

DEVELOPMENT REVIEW COMMITTEE

Tuesday, September 24, 2024

MEETING MINUTES

The Monroe County Development Review Committee conducted a virtual meeting on **Tuesday, September 24, 2024**, beginning at 1:00 p.m. via Communications Media Technology (CMT).

CALL TO ORDER by Emily Schemper at 1:01 p.m.

ROLL CALL by Jessica McKinney

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

STAFF MEMBERS PRESENT

Peter Morris, Assistant County Attorney
Barbara Powell, Senior Policy Advisor
Liz Lustberg, Senior Planner
Jessica McKinney, Senior Planning Commission Coordinator

APPLICANTS & PUBLIC SPEAKERS PRESENT

Items 1 & 2: Donald Craig, Agent for Applicant
Van D. Fischer, Esquire, Agent for Kennedys
Christin Kennedy
Item 3: Anthony Barrows, Agent for Applicant
Item 4: Don Horton, Agent for Applicant

CHANGES TO THE AGENDA

None.

MINUTES FOR APPROVAL

Approval of the meeting minutes for Tuesday, August 27, 2024, 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 FROM RESIDENTIAL MEDIUM (RM) TO COMMERCIAL (COMM), FOR PROPERTY LOCATED AT 24150 OVERSEAS HIGHWAY, SUMMERLAND KEY, LOTS 2 AND 3 AS SHOWN ON THE AMENDED PLAT OF DOBIE'S SUBDIVISION, DULY RECORDED IN

PLAT BOOK 2, PAGE135, OF THE PUBLIC RECORDS OF MONROE COUNTY, CURRENTLY HAVING PARCELIDENTIFICATION NUMBER 00190940-000200; AS PROPOSED BY MACIEJ JARZEBOWSKI; 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 AND FOR AMENDMENT TO THE FUTURE LAND USE MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2024-030)

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM IMPROVED SUBDIVISION (IS) TO COMMERCIAL 1 (C1), FOR PROPERTY LOCATED AT 24150 OVERSEAS HIGHWAY, SUMMERLAND KEY, LOTS 2 AND 3 AS SHOWN ON THEAMENDED PLAT OF DOBIE’S SUBDIVISION, DULY RECORDED IN PLAT BOOK 2, PAGE 135, OF THE PUBLIC RECORDS OF MONROE COUNTY, CURRENTLY HAVING PARCEL IDENTIFICATION NUMBER 00190940-000200; AS PROPOSED BY MACIEJ JARZEBOWSKI; 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 LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2024-031)

(1:03 p.m.) Ms. Barbara Powell, Senior Policy Advisor, presented the staff report. This proposed change would remove any possible residential development on the property. The property is located along U.S. 1. The adjacent land uses are residential, transient residential, commercial and public uses. The parcel is 18,844 square feet in Tier III, and in an AE10 and AE11 flood zone. Ms. Powell presented a site map showing other commercial and mixed-use commercial uses. Staff recommends approval of the FLUM and Zoning Map amendments.

Ms. Schemper asked if any DRC members had any questions, comments or concerns. There were none. Ms. Schemper asked if the community meeting had been held. Ms. Powell responded that there had been a community meeting, and there were some concerns from adjacent residents about the commercial use of the property, stating that it was more suited for residential. However, this property is surrounded on one side and across the street with other commercial uses. Mr. Mike Roberts, Assistant Director, Environmental Resources, noted that the tier map amendment had included this parcel as well as the one across from the entrance drive to the property to the south, and he asked if the FLUM also addressed both halves of the parcel. Ms. Powell responded that it was just the one parcel.

Ms. Schemper then asked if the applicant wished to speak. Mr. Donald Craig, agent for applicant, thanked staff for the commendable job done analyzing this proposal. The applicant agrees with the staff report and believes that due to the location of the property being adjacent to U.S. 1 and another commercial facility, along with another commercial facility across the street, that this is the most appropriate use of the property. Given the uncertainty about the availability of ROGO allocations going into the future, the property owner wishes to make an economic use of the property with a land use designation that would allow commercial use and no residential

use, and believes the change is consistent with the overall Principles for Guiding Development and the Comp Plan wherein residential density within the Keys would be reduced.

Ms. Schemper then noted that this parcel was also part of a plat lot line adjustment several years ago. Although the legal description is a portion of Lot 1 in the Dobie Subdivision and a portion of Lot 21, Block 2 in Summerland Key Cove, the lot line adjustment made this Lot 21 in its entirety in the Summerland Key Cove Addition Number 2. Ms. Powell stated that she would make that clarification in the background information. Ms. Schemper then asked for public comment.

Mr. Van D. Fischer, Esquire, agent for the Kennedys, who are property owners to the south of this parcel, asked why this was not being changed to Mixed Commercial and Suburban Commercial rather than Commercial C1. Ms. Schemper responded that the Commercial 1 category is nearly identical to the Suburban Commercial category but has no residential uses allowed. This was a later-created category, along with Commercial 2, to help comply with the discouragement policy in the Comp Plan that discourages, and many times disallows any FLUM change that would increase the residential allocated density on a property. This proposed category will allow only the commercial uses in that category. Mr. Fischer noted that page two of the staff report indicates the applicant had stated it is not suitable for residential purposes, and he disagrees with that, considering it adjoins his client's residential property. His client has concerns about the large list of potential commercial uses that can occur in that zoning and would like a clearer grasp of what is proposed for this property. Just because the zoning allows a given use doesn't mean it is appropriate for any given parcel. There are concerns regarding noise, disruption, noxious fumes, as the case may be, and the client does not want there to be a negative effect on the value of the property. Ms. Schemper added that with zoning amendments there is no contingency with what the plan is going forward.

Mr. Donald Craig, addressing this concern, stated that one should be reminded that with a commercial zoning designation on a piece of property, depending upon the size and density of the development, further review by the DRC and perhaps the Planning Commission is necessary in order to establish a commercial use. Even without the Planning Commission, a proposal for a commercial use allows an adjacent neighbor to intervene in an appropriate way and raise concerns about the use. At this time, Mr. Craig's client does not have a specific use in mind and will be pursuing a number of different options based upon the market and surrounding uses that may lead to an appropriate use. At that time, neighbors may have the opportunity to express their concerns to the County, who is the ultimate decision maker, with regard to any development on the property.

Mr. Christin Kennedy, the adjacent property owner, wanted to go on record as saying this rezoning taking place with no knowledge of what is going to happen in the future leaves the door wide open, and this will basically be in his back yard. Every time he speaks up it goes nowhere, and he is at a loss for words based on how this is going. Ms. Schemper clarified that the list of allowed uses in that specific zoning category would be the potential options for the future. This item will be next heard at the Planning Commission on October 23, 2024, and surrounding property owners will be noticed.

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

3. 1655 OVERSEAS HIGHWAY, MARATHON, MILE MARKER 48 (SENDER SITE) AND 158 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-0009 AND MARATHON TBR IDENTIFIER TBR 3-1655) 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 22, BLOCK 2, CENTER ISLAND, DUCK KEY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 7, OLD PLAT OF DUCK KEY, ALSO KNOWN AS EXCEPTION LOT 6, RECORDED IN PLAT BOOK 5, PAGE 82, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA HAVING PARCEL IDENTIFICATION NUMBER 00376580-000000. 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 2024-115)

(1:20 p.m.) Ms. Liz Lustberg, Senior Planner, presented the staff report. This is a request to transfer one permanent market rate ROGO exemption from a property in Marathon to a property in Duck Key through an interlocal agreement. The transfer requires conditional use approval. Ms. Lustberg presented an aerial of the sender site which meets all of the criteria to be a sender site based on the requirements in Land Development Code Section 138-22. Ms. Lustberg presented an aerial of the receiver site on Duck Key which is in the Lower Keys Subarea of Monroe County, being one platted lot in Improved Subdivision, Masonry Zoning, Residential Medium FLUM, Tier III, in an AE flood zone, and not in a CBRS unit or part of a working waterfront. The development agreement specifies that the transfer needs to follow the County requirements for conditional use approval, and staff recommends approval with the two listed conditions.

Ms. Schemper had no questions and asked if any DRC members or staff had any questions, comments or concerns. There were none. Mr. Tony Barrows, agent for the applicant, stated that he had nothing to add, and thanked staff for their assistance. Ms. Schemper then asked for public comment. There was none. Public comment was closed.

4. 1655 OVERSEAS HIGHWAY, MARATHON, MILE MARKER 48 (SENDER SITE) AND 161 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-0010 AND MARATHON TBR IDENTIFIER TBR 12-1655) 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 1, LOT 5, CENTER ISLAND DUCK KEY, SECTION 2, PART 1, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE(S) 82 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBER 00380030-000000. 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 2024-146)

(1:25 p.m.) Ms. Liz Lustberg, Senior Planner, presented the staff report. This item is similar to the prior agenda item. This is a request for a market rate permanent ROGO exemption from the same property in Marathon to a property across the street from the other property in Duck Key through the same interlocal agreement. The same sender site meets the criteria to be a sender site. Ms. Lustberg presented the receiver site, which is also in Improved Subdivision, Masonry Zoning, Residential Medium FLUM, Tier III, one platted lot, AE flood zone, not in a CBRS unit, and which also meets the criteria to be a receiver site for a market rate ROGO exemption. Again, following the County's regulations for having a minor conditional use approval to the transfer as laid out in the interlocal agreement, staff is recommending approval with the same two conditions.

Ms. Schemper added that she had seen an open code case on the property regarding fill being put in prior to a permit, though there is a current application for a house permit on this property which includes the fill. By doing this transfer, the house permit will be able to be issued which will bring everything into compliance. Ms. Schemper then asked if any DRC members or staff had any questions, comments or concerns. There were none. Ms. Schemper asked if the agent for the applicant wished to speak. Mr. Don Horton, agent for the applicant, had no comments but thanked staff for the work they had done.

Ms. Schemper then asked for public comment. There was none. Public comment was closed.

ADJOURNMENT:

The Development Review Committee meeting was adjourned at 1:30 p.m.