

DEVELOPMENT REVIEW COMMITTEE

Tuesday, December 16, 2025

MEETING MINUTES

The Monroe County Development Review Committee conducted a virtual meeting on **Tuesday, December 16, 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
Rey Ortiz, Assistant Building Official
Judy Clarke, Engineering
Christine Gardner, Naval Air Station Key West

STAFF MEMBERS PRESENT

Peter Morris, Assistant County Attorney
Liz Lustberg, Senior Planner
Matthew Restaino, Senior Planner
Barbara Powell, Planning Policy Advisor
Jessica McKinney, Senior Planning Commission Coordinator

APPLICANTS & PUBLIC SPEAKERS PRESENT

Item 1 Don Horton, Agent for Applicant
Item 2 David Osborn, Applicant

CHANGES TO THE AGENDA

None.

MINUTES FOR APPROVAL

Approval of the meeting minutes for Tuesday, November 18, 2025, by Devin Tolpin, with a correction on the date to reflect November 18, 2025.

MEETING

1. JOINED ISLANDS INC., 21362 OVERSEAS HIGHWAY, CUDJOE KEY, MILE MARKER 21.5 OCEANSIDE: A PUBLIC MEETING CONCERNING A REQUEST FOR A MINOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED IN ORDER TO ADD 378 SQUARE FEET OF NONRESIDENTIAL FLOOR AREA AND SEVEN (7) FUELING STATIONS TO AN EXISTING CONVENIENCE STORE, RESULTING IN A HIGH INTENSITY COMMERCIAL RETAIL USE WITH 2,500 SQUARE FEET OF FLOOR

AREA. THE SUBJECT PROPERTY IS DESCRIBED AS A TRACT OF LAND IN A PART OF GOVERNMENT LOT 2, SECTION 29, T.66S., R28E, BEING ON CUDJOE KEY, MONROE COUNTY FLORIDA, HAVING PARCEL ID NUMBER 00115840-000401. (FILE NO. 2024-112)

(1:12 p.m.) Mr. Matthew Restaino, Senior Planner, presented the staff report. This is an application for a minor conditional use permit for an expansion of an existing convenience store, installation of seven fueling stations, and construction of five units of multi-family affordable housing. Mr. Restaino presented a map of the subject property with the land use district overlay, consisting of 44,705 square feet, located in a suburban commercial land use district, abutting U.S. 1 and hammock to the north, hammock and freshwater wetlands to the west, hammock and residential to the south, and service shops to the east. The applicants received approval for variances for access standards, landscaping and buffer yards at the November 2025 Planning Commission Meeting. The existing building is a convenience store with the 378 square foot addition on the back. To the right are the seven fueling stations consisting of four fuel pumps with two stations each except for the diesel station which has just one, for a total of seven. At the bottom right portion of the site plan is the proposed location of the new five-unit multi-family dwelling for workforce housing. The plans were reviewed for compliance with Land Development Code Section 110-67, standards applicable to all conditional uses, as well as all other relevant code sections from the Land Development Code, the Monroe County Comprehensive Plan, and the Lower Keys Livable CommiKeys Plan. The proposed site plan was found to be in compliance with most requirements, and the applicants received approval for several variances that were not in compliance.

Mr. Restaino then presented the proposed floor plan with south and west elevations for the proposed convenience store and addition which will be used for storage and office demonstrating compliance with maximum height. This is a one-story ground level structure. Mr. Restaino then presented the proposed floor plans for the new multi-family workforce housing building. The first floor features three two-bedroom units and the second floor has two three-bedroom units. The ground floor includes a downstairs enclosure for storage. The Planning Department does not review for compliance with floodplain requirements, and an approval condition has been added stating that the proposal shall be found to be in compliance by the floodplain administrator, among others. Mr. Restaino then presented the proposed elevations for the new building. The elevations indicate the top of the structure is at an elevation of 41.07 NGVD 29. The submitted boundary survey and civil plans indicate that the crown of road elevation is 6.43 NGVD 29, and result in an overall height of 34 feet, 7.7 inches. Staff recommends approval of the requested minor conditional use permit with eleven conditions as listed in the staff report and read by Mr. Restaino.

Ms. Devin Tolpin, Senior Director of Planning and Environmental Resources, wanted to hone in on one of those conditions of approval, that prior to issuance of a building permit for any of the new dwelling units on the property, a ROGO allocation or exemption must be obtained. At the moment, the County does not have a sufficient balance of affordable ROGO allocations to accommodate the proposed request. Ms. Tolpin then asked if there were any questions or comments from the DRC members. Mr. Rey Ortiz, Assistant Building Official, noted that gas stations have a lot of things going on. The site looks tight and he can't see where the tanks are

going to be. He encourages a meeting with the Building Department and since the Fire Marshal isn't in on this meeting now, they will also have concerns. Things such as the height of the canopy, where the tanks will be buried, and he's having concerns about the gas pumps. It's good to communicate ahead of time. Ms. Tolpin then asked if the applicant wished to speak. Mr. Don Horton, agent for the applicant, thanked Mr. Ortiz for his comments and clarified that there is more than one design professional working on the entire layout of the gas pumps, one which may want to change the direction of the traffic flow for ease of use for those pumps. When those underground tanks are located then that will be able to be seen. Mr. Horton thanked the Planning staff for their work and can answer any questions. Ms. Tolpin then asked for public comment.

Ms. Jan Maza, a homeowner behind the property in Cudjoe Cove, wanted to understand why adjacent property owners weren't allowed input prior to the November variances that were granted. She had only received notice on December 1, 2025. Ms. Tolpin responded that all adjacent property owners should have received mailed notification prior to the application going to public hearing. She will confirm that that happened, but it is part of the required process. Notice was sent out for that Planning Commission variance on October 31, 2025. Ms. Maza asked if the variances included the property line variance and access to the property. Mr. Restaino responded that the variances were granted for access to the property, requirements to the bufferyards and parking lot landscaping. Ms. Maza was concerned about accessing Conch Drive and wondered if a traffic study had been done. Since there is no dedicated turn lane there when trying to make a left on Conch Drive you could easily get rear ended. With the added gas station access, she is wondering if there is something that could be done to make it safe to turn onto Conch Drive. There's also a curve there and she believes it is an unsafe situation, and is wondering if any of that had been considered. Ms. Tolpin explained that typically this meeting is open for comments but not a back and forth between public and staff. The link is available on the website for the file, including the traffic study submitted, which was reviewed and approved as part of the application. Ms. Maza asked about a site drainage study. Ms. Tolpin responded that the plans did include stormwater management. There was no further public comment. Public comment was closed.

2. MANATEE BOWLINE, LLC, 99 MORRIS AVENUE, KEY LARGO, MILE MARKER 112.5: A PUBLIC MEETING CONCERNING A REQUEST FOR AN AMENDMENT TO A DEEMED MAJOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE REDEVELOPMENT OF THE EXISTING MARINA. THE SUBJECT PROPERTY IS DESCRIBED TRACT A OF MONROE PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 140, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, CURRENTLY HAVING PARCEL ID NUMBER 00573090-000000. (FILE NO. 2025-053)

(1:20 p.m.) Ms. Liz Lustberg, Senior Planner, presented the staff report. This is to consider an amendment to an existing major conditional use for a marina. Ms. Lustberg presented a map of the property in suburban commercial zoning which allows for marinas with major conditional use approval that had been developed with a marina since 1966 to do work at the previously-established marina. This proposal is for redevelopment of the existing marina. Ms. Lustberg presented the site plan with a proposal to add dry boat storage on land at 114 slips, to maintain 35 wet slips, to have a marina office, a floating ships store, a tiki hut, and add restrooms to the

property. The criteria for conditional use approval is in LDC Section 110-67. Ms. Lustberg presented the criteria. Staff has found that everything is either in compliance or can be at the time of building permit review. Ms. Lustberg focused on the last criteria, (i) The proposed use complies with all additional standards imposed on it by the particular provisions of this Land Development Code. One item in the review deals with the scenic corridors and bufferyards. There is a discrepancy between the landscape plan which demonstrates compliance with the code and an additional plan that the applicant provided in order to demonstrate compliance with the boat storage design guidelines. When this comes for review at the permit stage, the plans should all be in alignment and demonstrate compliance. Another issue has to do with the marina pumpout requirements. The applicant is not proposing marina pumpout at this facility at this time, and the County is moving in the direction of requiring marina pumpouts though they are not there yet. Ms. Lustberg presented the exact verbiage from the staff report addressing this issue. There are also conditions proposed to address this.

One thing that is in compliance, the County has boat storage design guidelines and the applicant provided a site plan demonstrating how they propose to comply with a three-page written description explaining how they would comply with these guidelines. While it is not possible to comply with every individual criteria of the guidelines, in staff's opinion, overall the proposal is in compliance. Staff recommends approval with two pages of conditions. Ms. Lustberg pointed out numbers three and four. Three requires compliance with the boat storage design guidelines at permit review. Number four has a fairly minor discrepancy between the boat rack, individual elevation plans and the site plan. What is being recommended for approval here is what is shown on the site plan. If there's any discrepancy, this is what staff is going with. On the second page of conditions, items five and six are specifically to address the statement that there are no pumpouts proposed on the property at this time. Number seven, because the ships store is proposed on a floating structure, which is a unique circumstance, is allowed here although it is not generally something that can be approved. Ms. Lustberg pointed out that it is the property owner's responsibility to ensure that floating structures comply with all applicable local, state and federal proprietary safety, environmental and pollution control laws, rules and regulations.

Ms. Tolpin asked if there were any questions or comments from the DRC members. Mr. Rey Ortiz noted that on Sheet A1.1 there's a blue highlight of a path that appears to be for ADA access. Ms. Lustberg interjected that it is not specifically for ADA access. It is to have a separate pedestrian way separated from the drive for the boat storage. Ms. Tolpin added that it demonstrates consistency with the boat storage design guidelines that specify having a pedestrian walkway. Mr. Ortiz then pointed out the ADA spaces noting that it is devoid of any detail. If this is going to be gravel, as indicated, it has to be stable, crushed, a particular size of stone or gravel, and an explanation of when the gravel transitions to wood. There was also no detail provided for the planks. The applicant needs to be made aware that the gap between the members cannot be more than one-half inch to be ADA compliant. Ms. Tolpin then asked for public comment or comment from the applicant. Mr. David Osborn, applicant, stated that the conditions of approval were not a problem to reconcile and he will get it done as soon as possible. He added that he probably shouldn't have used the color blue, but was trying to show that pedestrians could walk the property without being in the way of forklifts. He will add more details as suggested. In the areas that are ADA he will make sure the ground is ADA compliant. There were no further questions or public comments.

Ms. Tolpin stated that this recommendation of the DRC will go before the Planning Commission for final review and decision hopefully in January 29, 2026. Ms. Lustberg added that the conditions should be taken care of at time of permit review and do not need to be addressed prior to going to Planning Commission.

3. 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 10 CORMORANT LANE, GEIGER KEY, DESCRIBED AS THE NORTH ½ OF LOT 8 AND ALL LOTS 9 AND 10, BLOCK 4, BOCA CHICA OCEAN SHORES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 49, PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, CURRENTLY HAVING PARCEL IDENTIFICATION NUMBER 00141680-000000; AS PROPOSED BY KIMI C. ROTHER; 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 (LUD) MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2025-163)

(1:31 p.m.) Ms. Barbara Powell, Planning Policy Advisor, presented the staff report. This property is located on Geiger Key and is developed with a home on site. The adjacent land uses are single family. Much of the vacant property surrounding the subdivision and developed land is owned by the Federal Government or the Naval Air Station. It is in Tier III, flood zone AE9 and AE10, and is in the MIAI. Ms. Powell presented a close-up of the property at 10 Cormorant Lane and the proposed land use change. The zoning map reflects two properties that have had the same modification to their zoning, and there is another in-house application as well. The main difference with the two land uses is the open space is 80 percent for sparsely settled and 50 percent for suburban residential. The allocated density is the same, TDR and affordable are increased, and they are consistent with 101.526 of the comp plan. Staff recommends approval. The tentative time line is Planning Commission January 29 and BOCC in February in Key West if it can be turned around quickly.

Ms. Tolpin asked if there were any questions or comments from the DRC members. Ms. Christina Gardner, NAS Key West stated that they are opposed to the proposed ordinance as it is within the MIAI. The concern comes from the increased allowable density as this is both in an accident potential zone and the 70 to 74 DNL level. In the accident potential zone the recommendation is incompatible, and strongly discouraged in the 70 to 74 DNL. The change in the major conditional uses allowed is campgrounds and RV parks which means there would be no sound attenuation whatsoever. Ms. Devin Tolpin then asked for public comment. There was none. Public comment was closed. Ms. Tolpin explained that this would be a recommendation to the Planning Commission who would then make a recommendation to the BOCC. The BOCC will ultimately make a decision on this item whether to adopt or reject the proposed amendment.

ADJOURNMENT:

The Development Review Committee meeting was adjourned at 1:37 p.m.