

**DEVELOPMENT REVIEW COMMITTEE**

**Tuesday, December 19, 2023**

**MEETING MINUTES**

The Monroe County Development Review Committee conducted a virtual meeting on **Tuesday, December 19, 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  
Mike Roberts, Assistant Director, Environmental Resources  
Cheryl Cioffari, Assistant Director of Planning  
Rey Ortiz, Assistant Building Official  
Judy Clarke, Engineering  
Shereen Yee Fong, FDOT Representative  
Barbara Powell, Department of Economic Opportunity

**STAFF MEMBERS PRESENT**

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

**APPLICANTS & PUBLIC SPEAKERS PRESENT**

Item 4: Anthony Barrows, Applicant

**CHANGES TO THE AGENDA**

None.

**MINUTES FOR APPROVAL**

Approval of the meeting minutes for Tuesday, November 14, 2023, by Emily Schemper.

**MEETING**

**1. STOCK ISLAND OWNER LLC AND KW PERRY LLC, 7001 AND 7025 SHRIMP RD. STOCK ISLAND, MILE MARKER 5: A PUBLIC HEARING CONCERNING A REQUEST FOR A MAJOR DEVIATION TO A MAJOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED TO REDUCE THE OPEN SPACE. THE SUBJECT PROPERTY IS DESCRIBED AS PARCELS OF LAND IN SECTION 35, TOWNSHIP 67 SOUTH, AND RANGE 25 EAST, HAVING PARCEL ID NUMBERS 00123761-000400 AND 00123761-000800. (FILE 2023-134)**

(1:02 p.m.) Ms. Liz Lustberg, Senior Planner, presented the staff report, indicating that she and Mr. Mike Roberts, Assistant Director, Environmental Resources, had both worked on this application. Ms. Lustberg presented the site map with the zoning overlaid, explaining that the reason this was being reviewed as a major deviation is because of the proposed reduction in open space. Things are moving around on the property which is what triggered the change in the open space. A letter was presented listing what was going on, with the request for special approval for additional impervious surface, and coverage for accessory structures within the shoreline setback. Questions on those items would be directed to Mr. Roberts. A table was presented showing the parking, density and intensity, and the lot coverage which can be presented if there are questions. The site plan was presented with two red boxes showing the areas where things would be changing. The first area proposes removal of commercial fishing floor area that had previously been approved but not built, which is a reduction of floor area. The other area proposes removing one light industrial building and replacing it with a smaller marine light industrial building. A previously approved but not yet built boat barn is proposed to be expanded to a larger boat barn with fewer storage racks; and, to add six unenclosed boat racks outside. Since the last deviation on this property there is an overlay for this property and area for the whole new code section.

Staff's review shows that what is proposed is in compliance with the new code section. Part of what was done was the traditional working waterfront was changed to reflect the development changes on the property and the updated code section that refers to working waterfront and water-dependent uses instead of the traditional working waterfront. Ms. Lustberg presented the floor area intensity and density showing compliance with the requirements based on the Land Development Code and Comp Plan. Staff recommends approval with conditions. Those conditions relevant to the review of this application were presented. Specifically required is that the development order must specify exactly the slips preserved for recreational and working waterfront which was added, and the condition regarding water quality monitoring. The relevant conditions from the original amendment to the major conditional use from 2014 were then presented. The applicant has also applied for a brand new amendment and that would be a more appropriate point to revisit in total what the brand new conditions should be as opposed to at the time of deviation.

Ms. Schemper asked if DRC members or staff had any questions. Ms Barbara Powell, Department of Economic Opportunity, asked about stormwater and whether the stormwater level of service requirements would still be met with the reduction of open space. Mr. Roberts responded that the storage for the upland portions of the property had been increased, so it still meets the overall stormwater criteria. Ms. Schemper then asked for public comment. There was none. Public comment was closed.

**2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM SPARSELY SETTLED (SS) TO SUBURBAN RESIDENTIAL (SR), FOR PROPERTY LOCATED AT 1489 BOCA CHICA ROAD, GEIGER KEY, FLORIDA, APPROXIMATE MILE MARKER 10, HAVING PARCEL IDENTIFICATION NUMBER 00141810-000000 AS PROPOSED BY ROBERT L. BEARDSLEE; 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 2023-193)

(1:11 p.m.) Ms. Devin Tolpin, Principal Planner, presented the staff report. This is a request by a private applicant to amend the Land Use District Map for the above-described property, amending the zoning from sparsely settled to suburban residential. The property is a platted lot of approximately 6,000 square feet that is currently developed with a non-conforming single-family residence. The FLUM designation is residential low, which is not proposed to be changed with this amendment. The property is designated as Tier III and located within an AE9 flood zone. The applicant is proposing this amendment due to data errors, in addition to a new issue that has arose. The new issue is preventing the owner from developing anything new on the property because of the overly restrictive open space requirement for SS. The house has been in existence for decades and was built pre-code. The property should be designated as SR to allow for construction of accessory uses such as a swimming pool. The purpose of the current zoning district is to establish areas of low-density residential development where the predominant character is native or open space lands with an 80 percent minimum open space requirement for SS. The purpose of the proposed zoning district of SR is to establish areas of low to medium density residential uses characterized principally by single-family detached dwellings. This district is predominated by development. However, natural developed open space creates an environment defined by plants, spaces and over-water views. Currently, the single-family residence is non-conforming to the existing open space requirement. If the proposed amendment were approved, it would comply with the 50 percent open space requirement.

Ms. Tolpin presented a snapshot comparing some of the permitted and conditional uses with both the existing and proposed zoning district, with the uses that are different highlighted in red. Vacation rental use would be permitted with a permit in the SR district. Other changes include the allowance of parks, institutional uses or campgrounds and RV parks. There would be no change in the residential market rate allocated density, maximum net density, or transient allocated density. There would be an increase of about 300 square feet of non-residential density for uses allowed in SR. Ms. Tolpin then highlighted the compatibility of the proposed zoning with the surrounding area. The existing vegetation and habitat is developed land, Tier III, no threatened or endangered species, and the community character of the immediate vicinity are residential conservation and mixed use land uses. In the same subdivision, there is a property that went through the same map amendment process in 2018. The basis for that amendment was similar to this applicant's proposal. Staff has reviewed the proposed amendment for consistency with the Comp Plan and Land Development Code and staff is recommending approval.

Ms. Schemper asked if any DRC members or staff had any questions or comments. There were none. Ms. Schemper then asked for public comment. There was none. Public comment was closed.

**3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 139-1(f) NONRESIDENTIAL INCLUSIONARY HOUSING REQUIREMENTS,**

TO PROVIDE FOR LIMITED EXEMPTIONS TO THE NONRESIDENTIAL INCLUSIONARY HOUSING REQUIREMENT; 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 2023-196)

(1:17 p.m.) Ms. Devin Tolpin, Principal Planner, presented the staff report. On February 17, 2021, the BOCC passed and adopted an ordinance that required non-residential inclusionary housing to require workforce housing be provided for all new development and expansions in an amount proportionate to the need for affordable workforce housing that new non-residential and transient uses created. Then, a couple of years after that ordinance had been adopted and effective, on July 19, the BOCC directed staff to process another amendment to the Land Development Code that would exempt up to the first 1,000 square feet of non-residential development and/or the change of use category from the non-residential inclusionary housing requirement in addition to the current exemptions. That means that inclusionary housing is required for different kinds of non-residential development including new development, redevelopment with a change of use that increases housing demand, redevelopment with an expansion, or unspecified uses. The code also provides for exemptions to that non-residential inclusionary housing requirement. Staff is proposing, at the Board's direction, a couple of new words be added to number eight of those exemptions that are listed that would exempt up to 1,000 square feet of new development or 1,000 square feet of area that is changing use to a different use category from that non-residential inclusionary housing requirement. Ms. Tolpin noted that the additions were highlighted in orange and summarized them. The exemption is not required to be utilized in all or limited to a single building permit application. However, cumulatively, an individual property shall not receive an exemption for any more than 1,000 square feet of gross floor area or area of use after April 17, 2024. This date was chosen because it's an approximation of when this ordinance will be effective. This amendment must go before Planning Commission and the Board for adoption, so if there is any change in the schedule, that date would be changed to a more accurate one.

Ms. Schemper asked if any DRC members or staff had any questions or comments. There were none. 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 240 W SEAVIEW CIRCLE, 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-0004 AND MARATHON TBR IDENTIFIER TBR 8-1655) 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 12, BLOCK 2, PLANTATION ISLAND, DUCK

KEY- SECTION 3 PART 2, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 82, IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBER 00382770-000000. 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 2023-259)

(1:22 p.m.) Ms. Savannah White, Planner, presented the staff report. This is a request for a minor conditional use permit to transfer one permanent market rate ROGO exemption, also known as TRE. The transfer is taking place pursuant to an interlocal agreement between the City of Marathon and Monroe County entered into August 15, 2018. The agent is Anthony Barrows on behalf of the owners of both subject properties. This will be the fourth TRE that has come before the DRC to date.

Ms. White presented an aerial of the sender site which is within the incorporated limits of the City of Marathon. The interlocal agreement approved the exchange of 18 affordable ROGO allocations for 18 market rate ROGO or BPAS exemptions required to be transferred into unincorporated Monroe County. Ms. White presented an aerial of the receiver site located on Duck Key having a land use district designation of improved subdivision masonry, a FLUM designation of residential medium, is in Tier III, and currently is not in a velocity flood zone or a CBRS unit. Monroe County Land Development Code Section 138-22(b) defines the requirements to be followed for a transfer for a permanent market rate ROGO exemption. This transfer is unique and must follow the administrative requirements of the City of Marathon and the minor conditional use requirements of the County. The agreement specifically removed the requirement that the transfers go to either the Upper Keys or Lower Keys local subareas. All requirements of Section 138-22(b) are being met with the exceptions provided by the second interlocal agreement. Staff recommends approval as outlined in the staff report and presentation. Ms. White then also pointed out the last two conditions prior to issuance of the permit.

Ms. Schemper asked Ms. White to confirm whether under the new preliminary flood maps and the appeal flood maps that this property would be under the velocity zone. Ms. White responded that currently it's not in either and should be in the AE zone. The new flood map does have it in a LIMWA zone. So, whenever the deal gets signed and the permits are ready to be issued, it needs to be confirmed that the new maps haven't stopped it. Ms. Schemper then also confirmed with Ms. White that the applicant was aware of this. Ms. Schemper asked if any DRC members or staff had any questions or comments. There were none. Ms. Schemper asked if the applicant wished to speak. Mr. Anthony Barrows stated that he is aware of the situation, and that time is of the essence, and thanked staff for their help. Ms. Schemper then asked for public comment. There was none. Public comment was closed.

Ms. Schemper added that all of the above items would proceed to the Planning Commission for a recommendation to the BOCC.

**ADJOURNMENT:**

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