

**DEVELOPMENT REVIEW COMMITTEE**

**Tuesday, August 22, 2023**

**MEETING MINUTES**

The Monroe County Development Review Committee conducted a virtual meeting on **Tuesday, August 22, 2023**, beginning at 1:00 p.m. via Communications Media Technology (CMT).

**CALL TO ORDER** by Emily Schemper at 1:03 p.m.

**ROLL CALL** by Debra Roberts

**DRC MEMBERS PRESENT**

Emily Schemper, Senior Director of Planning and Environmental Resources  
Mike Roberts, Assistant Director, Environmental Resources  
Bradley Stein, Development Review Manager  
Rey Ortiz, Assistant Building Official  
Craig Marston, Fire Marshal  
Judy Clark, Engineering  
Christina Gardner, Naval Air Station Key West

**STAFF MEMBERS PRESENT**

Peter Morris, Assistant County Attorney  
Liz Lustberg, Senior Planner  
Debra Roberts, Senior Planning Commission Coordinator

**APPLICANTS & PUBLIC SPEAKERS PRESENT**

Items 1 & 2: Bart Smith representing Cayo Hueso Investments

**CHANGES TO THE AGENDA**

None.

**MINUTES FOR APPROVAL**

Approval of the meeting minutes for Monday, July 24, 2023, by Emily Schemper.

**MEETING**

Items 1 and 2 were read together.

**1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY FUTURE LAND USE MAP DESIGNATION FROM RESIDENTIAL HIGH (RH) TO MIXED USE/COMMERCIAL (MC), FOR TWO (2) PARCELS OF LAND, LOCATED AT 6633 MALONEY AVENUE, STOCK ISLAND, APPROXIMATE MILE MARKER 5. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS LOTS 3 AND 4, WATERS EDGE, ACCORDING TO THE MAP OR PLAT**

THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 184, OF THE RECORDS OF MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBERS 00132370-000000 AND 00132380-000000, AS PROPOSED BY MONROE COUNTY; 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 AMENDMENT TO THE FUTURE LAND USE MAP DESIGNATION (FLUM) MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2023-124)

**2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM URBAN RESIDENTIAL MOBILE HOME (URM) TO SUBURBAN COMMERCIAL (SC) FOR TWO (2) PARCELS OF LAND, LOCATED AT 6633 MALONEY AVENUE, STOCK ISLAND, APPROXIMATE MILE MARKER 5. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS LOTS 3 AND 4, WATERS EDGE, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 184, OF THE RECORDS OF MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBERS 00132370-000000 AND 00132380-000000, AS PROPOSED BY MONROE COUNTY; 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 AMENDMENT TO THE FUTURE LAND USE MAP DESIGNATION (FLUM) MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2023-136)

(1:03 p.m.) Ms. Liz Lustberg, Senior Planner presented the staff report, explaining that one of these applications is to change the FLUM, and the other is to change the zoning. Both are proposed in order to allow these two properties to be used as shoreside facilities for a managed mooring field in the Boca Chica Harbor. In order to have a managed mooring field, it needs to be permitted by the State, and in order to receive the permit from the State a shoreside facility is required. As required, a community meeting had been held, the Development Review Committee meeting is taking place today, and the Planning Commission and BOCC meetings are tentatively scheduled for September 27<sup>th</sup> and November 8<sup>th</sup>, respectively. For any public watching today, the DRC makes recommendations to the Planning Commission, the Planning Commission makes recommendations to the BOCC, and the County Commission makes the ultimate decision on whether to change the FLUM and Zoning.

Ms. Lustberg presented a map of the site and a table detailing the allowed development based on the existing FLUM and Zoning, along with the corresponding information for the proposed FLUM and Zoning to show the differences in the development potential. The BOCC can decide to change the FLUM and/or the Zoning based on seven reasons. In addition to meeting the seven reasons, the proposed change needs to comply with State Statutes Chapter 173, the Principles for Guiding Development, and must not cause an adverse change to the subarea of the corresponding Livable CommuniKeys area. Two of the seven items were relevant to this review which are the changed projects and the data updates.

Since 2002, after the existing Zoning and FLUM were put in place, the County and its consultants have done numerous studies regarding the issues of having unmanaged mooring in this area, the possibility of having managed mooring in this area, and of providing the shoreside facilities on this property. The data has come in with new information to basically say there should be a managed mooring field here which requires the shoreside facility on the neighboring property.

The other option also relevant is changed projections, especially since this is a public service need. The need for the managed mooring field and its associated upland facility is a new public service need for Monroe County. Also in the review, both the change in FLUM and Zoning that are proposed do comply with the Comprehensive Plan, with the Liveable CommuniKeys Plan, with Chapter 163 of the State Statutes and with the Principles for Guiding Development, so staff is recommending approval of both proposed changes.

Ms. Schemper and asked for any questions, comments or concerns from DRC members. Ms. Christina Gardner, Naval Air Station Key West, stated that NAS Key West had responded in writing and she wanted to read the middle paragraph of that response into the record. Pursuant to Policy 108.2.5 of the Monroe County, Florida Comprehensive Plan, Naval Air Station Key West is concerned with any proposed increases to established density and intensity standards within the MIAI District. These parcels are located within the 60 and 65 decibel data average sound level established by the 2018 AICUZ study and this is in an area of concern for future development. While the land use compatibility guidelines provided in Table 7.1 indicates that mixed use commercial development is compatible, we recommend sound attenuation, contact notification requirements, and development limits be implemented. There were no further questions or comments by DRC members.

Ms. Schemper then asked for public comment. Mr. Bart Smith, representing Cayo Hueso Investments which is the property directly to the north or west of the property requesting the proposed rezoning, stated that Cayo Hueso Investments is opposed to the rezoning of this property. The property is appropriately zoned Residential High URM just like all of the properties around it. It has 16 available ROGOs which they're more than happy if those were utilized for affordable housing. However, the change in use to Suburban Commercial and Mixed Use Commercial raises significant concerns especially if the use has a mooring field. The range of impacts start with the impact it has on the neighbors if being utilized for this use, but more so there are significant concerns, which may be more appropriately addressed with the Army Corps and DEP, as to the ingress and egress that will occur with the waterways.

The channel right in front of the property is approximately 75 feet wide. The docking facilities are very limited in what is allowed to be put there because that is how those properties access the open water, so it is a significant concern that any docking facility that would go there would prevent ingress and egress to their property. Moreover, the area that is proposed for the mooring field is actually the channel. That channel is utilized by vessels on a daily basis. He realizes there are people mooring there all the time and that needs to be addressed, but the idea of putting in a mooring field to be utilized by vessels in the channel-way that doesn't have the width appropriate to be utilized as a mooring field is objectionable to the adjacent property owners who do not feel this is an appropriate use for that area and are objecting to it at this time. Ms.

Schemper clarified that all of his comments were on behalf of Cayo Hueso Investments, and that the 16 ROGOs he had referenced were regarding the Fanning property obtained by the County. There was no further public comment. Public comment was closed.

**ADJOURNMENT:**

The Development Review Committee meeting was adjourned at 1:24 p.m.