

PLANNING COMMISSION
July 29, 2015
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Wednesday, July 29, 2015**, beginning at 10:01 a.m. at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL by Gail Creech

PLANNING COMMISSION MEMBERS

Denise Werling, Chair	Present
William Wiatt, Vice Chair	Present
Elizabeth Lustberg	Present
Ron Miller	Absent
Beth Ramsay-Vickrey	Present

STAFF

Mayte Santamaria, Sr. Director of Planning and Environmental Resources	Absent
Steve Williams, Assistant County Attorney	Present
Pete Morris, Assistant County Attorney	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Present
Tiffany Stankiewicz, Development Administrator	Present
Emily Schemper, Comprehensive Planning Manager	Present
Kevin Bond, Planning & Development Review Manager	Present
Matt Coyle, Principal Planner	Present
Devin Rains, Senior Planner	Present
Tom Broadrick, Senior Planner	Present
Gail Creech, Planning Commission Coordinator	Present

COUNTY RESOLUTION 131-91 APPELLANT TO PROVIDE RECORD FOR APPEAL

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

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Gail Creech confirmed receipt of all necessary paperwork.

SWEARING OF COUNTY STAFF

County staff members were sworn in by Ms. Creech.

CHANGES TO THE AGENDA

There were no changes to the agenda.

APPROVAL OF MINUTES

Motion: Commissioner Ramsay-Vickrey made a motion to approve the June 17, 2015, and June 24, 2015, meeting minutes. Commissioner Wiatt seconded the motion. There was no opposition. The motion passed unanimously.

MEETING

New Items:

1.A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM FOR THE BIG PINE KEY/NO NAME KEY SUBAREA, ALLOCATION AWARDS TO BE ALLOCATED, IF AVAILABLE, TO APPLICANTS PREVIOUSLY DEFERRED WITHIN THE BIG PINE KEY/NO NAME KEY SUBAREA.

(File 2014-153)

(10:05 a.m.) Ms. Stankiewicz presented the staff report. Ms. Stankiewicz reported that this is a report for the Big Pine Key/No Name Key subarea regarding the deferred allocations in Tier I. There were expired allocation awards in Tier I. Therefore, staff is asking the Commissioners to approve applicants that are within the “H” limits. There are four. Staff recommends approval of these four and the rest will remain deferred.

Ms. Stankiewicz explained for Commissioner Lustberg that the number of allocations allowed is limited to four. There are three others that will continue to be deferred. If another allocation award expires, staff will come back before the Planning Commission to have the deferred allocations released. Commissioner Lustberg asked about more Tier I allocations in the future. Mr. Roberts explained staff is working with the US Fish & Wildlife Service to evaluate the biological opinion and the Habitat Conservation Plan to see if there is any flexibility with regard to the division of permits amongst Tiers II and III and Tier I to see if there is some flexibility there that will not jeopardize the resource. It is very tentative right now. The permit dates for the Incidental Take Permit are through 2023. At that point in time either another Habitat Conservation Plan and Incidental Take Permit will have to be entered into or those potential impacts to the covered species under another or amended biological opinion will have to be covered. Commissioner Lustberg commented that it seems very disparate to in one day give four allocations to one person and then until 2023 not have the capacity to issue any allocations for anything else on these two islands. Mr. Roberts replied that these parcels staff is requesting award for today have already been allocated those awards which were not able to be dispensed because the limit had already been reached. These allocations were previously authorized, but expired, and now are being reauthorized to the next four parcels in line.

Chair Werling asked for public comment. There was none. Public comment was closed.

Motion: Commissioner Wiatt made a motion to approve Item 1. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 110-9, SUSPENSION OF DEVELOPMENT REVIEW PROCEEDINGS, ADDING PROVISIONS FOR DEVELOPMENT REVIEW CONTINGENT ON CODE VIOLATION COMPLIANCE; 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 CODE; PROVIDING FOR AN EFFECTIVE DATE.

(File 2015-111)

(10:11 a.m.) Ms. Schemper presented the staff report. Ms. Schemper reported that on January 21 of 2015 the BOCC asked staff to evaluate and propose amendments to this section of the code so that the Planning Director could authorize development review contingent on compliance with some or all code compliance issues on a site. The current Section 110-9 allows the Director of Planning to completely suspend review and consideration of a development application if there are code compliance issues. Staff is proposing to add a second sentence to this section that would give the Planning Director the ability to go ahead and review the development proposal, but then make compliance with either some or all of the code compliance violations a condition of approval. Staff feels that would offer more incentive for them coming into compliance. The proposed new language for Section 110-9 would be: “The Planning Director may in his or her discretion suspend consideration of any application for development approval during the pendency of a code compliance proceeding involving all or a portion of the parcel proposed for development. The Planning Director may suspend development review entirely for such a parcel or may choose to proceed with review of a development application, but impose conditions on such development approval requiring resolution of outstanding code violations on the subject parcel prior to the proposed development.” Staff has found that this amendment would be consistent with one or more of the required provisions of Section 102-158. Specifically, it would address new issues related to the increased frequency of outstanding code violations on parcels requesting development approval and the proposed amendment addresses the need for additional detail in the Planning Director’s ability to suspend development review proceedings due to outstanding code violations. Staff has found the amendment is consistent with the comprehensive plan, the principles for guiding development and the rest of the code. Staff recommends approval to the BOCC.

Chair Werling noted there was no public present for public comment.

Motion: Commissioner Wiatt made a motion to approve Item 2. Commissioner Ramsay-Vickrey seconded the motion. There was no opposition. The motion passed unanimously.

BOARD DISCUSSION

Commissioner Wiatt asked to consider reviewing the regulations already in place for County waters for lobster mini season. Commissioner Wiatt stated a Facebook posting to cancel mini season had received 3,000 “likes” already. Commissioner Wiatt personally recounted seeing between 80 to 100 wrung lobster heads around holes in the Florida Bay yesterday, the day before mini season started. Commissioner Wiatt suggested recommending to the BOCC creating a workshop that would get everybody from the different agencies involved. Commissioner Wiatt

explained that mini season was created because of the conflicts between the commercial lobster fishermen and the recreational sport divers, resulting in lobsters being stolen out of traps. Commissioner Wiatt feels that poor behavior was rewarded by creating mini season in the first place. Mr. Williams explained that there is no requirement that the item be pre-printed on the agenda and the Commissioners can take the matter up at a duly noticed meeting. There is no right or wrong way to address this before the BOCC. Commissioner Wiatt suggested making a recommendation to the BOCC to consider the formation of a working group that would be represented by multiple parties to discuss and evaluate the current regulations, specifically in County waters, that govern lobstering during mini lobster season, the last Wednesday and Thursday of July. The remaining three Commissioners agreed. Commissioner Wiatt agreed to be present at the BOCC meeting to represent the Planning Commission and answer any questions the BOCC may have. Mr. Williams suggested that each member of the Planning Commission contact the BOCC member that appointed them to see if they will take it up as their item. It can also be forwarded to Mr. Gastesi's attention and be brought forward from his department. The Commissioners agreed to contact their appointing member individually.

Mr. Williams cautioned the Commissioners that next month's meeting may have more public involvement due to a cell tower proposal. Mr. Williams asked the Commissioners to document any ex parte contact with members of the public. The Commissioners may also choose not to discuss the matter outside of the public meeting.

ADJOURNMENT

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