

**DEVELOPMENT REVIEW COMMITTEE**

**Tuesday, February 21, 2023**

**MEETING MINUTES**

The Monroe County Development Review Committee conducted a virtual meeting on **Tuesday, February 21, 2023**, beginning at 1:03 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  
Cheryl Cioffari, Assistant Director of Planning  
Mike Roberts, Assistant Director, Environmental Resources  
Bradley Stein, Development Review Manager  
Rey Ortiz, Assistant Building Official  
Cassy Cane, Deputy Fire Marshal  
Judy Clarke, Engineering  
Shereen Yee Fong, FDOT Representative

**STAFF MEMBERS PRESENT**

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

**APPLICANTS & PUBLIC SPEAKERS PRESENT**

Jess Goodall                      Gelly Juvier                      Patricia McGrath

**CHANGES TO THE AGENDA**

There were no changes to the agenda.

**MINUTES FOR APPROVAL**

Approval of the meeting minutes for Tuesday, January 24, 2023, by Emily Schemper.

**MEETING**

**1. JAVIER TRUCKING, INC., 102091 OVERSEAS HIGHWAY, KEY LARGO, FL 33037, MILE MARKER 102 OCEAN SIDE:** A PUBLIC MEETING CONCERNING A REQUEST FOR A MINOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE DEVELOPMENT OF A PROPOSED 810 SQUARE FOOT BUILDING TO BE USED AS AN OFFICE AND AN OUTDOOR STORAGE AREA TO ACCOMMODATE THE STORAGE OF AGGREGATE MATERIALS TO BE DISTRIBUTED OFFSITE. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS ALL OF LOT 13,

AND THE NORTHEASTERLY ONE HALF OF LOT 14, TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS ACROSS THE SOUTHEASTERLY 10 FEET OF THE SOUTHWESTERLY ONE HALF OF LOT 14, BLOCK 5, PAMELA VILLA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, AT PAGE 125, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBER 00464610-000000. (FILE 2019-165)

(1:03 p.m.) Ms. Devin Tolpin, Principal Planner, presented the staff report. This is a request for a light industrial use to construct an office building with an 828 square foot outdoor storage area to accommodate the storage of aggregate materials that will be distributed off site. The property is located within the SC zoning district which allows light industrial uses such as this as a minor conditional use permit. There is currently no approved use on the property. The applicant has gone ahead and received Planning Commission approval for a variance to the access requirements. That variance is not yet effective as the resolution has not been signed so that will be a condition of approval. Ms. Tolpin presented the proposed site plan, noting that a revised version of the site plan had been recently received but there was not enough time for staff to do a comprehensive review of it prior to this meeting. Ms. Tolpin has confirmed with Mr. Mike Roberts, Assistant Director Environmental Resources and Judy Clarke, Engineering, that the changes that were made should be compliant with the code and comp plan. That will be verified prior to issuance of a development order. One of the minor changes on the new site plan shows a 780 square foot office building rather than 810. The impervious area or dimensions are not changing much but the total floor area is being reduced.

There are not many actual site changes proposed. As to the 24-foot-wide pervious two-way gravel drive, staff is recommending there be impervious area between the driveway and U.S. 1 to minimize aggregate material, pea rock or anything going onto U.S. 1. The revised site plan does have pavers there in order to break that up. Another condition of approval recommended by staff is that the applicant, somewhere outside of the front yard setbacks, have some form of wash station or hose to wet down all of the trucks to ensure that no dust or loose materials are leaving the property and getting onto the roadway, and to ensure there are minimal effects on all adjacent property owners. There is also a turnaround shown on the site plan. The applicant has demonstrated compliance with the required parking spaces and setbacks with the exception of the landscaping stones used to separate the different aggregate materials which are located in the setbacks and is permitted through exception 114 of the Land Development Code which does allow fences and barriers to be anywhere on the property. Staff recommends approval of the minor conditional use with the conditions discussed.

Ms. Emily Schemper, Senior Director of Planning and Environmental Resources asked Ms. Judy Clarke, Engineering, if she had input on how the drive intersects with the bike path. Ms. Clarke responded that on that side of the road it's the Overseas Heritage Trail so it isn't the County's, but believes the impervious area of the pavers will help to keep gravel and aggregate off of both U.S. 1 and the bike path. Ms. Schemper asked if pavers were acceptable. Ms. Clarke stated that DOT would approve the driveway connection. Ms. Schemper explained she wanted to make sure that if the applicant had already applied for the driveway connection permit that it reflects that the County has asked them to put pavers in. Ms. Shareen Yee Fong of FDOT agreed that the pea rock and gravel that gets into the path could be a tripping hazard. Ms. Tolpin added that the

applicant had submitted correspondence with the FDOT, the permitting agency, who stated there was no FDOT permit necessary for that version. Staff has not double checked that with the proposed pavers that is still the case. Ms. Gelly Juvier, applicant and owner, added that from the fence to the sidewalk, FDOT had already asphalted that area so it is not gravel. The pavers are actually from the fence inside the property so they will be going from pavers to asphalt to the sidewalk to the road. FDOT had said there was grandfathering because this was done with all of the entrances for the lots. Ms. Schemper stated that with the FDOT portion already taken care of, staff was then just asking for pavers from the fence inward.

Ms. Schemper then asked for further question or comments from DRC members. Mr. Rey Ortiz, Assistant Building Official, asked to see the site plan as he does not see how the space inside the office building is going to be broken up and does not see anything that's ADA. It would make more sense if the building were flipped to the other side of the property so the access aisle for the ADA space next to the handicap space is to the front of the structure. Mr. Ortiz could not tell if there was a concrete path in front of that, if it was a dumpster or doors or a parking space, and could not see the circulation of the structure. Ms. Schemper responded that it is all concrete. Ms. Juvier confirmed where the doorway was located and also stated that it is all concrete leading to the handicap area. It's a better layout to have the building where it is for the access to the tiles, which is why the building was placed where indicated. Also, the handicap area would be safer than in front of the building. Mr. Ortiz asked what material was being used for the handicap parking space because it indicates it's gravel. Ms. Juvier pointed out that it states concrete slab. Mr. Ortiz stated that he did not see the change in elevation and asked if the elevation would be the same between the ADA space and concrete access island. Ms. Juvier responded that it has to be same because they have wheelchairs and that's the only way that it makes sense. Mr. Ortiz stated that it ought to be fine and looks okay, that he does not see anything else that comes to mind.

Mr. Peter Morris, Assistant County Attorney, asked Ms. Tolpin if the site plan remediates the illegal encroachment that was flagged before the Planning Commission. Ms. Tolpin responded that it does, and that any unlawful or unpermitted uses or encroachments must be addressed and eliminated upon final planning inspection of the building permit. Mr. Morris clarified that he was referring to the illegal encroachment to the rear of the property, the right-of-way that was illegally encroached upon and situated opposite of U.S. 1. There were no further comments from the committee. Ms. Schemper then asked for public comment.

Ms. Patricia McGrath asked if the neighbors had spoken out on this item and if it was known that this use was ongoing. Ms. Schemper responded that the use is ongoing even though no official approvals are on the site yet. The neighbors have been notified by mail per requirements for a conditional use permit and she has not received any comments. Ms. Tolpin confirmed no public comment had been received on this application. Ms. McGrath stated that she lives across the street from an aggregate material yard and the hoses and truck washes don't seem to do any good because of the size of some of the materials which get wedged in the wheels of the trucks. Ms. Schemper explained that the hoses were more for the dust. The request for a paved surface leading to the driveway connection to U.S. 1 should reduce the amount of aggregate getting tracked onto the roadway. Ms. Schemper confirmed that Ms. McGrath lived across the street from an aggregate site on Grassy Key, not the subject property, which is regulated by the City of

Marathon. Ms. McGrath added that a plat that's submitted at the last minute that hasn't been thoroughly reviewed by staff is premature. Ms. Schemper explained that a site plan is submitted and if it is very close to being compliant, it is brought to the Development Review Committee and then there may be a comment outstanding. As Ms. Tolpin had explained that prior to approval staff recommended the site plan be updated to show the paver area leading to the driveway. After this meeting, letters are mailed to every owner within 600 feet, a sign is erected and an ad put in the newspaper. There was no further public comment. Public comment was closed.

**2. J JADE DEVELOPMENT, INC., 3100 OVERSEAS HIGHWAY, SADDLEBUNCH KEY, MILE MARKER 14.8:** A PUBLIC MEETING CONCERNING A REQUEST FOR AN AMENDMENT TO MINOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED TO ALLOW LIGHT INDUSTRIAL USE OF INDOOR STORAGE WITHIN THE EXISTING BUILDING AND OUTDOOR STORAGE UNDER THE EXISTING BUILDING AND OFFICES IN THE EXISTING BUILDING. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS PART OF LOTS 1 AND 2, BLOCK 3, BAY POINT AMENDED PLAT, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 75, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBER 00160140-000000. (FILE 2022-150)

(1:31 p.m.) Ms. Liz Lustberg, Senior Planner, presented the staff report. This is an amendment to an existing minor conditional use. This property had been developed with a restaurant and the proposal is to change the use on the property to office and light industrial use. The light industrial would be partial indoor storage and partial outdoor storage underneath the existing building. The zoning is SC and the FLUM designation is Mixed Use Commercial. Both the office use and light industrial use in SC zoning require a minor conditional use approval. The amount of floor area requested for the office and light industrial use is a little more than half of the intensity that would be allowed for the property. Ms. Lustberg presented the site plan depicting the building, parking, loading, trash, and the floor plan. The staff report specifies that prior to approval the applicant would need to submit hard copies of the plans, which have been received, and match the electronic copies. Staff recommends approval with conditions, specifically, that inclusionary housing will need to be addressed at the permit stage, that outdoor storage is approved only under the existing building, and that all permit and building department reviews will need to be done at the permit stage.

Ms. Schemper asked for questions or comments from the Development Review Committee. Mr. Rey Ortiz asked to see a floor plan of the existing building to see the level of alteration the existing building had which will trigger how much the building department needs to look at it. Ms. Lustberg presented the site plans for before and after. Mr. Ortiz commented that the bathrooms seemed tight, and confirmed there was no change to the building footprint. Ms. Schemper stated she appreciates Mr. Ortiz's comments. There were no further committee comments. Ms. Schemper then asked for public comment.

Ms. Patricia McGrath asked what would be stored outside. Ms. Lustberg responded that the property owner is a construction company and will use it for their offices and construction company storage. Ms. McGrath asked if any aggregate material would be contained on the site to be transported elsewhere. Ms. Lustberg responded there was none that would be prohibited based on her review. Mr. Jess Goodall, agent for the applicant, stated that this would be for storage of materials and equipment. There was no further public comment. Public comment was closed.

Ms. Schemper noted that although the scope of work on today's two applications were similar, there were more conditions listed for the second item than the first, but a lot of the conditions on the second item were standard conditions and she explained the process.

**ADJOURNMENT:**

The Development Review Committee meeting was adjourned at 1:35 p.m.