

**DEVELOPMENT REVIEW COMMITTEE**

**Tuesday, May 23, 2023**

**MEETING MINUTES**

The Monroe County Development Review Committee conducted a virtual meeting on **Tuesday, May 23, 2023**, 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 Ilze Aguila

**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
- Craig Marston, Fire Marshal
- Brian Oppenheimer, Deputy Fire Marshal
- Judy Clarke, Engineering
- Christina Gardner, Naval Air Station Key West
- Shereen Yee Fong, FDOT Representative
- Barbara Powell, Department of Economic Opportunity

**STAFF MEMBERS PRESENT**

- Peter Morris, Assistant County Attorney
- Liz Lustberg, Senior Planner
- Ilze Aguila, Planning Commission Supervisor

**APPLICANTS & PUBLIC SPEAKERS PRESENT**

Item 1:	Ron Judy Collins Gerand Ward Walt Conklin	Don Scheidel Suzanne Forbes Dora Jacob McMann	Hareen Gershman Brett Forbes Vinny Matarano
Items 2 & 3:	Manuel Mena	Maria Luba	Ty Harris

**CHANGES TO THE AGENDA**

None.

**MINUTES FOR APPROVAL**

Approval of the meeting minutes for Tuesday, April 25, 2023, by Emily Schemper.

## MEETING

**1. FLORIGAN GROUP, LLC, CAPTAIN HOOK'S, 29675 OVERSEAS HIGHWAY, BIG PINE KEY, MILE MARKER 29.7:** A PUBLIC MEETING CONCERNING A REQUEST FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE PERMIT FOR THE REMOVAL OF THE RESTRICTION OF FUEL SALES TO MARINE VESSELS, THE AMOUNT OF FUEL TO BE STORED AND THE ADDITION OF NONRESIDENTIAL FLOOR AREA TO BE USED FOR RETAIL SALES; TO BECOME EFFECTIVE ONLY UPON AMENDMENT TO THE ASSOCIATED SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO), IF DETERMINED BY DEO TO BE REQUIRED. THE SUBJECT PROPERTY IS DESCRIBED AS A PARCEL OF LAND IN SECTION 27, TOWNSHIP 66 SOUTH, RANGE 29 EAST, BIG PINE KEY, MONROE COUNTY, FLORIDA, HAVING PARCEL ID NUMBER 00111720-000000. (FILE 2019-223)

(1:04 p.m.) Mr. Bradley Stein, Planning and Development Review Manager, presented the staff report. The applicant is requesting approval of an amendment to a major conditional use permit to sell fuel and expand the fuel tank size from 500 gallons to 5,000 gallons and to allow the use of 12,737 square feet of previously-permitted retail storage floor area to be used as retail sales floor area. An amendment is required due to the conditions of a previous approval and a settlement agreement that requires any change be applied for through an amendment to a major conditional use. The agent is Mr. Jacob McMann of Smith Hawks. Mr. Stein presented an aerial of the site. The land is zoned suburban commercial and the FLUM is mixed use commercial with a designation of Tier III infill area. The existing vegetation habitat is developed scarified along a manmade canal. The project site is approximately 0.84 acres. The major focus of this request is to allow the sale of fuel to customers, expand the fuel tank size, and to allow the use of 1,737 square feet of permitted marina retail storage floor area to be used as the retail sales floor. Five additional parking spaces were requested for the expansion of the sales area which has been provided and is shown on the plan. This major conditional use permit was reviewed for compliance with the Land Development Code pursuant to Section 110-67. At a previously-held DRC meeting on April 21, 2021, the chair of the DRC requested that a community impact statement from the applicant be provided that addressed the additional boats coming into the canal for the purchase of the fuel including analysis regarding how the change to the fuel sales would affect community character specifically along the canal. Staff has not received that requested impact statement as of yet. The Department of Economic Affairs requires that Settlement Agreement 95-3502-DRI be amended and approved prior to Planning Commission review. Mr. Stein stated he was available for questions and clarification.

Ms. Emily Schemper, Senior Director of Planning and Environmental Resources, also noted that the settlement agreement includes as a requirement that Conditions 1 through 18 from the original conditional use permit which is Planning Commission Resolution P70-94 be adhered to, so those conditions are included by reference which include the specific requirements that there shall be no sale of petroleum products, that the use of the site is strictly limited to 750 square feet of the retail floor area, and limits fuel storage to less than 500 gallons. That's where those requirements come from and that is why Mr. Stein is stating that the settlement agreement would

need to be amended prior to this going to the Planning Commission because the Commission cannot issue a conditional use permit in violation of the settlement agreement.

Ms. Schemper then asked for questions or comments from staff and DRC members. Mr. Rey Ortiz asked to see the overall site plan again, which Mr. Stein presented. Mr. Ortiz then stated that since this had already been developed, he had nothing to add at this time. There were no further questions or comments from staff or DRC members. Ms. Schemper then asked for public comment.

Mr. Ron (no last name given) lives on Constitution Avenue. Everyone knows what happens to a canal when a fuel dock is opened on it. It destroys the canal, along with causing safety issues. There are three massive catamaran boats coming down this canal. The seawall has been crashed into three times that he is aware of causing damage to property owners' seawalls and fence. Last Friday, 5/15 at 4:45 p.m., with no other boats in the canal, a crew member fell off the front of the boat. She was able to get on the outside of the hull, but five inches over and she would have been under the hull and into the prop. No one on the boat knew what they were doing and they could not slow or stop the boat. None of the accidents that have happened were reported to the U.S. Coast Guard or to Man Overboard as required by law, Section 46 CFR 4.03-1. Had any boat been behind this one, the woman's outcome would have been much worse. The boat cannot be seen around, has nowhere to go, and the operator could not stop the boat. There are three dive boats at the dock all the time. There is no way to fit another boat at that dock. This is a 30-foot-wide canal entrance with two sharp turns, one of them being a blind turn. There is about five feet besides the width of the boat to make it in or out of the canal, a 30-foot legal navigational canal, not a 60-foot canal as claimed, as property owners own 15 feet on each side of that canal. There is 30 feet of navigable space for a 16-foot-wide boat. There is one of the largest marinas in all of the Keys directly across the street (U.S. 1) with 3,000 gallons of legal fuel tank, a massive turning base, and a canal that has already been destroyed. There is no need or reason to put in this fuel dock and destroy another canal. The dive shop was purchased with all of the agreements in place. The impact to this canal would be catastrophic.

Mr. Don Scheidel has lived on Constitution Avenue for 35 years. From a mechanical standpoint, he does not understand why everyone is wasting so much time talking about putting in a marina when there is physically not enough room. He was an engineer in the real world many years ago and from an engineering standpoint, it is a physical impossibility. Secondly, there is a horrible noise that sounds like a group of diesel engine bulldozers running all day long, every day. Why is this loud noise coming from the Captain Hook's buildings?

Ms. Hareen Gershman stated that four years is far longer than most projects would take to get approval. When Captain Hook's bought this business they knew exactly what they were buying and what the settlement agreement was there for. There's a reason that agreement was put into place. They have had violations for the last four years, and recently had four more starting March 23, 2023, with well over \$100,000 in fines. The County is not doing anything about this. They just keep putting the fines out there and meanwhile, Captain Hook's is making money off of their large retail sales. They have no commitment to this community. If Ms. Gershman lived across from this canal she would be livid, and she doesn't believe anyone on the committee would want to live across from air compressors running all day long, which is the noise that is

being heard. If the settlement agreement was going to be changed, it would have been changed a long time ago. She personally believes this settlement agreement will not be changed, is requesting denial of this project, and demands that the County make this property owner restore the property to what it was when they purchased it, to pay every fine, and be happy they are being allowed to be on Big Pine Key.

Ms. Judy Collins also lives on Constitution Avenue and has spoken about and written emails several times about the harm to quality of life that a gas pump on this canal will cause. The constant barrage of strangers on boats coming in and out of the neighborhood at all times of day and night, such as the pollution to the water killing the beautiful sea creatures and endangering the Manatee, and the danger to her grandchildren playing, swimming and fishing in this canal due to the increased boat traffic. It is so important for the Commissioners and those making the decision on allowing this fuel pump to ask themselves what if this was being installed in your back yard, on your canal, in your quiet neighborhood. What if you had invested hundreds of thousands of dollars into your beautiful home only to have it destroyed by this fuel dock and what it brings with it. She wagers that even those working for Captain Hook's would not want it on their canal, in their neighborhood or in their back yard. Please think hard before making the final decision and deny this project.

Ms. Suzanne Forbes also lives on Constitution Avenue at the end of the canal. Her property was involved in the accident with the Captain Hook's boat which hit her property when her children had been in the water. She will not repeat what she stated at the last three community meetings and the last DRC meeting. However, her biggest concern is that over two years ago this committee requested a community impact statement which is still not done. Everyone knows what the impact is. She asked what the plan was to mitigate the issues of the impacts to this community and got no response. The applicant is not fulfilling their responsibility to have done the community impact statement, and she does not understand why this is even on the agenda. Staff cannot make a recommendation without this community impact statement, and she does not understand how DEO is supposed to approve anything without understanding the full impact. There is no question this would destroy the quiet enjoyment residents have of their property should this proposal go through. Residents purchased their properties knowing there was an agreement. If this agreement is modified or changed, think of all of the other agreements out there that now can be changed. The property owners then have no basis to rely on those to make investments because of decisions like this. This is all in the minutes of all of the meetings, and she hopes that this committee as well as the planning board does the right thing and denies this, and she does not know why this is on this meeting agenda without the community impact statement. There is no excuse that two years later, it has still not been done.

Mr. Brett Forbes stated that all of the problems taking place on this canal for more than four years boils down to quality of life. Nobody wants something like this in their back yard with the congestion and craziness that will come from this many boats coming in for fuel. Captain Hook's/Strike Zone had been good neighbors over the years, but over the past four years it is unfortunate to say that the violations of the agreement have changed that. The residents want to keep their quality of life and anyone else would as well. Mr. Forbes asks that this not be approved.

Mr. Gerand Ward has been a professional consulting engineer for almost half a century. He noted that Ms. Forbes had raised the fact that this is the second DRC meeting, along with three community meetings, and the request for the community impact statement has been a pending request for years. It is time to stop the bureaucratic and public consumption of man hours. Two days ago there was a code enforcement meeting recommending foreclosure on the liens. The County is taking it the next step on the code enforcement liens that run forever. It was \$350 per day which has been going on for years now. That triggered the process that Smith Hawks requested and were given a 30-day extension and motion to stay to be heard at the following code enforcement hearing in June. In looking at the County's Planning Code, he believes that Ms. Schemper should implement Section 110-9 which is entitled Suspension of Development Review Proceedings. We've already had massive amounts of man hours and public meetings. Mr. Ward then read that section pertaining to the Planning Director suspending consideration of any application for development approval during the pendency of a code compliance proceeding. The Commission's forefathers clearly said that things like this should not go on forever. Mr. Stein indicated that the FDEO is required to act prior to any Planning Commission action. As such, that will trigger another community meeting because of the time frame that the government acts in. For the efficiency of the public and the County, it is important that Ms. Schemper consider this provision of the Code. He sometimes refers to himself as a NEPA engineer, which federal agencies must comply with the National Environmental Policy Act. By '77 they wanted to close Boca Chica and after the environmental impact statement it was realized that the military contributes so much to Monroe County and Key West that they kept Boca Chica which is one of the most successful air stations in the country. So the process works if we follow what the County has requested in an impact statement. Get the applicant to produce that and suspend any actions in the meantime so staff isn't spending hours needlessly.

Ms. Dora (no last name given) also lives on Constitution Avenue and is against the fuel dock not only for the environmental damage it will cause but someone is going to get hurt very badly or killed. This is not a canal designed for these very massive boats and then adding other boats in and out of it. This is the very reason the agreement was put in place and the owners agreed to this agreement. Nothing has changed other than it has gotten worse than it was. People sit forever getting out onto U.S. 1 now with addition of the park across the street. There was a van leaving Captain Hook's on January 17 that flipped over. Add four times the retail space and no one will ever get out of Ships Way onto U.S. 1.

Mr. Vinny Matarano of Constitution Avenue has watched the boats come in multiple times a week without lookouts on the bow or stern which is not only disrespectful to people coming in and going out, whether it's the kayaks at the new park or just people trying to enjoy the canal; but when you have a boat full of people and nobody paying attention to what's in front or behind them you have incidents that happen as last week where one of their own employees falls off the boat and nobody knows that they've fallen off or what to do. It's a miracle that it was so small of an incident with all the wrong that goes on with operating that boat. On a regular basis, it comes around the corner to the canal too hot with absolutely no way to possibly stop if there was a person, a pet, a manatee or a log in the water, and this is more than half of the time. It's kind of a no brainer. If there was a way to operate this dive shop with 5,000 gallons of fuel and an enlarged retail area, never mind the multiple incidents with traffic, deer kills, accidents and backups, there would be more people in the water multiplying an incident just waiting to happen

that should have happened already. It's only a matter of time until it catches up. The fact that they can't control the boats on top of that makes it worse for everybody. This needs to stop. It's just common sense. He hopes the almighty dollar doesn't win here again like so many things down in the Keys. The applicant needs to maintain what they have, take care of the people on their boats and have respect for the canal, the environment, and mother nature.

Mr. Walt Conklin lives at the end of Constitution and wanted to bring up the fact that Sea Center across the way is open seven days a week and has 3,000-gallon fuel capacity. They are also opening up a ship store soon, all being licensed and permitted. Do we need another one across the street? Things are being done a little too much here.

There was no further public comment. Public comment was closed. Ms. Schemper asked for any further questions or comments from DRC members. Ms. Barbara Powell of the Department of Economic Opportunity explained that it is the Department's position that in order for work to go forward as proposed, the legal department and the DOE have concluded that an amendment to the settlement agreement is necessary; and, at this time, the Department has no interest in amending that settlement agreement. She wanted to make sure this was in the minutes for today's meeting. Further, the applicant had been told this as well. Ms. Schemper responded that based on that, the Planning Department would decide what the next step is. Ms. Schemper then asked if the owner's representative wished to speak. Mr. Jacob McMann thanked staff for their help on this and had no further comment. Ms. Schemper thanked the public for their input, noting that as Ms. Powell stated, there are some conclusions about the settlement agreement which will be looked at to see how that affects the status of this application. If this does end up getting scheduled for the Planning Commission it would be noticed. Staff is requiring the community impact statement which has not been received as of today. Staff is also looking for resolution on this property and has no desire to keep things hanging forever and ever, and is working with Code Compliance to get this resolved one way or another.

Ms. Schemper then asked that Items 2 and 3 be read together.

**2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING THE MONROE COUNTY FUTURE LAND USE MAP DESIGNATION FROM INSTITUTIONAL (I) TO COMMERCIAL (COMM), FOR THIRTEEN (13) PARCELS OF LAND, LEGALLY DESCRIBED AS LOTS 7 THROUGH 12, AND LOTS 40 THROUGH 46, BLOCK 14, LAKE SURPRISE ESTATES SUBDIVISION, KEY LARGO, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBERS 00537590-000000, 00537600-000000, 00537610-000000, 00537620-000000, 00537630-000000, 00537640-000000, 00537980-000000, 00537970-000000, 00537960-000000, 00537950-000000, 00537940-000000, 00537930-000000, AND 00537920-000000 AS PROPOSED BY DOHERTY ROBERT M REV TRUST 02/03/2021 AND DOHERTY YVETTE REV TRUST 02/03/2021; 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 2022-163)

**3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM SUBURBAN COMMERCIAL (SC) TO COMMERCIAL 1 (C1) FOR THIRTEEN (13) PARCELS OF LAND, LEGALLY DESCRIBED AS LOTS 7 THROUGH 12, AND LOTS 40 THROUGH 46, BLOCK 14, LAKE SURPRISE ESTATES SUBDIVISION, KEY LARGO, FLORIDA HAVING PARCEL IDENTIFICATION NUMBERS 00537590-000000, 00537600-000000, 00537610-000000, 00537620-000000, 00537630-000000, 00537640-000000, 00537980-000000, 00537970-000000, 00537960-000000, 00537950-000000, 00537940-000000, 00537930-000000, AND 00537920-000000 AS PROPOSED BY DOHERTY ROBERT M REV TRUST 02/03/2021 AND DOHERTY YVETTE REV TRUST 02/03/2021; 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 2022-164)

(1:38 p.m.) Ms. Liz Lustberg, Senior Planner, presented the staff report. These two applications go together. One is to amend the FLUM designation from institutional to commercial. The other is to amend the zoning from suburban commercial to commercial one. The applicant has explained that this request is because they would like to put in two uses that are not currently allowed under the institutional FLUM, those being light industrial and office uses. This application is to change the FLUM and Zoning maps and does not have a specific proposal for development. When the applicant proposes a specific development through a conditional use or permit application, that will be reviewed based on the requirements of the FLUM and zoning at that time. Today, only the changes to the two maps are being discussed. The process to do this was two community meetings, this DRC meeting which makes recommendations to the Planning Commission, who then makes recommendations to the BOCC. The BOCC makes the actual decision whether to approve the map changes.

Ms. Lustberg first discussed the proposal to amend the FLUM designation from institutional to commercial and presented side-by-side site plans showing the 13 properties for which this change is proposed, with both the existing and proposed designations. The only area that is proposed to be commercial is the 13 properties outlined in black. The institutional FLUM allows for residential and non-residential institutional uses. The commercial FLUM allows for no residential uses and allows for a larger number of non-residential uses including an institutional non-residential use. Ms. Lustberg presented a table showing the difference in the density and intensity allowed for the two different categories showing neither category allows for permitted residential. If the change were to go through there would be a reduction in transient rental, and depending on the use proposed and zoning category, the non-residential floor area could decrease by about 9,500 square feet or increase by about 13,000 square feet. Ms. Lustberg presented the several factors that the BOCC can use to decide whether to approve the FLUM amendment, but discussed only those with issues to be raised.

The first reason why a map could be amended is changed projections. The applicant states the proposed amendment does not contemplate residential uses and in conjunction with the companion LUD application will eliminate possible future residential use. Staff notes that the

applicant did not submit any data or analysis to support the request to amend the FLUM category based on change projections such as a lack of Tier III property within the Upper Keys that has existing FLUM designations that would allow for the uses they are proposing. Under number two is changed assumptions. The applicant states the proposed amendment is consistent with the U.S. 1 commercial corridor and compatible with residential uses in the area. Staff notes that the applicant has not submitted any data or analysis to support their request to amend the FLUM category based on changed assumptions. No documentation was received indicating an increase in need in the community for office or light industrial uses based on changes to demographics or expansion of industries requiring storage. On these two items, staff is recommending the applicant submit additional data or analysis of data that demonstrates changed projections and assumptions, which is basically that there is not enough land to do what they want to do and/or that there's an increase in demand for the uses they are proposing. On number three, data errors, staff does not agree with the applicant's assertion that the existing FLUM category and zoning designations are inconsistent. Policy 101.5.25 indicates the institutional FLUM has no direct corresponding zoning district similar to the educational FLUM category; rather, the institutional FLUM when compared with suburban commercial zoning allows for institutional uses which is the current use established on the property. The institutional FLUM does not allow for light industrial or office uses as proposed by the applicant.

Under consistency with the Comp Plan there are some items that are consistent, some that are not, and a couple of items where there is not an issue of consistency but some clarity needs to be added as to what's relevant to the map change. One serious concern is that the commercial FLUM does not allow for residential uses. The property currently has two residences on the property which, if they were to remain, would be inconsistent with the proposed FLUM. The applicant has stated their plan is to change those two residences into non-residential floor area which all makes sense, but staff would like to get additional clarity on what they are going to do and what the timing on that would be so that these uses aren't possibly accidentally continued uses in a FLUM that does not allow for them. Ms. Lustberg also pointed out that Goal 101 states that Monroe County shall manage future growth to enhance the quality of life, ensure the safety of county residents and visitors, and protect valuable natural resources. Changing the FLUM to allow additional non-residential uses, specifically light industrial uses, could negatively impact the quality of life and safety of county residents in the neighborhood in which the property is located.

Ms. Lustberg stated that this next piece was not inconsistent but needed clarity. The application states compliance with Policy 101.4.5 and Objective 101.5, and the requirements for level of service based on the assertion that the floor area will not be increased, undeveloped areas of the property will remain undeveloped, and the property will be developed in a specific way. This is not relevant to a map amendment. These items would all be addressed when there is an application for a specific development and at that time, the review would be guided by the flood map, zoning, and all regulations in place at that time.

Ms. Lustberg then reviewed the elements relevant to the BOCC deciding on whether to approve the map change. Regarding Florida Statute 163, the applicant asserts compliance by citing Florida Statutes that encourage urban infill development in order to strengthen urban cores. This assertion is not relevant to this property since it does not meet the definition of urban infill.

The Comp Plan and Livable CommuniKeys Plan do encourage infill development in community centers but this property is not within a community center. The proposed FLUM amendment would allow for uses that could have an adverse affect on community character in the immediate area by allowing new types of commercial non-residential uses that have historically not existed. The property was developed with a church in 1974 and the institutional FLUM which limited the uses otherwise allowed in the suburban commercial zoning has been on the property since 1997. Regarding the Livable CommuniKeys Plan, Ms. Lustberg pointed out Action Item 1.3.7 which says to evaluate FLUM change and land use district map change requests for non-conforming uses, proposed change in use, which this is, vacant parcels and other requests based mainly on Comp Plan planning principles and the following community goal-related criteria A through E, and none of those criteria are applicable to this property and proposal. At this point, staff is not recommending approval, but is recommending to the applicants that they submit additional data specifically documenting whether the land available exists for their desired uses, whether their changes would require increased demand for those uses, and to provide more details on the plans for the two existing residences on the property.

The other application is to change the zoning from suburban commercial to commercial one. Ms. Lustberg again presented side-by-side site plans to show existing and proposed zoning categories, and a table showing the development potential for the existing and proposed zoning categories. The permitted conditional uses for the two zoning categories were not listed due to length. The main difference between the two categories is that suburban commercial allows for both permanent and transient residences, where commercial one does not allow for either. With a couple of minor differences, the non-residential uses and floor area ratios for each are the same. The net changes would be reductions in permanent and transient residences but no real change to the possible floor area ratio for non-residential uses. The criteria to consider changing the zoning is the same as discussed with the FLUM designation. One additional thing to highlight is if the FLUM designation is changed, then the zoning should be changed to ensure the land development code and comp plan are in alignment. Institutional FLUM could be paired with either zoning category, but the commercial FLUM would be inconsistent with the suburban commercial zoning category, and would be consistent with the commercial one zoning category. Staff's recommendations for this application are the same as the prior item.

Ms. Schemper asked for questions or comments from staff or DRC members. Ms. Cioffari noted that presently the two existing residential structures are non-conforming to, at minimum, the front and side yard setbacks. Depending on aggregation, the side yard could change. It's not clear from the survey submitted whether it's also not conforming to the rear yard. That is part of the reason staff is prompting the question, understanding that the applicant wants to convert to a non-residential use, aside from having those structures meet Florida Building Code to convert to a non-residential use there would be non-conformity and how would that be addressed, which is in the staff report. Ms. Schemper confirmed the structures are currently non-conforming to both existing and new setbacks. Ms. Lustberg stated the setbacks are the same. Ms. Schemper then asked for public comment.

Mr. Manuel Mena lives on Big Pine Road which is accessed exclusively through Largo Road. He has several concerns. When his property was purchased this location was a church which has a very minimal impact to the community. Making this commercial is a huge problem because

that will entail additional traffic, though he does not know of what type, how severe, or with what equipment. The most important thing is the access since the only way to access this proposed commercial property is through Largo Road as the access on U.S. 1 is very limited, the ramp there is very steep, and the only access is southbound causing U-turns on Summerland Road which is a blind road coming down from the bridge. If there is equipment other than vans and cars, this is a problem and traffic will increase primarily on Largo Road. He is concerned for quality of life for the neighborhood, children playing on the street and everything else. The proposal mentioned that the applicant should show the need for light commercial storage and such, and there is an ample supply of this up and down the Keys. Mr. Mena listed the new Travis site at the entrance of Lake Surprise, and on the other end of Summerland Road is storage for boats, trailers, trucks, and storage next to Wire Nuts Electric and Publix. So, on both sides of U.S.1 there is storage and light industrial already. There is no need for additional storage. He has not heard whether the applicant needs to provide a community impact statement but that would be required for residents to be able to tell what exactly will be happening on the property because, right now, the applicant is saying they may do this or may do that. Once this is approved for commercial, anything could go in there. Right now there is equipment on the property that is probably not allowed. The residents need to know more detail. At least thirty neighbors are very concerned about the access and trucks coming in on Largo Road which will create major issues. Mr. Mena is asking for denial for both the FLUM and the zoning.

Ms. Maria Luba lives on Largo Road and is three houses away from this property. To just add onto the previous speaker's comments, which she agrees with everything, she is already being impacted by what the owner is doing. He is currently using heavy equipment, has piles of mulch and dirt there, has just built a large fence on the side of the property that backs up to U.S. 1, and is creating an incredible amount of dust. Ms. Luba is also concerned about the runoff on this property, and the runoff does come from the church. She would like to see a study as to the environmental impact on the canal as this property is two houses away from the canal. Ms. Luba purchased her home because it was a residential community. She has a grandson and sees all of the children playing up and down this street. This owner bought the church property knowing the zoning and FLUM and the BOCC really needs to take a look at what their predecessors had put in place. The need will arise for additional schools so this property can still be used for institutional. We need more doctors, daycares and nursing facilities. Ms. Luba has over twenty opposition petition signatures that she will be sending in prior to the next meeting, hopefully by Monday. Ms. Luba thanked Ms. Lustberg and the other planner who had tried to explain this to the community. If this goes through, she will not stay in the Florida Keys because she will not live next to a construction site. If the Commissioners drive down the other side of Largo Road they can see what's been done over there because of the amount of commercial property that backs up to it. This is not fair and she hopes the Commission votes this down.

Ms. Schemper clarified that the other planner was Devin Tolpin who works in the Upper Keys. There was no further public comment. Public comment was closed. Ms. Schemper thanked the residents for their input. Ms. Schemper then asked if the owner's agent wished to speak. Mr. Ty Harris, owner's agent, had no comments.

**ADJOURNMENT:**

The Development Review Committee meeting was adjourned at 2:06 p.m.