

**DEVELOPMENT REVIEW COMMITTEE**

**Tuesday, June 27, 2023**

**MEETING MINUTES**

The Monroe County Development Review Committee conducted a virtual meeting on **Tuesday, June 27, 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 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  
Brian Oppenheimer, Deputy Fire Marshal  
Shereen Yee Fong, FDOT Representative  
Julio Tejada, South Florida Water Management District

**STAFF MEMBERS PRESENT**

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

**APPLICANTS & PUBLIC SPEAKERS PRESENT**

Items 2 & 3: Jim Saunders, Agent for Irwin Holdings 103301, LLC

**CHANGES TO THE AGENDA**

None.

**MINUTES FOR APPROVAL**

Approval of the meeting minutes for Tuesday, May 23, 2023, by Emily Schemper.

**MEETING**

**1. AN ORDINANCE BY MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO MONROE COUNTY LAND DEVELOPMENT CODE AMENDING CHAPTER 122 FLOODPLAIN MANAGEMENT, SECTION 122-25(b)(1)b TO AMEND CHAPTER 122 FLOODPLAIN MANAGEMENT, SECTION 122-25(b)(1)b TO ALLOW FOR 299 SQUARE FEET OR LESS OF OPAQUE BREAKAWAY CONSTRUCTION FOR ENCLOSED SPACE BELOW ELEVATED STRUCTURES IN VE AND COASTAL A FLOOD ZONES; PROVIDING FOR**

SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO AND INCORPORATION IN THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2023-099)

(1:03 p.m.) Ms. Emily Schemper, Senior Director of Planning and Environmental Resources presented the staff report having worked on it with Karl Bursa who no longer works with the County. In November, the BOCC had adopted an ordinance that updated the entire Floodplain Management Requirements in the Land Development Code Chapter 122, and Chapter 6 of the Monroe County Code where building requirements are located. In Chapter 122, the ability to enclose a downstairs area below base flood elevation within VE zones was limited to only enclosing those areas with screening and open lattice walls. In the previous code those areas could also be enclosed with opaque walls if they were of breakaway construction. In April, the BOCC held a special meeting to discuss some of the flood requirements and updates and asked staff to process an amendment to go back to the previous allowance where breakaway walls would be allowed. The purpose of this amendment is specifically worded and focused to re-allow the breakaway walls within the VE zone. Ms. Schemper has worked with other flood staff and Assistant County Attorney Kelly Dugan on the exact wording of the amendment. The current wording is: “In coastal high-hazard areas, Zone VE and Coastal A Zones, not more than 299 square feet as measured from exterior walls may be permitted to be enclosed by walls of opaque materials provided that said walls meet all requirements of breakaway construction as detailed and FEMA Technical Bulletins 5 and 9. Such space shall be solely used for limited storage, parking of vehicles or building access, including elevator shafts. Additional area may be enclosed with screening or open lattice as detailed in FEMA Technical Bulletin 5.”

Ms. Schemper explained that this current proposed wording may be tweaked more as she has some questions whether this is duplicative of other regulations written elsewhere in the code which gets complicated if something gets updated later. This will go to Planning Commission next month and then to the BOCC in September for adoption. There are no extra transmittals for DEO. Ms. Schemper asked for any questions, comments, concerns or input. There was none. Ms. Schemper then asked for public comment and there was none. Public comment was closed.

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 RESIDENTIAL MEDIUM (RM) TO MIXED USE/ COMMERCIAL (MC), FOR PROPERTY LOCATED AT 103301 OVERSEAS HIGHWAY, KEY LARGO, HAVING PARCEL IDENTIFICATION NUMBER 00472810-000000 AS PROPOSED BY JIM SAUNDERS ON BEHALF OF IRWIN HOLDINGS 103301, LLC; 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 2023-081)**

**3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM IMPROVED SUBDIVISION (IS) TO MIXED USE (MU), FOR PROPERTY LOCATED AT 103301 OVERSEAS HIGHWAY, KEY LARGO, HAVING PARCEL IDENTIFICATION NUMBER 00472810-000000 AS PROPOSED BY JIM SAUNDERS ON BEHALF OF IRWIN HOLDINGS 103301, LLC; 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 2022-187)**

(1:09 p.m.) Ms. Devin Tolpin, Principal Planner, presented the staff reports. These items are requesting a change to the Future Land Use Map and to the Land Use District Map. The property is approximately 13,000 square feet and is currently located within the IS zoning district and residential medium future land use map designation. The property was within the business zoning district prior to the zoning code that was enacted on September 15, 1986, at which time it was given the designation of improved subdivision. With the adoption of the Comp Plan's FLUM in 1997, the property was given the designation of residential medium. The structure currently in existence on the property been consistently used as a non-residential structure having received a CO on July 26, 1984. The 1973 to '86 zoning code permitted professional service and retail uses on this property. The adoption of the revised land use district maps and code rendered the use of the building non-conforming. At some point between its original construction and around the time the new code was adopted, the structure was used as an office. The existing 2,279 square foot structure is permitted to continue to serve as an office. However, the land development code does not provide for an expansion of office floor area or intensity of the nonconforming use. Ms. Tolpin presented site maps. The applicant has stated that the reason for the proposed FLUM and zoning amendment is due to the present zoning not allowing the owner to submit a building permit to enclose under the existing structure; and, the zoning and FLUM both must be consistent with one another.

There is an adoptive process when reviewing amendments to the Land Use District and Future Land Use Maps. Ms. Tolpin noted that a community meeting would be held this evening at 5:05 p.m. at the Key Largo Public Library to provide for public comment and participation. These amendments will then be scheduled to go before the Planning Commission between 45 and 120 days from today and then ultimately go before the BOCC for final decision. The proposed amendments would result in a decrease of allocated market rate density on the property, but would result in an increase in TDR market rate residential maximum net density, affordable residential maximum net density, transient density and non-residential intensity. Any new non-residential use on the property would be subject to the requirements of ROGO and any new or expanded non-residential floor area would require an NROGO allocation in accordance with the Land Development Code. The property currently has a 2,270 square foot non-conforming use. Approval of the requested amendments would render the existing use conforming for up to 3,054 square feet of floor area available to expand, dependent on the exact non-residential use if the applicant were to go that route. The key difference between the allowed use within the IS and MU zoning districts is that the improved subdivision is primarily a residential district with little

to no non-residential uses permitted, whereas the mixed use allows for new and expanded non-residential uses in addition to the residential uses that are allowed.

The code does allow for the existing non-conforming office uses on the property that were rendered non-conforming by the 2010 Comp Plan to be redeveloped and maintained. However, it requires that the use is limited in intensity, floor area and density from the type of use that existed on January 4, 1996. The applicant has submitted the requested amendments due to a new issue which arose which is the applicant's intention to expand the non-residential intensity by means of enclosing the ground floor of the existing office building. To allow an expansion of the non-residential use, the property's FLUM category and LUD would need to be amended to a category and district that would allow the proposed increase in non-residential floor area. Staff finds the proposed map amendments are consistent with the Comp Plan, the Key Largo Livable CommuniKeys Plan and the Principles for Guiding Development as defined in Florida Statutes. Additionally, Monroe County shall ensure that all development and redevelopment taking place within its boundaries does not result in the reduction of the level of service requirements established and adopted by this Comp Plan. The proposed amendments are not anticipated to adversely impact the level of service for traffic, potable water, solid waste or sanitary sewer. Staff recommends approval of the amendments.

Ms. Schemper asked if staff or DRC members had any questions or comments. Ms. Shareen Yee Fong of FDOT stated that she has no comments on the changes, but that any modifications to access on U.S. 1 would have to go through FDOT permitting. Mr. Rey Ortiz, Assisting Building Official, stated that with the change of occupancy, any other requirements that need to be adhered to in the building code are not showing up right now. Mr. Jim Saunders, agent for the applicant, stated that he understands totally. There were no further questions or comments. Ms. Schemper then asked for public comment. There was none. Public comment was closed. Mr. Saunders had no further comments. Ms. Tolpin clarified that this would go before Planning Commission in August.

**ADJOURNMENT:**

The Development Review Committee meeting was adjourned at 1:21 p.m.