

DEVELOPMENT REVIEW COMMITTEE

Tuesday, May 27, 2025

MEETING MINUTES

The Monroe County Development Review Committee conducted a virtual meeting on **Tuesday, May 27, 2025**, beginning at 1:00 p.m. via Communications Media Technology (CMT).

CALL TO ORDER by Devin Tolpin at 1:00 p.m.

ROLL CALL by Debra Roberts

DRC MEMBERS PRESENT

Devin Tolpin, Senior Director of Planning and Environmental Resources
Mike Roberts, Assistant Director, Environmental Resources
Cheryl Cioffari, Assistant Director of Planning
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

STAFF MEMBERS PRESENT

Peter Morris, Assistant County Attorney
Barbara Powell, Senior Policy Advisor
Liz Lustberg, Senior Planner
Debra Roberts, Senior Planning Commission Coordinator

APPLICANTS & PUBLIC SPEAKERS PRESENT

None noted.

CHANGES TO THE AGENDA

None.

MINUTES FOR APPROVAL

Approval of the meeting minutes for Monday, Tuesday, April 22, 2025, by Devin Tolpin with the correction that the minutes should reflect that it was Devin Tolpin who had called the meeting to order, and not Emily Schemper.

MEETING

Items 1 and 2 were read together.

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING POLICY 1302.1.4 AND POLICY 1302.1.5 OF THE MONROE COUNTY 2030 COMPREHENSIVE PLAN TO AMEND THE REQUIREMENT FOR A COMMUNITY MEETING, AS REQUESTED BY THE BOCC AT THEIR FEBRUARY 19, 2025, REGULAR COMMISSION MEETING; 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 AND INCORPORATION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (FILE NO. 2025-037)

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTIONS 102-158, 102-159, 110-3 AND 110-70 OF THE MONROE COUNTY LAND DEVELOPMENT CODE TO AMEND THE REQUIREMENT FOR A COMMUNITY MEETING, AS REQUESTED BY THE BOCC AT THEIR FEBRUARY 19, 2025, REGULAR COMMISSION MEETING; 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 AND INCORPORATION IN THE MONROE COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE. (FILE NO. 2025-038)

(1:04 p.m.) Ms. Barbara Powell, Senior Policy Advisor presented the staff report, first noting a correction that Section 102-158 has no changes. This is a relic of an earlier version. The Comprehensive Plan Amendment that needs to be changed is 1302.1.4 removing the requirement of 45 to 120 days and reducing that to “prior to the Development Review Committee Meeting.” This was the last instruction given at the last meeting of the BOCC. There were discussions regarding reducing the time that it takes to get an amendment and other types of permits from the beginning to the end of the process, including eliminating community meetings all together. The requirement of reducing it to, “prior to the Development Review Committee,” simplifies it as much as possible while still keeping the community meetings in place. The Comprehensive Plan also has requirements that the community meetings shall be held at a location close to the project site and did not specify virtual meetings were a method, so that was added in while this was open just to clean things up. Another correction was an inconsistency between the Land Development Code and the Comp Plan on the number of days for advertisement, so rather than reduce the Land Development Code down to ten days it was increased to fifteen days on the Comp Plan as that is how it has been done through applications. The required public hearings were replaced by review of the amendment by the DRC and, again, the ten days to fifteen days in the Comp Plan was changed. In the Land Development Code, all of the windows were removed and changed to “prior to the Development Review Committee” for text amendments and electronic meetings, and for the major conditional use approvals as well, and also clarified the “prior to the DRC” for the major conditional use approvals or development agreements. Under major conditional use agreements a paragraph was added clarifying the coordination with the Planning Director, and 60

days after the required community meeting was removed as it was already within 60 days of the DRC meeting, and the provision for the 45 to 120 days prior to the Planning Commission hearing had already been placed in Section B so that sentence was removed. Staff recommends approval.

Ms. Devin Tolpin, Senior Director of Planning and Environmental Resources, had no questions or comments, and asked if there were any questions or comments from the DRC members. There were none. Ms. Devin Tolpin then asked if any members of the public wished to speak. Ms. Christina Gardner, Naval Air Station Key West, asked if the virtual meeting was a requirement or an option. Ms. Powell responded that it is an option. Ms. Tolpin clarified that applicants are typically given the option whether to choose a location close to the project site or virtual, but this is amending the code that to make it clear that that is an option in the code. There was no further public comment. Public comment was closed.

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ELIMINATING POLICY 301.7.2 OF THE MONROE COUNTY 2030 COMPREHENSIVE PLAN TO ALLOW US1 TO BE EXPANDED TO FOUR LANES, AS REQUESTED BY THE BOCC AT THEIR FEBRUARY 19, 2025, REGULAR COMMISSION MEETING; 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 AND INCORPORATION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (FILE NO. 2025-047)

(1:13 p.m.) Ms. Barbara Powell, Senior Policy Advisor, presented the staff report. As of the November 19, 2024 meeting of the BOCC, staff was directed to process an amendment to allow for four laning bridges on US 1, and asked staff to meet with FDOT about whether additional lanes would improve traffic conditions in the Florida Keys. The infrastructure and fiscal impact analysis report was presented December 11, 2024. There was no change to the directions and the FDOT meeting has not yet taken place, but in January of 2025, County staff, Commissioner Rice, Secretary Miller with FDOT and other FDOT staff discussed the four laning of bridges and how that might help influence increased traffic capacity on US 1. Secretary Miller explained that four laning the bridges alone would not affect the traffic. It would not have any impact on the day-to-day congestion that residents of the Keys were experiencing. It was also explained that a more thorough study of traffic would be done in conjunction with specific road projects. When going through the project development and environmental review process on any FDOT project, present capacity and how much will be needed into the next ten to twenty years would be looked at. It's in the statutes that when reviewing road projects, especially with federal money, local regulations are taken into account so even if just the bridges are allowed to be widened, if it doesn't add road capacity in conjunction with the bridges, FDOT would not take into account what four laning could do. The projects that are upcoming are at Snake Creek, Long Key and Seven Mile Bridge. It's kind of a chicken-and-egg situation so, at the February meeting, Ms. Emily Schemper gave no review of the outcomes of the January meeting with FDOT and staff received direction to change the amendments in process to expand that four laning to all road segments. That resulted in eliminating the policy that was limiting and renumbering the two below it rather than just adding in the phrase to allow for bridges only. That is what was done.

Ms. Devin Tolpin, Senior Director of Planning and Environmental Resources, had no questions or comments, and asked if there were any questions or comments from the DRC members. Ms. Shereen Yee Fong, FDOT Representative, asked if there would be a public meeting before this gets approved. Ms. Powell responded that this is a Comp Plan amendment so there will be two opportunities to comment through the regular objections, recommendations and comments report process. Ms. Devin Tolpin then asked any member of the public wished to speak. There was none. Public comment was closed. Ms. Tolpin clarified that this is an amendment to the Comprehensive Plan and will go to the Planning Commission for a recommendation, to the BOCC for a transmittal hearing, and then come back for an adoption hearing. Ms. Powell added that it would be going to the July 22, 2025 Planning Commission meeting, then to the August 20, 2025 BOCC meeting, so it should be transmitted to FDOT sometime late August.

4. 1655 OVERSEAS HIGHWAY, MARATHON, MILE MARKER 48 (SENDER SITE) AND 113 N. BAHAMA DRIVE, 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-0014 AND MARATHON TBR IDENTIFIER TBR 5-1655) 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 DESCRIBED AS LOT 19, BLOCK 7, CENTER ISLAND, DUCK KEY - SECTION 2, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE(S) 82, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA HAVING PARCEL IDENTIFICATION NUMBER 00380710-000000. 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 NO. 2025-078)

(1:20 p.m.) Ms. Liz Lustberg, Senior Planner, presented the staff report. This is a minor conditional use application to transfer a market rate ROGO exemption from a property in Marathon as the sender site to a property in Duck Key as the receiver site through the 2018 interlocal agreement. The County Land Development Code Section 138-22 lays out both the criteria and process to do such a transfer for both the sender and receiver sites. Ms. Lustberg presented an aerial of the sender site in the City of Marathon which meets the criteria of having a ROGO exemption to send, and that the property having been demolished or redeveloped such that it is no longer needed. In the case of market rate permanent ROGO exemption transfers affordable housing has to be created. The property was redeveloped using an affordable ROGO allocation. Through the interlocal agreement, 18 affordable ROGO allocations were transferred from the County to the City, 16 of which were utilized on the sender site. At this time, this will be the twelfth transfer. The sender site meets the criteria to be the sender site for this twelfth transfer, up to the sixteenth and prior to the seventeenth and eighteenth those additional affordable units will have to be addressed but it meets the criteria for today. Ms. Lustberg then presented an aerial of the receiver site on Duck Key designated Tier III, the zoning is improved subdivision masonry, and the FLUM designation is residential medium. It is in an AE flood

zone, is not a working waterfront, has all required infrastructure, is not a CBRS unit, and the zoning and the FLUM both allow for the use of a market rate dwelling unit and density of one dwelling unit per platted lot. The interlocal agreement requires that both the process for the County and City be addressed. This is the process for the County, and the proposed conditions of approval state that the requirements of the City must also be addressed prior to full approval. Staff recommends approval with the two conditions presented.

Ms. Devin Tolpin, Senior Director of Planning and Environmental Resources, had no questions or comments, and asked if there were any questions or comments from the DRC members. There were none. Ms. Devin Tolpin then asked if any member of the public wished to speak. There was none. Public comment was closed.

ADJOURNMENT:

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