

DEVELOPMENT REVIEW COMMITTEE

Tuesday, November 18, 2025

MEETING MINUTES

The Monroe County Development Review Committee conducted a virtual meeting on **Tuesday, November 18, 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 Jessica McKinney

DRC MEMBERS PRESENT

- Devin Tolpin, Senior Director of Planning and Environmental Resources
- Mike Roberts, Assistant Director, Environmental Resources
- Thomas Francis-Siburg, Acting Planning and Development Review Manager
- Brian Oppenheimer, Deputy Fire Marshal
- Yazmin Valdez, Florida Commerce

STAFF MEMBERS PRESENT

- Peter Morris, Assistant County Attorney
- Liz Lustberg, Senior Planner
- Janene Sclafani, Transportation Planner
- Barbara Powell, Planning Policy Advisor
- Jessica McKinney, Senior Planning Commission Coordinator

APPLICANTS & PUBLIC SPEAKERS PRESENT

Item 1 Barbara Mitchell, Agent for Applicant

CHANGES TO THE AGENDA

None.

MINUTES FOR APPROVAL

Approval of the meeting minutes for Tuesday, October 21, 2025, by Devin Tolpin. There was a change in the applicant present from David Thompson to Jess Goodall.

MEETING

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY FUTURE LAND USE MAP DESIGNATION FROM INSTITUTIONAL (INS) TO MIXED USE / COMMERCIAL (MC), FOR ELEVEN (11) PARCELS OF LAND, 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, 00537960-000000, 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 NO. 2022-163)

(1:03 p.m.) Ms. Liz Lustberg, Senior Planner, presented the staff report on amending the FLUM from institutional to mixed use commercial. Ms. Lustberg presented an aerial of the subject property made of up of 11 parcels. The surrounding community is all residential, utility, commercial retail and office use. The property is approximately 65,000 square feet, in Tier III, in an AE flood zone, and the zoning will remain in suburban commercial. The property is at mile marker 106.5 on the curve coming into Key Largo. Portions of the property have been established as institutional use, portions as residential, and a couple of undeveloped parcels with no use established. The institutional use area is proposed to be amended to mixed use commercial. Ms. Lustberg presented a chart showing the difference between the potential development with the existing institutional FLUM and the proposed mixed use commercial FLUM. Comparing the maximum allowed for the institutional with the maximum allowed for mixed use commercial, there is an increase in market-rate allocated density and in all other categories except for transient allocated density which remains the same.

Ms. Lustberg pointed Policy 101.5.26 which is one of the requirements for compliance with the comprehensive plan, which is for private applications that propose an increase in allocated residential density. As of the date of the staff report and this presentation, the applicants have not submitted a proposal to mitigate the increased residential density to comply with the requirements of this policy, so at this time the allocation is inconsistent with the goals, objectives and policies of the comprehensive plan. Therefore, staff does not recommend approval of the proposed FLUM amendment from institutional to mixed use commercial as currently proposed due to the inconsistency with Policy 101.5.26.

Ms. Devin Tolpin, Senior Director of Planning and Environmental Resources, asked if there were any questions or comments from the DRC members. There were none. Ms. Tolpin then asked for public comment. There was none. Public comment was closed. Ms. Tolpin then asked if the applicants wished to speak on this item. Ms. Barbara Mitchell, agent for the applicant, stated that she looks forward to working with staff and the general neighborhood to move this project forward and appreciates the Development Review Committee's time.

(Items 2 and 3 were read together.)

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY 2030 COMPREHENSIVE PLAN AMENDING THE GLOSSARY, THE PRIVATE PROPERTY RIGHTS ELEMENT, THE FUTURE LAND USE ELEMENT, THE HOUSING ELEMENT, AND THE INTERGOVERNMENTAL COORDINATION ELEMENT, TO ESTABLISH A NEW ROGO ALLOCATION CATEGORY FOR MARKET-RATE WORKFORCE HOUSING AND ASSOCIATED DEFINITIONS; AMENDING THE GOALS, OBJECTIVES AND POLICIES RELATED TO THE REDISTRIBUTION OF ROGO ALLOCATIONS AS IT RELATES TO

ANNUAL RATE AND PERCENTAGES AND/OR NUMBERS ASSIGNED TO DESIGNATED CATEGORIES; TO CREATE A NEW TYPE OF ROGO ALLOCATION; AND THE ACCEPTANCE OF UP TO 900 ROGO ALLOCATIONS APPROVED AND ESTABLISHED THROUGH LEGISLATIVE CHANGES IN THE 2025 FLORIDA LEGISLATIVE SESSION; REDESIGNATE ROGO ALLOCATIONS DESIGNATED FOR ADMINISTRATIVE RELIEF TO THE ALLOCATIONS AVAILABLE FOR THE REVISED ROGO DISTRIBUTION; AND MODIFYING PURCHASE OFFERS RELATED TO ADMINISTRATIVE RELIEF; BY AMENDING 2.2 PRIVATE PROPERTY RIGHTS ELEMENT, POLICY 2.2.5; 3.1 FUTURE LAND USE ELEMENT, GOAL 101, OBJECTIVE 101.2, POLICY 101.2.1, POLICY 101.2.2, POLICY 101.2.4, OBJECTIVE 101.3, POLICY 101.3.1, POLICY 101.3.2, POLICY 101.3.3, POLICY 101.3.4, POLICY 101.3.5, POLICY 101.3.9, POLICY 101.3.10, POLICY 101.3.11, POLICY 101.3.12, OBJECTIVE 101.7, POLICY 101.7.1, POLICY 102.4.3, AND OBJECTIVE 105.2; 3.6 HOUSING ELEMENT; AND 3.13 INTERGOVERNMENTAL COORDINATION ELEMENT, POLICY 1301.7.1; 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. 2025-017)

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY LAND DEVELOPMENT CODE TO ESTABLISH A NEW ROGO ALLOCATION CATEGORY FOR MARKET-RATE WORKFORCE HOUSING AND ASSOCIATED DEFINITIONS; AMENDING THE CHAPTER, ARTICLES AND SECTIONS RELATED TO THE REDISTRIBUTION OF ROGO ALLOCATIONS AS IT RELATES TO ANNUAL RATE AND PERCENTAGES AND NUMBERS ASSIGNED TO DESIGNATED CATEGORIES; TO CREATE A NEW TYPE OF ROGO ALLOCATION; AND ACCEPTANCE OF UP TO 900 ROGO ALLOCATIONS APPROVED AND ESTABLISHED THROUGH LEGISLATIVE CHANGES IN THE 2025 FLORIDA LEGISLATIVE SESSION; REDESIGNATE ALLOCATIONS DESIGNATED FOR ADMINISTRATIVE RELIEF TO THE ALLOCATIONS AVAILABLE FOR THE REVISED ROGO DISTRIBUTION; MODIFYING PURCHASE OFFERS RELATED TO ADMINISTRATIVE RELIEF; AND AMENDING SCORING CRITERIA FOR ROGO; BY AMENDING CHAPTER 101 – GENERAL PROVISIONS, SECTION 101-1 – DEFINITIONS; CHAPTER 138 – RATE OF GROWTH RESTRICTIONS (ROGO / NROGO), ARTICLE II. RESIDENTIAL RATE OF GROWTH LIMITATIONS (ROGO), AND ARTICLE III. NONRESIDENTIAL RATE OF GROWTH LIMITATIONS (NROGO); AND CHAPTER 139 – AFFORDABLE AND EMPLOYEE HOUSING; 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. 2025-018)

(1:12 p.m.) Ms. Barbara Powell, Planning Policy Advisor, presented the staff reports. These are ROGO text amendments to both the comp plan and the land development code with two alternatives. Ms. Powell first discussed the alternatives. During the 2025 legislative session there were three items that charted the path for this amendment package.

Alternative one was extending the hurricane evacuation time from 24 to 24.5 hours. Contained in a separate piece of legislation was what is now commonly referred to as Senate Bill 180 which states that each county listed in federal disaster declarations for Hurricanes Debby, Helene and Milton, may not propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations. That is what precipitated having to have two alternatives because staff wanted to give the legislative session for 2026 a chance to see what they were going to do about this since there are numerous lawsuits about that legislation, and not have to wait to start at the beginning again come July of 2026.

Another piece within Senate Bill 180 were instructions to Florida Commerce to conduct baseline modeling scenarios to determine the number of building permit allocations distributed in the Florida Keys. That baseline modeling has been conducted and has confirmed the allocations that were placed in the statute. The permit allocations must be distributed over a period of ten years and may not exceed 900 total permit allocations. All permits must be issued for vacant buildable parcels of which only one may be awarded per individual parcel, and a distribution of which prioritizes allocations for owner-occupied residences, affordable housing and workforce housing.

Based on the vacant buildable lots that were self reported to Commerce, and Commerce confirmed that those were the numbers they used, if 900 is the number of allocations that will be distributed, the distribution per that section of law would be 588 additional allocations for at least ten years. When the realization hit that we would be subject to the restrictive and burdensome requirement in Senate Bill 180, staff brought the issue to the BOCC's attention and sought direction. Their direction was to come up with two alternatives to flow through the process, and a decision would be made post legislative session based on when any change might go into effect and what change was made.

Between the land development code and the comp plan, alternative one includes all of the changes originally spoken about; establishing a new residential ROGO category for market-rate and market-rate workforce housing, developing those definitions, redistributing the residential ROGO allocations as it relates to both the annual rate, the percentages and numbers assigned to the designated category, meaning the market-rate and market-rate workforce housing, and accepting the allocations approved and established through legislative changes which have not yet been offered. Then, up to 145 ROGO currently designated for administrative relief would be re-designated to the allocations for the revised ROGO allocations, the 145 is as of this meeting but could change before adoption, modifying purchase offers related to administrative relief, and removing the prohibition of awarding affordable ROGOs and early-evacuation ROGOs to properties within the V-zone.

Alternative two, since in July of 2026, we will no longer have any allocations to distribute, would allow a bridge for a year, if necessary, to distribute 62 administrative relief allocations, all as market rate and no other changes proposed. The only thing that would be changed is moving those allocations into the distribution pool, and that would prevent going afoul of the more restrictive and burdensome if that doesn't get changed, get changed in time, or go into effect in time to have allocations come July.

Ms. Powell then reviewed the language changes for alternative one in the comp plan amendments. There were definition changes with affordable workforce and market-rate workforce, defining the annual allocation period as a clarifier, ROGO year, and defining workforce. There were changes in the private property rights element adopting the language of Senate Bill 180 and newly codified amendments to the statutes. There was cleanup of language in the future land use regarding the memorandum of understanding from the 2012 evacuation modeling work. New language with affordable workforce housing and the language from the laws of Florida and the modeling efforts was added in. Ms. Powell presented the current distribution table from the comp plan with more editorial cleanup, additions and rearranging language. New language was added to discuss the market-rate allocations, market-rate workforce allocations and their numbers, and where the unused market rates would go, rewriting with the same policy bend in mind as before.

There are three scenarios proposed. The first scenario is the 588 allocations received from the State consisting of 12 per year for workforce market rate for a total of 40 per year in allocations which would go to the year 2041. The second scenario is 588 and 145 administrative relief, putting all of the administrative relief into the 588 from the State with the same distribution which would go to the year 2045. The third scenario would reduce the administrative relief to 92, leaving some administrative relief in the pool, which at the same rate of distribution would go to the year 2043. There was some language about help from the State with Bert J. Harris, and some editorials to do some clarifying language for allocations for permits, the most current modeling before information updating the moratorium on transient extended to 2045.

Alternate two in the comp plan is simplified. It updates the evacuation time from 24 to 24.5 hours. Where appropriate, it extends the rate of growth ordinance to 2027. It changes out the DCA and Department of Commerce to the State Land Planning Agency, which was done throughout both the comp plan and LDRs. The distribution table is simply below the total of the allocations from 2013, adding the 62 for the year '26 to '27, and making a note under the table where those 62 came from, being from admin relief. That was all for the comp plan.

Ms. Tolpin asked if there were any questions or comments from the DRC members relating to the comp plan amendments. There were none. Ms. Devin Tolpin then asked for public comment. There was none. Public comment was closed.

Ms. Powell then moved on to the proposed amendments to the land development code. Alternate one begins with definitions, language cleanup and additions, and a definition for market-rate workforce housing. Within the residential ROGO ordinance itself, there are additional definitions and the allocation closure date, codifying what is in practice to the written word, editorial for future changes, and defining ROGO year.

Ms. Powell presented the current table going through 2026, and the allocations, also with cleanup language distinguishing between affordable workforce and market-rate workforce housing, with proposed language for whichever scenario gets approved. There are three scenarios as in the comp plan. Ms. Powell presented a table for scenario one with the 588 being split between Upper, Lower and Big Pine Keys, and how it was split for the partial year for the last year. For scenario two, it's 40 per year up to that last year. For scenario three, the 588

reduced 92 and the full allocation through 43 so there is no need to drop it down in that final year. Again, there was cleanup language. Also contained within the amendment is language to go from quarterly allocations to semi-annual. There is supporting language throughout the amendment for that, but that decision has not yet been made. This was a staff proposal at the time based on direction from the BOCC. Ms. Powell presented examples of how the semi-annual would work with sample language for the different scenarios, and presented the editorial changes and cleanup.

The market-rate workforce housing awards go into eligibility, similar to the affordable workforce. Homestead exemptions don't have to go through the repeated qualification with direction on how to do the administration and the compliance. There would be a covenant on the property. Then it goes into the allocation application procedures. Most changes are editorial in nature and some cleanup to ensure everything needed is in the application for ownership to be filed with the corresponding building permit. On the site plan and boundary survey it can be all done together. There's language for the conditional use permit and revisions. With introducing a new type of market-rate allocation there will be an opportunity for people to change from one allocation type to another without losing any perseverance points or changing the controlling date. Quarterly was changed to semi-annually.

Affordables are still on a first-come, first-served basis. Clarification for what goes into each bucket for two different types of allocations and some of the timing. Nothing in the points changed. There is some clarifying language regarding recording at the clerk's office. There is one change with regard to cisterns for applications applying to ROGO after the July 13 date. Appeals will now be at DOAH rather than the Planning Commission. There are no changes with NROGO, but with the change from 62 to 40 allocations, the NROGO being based on number of square feet per allocation will be reduced. Ms. Powell presented the current totals as of this meeting which may change before adoption. There is clarification with language regarding the ROGO bank, the allocation period changing, the cistern language, affordable employee housing, buildable acres, removing the prohibition on the V-zone, adding gainful employment, recording at expense of the applicant, and removal of the 2012 language from the interlocal agreements and MOU.

Alternate two, same as the comp plan, extending the ROGO year to 2027, pulling 62 from administrative relief, making it clear in the table that the 62 are coming from administrative relief and not the prior allocation.

Ms. Tolpin asked if there were any questions or comments from the DRC members. There were none. Ms. Tolpin reiterated that alternatives one or two are an either-or scenario. The Board will be adopting either alternative one or two once staff has more direction and understanding of what is happening with the allocations referenced in SB 180. Not all options or alternatives will be adopted at once. Ms. Tolpin then asked for public comment. There was none. Public comment was closed.

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY COMPREHENSIVE PLAN POLICY 701.1.6, ADOPTING THE 10-YEAR WATER SUPPLY FACILITIES WORK PLAN UPDATE TO BE CONSISTENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT LOWER

EAST COAST WATER SUPPLY PLAN UPDATE OF 2024, 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 INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE. (FILE NO. 2025-041)

(1:49 p.m.) Ms. Janene Sclafani, Transportation Planner, presented the staff report. The purpose of this Water Supply Facilities Work Plan Update is to identify and plan for the water supply sources and facilities needed to serve existing and new development within Monroe County. Currently, residents obtain water directly from the FKAA and they are responsible for ensuring that enough capacity is available for existing and future customers. FKAA is the sole provider of potable water in the Florida Keys. The County does not control any of the water supply facilities but coordinates closely with FKAA. The work plan will reference the initiatives already identified in the FKAA Capital Improvement Plan, and Florida Statute does require local governments to prepare and adopt the work plans into the comp plans within 18 months after the water management district approves the regional water supply plan or its updates.

The Lower East Coast Water Supply Plan Update was approved by the South Florida Water Management District on September 23, 2024, so that is the date starting the 18 months. Policy 701.1.6 of the comp plan adopts the ten-year water supply plan by reference. Currently, the work plan is in review with the SFWMD and awaiting comments. Comments were received about ten minutes before this meeting and there is a lot to update. Staff anticipates adopting the water supply plan by reference into the comp plan by February 2026. Ms. Sclafani presented the text update. The August 2019 update was struck through and the new update is anticipated to be in February. The proposed amendment is consistent with the comp plan and Florida Statute Chapter 163, part two, and the Florida Keys Area of Critical State Concern. Staff recommends approval.

Ms. Tolpin asked if there were any questions or comments from the DRC members. There were none. Ms. Tolpin then asked for public comment. There was none. Public comment was closed.

ADJOURNMENT:

The Development Review Committee meeting was adjourned at 1:55 p.m.