permit review, the water quality plan must be part of the building permit approval, and numbers 12 and 13 are reminders that everything needs to be reviewed for compliance with the Building Department at permit stage.

Commissioner Thomas asked if there was currently any banquet facility. Ms. Lustberg responded there was not as part of the existing development. Commissioner Thomas stated that that drastically changes what transpires versus people going to a hotel and having dinner. With a banquet facility, there are a lot of people going, parking and leaving, and she asked whether that had been taken into consideration in the traffic study. Ms. Lustberg responded that the banquet

facility was considered as accessory to the hotel, so this was part of the questions in the initial application review, whether it was a standalone facility like a conference hall that would be rented out or whether this is truly accessory to the hotel. The applicant had responded that this was truly accessory to the hotel and, as such, is not reviewed as standalone. Commissioner Thomas added that having a lot of business at the Yacht Club in Marathon and being responsible for that business, she knows when there is an event it is very different. The same thing happens at Hawks Cay when they have a big event. She wanted to make sure that it had been considered. Ms. Lustberg suggested discussing the details with the applicant.

Commissioner Demes commented that in reference to Policy 108.2.6 and reviewing the noise contour map on page ten, it would actually be more accurate to say less than 65 DNL versus 60 because the 60 contour goes through the project. The pink line on the top is the 60 DNL contour, and the blue line to the right would be the 65 contour.

Chair Scarpelli asked about the 52 required slips for fishing vessels for charters. The calculations only provide 25 and 5, not 30 currently, and asked if the boat slip usage had been adjusted. Ms. Lustberg responded that there had previously been approved a major deviation that approved reconfiguration of the boat slips. The boat slips in this amendment are all proposed in the same configuration. They have moved around where they propose to have the slips restricted to the commercial and working waterfront. Mr. Bart Smith responded “no” from the gallery, and continued making further indiscernible off-the-record comments. Chair Scarpelli clarified that he was talking about the 295 slips, out of which 52 were needed but currently there are only 30. Mr. Smith continued with indiscernible off-the-record comments from the gallery. Ms. Lustberg clarified that there are 52 wet slips out of the 295 dedicated to commercial and recreational fishing, plus additional slips reserved for not-for-hire vessels that would bring it to 59 slips, which is the 20 percent of the 295 required. Chair Scarpelli noted that when going to the parking calculations, the required off-street parking being provided is currently 30.

Ms. Devin Tolpin, Senior Director of Planning and Environmental Resources, pointed to the bottom of page 18 of the staff report showing the parking calculations for marinas and commercial fishing facilities of 225 wet slips proposed. Then at the top of page 19 there are also 25 wet slips for charter and guide boats. There are various components to the commercial fishing use, and the applicant may want to explain this further. Chair Scarpelli asked why is it 52 of the 295 if they’re already providing 225, that the breakouts seem very strange. Ms. Lustberg responded that the applicant could explain how they are proposing to use the property in greater detail, but the parking calculations and the commercial and recreational fishing don’t have to be exactly the same thing. Commercial recreational fishing is not a specific category. Chair Scarpelli stated that commercial recreational and commercial fishing are two totally different things. Commercial recreational means it’s recreational for someone to go out on a charter boat as a business, and then there’s commercial fishing which is the bigger shrimp boats. Mr. Bart Smith made more indiscernible off-the-record comments from the gallery. Ms. Lustberg referred to the relevant portion of the parking table in the staff report. For wet slips, depending on how they are proposed to be used, there are different parking calculations. The marinas and commercial fishing only list wet slips, and within that there could be a variety of uses that are not captured by liveaboard charter or charter. Ms. Tolpin added that the intent of that condition and

that reasoning is to preserve some of the commercial fishing working waterfront uses on the property. Pulling from the language in the Safe Harbor Community Center Overlay, it does say when a mixture of uses is proposed for parcels designated as maritime industries land use zoning district, working waterfront and water dependent uses such as marina, fish house, market, boat repair, boat building, boat storage or other similar uses both uses could be included in that. Chair Scarpelli clarified that it's all under the same thing, but all of those parking types have different parking calculations for the use, so how is it that it's 52 out of the 295. Ms. Lustberg responded that the requirement in the code is 20 percent, and 20 percent is 59. So 52 are reserved for commercial and recreational as required by the Safe Harbor Overlay, but seven other slips are reserved for commercial not for hire vessels only, meaning commercial but not recreational. That would be an additional restriction to reserve at least some of the slips for commercial as opposed to recreational. The site plan calls out slips dedicated to commercial and recreational fishing which all have stars on them.

Chair Scarpelli asked if this layout was all a part of this approval because that's not how it exists today. Ms. Lustberg stated that what's being approved is the proposed development, and pointed out the slips being discussed on the site map. There are slip numbers on the site plan, and they are called out in the conditions of approval. The major deviation that was previously approved has the 295 slips in the same location. What's changing here in terms of the slips is where the slips reserved for commercial and recreational fishing are located. The boat barn that was previously approved has not yet been built, so as an amendment to the conditional use the whole property is reviewed for compliance. Ms. Tolpin added that the County has boat barn design guidelines and some of the aesthetic details that need to be submitted with the building permit will need to be reviewed for consistency with the guidelines at the time of building permit review, and the permit has not been submitted yet so that's why it's included in the report.

Mr. Bart Smith, agent for Stock Island Owners, LLC and KW Perry, LLC, stated that there are different parking demands for different types of fishing vessels, but the spaces all came from when they first allowed for the mixed use commercial FLUM designation for maritime industries. Back then it was recognizing if you're going to have a mix of uses, some traditional working waterfront needs to be preserved. So 35 percent of the upland needs to be for traditional working waterfront, and 20 percent of existing slips have to be identified for commercial and recreational fishing vessels such as the charter vessels, and then 10 percent of any new slips. With this it was all existing slips, so that's what's identified in the current configuration. The idea is there will be some by the boat barn and right now, the charters boats are right in front of the hotel. Those two uses have to double count parking spaces even though 90 percent of the guests are right there in the hotel, but they're being counted twice.

This is a proposed amendment to the conditional use. This property has already been developed with a 100-room hotel, 100 dry slips, a boat barn, the restaurants on site and many of the amenities, including a big outdoor great lawn where they're already doing weddings and things. With all of the rainy weather here, a lot of the events have had problems with staying outside. What is needed is an indoor space to make sure these things can occur. The idea is that these uses already exist. The applicant is trying to provide amenities and bring this forward. Mr. Smith presented the designs. The non-residential floor area is being reduced, the hotel rooms are being increased and some rooms are being taken out of the hotel. The applicant is fine with the

condition to turn those rooms into storage as they look out at the dumpster, are noisy, and are not capable of operation. The green building first floor was originally some pull-down doors and is being utilized for some of the back-of-the-house office. There is some commercial retail that is going down there. The second floor was trying to be used as commercial retail but turned out to be wasted space, so some of the hotel rooms are being moved there. Mr. Smith presented the elevations and the banquet hall. Regarding traffic, the IT manual addresses limited hotels and hotels with banquet halls so it is part of the traffic study. The County has boat barn guidelines so you've got have different angles, faux walls and windows to not make it look like a big square box. Those features are reviewed as part of the design and the applicant is in agreement with that criteria, and believes it provides benefit to the property. For parking there are 52 spaces for charter vessels and 52 for commercial fishing. Those are on the industrial side, further from the resort to prevent conflict in uses. The applicant is fine with the stormwater conditions, has the permit through SFWMD, and will be doing major modifications to those designs which will be provided along with the ERP permit at the time of building permit issuance.

Commissioner Thomas asked what the difference is between the size of the banquet hall and the existing outdoor space. Mr. Smith stated that it was a very large outdoor lawn in the middle of the property, over 10,000 square feet, and is larger than the banquet building. Commissioner Thomas asked if it would be possible to have an indoor and outdoor event at the same time, and whether that had been taken into consideration with the traffic. Mr. Smith stated that it was possible, and that all of that had been taken into consideration. The resort is not anywhere near traffic volumes for the level of service on U.S. 1 or any of the side streets. Commissioner Thomas stated she was more concerned about the side streets as events come and leave in big lumps. Mr. Smith responded that the exit points were Fifth and Fifth, which is by Bernstein Park, and have direct exits onto U.S. 1. Chair Scarpelli noted that there is no parking when there are large events now, and they are removing the overflow parking when the boat barn is built. Mr. Smith believes they have optimal parking. Chair Scarpelli asked if the banquet hall could be used by anyone other than hotel guests. Mr. Smith responded it could not, that it was accessory to the hotel. Chair Scarpelli asked if the banquet hall had its own kitchen. Mr. Smith stated that it did not have a whole kitchen, the work is done at the main kitchen but it can be brought over to the banquet hall, that the banquet hall could not be standalone. Commissioner Thomas confirmed that if she decided to get married again and did not stay at the hotel, that she couldn't have her reception there. Mr. Smith stated that was correct. The Navy now has newer tables which pushes this into lower DNL. 65 DNL is pretty much east of all of Stock Island, and 60 DNL is on the east side of the harbor.

Ms. Christina Gardner, NASKW, stated that the 2018 AICUZ is in the 60 to 64 DNL zone. She believes it's also misleading and NASKW asks that it be updated to 60 to 64 DNL. Mr. Smith stated that the applicant had no problem with that.

Chair Scarpelli then asked how many parking spots were actually on the site right now. Mr. Smith could not state how many were there right now, but 387 were proposed. Chair Scarpelli stated that 533 is what it would be but with the Sheriff parking it goes to 464, and the whole marina is being redone. To say the hotel is not part of the marina is to say that the banquet hall is not accessory to the hotel. It's all connected. Mr. Smith stated that the parking requirements for the marina are excessive. Chair Scarpelli agreed with that, but did not agree with the intensity of

the site overall. Mr. Smith responded that it meets the code and he would request that it be approved based on the evidence in the record. Chair Scarpelli stated the only way it meets the code is with the existing nonconformity. Mr. Smith agreed, adding that the applicant is reducing the nonconformity to the greatest extent practicable. Chair Scarpelli stated that the boat barn and the hotel were removing parking. Mr. Smith disagreed. Chair Scarpelli stated that the whole lot is full 75 percent of the time due to local use. Mr. Smith stated that half of the lot on the east side has not been built and that's in the new plan. Chair Scarpelli asked if the number of parking spaces in the dirt lot would be reconfigured to have the same spaces as are there now. Mr. Smith stated he was pretty certain it would. Chair Scarpelli then asked for public comment.

Ms. Christine Lark stated this was a working waterfront at one time that was changed, and the applicant was already given 100 units. Her question is why that is being allowed to be increased by 30 percent. Also, 20 percent should be working waterfront which was promised for the local fishermen and now it's become a big resort. To add a banquet hall of 8,000 square feet in case somebody's wedding date gets rain, they could instead use a big tent. She does not think an 8,000 square foot banquet hall is needed for that reason. She also wants to know why transient would be increased by 30 percent, and would like to be really clear on how many parking spaces go with those 59 working waterfront boats and the rest of the development. Any time she's tried to develop anything she's had to develop additional parking or it would not get approved.

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

Ms. Christina Gardner, NASKW, thanked the Commission for being allowed to attend remotely today as she was working hard to catch up. For 7001 and 7025, NASKW's comments are that although per the MIAI the requested use is compatible within the noise zones, it must be noted that compatibility decreases as densities of people and structures increase, and this is definitely an increase. The noise zone of 60 to 64 has already been discussed. Finally, NASKW requests that appropriate noise attenuation is incorporated, that MIAI notifications are properly made, the known drone use signage is displayed, and that all other MIAI and Safe Harbor Community Center Overlay requirements are met. Mr. Smith stated that the applicant was fine with those conditions.

Commissioner Demes asked Ms. Gardner what the below 65 DNL AICUZ recommendations call for as far as sound attenuation within the high noise areas. Ms. Gardner responded that she had not put that in her notes for today but would follow up with written communication on that. However, she believes it should meet 55 DNL, so it should be 10 over the normal DNL attenuation that you would do in any normal construction. Mr. Smith stated that he has no issue if that was a condition to reduce it by 10 DNL. Ms. Gardner clarified that it's an extra 10 DNL over the normal attenuation for structures. Ms. Tolpin asked for clarification on the condition to be made in the motion.

Commissioner Anderson asked how many people could use the 8,200 square foot banquet hall. Mr. Smith guessed about 150. Chair Scarpelli stated that it depends, but it's probably A3 assembly so one per 15 square feet. That's un-concentrated seating. So to fire code laws, 8,200 divided by 15 is 546 people, but that's not what there will be. The occupancy is based upon seating. That's what is weird with banquet halls as an accessory use where seating isn't

calculated. There's no permit to stop from having 500 people there. Banquet halls are interesting as accessory uses to hotels. Chair Scarpelli asked what section that would be in, that banquet halls are accessory uses to hotels. Ms. Tolpin responded that it is not explicitly stated in the code, but when review is done for development proposals staff would look at the definition of accessory use and structure. Something like a banquet hall or restaurant that is only open to hotel guests has been consistently reviewed as accessory to the hotel. That is assuming it is not open to members of the public and will only be serving guests of hotel where the density and other requirements are factored into the review of the number of rooms. Chair Scarpelli added that that is impossible to determine with a banquet hall. Ms. Tolpin stated that the code does not have additional requirements specifically to that scenario or at least does not contemplate those. Chair Scarpelli noted that it's not even in the hotel building so he could go there without going through the hotel lobby. All of the restaurants and pools are open to public. Mr. Smith stated they are counted towards parking and traffic as separate independent uses, but the pools are not open to the public. Chair Scarpelli stated that the restaurants are open to the public and are directly connected to the pool deck. Mr. Smith stated that the pool deck is enclosed by a gate which requires a room key to get in. Chair Scarpelli disagreed, stating he enjoys it and it's a great asset to the community at large, but that's where he has some heartburn with it, is it's already being utilized. He believes the boat barn is a great idea and doesn't care too much about the 30 more hotel rooms. What he is concerned with is elimination of parking and accessibility when the intensity is increasing. There have already been problems with parking due to people parking on the street. Mr. Smith stated that the roadway is now owned by the hotel.

Chair Scarpelli stated that he is really hung up on this banquet hall. Mr. Smith stated that it is absolutely intended to be utilized for the hotel as accessory. It is necessary and they need this space for the uses going on now. Based on what is proposed, he believes the applicant has shown compliance with the code and he requests approval. The applicant is happy to add the condition of the additional 10 DNL with impact windows and concrete block construction.

Ms. Gardner added that the AICUZ states that the 20 db noise level reduction that happens with normal construction is appropriate, but she recalls in the Safe Harbor Community Center Overlay that there was another agreement, but she is not able to answer that at this time. Commissioner Demes added that unfortunately, you can never attenuate noise outdoors.

Motion: Commissioner Neugent made a motion to approve based upon staff recommendations. Commissioner Anderson seconded the motion.

Roll Call: Commissioner Demes, Yes; Commissioner Thomas, No; Commissioner Neugent, Yes; Commissioner Anderson, Yes; Chair Scarpelli, No. Motion passed 3 to 2.

Ms. Tolpin confirmed that the motion did not include additional sound attenuation. Commissioner Demes asked for the operating hours for the airfield. Ms. Gardner believed they were 7:00 a.m. to 10:00 p.m. Night flying is by exception. Commissioner Demes added that those exceptions are penalized and add to the DNL requirement for nighttime flying, and that is incorporated as well. That said, the vast majority of the operations are during the day.

4. JOINED ISLANDS INC., 21362 OVERSEAS HIGHWAY, CUDJOE KEY, MILE MARKER 21.5: A PUBLIC HEARING CONCERNING A REQUEST FOR THREE VARIANCES TO: 1) ACCESS STANDARDS SET FORTH IN CHAPTER 114, ARTICLE VII; 2) DISTRICT BOUNDARY BUFFER REQUIREMENTS SET FORTH IN CHAPTER 114, ARTICLE V; AND 3) PARKING LOT LANDSCAPING REQUIREMENTS SET FORTH IN CHAPTER 114, ARTICLE IV OF THE MONROE COUNTY LAND DEVELOPMENT CODE TO ALLOW FOR: 1) AN ACCESS DRIVE TO U.S. 1 THAT IS SPACED APPROXIMATELY 157 FEET 7 INCHES FROM THE EXISTING CONCH DRIVE CURB CUT TO THE WEST AND APPROXIMATELY 234 FEET 1 INCHES TO THE SACARMA ROAD CURB CUT EAST OF THE PROPERTY; 2) NO BUFFER YARD ALONG THE WEST SIDE PROPERTY LINE AND A TEN (10) FOOT DISTRICT BUFFER ALONG THE REAR YARD (SOUTH) PROPERTY LINE; AND 3) A REDUCTION IN THE PARKING LOT LANDSCAPING. THE PROPERTY IS DESCRIBED AS A TRACT OF LAND IN A PART OF GOVERNMENT LOT 2, SECTION 29, T.66S., R28E, BEING ON CUDJOE KEY, MONROE COUNTY FLORIDA, HAVING PARCEL IDENTIFICATION NUMBER 00115840-000401. (FILE NO. 2024-111)

(11:10 a.m.) Mr. Matthew Restaino, Senior Planner, presented the staff report, noting that Mr. Mike Roberts, Assistant Director, Environmental Resources was also available for questions regarding buffer yard and landscaping variance requests. The property is in the suburban commercial land use district, abuts U.S. 1 and hammock to the north, hammock and freshwater wetlands to the west, hammock and residential to the south, and service shops to the east. The variances are requested to construct a 378 square foot addition to the existing convenience store and seven fueling stations, and construct a multifamily residential building consisting of five employee housing units. Mr. Restaino presented the site plan showing the new entry point to and from the property being just below U.S. 1. The building shown as existing is the existing convenience store with the addition proposed on the back of that building, and the proposed fueling stations just to the right of the existing building. In the bottom right portion of the site plan is the proposed location for the five-unit multifamily building consisting of employee housing.

The first variance is for access pursuant to Land Development Code Section 114-195, no structure or land shall be developed user occupied unless direct access to U.S. 1 or County Road 905 is by way of a curb cut that is based at least 400 feet from any other curb cut that meets access standards of the FDOT as contained in Chapter 14-97 FAC, or an existing street on the same side of U.S. 1 or County Road 905. The proposed developments for access on U.S. 1 that are designated as Class 5 or Class 6 access controlled classification as defined by FDOT where the posted speed limit is 45 miles an hour or less may deviate from the 400-foot standard in accordance with the standards contained in Chapter 14-97 of the Florida Administrative Code, State Highway System Access Control Classification System and Access Management Standards. The stretch of U.S. 1 adjacent to this property is designated as a Class 4 roadway with a posted speed limit of 45 miles per hour. In accordance with the standards stated above, the minimum required distance from any curb cut for an access drive on this section of U.S. 1 is 400 feet. The applicant is requesting approval of a variance to access standards which would result in an access drive to U.S. 1 that is spaced approximately 157 feet and seven inches from the existing concrete curb cut to the west of the property, and approximately 234 feet one inch

from the Sacarma Drive curb cut to the east of the property. Based on available permit history, the property has been developed with a non-residential use since at least 1974. Access has been by way of U.S. 1 that entire time, though there were no clearly defined entry and exit points to and from the property. The redesigned site includes a clearly defined entry and exit point representing an improvement over the previous conditions which have been used for 50 years.

Mr. Restaino then presented the landscape plan for the property. The second variance is related to buffer yards. Pursuant to LDC 114-126, a Class D district boundary buffer yard is required at the boundary between suburban commercial and suburban residential land use districts, consisting of 20 feet in width. The applicant is requesting approval of a variance to remove the buffer yard along the west side property line, and to reduce the rear yard buffer yard to 10 feet from the required 20 feet.

The third variance is related to parking lot landscaping. Pursuant to LDC Section 114-100(a)(3), landscaping shall be provided in a square footage area equal to the minimum of 20 percent of the gross parking lot area, including both parking and vehicular use area. Calculations to verify these requirements shall be shown on the landscape plan per Section 114-108. Such required landscaping area shall be in addition to other required buffer yards. The applicant is requesting approval of a variance to reduce the required amount of parking lot landscaping from 20 percent to 6.6 percent per the submitted landscape plan. The applicant has asserted that the proposed design of the site complies with the buffer and parking lot landscape requirements as much as possible given the existing and proposed uses. All existing and proposed uses are allowed based on density and floor area ratio standards in LDC Chapter 130 Article V. The applicant has provided all required parking for each use. Based on the amount of parking needed and space needed to navigate through the property the applicant has complied with buffer and parking lot landscaping requirements as much as possible.

As per Section 102-187(b) the Planning Commission is authorized to grant variances to access standards in Chapter 114 Article VII, buffer yard requirements in Chapter 114 Article V, and landscaping requirements in Chapter 114 Article IV if and only if the applicant demonstrates compliance with all of the standards shown. Mr. Restaino then presented those standards noting that all three variances were in compliance with all eight standards.

Staff recommends approval of all three variance requests with the following conditions. 1) The variance approval is based on the site plan by John Robert Barnes dated September 4, 2025, submitted with the application. Work not specified or deviations to the approved plans shall not be carried out without required additional Department approval. 2) The variance does not waive or reduce any other requirement of the LDC nor waive the LDC requirements for any future development. 3) The variance approval does not constitute approval of any use of the property and is not final approval for certain development. The applicant shall obtain a conditional use permit and building permits for any improvements requiring such approval.

Chair Scarpelli noted that the access road is already there. Mr. Restaino stated that he became aware of that as he was updating the staff report with up-to-date aerial photos. He has not had discussion with applicants or agents about that. Based on the merit of the proposal, justification and history of the property, he deemed it appropriate to recommend approval.

Commissioner Demes asked about the access road and whether there was access that the FDOT provided them in the repaving job. Chair Scarpelli stated that the access was provided exactly where it was drawn. Commissioner Demes noted that before it had been open and people pulled in everywhere. He doesn't think it's as safe as it was before because you have to come to a single point now to turn in. The way the store is used, people pull in front which is difficult for larger vehicles. With the vegetation and landscaping on that turn there's a lot of traffic at certain times of day, and at certain times a day it is very sporting to pull out and make a left-hand turn towards Key West. The access is even tighter if the island is there between the two lanes. This limits access to that access drive. The landscaping further limits navigation for vehicles around the store and it's tight now. Looking at the use, there appears to be a sidewalk around to the current front of the store and cars pull right up to the door and go in. Now they're going to have to pull in and drive around to the parking spots. Chair Scarpelli asked if the front of the store was being reoriented. Mr. Restaino responded that it was not, to his knowledge. Commissioner Demes thought the normal traffic flow required walking into the traffic lanes. This is much more limiting than what was there before. Personally, he would like to see no landscaping in the front as it is more limiting as far as visibility. Chair Scarpelli added that it's paved wider. There is a deviation as to how this connects to U.S. 1 comparing the site plan to the aerial photography, and he thinks something is off, that it's a softer turn. Turning right onto U.S. 1, it looks to be easier than the plan shows.

Chair Scarpelli asked if any preliminary feedback had been received from the fire department. Ms. Tolpin was not aware of any; however, the Fire Marshal's Office was included in the DRC meeting and had been required to review the use itself before that time. Chair Scarpelli didn't think it needed to be addressed at this juncture but it was food for thought. Commissioner Demes added that if this building requires a fire lane, he doesn't see where it could be, but he would leave that up to the fire marshal. Chair Scarpelli suggested the applicant try to reorient the store so the entrance is not on U.S. 1 to prevent people from running in real quick.

Mr. Don Horton, agent for the applicant, and Mr. Ty Harris were both present via Zoom. Mr. Horton stated that he had been sworn in at the beginning of the meeting. Mr. Dirk Smits stated he needed to see his driver's license as a requirement to swear him in over Zoom. Chair Scarpelli stated that that had never been done and he didn't want to put Mr. Horton's driver's license online. There was discussion about whether or not to do that.

Mr. Horton stated this had been a long process, he has worked closely with Mr. Restaino, and he appreciates what staff has done. This process started while the FDOT decided they were putting drainage improvements in that area so they coordinated with them regarding the entrance. It was centered on the property as best as possible. FDOT worked off of their site plan and this site plan to make the entrance work. He agrees less vegetation would be better, but they were trying to comply with the County's code. The drive location is stuck where it's at. The building is old and the applicant would like to eventually do improvements to the building. They wanted to put in some workforce housing as it is needed there. The site plan shows emergency vehicle access on it which is required. There was originally parking in the front, but it was moved out of the front to comply with required highway buffers. The hashed line on the site plan shows the aisle to get to the store.

Chair Scarpelli stated that he loved the plan and thought it was a great use of the site. His main concern was the front entry and what generates an interesting foot traffic pattern with the primary way to get around the gas pumps. Otherwise, he thinks it's a great use of the site and a great addition to Cudjoe Key. Chair Scarpelli then asked for public comment. There was none. Public comment was closed.

Commissioner Demes first confirmed with Ms. Tolpin and Mr. Restaino that there had been zero complaints or objections to this project. Chair Scarpelli noted that it was the same property owner on back and on one side, and then another on east side. He then asked if this project would generate a traffic study. Ms. Tolpin confirmed it would as part of the conditional use permit which is moving through the process. This is the step necessary before that minor conditional use permit gets scheduled before the DRC. Chair Scarpelli noted that it was better to have the variance in place first rather than the other way around.

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

5. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY COMPREHENSIVE PLAN POLICY 701.1.6, ADOPTING THE 10-YEAR WATER SUPPLY FACILITIES WORK PLAN UPDATE TO BE CONSISTENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT LOWER EAST COAST WATER SUPPLY PLAN UPDATE OF 2024, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (FILE NO. 2025-041)

(11:37 a.m.) Ms. Janene Sclafani, Transportation Planner, presented the staff report for the 10-Year Water Supply Facilities Work Plan Update. The purpose of the work plan is to identify and plan for water supply sources and facilities needed to serve the existing and new development proposed within Monroe County. Residents obtain water directly from the FKAA which is responsible for ensuring enough capacity is available for existing and future customers. The FKAA is the sole provider of potable water in the Florida Keys. Monroe County does not control water supply or the facilities; however, coordinates closely with the FKAA. The work plan will reference the initiatives already identified in FKAA's Water System Capital Improvement Master Plan. Chapter 163, part two of the Florida Statutes requires local governments to prepare and adopt the work plan into the comp plan within 18 months after the Water Management District approves the Regional Water Supply Plan Update. The Lower East Coast Water Supply Plan Update was approved by the SFWMD on September 23, 2024. Policy 701.1.6 of the Monroe County Comp Plan adopts by reference the Monroe County 10-Year Water Supply Facilities Work Plan Update. The update has been reviewed by the SFWMD. Comments have been received and are being addressed and prepared. It is anticipated for adoption by reference into the Monroe County Comprehensive Plan by February 2026. The text update will read as presented. Crossed out will be the last update which was in August 2019, replaced by the anticipated approval date of February 2026. Staff recommends approval.

Chair Scarpelli stated that he remembers this report from five years ago. It was terrifying then and is still terrifying now. Essentially, we will be starting to rely more on the saltwater reverse osmosis systems to maintain the current water supply and current development. He hopes to ask FKAA more about that in the future. The real question is the population data tables are inaccurate because they are from 2011, and he asked why more relevant data hasn't been used. Ms. Tolpin responded generally stating that the comp plan requires the Board to adopt the functional population numbers to be utilized. Staff has not adopted new functional population numbers since the last study in 2011. Recently, as part of an infrastructure study, some data was collected. This was also brought up in comments yesterday from SFWMD and staff is discussing internally how best to handle that. At the moment, we are using what we have.

Chair Scarpelli understands, but thinks it's important. Judging by the 2020 census, it is off by 10,000 people. That grows exponentially when it comes to water supply. That is a 0.8 million gallon increased demand just by being off by 10,000 people. It's more interesting when calculating in seasonal numbers.

Chair Scarpelli then asked for public comment. There was none. Public comment was closed. Commissioner Demes noted that the mayor's signature needed to be changed on the back page. Ms. Tolpin responded that once this was presented to the BOCC it would be changed.

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

6. PIRATES COVE PROPERTIES, LLC., DOING BUSINESS AS (DBA) CUDJOE GARDENS MARINA, 477 DROST DRIVE, CUDJOE KEY, MILE MARKER 20.8, OCEAN SIDE: A PUBLIC HEARING CONCERNING A REQUEST FOR A 2APS ALCOHOLIC BEVERAGE SPECIAL USE PERMIT, WHICH WOULD ALLOW FOR THE SALE OF BEER AND WINE VIA PACKAGED SALES FOR OFF-PREMISES CONSUMPTION. THE SUBJECT PROPERTY IS DESCRIBED AS LOTS 8 AND 9, BLOCK 14, CUDJOE GARDENS THIRD ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 7, OF THE PUBLIC RECORDS OF MONORE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBER 00174600-000000. (FILE NO. 2025-195)

(11:44 a.m.) Mr. Thomas Francis-Siburg, Acting Development Review Manager, presented the staff report. This is an for an alcoholic beverage use permit for a 2APS license to sell beer and wine for off premises consumption at Cudjoe Gardens Marina. The applicant and owner, Ms. Christine Lark, was present over Zoom. Mr. Francis-Sieburg presented the site with the land use districts overlaid. Mr. Francis-Siburg had added colorations; the light purple is the boat ramp, the dark purple is boat fueling pumps along the canal, dark gray is the dock and seawall, and the red outline is the existing building, the first floor of which is the commercial retail store. Prior permits were presented showing the approved status of the development. The five required factors were presented along with the standard conditions. The second one is highlighted because it's modestly changed to alcoholic service sales shall occur only within the areas

allowed for commercial retail use and approved by the Planning Department. Staff recommends approval.

There were no questions or comments from the Commissioners. Chair Scarpelli then asked for public comment. There was none. Public comment was closed. Chair Scarpelli asked if the applicant wished to speak.

Ms. Christine Lark, applicant and owner, stated that she has always had a beer license, and is only asking for additional wine that the boaters would like to have.

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

BOARD DISCUSSION

Chair Scarpelli asked if the Commission needed to vote on 2026 Planning Commission Dates. Mr. Smits stated that it does need to be voted on. Ms. Tolpin stated that it was voted on last year.

Motion: Commissioner Neugent made a motion to approve the 2026 Planning Commission dates. Commissioner Thomas seconded the motion. There was no opposition. Motion passed unanimously.

Commissioner Neugent confirmed that the January meeting date was indeed to be held on a Thursday.

Commissioner Demes commented regarding Mr. Don Horton and the swearing in procedure, stating that he does not like to deviate from normal policy. He would feel more comfortable staying consistent with policies and standard practices. Chair Scarpelli stated that no one has ever been required to produce a driver's license prior. Mr. Smits stated that it was as a result of the pandemic. It is required when you don't know the person, and he has been sticking to the verification issue. Mr. Morris added that he is comfortable with the past practice of stipulating to the authenticity of the identity of a person. Mr. Horton is a frequent flyer. If there is a good faith question as to authentic identity of an individual offering testimony, then perhaps we can ask them to show receipts as to their identity. This would require both he and Mr. Smits to huddle. He does not believe it is an issue, but they would need to make sure it isn't an issue. There is the Federal Driver's Privacy Protection Act that obliges all states and local governments therein to protect the privacy of personal information contained in an individual's motor vehicle records, which includes driver's licenses. We have been fortunate so far in not having any mysterious characters parachute in and misrepresent their identity. He would be happy to look into this further but he is comfortable, as Counsel for the Department, stipulating to the authentic identity of individuals routinely encountered.

Chair Scarpelli asked if this was referring to the applicant stating they were who they say they are or for public comment, because if it's the applicant, it's the applicant, and we already have the notarized statement saying that he's the applicant. Mr. Smits stated that he hadn't remembered that Mr. Horton had already signed something stating he was the agent. But, if he

can see the person and knows the person, he wouldn't say anything about it. There are rules within the State of Florida about verifying the identity for remote appearances. Commissioner Demes stated that his comment was referring to procedures, not specifically to Mr. Horton. Commissioner Anderson asked how getting an ID on Zoom is any different than someone standing and speaking at the podium. Mr. Smits stated that if he knows the person, it is irrelevant. And, as Mr. Morris stated, there is plenty of evidence in the record that the people here are who they say they are. He has just had a lot of CEB stuff going on lately where he has had to make sure the person testifying is who they say they are, and it sometimes involves fines and penalties. If there's a stipulation and no one objects, that's fine. If someone stood up and said, it's not that guy, then that might be something he would have to dig down on.

Chair Scarpelli wished everyone a Happy Thanksgiving and adjourned the meeting.

GROWTH MANAGEMENT COMMENTS

None.

RESOLUTIONS FOR SIGNATURE

None.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 12:00 p.m.