

**DEVELOPMENT REVIEW COMMITTEE**

**Tuesday, January 23, 2024**

**MEETING MINUTES**

The Monroe County Development Review Committee conducted a virtual meeting on **Tuesday, January 23, 2024**, beginning at 1:00 p.m. via Communications Media Technology (CMT).

**CALL TO ORDER** by Emily Schemper at 1:00 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  
Cheryl Cioffari, Assistant Director of Planning  
Devin Tolpin, Planning & Development Review Manager  
Rey Ortiz, Assistant Building Official  
Craig Marston, Fire Marshal  
Judy Clarke, Engineering

**STAFF MEMBERS PRESENT**

Peter Morris, Assistant County Attorney  
Savannah White, Planner  
Debra Roberts, Senior Planning Commission Coordinator  
Mayte Machado

**APPLICANTS & PUBLIC SPEAKERS PRESENT**

Item 1: Eric Parker, Agent for Applicant  
Item 2: Anthony Barrows, Agent for Applicant with Mr. and Mrs. Yellen

**CHANGES TO THE AGENDA**

None.

**MINUTES FOR APPROVAL**

Approval of the meeting minutes for Tuesday, December 19, 2023, by Emily Schemper.

**MEETING**

**1. CONCH SERVICES, LLC, 98790 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 98:** A PUBLIC MEETING CONCERNING A REQUEST FOR A MINOR CONDITIONAL USE PERMIT FOR PROPERTY LEGALLY DESCRIBED AS LOT 9, ROCK HARBOR MANOR, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 54 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, CURRENTLY HAVING PARCEL IDENTIFICATION NUMBER 00521380-

000000. THE REQUESTED APPROVAL IS REQUIRED FOR THE DEVELOPMENT OF A PROPOSED EQUIPMENT STORAGE BUILDING. (FILE 2022-261)

(1:02 p.m.) Ms. Devin Tolpin, Senior Planner, presented the staff report noting that Mr. Mike Roberts, Assistant Director, Environmental Resources, had assisted with this item. This is a request for a minor conditional use permit to establish a light industrial use on the property. The property is currently vacant, located within the suburban commercial land use district, designated as mixed use commercial on the FLUM, and also designated as Tier III. The surrounding community character consists of commercial retail, institutional and single-family residences. Ms. Tolpin presented the site plan including the right and front elevation plans. This will be an equipment storage building for a landscaping company in Key Largo. Light industrial uses are permitted as a minor conditional use within the suburban commercial zoning district. Section 110-67 of the land development code provides the standards applicable to all conditional uses. This proposed development is in compliance with those standards including the purposes, goals and objectives of the comp plan and land development code, and is consistent with community character. The design of the development appears to minimize adverse effects and visual impacts on adjacent properties by complying with required buffer yard standards, setbacks and landscaping. The proposed use does not appear to have an adverse effect on the value of surrounding properties. Public facilities are adequate based on letters of coordination and reviews by the transportation consultant and other County departments. This building is proposed to be 1,800 square feet requiring an NROGO allocation prior to issuance of a building permit, and utilizes approximately 47 percent of the maximum intensity allowed on this property. Light industrial uses have a floor area ratio of .3 or 30 percent within the suburban commercial zoning district, which means the maximum building on this property could be a little over 3,800 square feet. This property is located within the medial of U.S. 1 which requires it to comply with two primary front yard setbacks of 25 feet each in addition to the required 15 foot secondary front yard setback adjacent the access road and a five yard side yard setback. The structure is well within compliance of required setbacks. The building is approximately 23 feet high, which is well within the maximum height restriction of 35 feet. The development is in compliance with the surface water management criteria, and the required off-street parking consisting of three standard spaces plus one ADA accessible space. A loading zone is not required as the proposed business will not involve receipt and distribution of goods and materials. The development is in compliance with the required bicycle rack, solid waste and recycling area, buffer yard requirements and the upper lighting standards.

Staff recommends approval with conditions, including the requirement to obtain the 1,800 square foot NROGO allocation, and must satisfy the inclusionary housing requirement prior to issuance of a building permit. The applicant intends to comply by paying the in-lieu fee. General conditions are included to address any additional issues.

Ms. Schemper noted that the site plan does not include any outdoor storage areas. Ms. Tolpin confirmed that to be correct. Ms. Schemper asked if DRC members or staff had any questions. There were none. Ms. Schemper asked if the applicant wished to speak. Mr. Eric Parker, agent for the applicant, stated that he had no questions or comments. Ms. Schemper then asked for public comment.

Ms. Dottie Moses noted the three bay doors on the storage building and asked if there could be multiple tenants. Ms. Tolpin responded that the land development code does not regulate ownership, only the use proposed. The traffic study was submitted based on the specific request for a storage building. Ms. Schemper clarified that there are not three separate storage bays, rather one open area with a bathroom with three doors. They could rent out space to multiple parties but it would have to be the same approved use. Ms. Moses was concerned that other storage areas throughout the Keys are encroaching into hardwood hammocks, have junk in the right-of-way and piles of dirt which looks unsightly, and confirmed that the applicant was not doing outdoor storage and if it were to appear that it would be a code violation. Ms. Tolpin shared a view of the floor plan. Ms. Moses appreciates the landscape buffers as in this area, there are other businesses using the DOT right-of-way to store boats on trailers and commercial vehicles. Ms. Moses asked about the large gates on the north and southbound sides where vehicles could come in and out of, with only a pedestrian gate on the access road. Ms. Schemper thought there was a gate on the north side but that it doesn't line up with the driveway. Mr. Parker could not answer that question at this time, but indicated they would be matching what is proposed. Ms. Moses confirmed the applicant could not use U.S. 1 for access. Ms. Moses added that other projects have looked awesome on paper, but the boat guy across from McDonalds cut down the landscaping to a few feet high and parks boats in the setback, so the buffer is not effective, and she does not want to see that continue to happen. Ms. Schemper confirmed Mr. Parker had heard all of the comments and understood that this would result in code compliance issues. Ms. Schemper also clarified that outdoor storage is allowed in the mixed use district under certain conditions but would need the correct approvals. Ms. Moses asked if the applicant came back for outdoor storage at a later date if that would only require administrative approval. Ms. Schemper stated the actual proposal would need to be looked at.

Mr. Rey Ortiz added that he understands this is one use and occupancy but if there is a change of materials stored inside, then that could trigger changes in the requirement of fire suppression equipment. There was no further public comment. Public comment was closed.

**2. 1655 OVERSEAS HIGHWAY, MARATHON, MILE MARKER 48 (SENDER SITE) AND 143 SOUTH INDIES DRIVE, DUCK KEY, MILE MARKER 61 (RECEIVER SITE):** A PUBLIC MEETING CONCERNING A REQUEST FOR A MINOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS FOR THE TRANSFER OF ONE (1) PERMANENT MARKET RATE TRANSFERRABLE ROGO EXEMPTION (TRE) (COUNTY TRE IDENTIFIER #ILA-0005 AND MARATHON TBR IDENTIFIER TBR 7-1655) FROM THE SENDER SITE PROPERTY DESCRIBED AS A PARCEL OF LAND IN SECTION 09, TOWNSHIP 66 SOUTH, RANGE 32 EAST, MARATHON, MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBER 00326650-000000 TO THE RECEIVER SITE LEGALLY DESCRIBED AS LOT 10, BLOCK 5, CENTER ISLAND DUCK KEY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, AT PAGE 82, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBER 00380120-000000. TRANSFER OF THE TRE FROM MARATHON TO THE UNINCORPORATED COUNTY IS AUTHORIZED PURSUANT TO THE SECOND CORRECTED INTERLOCAL AGREEMENT BETWEEN MONROE COUNTY AND THE CITY OF MARATHON APPROVED AUGUST 15, 2018. (FILE 2023-282)

(1:18 p.m.) Ms. Savannah White, Planner, presented the staff report. This is a request for a for a minor conditional use permit to transfer one permanent market rate ROGO exemption, also known as a TRE. The transfer is taking place pursuant to an interlocal agreement between the City of Marathon and Monroe County. The agent is Anthony Barrows on behalf of Mr and Mrs. Yellen and Lot 655OS LLC. This is the fifth TRE out of 18 available that has come before the DRC to date. Ms. White presented aerials of both the sender site and receiver site. The interlocal agreement approved 18 affordable ROGO allocations for 18 market rate ROGO or BPAS exemptions that are required to be transferred into unincorporated Monroe County. The receiver site has a land use district designation of improved subdivision masonry, a FLUM designation of residential medium, a Tier III designation, and is not in a velocity or CBRS zone. Land Development Code Section 138-22(b) defines the requirements to be followed to transfer permanent market rate ROGO exemptions following the interlocal agreement which specifically removed any requirement that the transfers go to either the Upper or Lower Keys subareas. All requirements are being met with the exceptions provided by the second interlocal agreement. Staff recommends approval. Ms. White pointed out that preliminary flood maps indicate the property is not proposed to be in a Coastal A or Velocity zone.

Ms. Schemper asked if any DRC members or staff had any questions or comments. There were none. Ms. Schemper then asked if the applicant wished to speak. Mr. Tony Barrows stated that he had no questions or comments, and thanked staff for their assistance and prompt work on this item. Ms. Schemper then asked for public comment. There was none. Public comment was closed. It was noted that Mr. and Mrs. Yellen were also present.

**ADJOURNMENT:**

The Development Review Committee meeting was adjourned at 1:25 p.m.