

**DEVELOPMENT REVIEW COMMITTEE**

**Tuesday, October 22, 2024**

**MEETING MINUTES**

The Monroe County Development Review Committee conducted a virtual meeting on **Tuesday, October 22, 2024**, beginning at 1:00 p.m. via Communications Media Technology (CMT).

**CALL TO ORDER** by Emily Schemper at 1:02 p.m.

**ROLL CALL** by Ilze Aguila

**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  
Brian Oppenheimer, Deputy Fire Marshal  
Shereen Yee Fong, FDOT Representative.

**STAFF MEMBERS PRESENT**

Peter Morris, Assistant County Attorney  
Ilze Aguila, Senior Administrator, Operations, Planning and Environmental Resources

**APPLICANTS & PUBLIC SPEAKERS PRESENT**

Suzanne Rubio, Applicant

**CHANGES TO THE AGENDA**

None.

**MINUTES FOR APPROVAL**

Approval of the meeting minutes for Tuesday, September 24, 2024, by Emily Schemper.

**MEETING**

**AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY TIER OVERLAY DISTRICT MAP FROM TIER I TO TIER III AS REQUESTED BY SUZANNE & SERGIO RUBIO FOR PROPERTY LOCATED AT 227 CANAL STREET, TAVERNIER, LEGALLY DESCRIBED AS BLOCK 8, LOT 10 AND SOUTH ½ OF LOT 9 OCEAN PARK VILLAGE PLAT BOOK 4, PAGE 14, KEY LARGO, FLORIDA HAVING PARCEL ID NUMBER 00446670-000000, APPROXIMATE MILE MARKER 93. (FILE 2024-170)**

(1:03 p.m.) Mr. Mike Roberts, Assistant Director, Environmental Resources, presented the staff report. The current tier designation is Tier I. The proposed or requested tier designation is Tier III, which was outlined in bold black. A current 2023 aerial was presented. In 1985, the

property was mapped as 740.3, disturbed with salt marsh and buttonwood wetland. That habitat is consistent with what is mapped now as buttonwood. The 2009 and updated habitat layers do not distinguish between disturbed and undisturbed systems, they merely address what the habitat type is. Mr. Roberts presented the 2023 habitat update. The current land use zoning designation is improved subdivision. The staff report contains information on previous county action related to the advanced identification of wetlands that was undertaken in 1999-2000, and this parcel was designated as red flag wetland at the time. That information was not included in the presentation but there is lengthy discussion on it in the staff report as well as previous permit activity for exotic land clear. The community meeting was held on October 3, 2024, with some public present, most wanting to know what the proposed development activity would be on the parcel. The proposed future development intent is not part of the tier overlay district criteria so was not taken into consideration.

Staff looked at the tier boundary criteria from Section 130-130 in the Land Development Code and Policy 105.2.5. Tier I boundaries are delineated to contain one or more of the following criteria: Vacant lands which can be restored to connect upland native habit batches, lands required to provide an undeveloped buffer up to 500 feet in depth, lands designated for acquisition by public agencies. Mr. Roberts pointed out that this parcel is not on the Florida Forever list. However, all of the habitat to the west and south of the subject parcel were within that boundary, the vast majority of those having been acquired and under public ownership either by the County or State. There are no known observances of threatened or endangered species on this parcel. It is zoned IS, so not conservation, native area, sparsely settled or offshore island. It is, however, an area with minimal existing development and infrastructure. Policy 105.2.1 designates all lands outside of mainland Monroe County as Tier I, II or III. Natural areas are Tier I or any defined geographic area where all or a significant portion of the land area is characterized as environmentally sensitive. It also describes privately owned vacant lands with sensitive environmental features outside the acquisition area, referring to the Florida Forever boundary. Mr. Roberts noted that environmental sensitive lands are defined as areas of native habitat requiring special management attention to protect important fish and wildlife resources and other natural resources, and typically include wetlands, other surface waters, tropical hardwood hammock and pine. The infill area or Tier III is defined as any geographical area where a significant portion of the land area is not characterized as environmentally sensitive as defined by the plan. Mr. Roberts presented the existing tier overlay district for the area with the subject parcel being surrounded by a yellow circle, the area to the west being primarily Tier I, and the big Tier III area to the southwest area of the Tier I habitat showing the Ocean Point Condos footprint being Tier III with all of the area surrounding that as Tier III-A. The 2009 habitat map shows the extent of habitat and native area. Staff recommends denial of the proposed amendment. The subject property is appropriately designated as Tier I and therefore does not qualify for the Tier III designation.

Ms. Schemper asked if any DRC members had any questions, comments or concerns. There were none. Ms. Schemper then asked if the applicant wished to speak. Ms. Suzi Rubio, applicant, stated that she had sent over additional information yesterday afternoon. When they had purchased this property, they had been in contact with the previous owners for a long period of time because they were trying to get a permit to build on the property. It got all the way through except they were unable to get a driveway permit to cross the red flag wetland area on

the property which is right at the road. There was something about it having to be raised and they did not do that. She was able to find that language through some of the old historical documents through a public records request a couple of years ago so she still has those papers that says it was upland and everything was going through okay except for the driveway. That's one of her concerns is that this hasn't been reviewed completely. She is well aware that the section towards the road is a wetland, which is why she had hoped the Planning Department would consider changing this particular lot to where the Tier I would stay on that wetland area between the upland and the road right-of-way and allow the rest of the property which is upland to obtain the Tier III designation. Ms. Schemper stated that staff would take a look at what she sent over before the Planning Commission meeting.

Ms. Rubio also shared a 2002 vegetation site plan which was part of the environmental assessment and habitat type delineation prepared by an engineering firm for the previous owner. It had been reviewed by Susan Sprunt and, in her opinion, there were several restricting issues to development. Ms. Rubio pointed out an error in the measurement on the diagram and presented a second survey reflecting the difference. The property is 90 feet, not 120 feet, and does not go into Lot 11 where the majority of the wetlands are. Ms. Rubio stated that she used to be a survey draftsman, knows how to read a plan, and there is no wetland on her side of the property. The vegetation site plan was done in March of 2002, and the survey was done in September of 2002, so they coincide. The rock wall depicted is still there and two County biologists had looked at the property and agreed. Mr. Roberts interjected that the staff members reviewing the site were Bruce Frank and Emmet Corals (phonetic). Ms. Rubio continued adding that the wetland on this survey is smaller than it is now. Regarding infrastructure to the property, there is electric, water and roads adjacent to the property, with sewer 30 feet into the property. Ms. Rubio presented the current survey showing the wetland and the adjacent property which she owns. In the future, if able to get a permit through, her intent is to leave the existing portion of wetland as is and either carve out a piece of property or provide an easement to allow for a driveway. Mr. Roberts confirmed that everything she provided today had been included in the email from the afternoon prior or would be provided. Ms. Rubio added that there are three aerials from 1959, 1964 and 1980 which all show the condition during those times, adding that 1959 is when the canal was being dug and the property was being used as a spoil pile.

Ms. Schemper then asked for public comment. There was none. Public comment was closed. Ms. Schemper stated that this item would next be heard at the Planning Commission for recommendation to the Board, but the soonest for that would be in December.

**ADJOURNMENT:**

The Development Review Committee meeting was adjourned at 1:26 p.m.