

PLANNING COMMISSION
November 16, 2010
Meeting Minutes

The Planning Commission of Monroe County conducted a meeting on **Tuesday, November 16, 2010**, beginning at 9:14 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

Randy Wall, Chairman	Present
Denise Werling	Present
Jeb Hale	Present
James Cameron	Present
Elizabeth Lustberg	Present

STAFF

Townsley Schwab, Sr. Director-Planning and Environmental Resources	Present
Susan Grimsley, Assistant County Attorney	Present
John Wolfe, Planning Commission Counsel	Present
Mike Roberts, Senior Administrator, Environmental Resources	Present
Mitch Harvey, Comprehensive Plan Manager	Present
Joe Haberman, Planning & Development Review Manager	Present
Kathy Grasser, Planner	Present
Tiffany Stankiewicz, Dev. Administrator.-Planning and Environmental Resources	Present
Bryan Davisson, Senior GIS Planner	Present
Gail Creech, Planning Commission Coordinator	Present

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

County Resolution 131-92 was read into the record by John Wolfe.

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

Gail Creech confirmed receipt of all necessary paperwork.

SWEARING OF COUNTY STAFF

All staff intending to speak were sworn in by John Wolfe.

CHANGES TO THE AGENDA

There were no changes to the agenda.

MEETING

NEW ITEMS:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING TABLE 4.1 FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; DIRECTING THE DIRECTOR OF PLANNING TO FORWARD A COPY TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR FILING WITH THE SECRETARY OF STATE; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE

(9:18 a.m.) Kathy Grasser, Planner, presented the staff report and requested the Planning Commission to recommend to the Board of County Commissioners to adopt this amendment to the comprehensive plan.

Chairman Wall asked for public comment. There was none.

Motion: Commissioner Werling made a motion to approve. Commissioner Hale seconded the motion. Commissioner Lustberg asked for, and received, confirmation that the proposed budget was in line with the comprehensive plan. **There was no opposition. The motion passed unanimously.**

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ASSIGNING, AMENDING OR RATIFYING THE TIER OVERLAY DISTRICT DESIGNATIONS FOR APPROXIMATELY NINETY TWO (92) PARCELS COMPETING FOR BUILDING PERMITS IN THE RATE OF GROWTH ORDINANCE (ROGO) ALLOCATION SYSTEM IN ACCORDANCE WITH THE FINAL ORDER IN DOAH CASE NO. 06-2449GM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ASSIGNING TIER OVERLAY DISTRICT MAP DESIGNATIONS TO APPROXIMATELY ONE HUNDRED TWELVE (112) PARCELS DETERMINED TO HAVE NO TIER ON THE TIER OVERLAY DISTRICT MAP FOR MONROE COUNTY IN DOAH CASE NO. 06-2449GM WHICH PARCELS HAVE BEEN THE SUBJECT OF AWARD OF ALLOCATION IN THE RATE OF GROWTH (ROGO) COMPETITION OR HAVE BEEN ISSUED BUILDING PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ASSIGNING TIER OVERLAY DISTRICT MAP DESIGNATIONS TO APPROXIMATELY TWO THOUSAND NINE HUNDRED TWENTY ONE (2,921) PARCELS DETERMINED TO HAVE NO TIER ON THE TIER OVERLAY DISTRICT MAP FOR MONROE COUNTY IN DOAH CASE NO. 06-2449GM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE

5. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING OR RATIFYING THE TIER OVERLAY DISTRICT DESIGNATIONS FOR APPROXIMATELY THREE HUNDRED THREE (303) PARCELS PROPOSED FOR REVIEW BY THE BOARD OF COUNTY COMMISSIONERS, STAFF OR OWNERS, WHICH PARCELS CURRENTLY HAVE TIER DESIGNATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE

(9:24 a.m.) John Wolfe described the process of how public comment would be taken at the meeting. Mr. Wolfe swore in the members of the public wishing to speak.

PARCEL ID NO. 00186450-000000

(9:28 a.m.) Frances Dilisio, property owner, asked for, and received, confirmation that her property is designated Tier III.

PARCEL ID NO. 00087390-000100

(9:29 A.M.) Tom Woods appeared on behalf of the owner, Voices For Florida Keys Children, Inc. Mr. Woods asked for, and received, confirmation that the property is designated Tier III.

PARCEL ID NO. 00502230-000000

(9:31 a.m.) Somana Lorenzo-Lopez appeared on behalf of her father, property owner Manuel Lorenzo, and stated that the Tier III designation is satisfactory.

PARCEL ID NO. 00214980-000000

(9:32 a.m.) Property owner Emil Ourednik had explained to him his property's designation of Tier III. Mr. Ourednik stated he is happy with the designation.

PARCEL ID NO. 00210811-011500

00210811-011400

(9:33 a.m.) Property owner Millie Donathan asked for, and received, clarification that her property has been designated Tier III.

PARCEL ID NO. 00117630-000300

(9:34 a.m.) Property owner Glenn Merkey asked for, and received, confirmation that her property was designated Tier III.

PARCEL ID NO. 00453990-000000

(9:35 a.m.) Property owner Harold Fried asked for, and received, confirmation that staff would be recommending to the Planning Commission a change in tier designation on his property from Tier I to Tier III.

PARCEL ID NO. 00210811-005200

00186250-000000

(9:36 a.m.) Property owner Douglas Rudolph asked for, and received, confirmation that his two properties would remain Tier III.

PARCEL ID NO. 00549650-000000

00464570-000000

(9:38 a.m.) Laura Norman appeared on behalf of property owner Elena DiMaggio. Ms. Norman asked for, and received, verification that Ms. DiMaggio's two properties would remain Tier III.

PARCEL ID NO. 00510440-000000

(9:40 a.m.) Juliette Riggs appeared on behalf of property owner Flat Rock Air and asked for clarification on their tier designation. Mr. Roberts informed her the property was presently designated Tier III-A. Ms. Riggs was invited to speak later in the meeting to contest the designation.

PARCEL ID NO. 00114150-000000

00114150-000400

00114090-000100

00114090-000000

(9:42 a.m.) Property owner Rudy Krause asked for, and received, confirmation that his three parcels, and the fourth Boundry Ltd. Parcel, were recommended to be designated Tier III.

PARCEL ID NO. 00115640-000000

(9:44 a.m.) Property owner Mary Williams had explained to her the tier designations of her property and her neighbors' properties.

PARCEL ID NO. 00222380-000000

00222330-000000

00222340-000000

00222350-000000

(9:48 a.m.) Property owner Duncan Kniseley asked for, and received, confirmation that his four lots were designated Tier III.

PARCEL ID NO. 00445830-000000

(9:50 a.m.) Property owner Miguel Cortizo was informed that his property was currently designated Tier III-A, and was invited to speak later in the meeting to contest the designation.

PARCEL ID NO. 00502070-000000
00502060-000000

(9:51 a.m.) Property owner Albert Bryan was informed that his two properties were designated Tier III.

PARCEL ID NO. 00141970-000000

(9:53 a.m.) Property own Harry Fiala was informed that his property was designated Tier III.

PARCEL ID NO. 00506780-000000

(9:56 a.m.) Property owner Gary Brodtkin asked for, and received, confirmation that his property was designated Tier III.

PARCEL ID NO. 00118420-000000

(9:56 a.m.) Property owner Lloyd Good was present. Mr. Roberts explained to the Commissioners the history of the splitting of the Sugarloaf Lodge property and confirmed that staff is recommending the lodge area be Tier III and the native area be Tier I.

PARCEL ID NO. 00468420-000000

(9:59 a.m.) Dick Hopkins appeared on behalf of the property owner and stated they had a building permit. Mr. Roberts explained that a recommendation of Tier III-A has been made for this parcel, then further explained to Mr. Hopkins that since a building permit has already been issued, there was no need to challenge that designation, as the owner may proceed with building.

Don Horton thanked staff for the Tier III designation on the Voices for Children parcel.

PARCEL ID NO. 00510450-000000
00510460-000000

(10:06 a.m.) Tim Bricker appeared on behalf of the property owner. Mr. Bricker stated that the owners were informed the parcel had a Tier III designation when development began, and it has now been recommended for Tier III-A. The process of approvals through which the owners went was discussed. A site plan was submitted. Mr. Bricker explained that both a consulting biologist and County biologist have been on the site and found the property largely overgrown with invasive species. All infrastructure is available for this property. Tiffany Stankiewicz stated that when the property entered ROGO it did not have a tier designation, so it was given the most restrictive, Tier I. Mr. Roberts stated that he, nor staff, has had an opportunity to review the environmental report. Mr. Roberts said that he will request a field review by staff and, if appropriate, will recommend a change in designation. Ms. Stankiewicz explained the points that the different tier designations receive in the ROGO system.

PARCEL ID NO. 00088470-000000
00088510-000000
00088520-000000
00088570-000000
00088590-000000

(10:15 a.m.) Andy Tobin, Esq. appeared on behalf of the property owners. Mr. Tobin described the parcels as deep lots with hammock on the front of the lots with a house on the back of the property. Mr. Tobin reminded the Commissioners that the recommended order said parcels were not to be split, having two zoning categories on one parcel. His clients want to be recognized as developed infill properties.

Mr. Tobin cited the protections already afforded environmentally sensitive areas and discouraged the Commissioners from adding another protective layer to his clients' properties and suggested the Commissioners recommend to the Board of County Commissioners that all parcels with development be designated Tier III. Mr. Roberts stated it is inappropriate to put large chunks of hammock at risk simply because the parcel has a house on it.

Mr. Tobin stated that the Bennett property has an additional house on the parcel, and that all five properties are served by roads and sewers and other infrastructure. Ms. Popp's property has five buildings on it.

Mr. Roberts stated that staff's recommendation is for SPA on all of the lots except the Popp property, which should be re-evaluated by staff and brought back before the Commissioners at the next meeting. Mr. Tobin said he felt the reasoning in the recommended order dealing with the SPA designation and central sewers in Key Largo would apply here, and then cited Ordinance 10-2006. Commissioner Lustberg agreed with staff's recommendation.

Motion: Commissioner Werling made a motion to accept staff's recommendation in making the four residential lots III-A and the motel parcel, ID No. 00088590-000000, Tier III subject to verification by a field review. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

PARCEL ID NO. 00486920-000000

(11:07 a.m.) Andy Tobin, Esq. appeared on behalf of the property owner, Linda Popp, who was also present. Mr. Tobin asked for an explanation of why the parcel was recommended to be Tier III-A. Ms. Popp stated that her property is a platted lot in a neighborhood that is 85 percent developed and some of the undeveloped parcels are in ROGO and some have been permitted. The neighborhood contains invasive and exotic species. Mr. Roberts stated that the TDRC recommended Tier I, but staff is recommending Tier III-A, and then explained how a Tier III-A designation affects development of a piece of property. Mr. Roberts pointed out that the land cover habitat map shows the majority of the property as upland hammock. Ms. Popp commented that there is less than an acre of upland hammock and a little over two acres of low hammock salt marsh buttonwood.

Motion: Commissioner Hale made a motion to accept staff's recommendation of a Tier IIIA designation. Commissioner Cameron seconded the motion. There was no opposition. The motion passed unanimously.

PARCEL ID NO. 00487120-000000

(11:18 a.m.) Nicholas Mulick, Esq. appeared on behalf of the property owner. A vegetation survey by Susan Sprunt was submitted showing that the lot consists of mowed areas with

Brazilian pepper and a couple of mahogany trees and a billboard on the property. Mr. Mulick stated that the lot is located within a subdivision, has infrastructure with water and sewer and is zoned IS. Mr. Mulick urged the Commissioners to consider a Tier III designation. Mr. Roberts agreed that if the vegetation survey was accurate, it would be appropriate to call this parcel Tier III.

Motion: Commissioner Lustberg made a motion to recommend Tier III subject to staff verification of data presented. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

PARCEL ID NO. 00445660-000000
00445810-000000
00445970-000000
00445980-000000
00446940-000000
00446960-000000
00447080-000000
00447450-000000

(11:34 a.m.) Andy Tobin, Esq. appeared on behalf of the property owners. Property owner Brett Ekblom presented a vegetation survey stating that the parcel is disturbed and partially cleared. Mr. Ekblom stated that his property is surrounded by properties that either have allocated permits or are under construction, and that the property is in a platted subdivision with infrastructure. Mr. Ekblom further stated that the property was Tier III at the time of purchase and it was submitted in ROGO up to two years ago. Mr. Roberts explained that a ROGO allocation is not something taken into consideration when determining a tier designation.

Mr. Roberts described that the change in tiers from Tier III to III-A in the Harry Harris subdivision came about as a result of the elimination of using roads as a break in the one-acre minimum for hammock in Tier III-A. Where the TDRC's and staff's recommendations differ in this neighborhood is where there is more exotic and nuisance vegetation on the parcels than what the TDRC was aware of. Staff's recommendation is consistent with the land development code and comprehensive plan, and the policy determination is whether Harry Harris is an infill area and whether the Planning Commission wants to designate the area as a whole.

The vegetation survey was further discussed. Chairman Wall commented on the amount of infill in the area and the difficulty in connecting the hammock. Susan Grimsley suggested the Commissioners listen to the other property owners in Harry Harris Park before making a determination on individual parcels.

Property owner Dean Parkinson asked the Commissioners to consider the entire subdivision a Tier III. Mr. Tobin reminded the Commissioners to consider that affordable housing would not be able to be built on a Tier III-A parcel.

(12:00 p.m.) Property owner William Matilla was present. Mr. Roberts stated staff's recommendation was Tier III.

PARCEL ID NO. 00480640-000000

00480650-000000

(12:04 p.m.) Property owner Sharon Albury was present and gave a history of the purchase of her two lots. Ms. Albury stated that the subdivision is an infill area and is 98 percent developed. Ms. Albury requested the Commissioners to change her tier designation from staff's recommendation of Tier III-A to Tier III. Mr. Roberts explained that the Tier III-A designation stems from the fact that these parcels are adjacent to a native area and consist of intact hammock. Mr. Roberts admitted that this falls under the policy determination whether or not a substantially developed subdivision with infrastructure is infill area with the recognition that there will be hammock within that. Ms. Grimsley explained the process through which the tier recommendations continue after the Planning Commission's decision. Ms. Albury stated she used to keep her parcels mowed, but they have since grown in. Definitions and criteria within the code were discussed.

Motion: Commissioner Werling made a motion to change staff's recommendation from Tier III-A to Tier III. Commissioner Cameron seconded the motion. There was no opposition. The motion passed unanimously.

PARCEL ID NO. 00089700-000000

(12:21 p.m.) Property owner Tom Chasteen was present and read into the record the County biologist's report from 1989. Mr. Roberts confirmed staff's recommendation was for Tier III-A. Ms. Grimsley recited for Mr. Chasteen the definition of "infill area." Mr. Chasteen stated that there is not one vacant piece of property for two blocks around his property.

Mr. Chasteen put on the record his desire, and his neighbor's desire, to consider selling their parcels to the County at fair market rate, but stated he felt it would be a poor investment for the County for poor quality hammock. Mr. Roberts responded that the quality of the hammock is not part of the tier designation criteria, but rather the extent of nuisance and exotic vegetation is, and stated that this hammock does meet SPA criteria. Mr. Chasteen asked why force a property owner to go to administrative relief if the County would not want to invest in this property. Mr. Roberts explained the edge effect and the important value it has to the habitat quality. Zoning and NROGO application was discussed.

Motion: Commissioner Lustberg made a motion to approve staff's and the TDRC's recommendation for Tier III-A. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

PARCEL ID NO. 00490090-000000

00490100-000000

00490110-000000

(12:46 p.m.) Property owner Ronald Kopplow was present and stated that his parcels are within a platted subdivision that is essentially built out and has infrastructure. Mr. Kopplow said that all of the other properties in the subdivision are Tier III and requested the Commissioners to leave his properties Tier III.

Motion: Commissioner Werling made a motion to recommend a Tier III designation. Commissioner Cameron seconded the motion. There was no opposition. The motion passed unanimously.

PARCEL ID NO. 00119030-000000

(12:53 a.m.) Property owner Jacqueline Keevan was present and requested a change in tier designation from Tier I to Tier III-A. Ms. Keevan said that her property is a mix of exotics and buttonwoods which back up to scarified land. The houses across the street are proposed for Tier III. Mr. Roberts informed the Commissioners that there is a lot of very valuable native habitat in this vicinity and feels there is no appropriate tier designation other than Tier I. Ms. Keevan stated that there is infrastructure in this area.

Motion: Commissioner Hale made a motion to approve staff's recommendation of Tier I. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

A luncheon recess was held from 1:06 p.m. to 2:11 p.m.

PARCEL ID NO. 00114780-000100

(2:11 p.m.) Kirk Zuelch, Esq. appeared on behalf of the property owner, FKAA, and informed the Commissioners that a water tank is currently stored on the parcel and the parcel is surrounded by development. The FKAA would like a Tier III recommendation in case they need to expand the area used on the property for utility. Mr. Roberts stated that a more thorough review of the code needs to be done to see how tier designations would affect utilities. A decision on this parcel was postponed.

PARCEL ID NO. 00445920-000000

(2:20 p.m.) Lee Rohe, Esq. and Ralph Goulby appeared on behalf of the property owners. Mr. Rohe informed the Commissioners that the property owners are out of ROGO and have been granted a building permit, the subdivision has infrastructure and the parcel is surrounded by development. Mr. Rohe asked that the parcel be given a Tier III recommendation. Mr. Goulby explained that the parcel is on the FEMA injunction list and submitted pictures of the property. The vegetation on the property was described as being up to 60 percent of a healthy canopy of Brazilian pepper and other Category 1 invasives. Mr. Goulby asked the Commissioners to consider his client's parcel individually from Harry Harris Park as a whole.

Motion: Commissioner Cameron made a motion to recommend a Tier III designation. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

PARCEL ID NO. 00445610-000000

(2:30 P.M.) Claire Johnson appeared on behalf of the property owner. Ms. Johnson stated that the property owner is currently in the ROGO system. A vegetation survey from 2006 was submitted that listed no threatened or endangered species. The connectivity of hammock was discussed. Ms. Johnson requested the property remain a Tier III as opposed to Tier III-A. Mr. Roberts informed the Commissioners that the vegetation on the site is consistent with tropical hardwood

hammock. The Commissioners agreed that this parcel should be considered globally with Harry Harris Park.

PARCEL ID NO. 00484450-000000

00484460-000000

(2:38 p.m.) Don Horton appeared on behalf of the property owner. Mr. Horton pointed out to the Commissioners upon reviewing a close-up of an aerial the development and parking areas surrounding the properties. Photographs were submitted. Mr. Horton urged the Commissioners to follow staff's recommendation for a Tier III designation. Mr. Roberts was in agreement.

Motion: Commissioner Cameron made a motion to accept staff's recommendation. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

PARCEL ID NO. 00447500-000000

00447510-000000

(2:41 p.m.) Don Horton was present on behalf of the property owner. Mr. Horton asked to be allowed to piggyback on all of the comments made thus far regarding Harry Harris Park. Mr. Horton further stated that this neighborhood is fragmented and disturbed and is not used by native species now, and particularly not after sewer construction begins. There was discussion about affordable housing not being allowed in Tier III-A. Mr. Horton urged the Commissioners to recommend a Tier III designation. The Commissioners agreed that these properties should be considered when considering Harry Harris Park globally.

PARCEL ID NO. 00086770-000000

(2:47 p.m.) Don Horton was present on behalf of the property owner. Mr. Roberts informed Mr. Horton that this property is not part of the review. Ms. Grimsley stated that since there was no notice given, the matter could not be heard.

PARCEL ID NO. 00214700-000000

00214710-000000

00214720-000000

(2:52 p.m.) Property owner Elizabeth Read was present with her son, Aaron Read. Ms. Read asked for her properties to be designated Tier I. Ms. Read stated that this is a small subdivision not close to any commercial property. Ms. Read asked if the Commissioners could preserve neighboring low-lying properties. Mr. Roberts explained that there is no native upland hammock in this area and the wetlands in the area are protected by local, state and federal regulations.

Motion: Commissioner Werling made a motion to change the properties' recommendation from Tier III to Tier I. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

PARCEL ID NO. 00210811-005600

(3:09 p.m.) Christina Weinhoff appeared on behalf of the property owner. Ms. Weinhoff stated that this property is in an IS subdivision and has been in ROGO five years. Stipulations by U.S. Fish & Wildlife were submitted. Mr. Roberts pointed out that there is quite a bit of hammock in

this area and feels a Tier I recommendation is consistent with the tier designation criteria. Mr. Roberts also stated to determine if exotic infestation is greater than 40 percent would require another field review. Chirman Wall suggested the property owner have their own vegetation survey done of the property before they appear again before the Planning Commission or before the Board of County Commissioners.

PARCEL ID NO. 00502040-000000

(3:25 p.m.) Property owner Ara Nersesyan was present. Mr. Roberts informed Mr. Nersesyan that the lot he wished to speak about was not within the challenge area and therefore could not be heard at this meeting, as it had not been noticed and is not part of the four ordinances being heard. Mr. Nersesyan stated that he is requesting a Tier III recommendation. Exhibits were submitted regarding Tier III-A parcels existing within the Key Largo Wastewater Treatment plant's service area. Mr. Nersesyan said the subdivision was more than 50 percent built out. The surrounding parcels and their tier designations were discussed. Mr. Roberts agreed that these parcels are worthy of a second look, but repeated they are not part of the four ordinances being considered at this meeting. Mr. Wolfe suggested Mr. Nersesyan explore the alternatives of the best way to have his parcels reviewed with staff.

PARCEL ID NO. 00448470-000000

(2:48 p.m.) Property owners Manuel and Patricia Cruz were present. Ms. Cruz gave the history of the different County-imposed systems their property has gone through, ultimately ending up as a Tier I property. Ms. Cruz stated that on the opposite side of the street from her property there is less development, but those parcels are designated Tier III. There is infrastructure in Harry Harris Park. Mr. Roberts responded that this was not part of the challenge area, but was brought for re-evaluation by the property owners. The parcel does connect to hammock. The Commissioners agreed to consider this property when making a determination on Harry Harris Park as a whole.

PARCEL ID NO. 00510440-000000

(4:05 p.m.) Property owner William Riggs and his wife were present and stated that their subdivision has infrastructure and the vegetation on their canal-front property consists of Brazilian pepper and mangroves. Mr. Roberts agreed that the canal and mangroves would constitute a break in hammock, and informed the Commissioners that the Tier I area of this challenge area, 106a, is mangroves, not hammock.

Motion: Commissioner Cameron made a motion for the lots in 106a and the three lots across from the center be changed to Tier III because they do not meet the criteria for Tier III-A. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

PARCEL ID NO. 00222780-000000

(4:13 p.m.) Property owner Ed Farmer was present and submitted aerial photographs from 1975 showing the property had been cleared. Mr. Farmer stated that there were no native plants on the front lot and over the past ten years the back lot has been cleared of trash, but there are leftover foundations on it. Mr. Farmer is willing to sell the property to the County, and the property is surrounded by Tier III properties along the front. Mr. Roberts said at the time of the TDRC

review the amount of exotics on the property was not discussed. The Commissioners requested staff to re-evaluate the site to determine the amount of exotics. Mr. Wolfe reminded the property owner that an independent biologist could be hired to rebut any information the County might bring forward at the next meeting. Different options for the property owner were discussed.

(4:23 p.m.) Bill Samples was present and wanted to discuss his property. It was determined that he received a letter stating he was within the 300-foot buffer, not that his property was noticed for this meeting, and Chairman Wall directed him to Planning staff to be added to the list of property owners that wanted to discuss their properties in the future.

PARCEL ID NO. 00468390-000000
00468400-000000

(4:26 p.m.) Property owners Maria and Victorio Martinetti were present and submitted photographs of their parcel and the surrounding parcels. Ms. Martinetti stated that their property is in the middle of a populated subdivision and is surrounded by development. The vegetation is mostly Brazilian pepper. Mr. Roberts stated that a County biologist visited the site the previous week and concurred that the property is infested with nuisance and exotic vegetation.

Motion: Commissioner Cameron made a motion to change the tier designation recommendation to Tier III. Commissioner Hale seconded the motion. There was no opposition. The motion passed unanimously.

PARCEL ID NO. 00085310-000000
00085320-000000

(4:31 p.m.) Laura Norman appeared on behalf of the property owners. Ms. Norman stated that there is existing infrastructure in the subdivision, with development behind the properties and a commercial business in front of the properties. Mr. Roberts pointed out that the tier designation recommendation of III-A is based on the connection of important hammock to the north and south of these parcels. Ms. Norman said the owners' intentions are to unite the commercial parcel with these two parcels and build a home. Points for aggregation were discussed. Ms. Norman asked the Commissioners to recommend a Tier III designation.

Motion: Commissioner Hale made a motion to accept staff's recommendation of Tier IIIA. Commissioner Lustberg seconded the motion. A poll was conducted with the following results: Commissioner Hale, Yes; Commissioner Cameron, No; Commissioner Lustberg, Yes; Commissioner Werling, Yes; and Chairman Wall, Yes.

MAP 30, CHALLENGE AREA 145e

(4:45 p.m.) Barry Patterson, a neighbor within 300 feet of the challenge area, spoke about the mixed native vegetation in challenge area 145e, as well as the native species that occupy it. Mr. Patterson stated that this area is used by the birds flying over to Dove Key and Rodriguez Key, both wildlife management areas. Mr. Patterson requested this area remain Tier III-A, as originally designated in the Kruer 2006 tier maps. Roland Muench, neighbor, stated that he also believes the area should remain Tier III-A. Judy Young, neighbor, spoke regarding the species she observes in this area and supported a Tier III-A designation.

Mr. Roberts explained that both TDRC members and staff have ground-truthed this area, and said that while there are tropical hardwood trees in the area, there is not sufficient understory, which is part of what makes a hammock. Chairman Wall stated that he knew the Roblings property owners consistently mowed and maintained their property.

Motion: Commissioner Cameron made a motion to accept staff's recommendation that the entire outlined area be Tier III. Commissioner Lustberg seconded the motion. Further discussion was had. Ms. Grimsley pointed out that two lots in 145e were already designated Tier III. Motion: Commissioner Cameron modified his motion to accept the TDRC's recommendations, except for leaving the two lots in 145e already designated Tier III earlier. Mr. Roberts explained the differences in what staff and the TDRC based their recommendations on. Motion: Commissioner Cameron moved his original motion. A poll was conducted with the following results: Commissioner Hale, Yes; Commissioner Cameron, Yes; Commissioner Lustberg, Yes; Commissioner Werling, No; and Chairman Wall, Yes.

A ten-minute recess was held.

MAP SERIES 83

(5:24 p.m.) Owen Trepanier, Planner, appeared on behalf of the Topino family. Mr. Trepanier said he agreed with the TDRC's final recommendations on this page, but pointed out a tierless parcel on the map. A packet analyzing the conditions of that property has been submitted, and Mr. Trepanier stated it is clearly a Tier III parcel. Mr. Roberts explained that that parcel was not included in challenge area 553 as it should have been. Mr. Trepanier stated that the parcel does not connect to any native upland habitat.

Motion: Commissioner Cameron made a motion to direct staff to add the tierless parcel north of area 553 on Map 83 to the agenda of the next TDRC meeting for them to determine a tier for it. Commissioner Werling seconded the motion. Danny Topino added that the side piece on this map may belong to the Dickerson family, and that the back piece was State land, but has since been deeded to his family. Motion: Commissioner Cameron amended his motion to include the side piece discussed. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

(5:39 p.m.) Owen Trepanier, Planner, appeared on behalf of property owners and asked the Commissioners to support TDRC's and staff's recommendations of Tier III for the following parcels: 00222370-000000, 00122070-000100, 00122040-000100, 00120940-000200, 00120940-000100, 00122030-000100, 00122040-000000, 00190070-000000, 00122070-000106, 00120940-000300, 00117370-000000, 00118210-000000, 00122080-000200, 00169590-000000, 00169620-000000, 00123050-000000.

Motion: Commissioner Cameron made a motion to accept the recommendations of the TDRC and staff for Map 62. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

Motion: Commissioner Cameron made a motion to accept the recommendations of the TDRC and staff for Map 71. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

Motion: Commissioner Cameron made a motion to accept the recommendations of the TDRC and staff for Map 72. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

Motion: Commission Cameron made a motion to accept the recommendations of the TDRC and staff for Map 83. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

PARCEL ID NO. 00526640-000000

(5:47 p.m.) Vic Cushman appeared on behalf of the property owner. Mr. Cushman stated that the subdivision does have infrastructure with a lot of development, including a community park with a boat ramp. For that reason, and the fact there is not one contiguous acre of hammock in the area, Mr. Cushman requested a reassignment of the Tier III-A designation to Tier III. Mr. Roberts explained that there are building permits on the two lots next to this parcel and noted that U.S.1 on the map has mistakenly been mapped as Tier I, rendering the value of hammock considered a corridor in this area nonexistent.

Motion: Commissioner Werling made a motion to change the parcel's designation to Tier III. Commissioner Hale seconded the motion. Commissioner Werling amended the motion to include all of areas 133b and 133c. Commissioner Cameron seconded the motion. There was no opposition. The motion passed unanimously.

PARCEL ID NO. 00200390-000000

00200400-000000

00200410-000000

00200420-000000

(5:59 p.m.) Mr. Roberts submitted an e-mail request by the property owner to change the current designation of Tier I to Tier III. Mr. Roberts stated that upon review with the TDRC, these parcels met all the criteria for Tier I.

Motion: Commissioner Hale made a motion to approve staff's recommendation of Tier I. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

(6:08 p.m.) Mr. Roberts read into the record a letter from a surrounding property owner, David Lipton, to put on the record that Mr. Lipton's lot is Tier III and he is currently in the process of building a single-family residence on it.

PARCEL ID NO. 00506000-000000

(6:11 p.m.) Mr. Roberts read a part of a letter from the property owner asking the Planning Commission to approve the property for a Tier III-A designation, which is TDRC's and staff's

recommendation. It was agreed to hold this parcel until the Planning Commission looks at all parcels where staff and the TDRC are in agreement.

PARCEL ID NO. 00178170-000000
00178180-000000

(6:14 p.m.) Mr. Roberts read into the record a letter by the property owner, which stated the property was commercial, asking for a Tier III designation. Mr. Roberts stated that the property is zoned IS and contains a mix of hammock and mangrove communities. It was agreed to hold off on any decision-making until staff re-evaluates the extent of hammock on the property.

(6:25) Mr. Roberts brought forward Hal Fried's blue cross-hatched property on Map Page 19. Mr. Roberts described the development surrounding the subject parcel and stated that both he and Townsley Schwab agreed that Tier III is the most appropriate designation for the parcel. The other parcels on this map not within the challenge area were discussed.

Motion: Commissioner Cameron made a motion to designate Mr. Fried's blue cross-hatched parcel on Map 19 as Tier III. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

PARCEL ID NO. 00210811-011200
00210811-011100

(6:31 a.m.) Mr. Roberts read into the record portions of the property owner's letter that questioned the Tier I designation. Tier designations of surrounding properties were discussed. The Commissioners agreed to direct staff to double-check the conditions on the property.

Mr. Roberts stated that he would contact the property owner of Parcel ID No. 00168100, as this property is outside of the challenge area.

Motion: Commissioner Cameron made a motion to continue this meeting to the regularly scheduled December 1, 2010 meeting at 10:00 a.m. Commissioner Werling seconded the motion. There was no opposition. The motion passed unanimously.

ADJOURNMENT

The Monroe County Planning Commission meeting was adjourned at 6:49 p.m.