

DEVELOPMENT REVIEW COMMITTEE

Tuesday, August 27, 2024

MEETING MINUTES

The Monroe County Development Review Committee conducted a virtual meeting on **Tuesday, August 27, 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 Debra Roberts

DRC MEMBERS PRESENT

Emily Schemper, Senior Director of Planning and Environmental Resources
Cheryl Cioffari, Assistant Director of Planning
Devin Tolpin, Planning & Development Review Manager
Rey Ortiz, Assistant Building Official
Craig Marston, Fire Marshall
Brian Oppenheimer, Deputy Fire Marshal
Judy Clarke, Engineering
Yazmin Valdez, Department of Economic Opportunity

STAFF MEMBERS PRESENT

Peter Morris, Assistant County Attorney
Barbara Powell, Senior Policy Advisor
Liz Lustberg, Senior Planner
Devin Rains, Planning and Development Permit Services Manager
Debra Roberts, Senior Planning Commission Coordinator

APPLICANTS & PUBLIC SPEAKERS PRESENT

Item 1: Michael Steinhardt, Applicant

CHANGES TO THE AGENDA

None.

MINUTES FOR APPROVAL

Approval of the meeting minutes for Monday, July 22, 2024, by Emily Schemper.

MEETING

1. RS INDUSTRIAL SOLUTIONS LLC, 22945 AND 22957 CUDJOE DRIVE, CUDJOE KEY, MILE MARKER 23: A PUBLIC MEETING CONCERNING A REQUEST FOR AN AMENDMENT TO A MINOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED TO REDEVELOP THE PROPERTY WITH A 3,840 SQUARE FOOT STORAGE BUILDING. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED LOTS 3, 39, AND 40, BLOCK 1, CUDJOE OCEAN SHORES, ACCORDING TO THE MAP OR PLAT

THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 107, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING PARCEL IDENTIFICATION NUMBERS 00186910-000000 AND 00187270-000000. (FILE 2024-091)

(1:04 p.m.) Ms. Liz Lustberg, Senior Planner, presented the staff report. This proposal is to amend a minor conditional use from the 1980s. The property had been established with a welding shop. The proposal is to tear down that building and build a bigger building for storage. Ms. Lustberg presented a site plan for two parcels aggregated for purposes of development in suburban commercial zoning, showing an elevated drive to get to the elevated storage building with parking, bike ramps, trash area, and the entrances to the parking area and the warehouse building. U.S. 1 is on the other side of the property with no entrance proposed from U.S. 1. The list of criteria to review for conditional use approval was presented. Staff reviewed all items and concluded that all are in compliance, including all additional standards required from the land development code. LDC Section 130-93 for suburban commercial allows for light industrial uses such as warehouses with a minor conditional use, and with its own specific requirements for approval of a light industrial use, all of which are in compliance. Staff recommends approval with basic conditions of requiring a building permit, addressing inclusionary housing, and ROGO will be required for anything beyond the floor area already established. Lighting was not reviewed for as part of this conditional use so compliance with that will need to be demonstrated during permit review. All ADA requirements must also be met. Any work in the county right-of-way requires approval from the Engineering Department.

Ms. Schemper had no questions, and asked if any DRC members or staff had any questions, comments or concerns. Mr. Rey Ortiz, Assistant Building Official, asked if there was an ADA spot, and was curious as to the width of each driveway. Ms. Lustberg responded that the driveway width was 24 feet. Mr. Ortiz also noted the 22-foot swale, and that this proposal did not appear to be ADA compliant. Ms. Lustberg agreed that it appeared that all spaces were regular spaces, but stated that the proposed use of this building is for the owner to store his RV. Mr. Ortiz responded that that is not how the building code works. He understands this could be a private garage, but for a CO per the building code and for that level of intensity, the property could be flipped tomorrow and does not appear to be as ADA compliant as it should be. The Building Department will look at it but he wanted the applicant to be aware of that fact.

Mr. Devin Rains, Planning and Development Permit Services Manager, had a question regarding staff report item (e)(1) roadways and level of service. With regard to the concurrency review, he is assuming that at time of review a traffic statement would be required at a minimum. If that's not the case, great; but, if so, the applicant should be informed. Ms. Lustberg responded that the level of service on U.S. 1 would need to be reviewed for at the time of permit review in the same way as for every permit that is not a single-family residence. This can be added as a condition if desired. Mr. Rains did not believe that would be necessary, but he would anticipate that during permit review a traffic statement may be required. Mr. Rey Ortiz added that he also noted that there is no elevator, which may be something else for the applicant to think about and consider in dealing with the change in elevation for ADA compliance.

Ms. Judith Clarke, Engineering, asked for clarification about the elevated driveway and whether that referred to the ramp part shown and not the pavers, which Ms. Lustberg confirmed to be

correct. Ms. Clarke also pointed out that the maximum width of the driveway is 24 feet, and she was not sure if the pavers shown were wider than that, but that's what would be required for permit. Ms. Clarke also noted the drain gutter at the bottom of the ramp to route the water toward the swales so that no water would run onto the right-of-way.

Mr. Rey Ortiz also added, regarding the ramp, that the pitch of the ramp was not indicated. It would be helpful for a sectional drawing to be produced through the ramping section and the center of the building. Ms. Lustberg stated that the grade was listed at 7.75. Mr. Ortiz clarified that he needed to know if it was one inch for every twelve or whatever it is, and that it would behoove the applicant to add some texturing as part of the detail for the ramp because if it's too steep, vehicles need something to grip onto. That is not something he can mandate but would strongly encourage.

Mr. Michael Steinhardt, applicant, stated that when he had talked to the Building Department, he had been told that since it was for a private use the ADA compliant ramp would not be needed, but that it can be installed and will not be a problem. The stairs going up should be wide enough to make a ramp up to the building. Mr. Steinhardt explained that this is for personal storage for himself and his neighbor to store their RVs and a trailer. As to the pitch and grade, the ramp is 90 feet long, the elevation on the building is six feet high, and the foundation is concrete walls and tie beams, cinderblock, and then compacted on the interior for the slabs. Mr. Ortiz asked who he had spoken to at the Building Department that had said this did not have to be ADA compliant so that he can have a conversation with that person. There are indeed exceptions to the ADA requirements but for right now, he is stating that it must be done unless someone overrides it.

Mr. Craig Marston, Fire Marshall, indicated that he was in agreement with Mr. Ortiz that the maximum slope needs to be provided on the drawings for the fire vehicles. The requirements are available on their website. Ms. Lustberg added that Mr. Marston's letter of coordination had been submitted with the application.

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 TIER OVERLAY DISTRICT MAP FROM TIER III-A TO TIER III AS REQUESTED BY SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD AND STERLING PLLC, ON BEHALF OF 21660 OVERSEAS HWY, LLC AND SAN MARCOS HOLDINGS 4790, LLC, FOR PROPERTIES LEGALLY DESCRIBED AS LOTS 10 THROUGH 16 SACARMA PLAT BOOK 2 PAGE 48 CUDJOE KEY, CURRENTLY HAVING PARCEL ID NUMBERS 00174740-000100; 00174770-000000; 00174780-000000; 00174790-000000; 00174800-000000 AND 00174810-000000; APPROXIMATE MILE MARKER 22. (FILE 2024-016)

(1:23 p.m.) Ms. Emily Schemper, Senior Director of Planning and Environmental Resources presented the staff report for Mr. Mike Roberts, Assistant Director, Environmental Resources. This is a request for an amendment to the Tier Map. The property is on Cudjoe in the Sacarma Subdivision. Ms. Schemper presented the site map with six parcels, all in Tier III-A, which is Tier III but within the special protection area. The parcels in the heavy black outline are those proposed for change. There is one remaining parcel on the easternmost end that would remain Tier III-A

which is not part of the application containing a single-family home. These parcels are currently developed with a single-family home on the far western parcel. The other five parcels are currently undeveloped and are somewhat scarified. Back in the eighties they were classified as fringing mangrove, salt marsh and buttonwood, but somewhat disturbed. The canals were dug, and the dredge material likely deposited up on the sides.

In 2009, the habitat mapping showed a good portion of it as scarified undeveloped land. There is a little bit missing from the eastern edge of the image but off that edge there is mangrove and buttonwood habitat, and on the north edge it is classified as having some hammock. The updated habitat mapping is based on 2023 aerials which are consistent with Mr. Roberts' site visit this year and shows that most of the property is scarified with not much wetland habitat left on the property, but with mangroves on the southwest corner. The single-family home on the westernmost lot is the only actual current useful structure on the property. The house on the east is not included in the proposed amendment.

Ms. Schemper then presented the zoning map which lines up with the FLUM map. The majority of the property is zoned suburban commercial, though the property to the west with the home is zoned urban residential mobile home. The most significant thing to note is that a very large portion of the easternmost parcel is zoned native area with a FLUM category of residential conservation.

The request is to go from Tier III-A to Tier III. In evaluating the criteria, after going through all categories, the Tier I criteria has a very specific provision that conservation native area, sparsely settled and offshore island land use districts should be designated Tier I, including areas with minimal existing development and infrastructure. About 70 percent of the easternmost parcel is native area zoning. Based on that, even though the current designation is Tier III-A, staff is of the opinion that the easternmost parcel would most appropriately be designated Tier I, which would not allow a recommendation to go to Teir III with removal of the special protection area. For the other five parcels, they do not meet that criteria for Tier I, and they do not contain a significant amount of upland habitat requiring special protection. Staff recommends approval of the change from Tier III-A to Tier III for the five westernmost parcels, but not for the easternmost parcel. This is why the recommendation is in two parts: recommendation for approval for the five parcels to the west, and recommendation for denial for the parcel to the east.

Ms. Schemper asked if any DRC members or staff had any comments or questions. There were none. Ms. Schemper then asked for public comment. There was none. Public comment was closed. Ms. Schemper explained that this would proceed to the Planning Commission for their recommendation, and then to the BOCC.

ADJOURNMENT:

The Development Review Committee meeting was adjourned at 1:32 p.m.