

AGENDA

PLANNING COMMISSION SPECIAL MEETING
MONROE COUNTY
MURRAY E. NELSON GOVERNMENT & CULTURAL CENTER
102050 OVERSEAS HIGHWAY
KEY LARGO, FL 33037

August 31, 2012

10:00 A.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSION:

Denise Werling, Chairman
Randy Wall, Vice Chairman
Jeb Hale
Elizabeth Lustberg
William Wiatt

STAFF:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Susan Grimsley, Ass't County Attorney
John Wolfe, Planning Commission Counsel
Mayte Santamaria, Assistant Director of Planning and Environmental Resources
Joe Haberman, Planning & Development Review Manager
Mitch Harvey, Comp Plan Manager
Steven Biel, Sr. Planner
Rey Ortiz, Planner
Kathy Grasser, Planner
Barbara Bauman, Planner
Timothy Finn, Planner
Gail Creech, Planning Commission Coordinator

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

-

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

-

SWEARING OF COUNTY STAFF

CHANGES TO THE AGENDA

-

SPECIAL MEETING

New Item:

1. Hoover Property Islamorada LLC Property, 91605 Overseas Highway, Tavernier, Mile Marker 91.6: An appeal to the Planning Commission concerning an administrative decision of the Senior Director of Planning & Environmental Resources dated April 24, 2012 denying a building permit application. The subject property is legally described as Lots 1-6, less the northwesterly 36 feet of Lots 1, 2 and 3, Tavernier Cove (PB1-103) and Lots 35-43, Singleton's Addition to Tavernier Cove (PB1-135), Key Largo, Monroe County, Florida, having real estate numbers 00506940.000000, 00506890.000000 and 00506860.000000.

(File 2012-078)

[2012-078 SR PC 8.31.12.PDF](#)

[2012-078 FILE with Corp papers.pdf](#)

[2012-078 Ltr Recvd fr Alice Allen 8.23.12.PDF](#)

[2012-078 Ltr Recvd fr Hammerstrom 8.27.12.PDF](#)

[2012-078 Exhibit 1 for PC 8.31.12.PDF](#)

[2012-078 Exhibit 2 for PC 8.31.12.PDF](#)

Pursuant to Section 286.0105 Florida Statutes and Monroe County Resolution 131-1992, if a person decides to appeal any decision of the Planning Commission, he or she shall provide a transcript of the hearing before the Planning Commission, prepared by a certified court reporter at the appellant's expense. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".

BOARD DISCUSSION

-
GROWTH MANAGEMENT COMMENTS

-
RESOLUTIONS FOR SIGNATURE

ADJOURNMENT



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT
We strive to be caring, professional and fair

To: Monroe County Planning Commission
From: Townsley Schwab, Senior Director of Planning & Environmental Resources ^{TS}
Joseph Haberman, AICP, Planning & Development Review Manager
Date: August 22, 2012
Subject: *Administrative Appeal by Tob Trickey, on behalf of Hoover Property Islamorada LLC, concerning property located at 91605 Overseas Highway, Tavernier, Key Largo, having real estate #'s 00506940.000000, 00506890.000000 and 00506860.000000 (File #2012-078)*

Meeting: August 31, 2012

1 **I DECISION BEING APPEALED:**

2
3 The appellant is appealing administrative decisions made by Townsley Schwab, in his
4 capacity as Senior Director of Planning & Environmental Resources, which were set forth in
5 a letter to an agent of the appellant, William Wagner, on April 24, 2012 (Attachment A). Mr.
6 Schwab is hereon referred to as "planning director."
7

8 The precise decision being appealed is the planning director's failure of two building permit
9 applications (building permit files #113-4530 and #113-4533).
10

11 **Location:**

12 Address: 91605 Overseas Highway (US 1), Tavernier, approximate mile marker 92

13 Legal Description: Lots 1-6, less the northwesterly 36 feet of Lots 1, 2 and 3, Tavernier
14 Cove (PB1-103) and Lots 35-43, Singleton's Addition to Tavernier Cove (PB1-135), Key
15 Largo, Monroe County, Florida

16 Real Estate (RE) Numbers: 00506940.000000 (building and parking), 00506890.000000
17 (parking) and 00506860.000000 (vacant)
18

19 Appellant: Tob Trickey, on behalf of Hoover Property Islamorada LLC
20
21
22
23
24
25
26
27
28
29
30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46



Subject Property (2012)

II RELEVANT PRIOR COUNTY ACTIONS:

There is not a building permit on file in the Monroe County Building Department's records for the building's initial construction. The earliest building permit on file is Building Permit #12440, issued on January 17, 1967 for an addition to an existing building identified as "FLA. KEYS ELECT. COOP. OFFICE." Building plans within the file show the building in a manner near its current configuration.

On September 13, 2011, the property owner applied for a building permit for site work associated with a proposed federal government building on private property (building permit application #113-4530). The application was reviewed and consequently failed by several reviewers. The failure by Planning & Environmental Resources Department staff is the subject of this appeal.

Also on September 13, 2011, the property owner applied for a building permit for interior remodeling of an existing building associated with a proposed federal government building on private property (building permit file #113-4533). The application was reviewed and consequently failed by Planning Department staff. The failure by Planning & Environmental Resources Department staff is the subject of this appeal.

1 During review of building permit application #113-4530, Planning Department staff
2 determined that prior to approval of any building permit affecting the appearance of the site,
3 a special certificate of appropriateness by the Historic Preservation Commission (HPC)
4 would be required. On November 9, 2011, an agent of the property owner applied for the
5 required special certificate of appropriateness (Planning Department file #2011-128).
6

7 On December 5, 2011, at a public meeting, the HPC reviewed the special certificate of
8 appropriateness application. Following public comment, the HPC opted to not decide on the
9 application until the Monroe County Growth Management Division determined that the
10 building permit application could be found in compliance with all other regulations and
11 codes beyond those required to be reviewed by the HPC.
12

13 On December 9, 2011, the Planning & Environmental Resources Department issued a letter
14 requesting additional information for staff to review the special certificate of appropriateness
15 application and building permit applications.
16

17 Agent(s) of the appellant responded to the December 9, 2011 request by providing additional
18 information. Following a further review of the initial and additional information, on April
19 24, 2012, the Planning & Environmental Resources Department issued a letter stating that the
20 Department was unable to approve the building permit applications.
21

22 The appellant filed an appeal of the decision on May 24, 2012, within the timeframe
23 provided.
24

25 III BACKGROUND INFORMATION:

- 26
- 27 1. Total Size of Site: Approximately 41,987 SF (0.96 acres)
 - 28 2. Land Use District:
 - 29 Suburban Commercial (SC) – RE #00506940.000000
 - 30 Improved Subdivision (IS) – RE #00506890.000000
 - 31 Improved Subdivision (IS) – RE #00506860.000000
 - 32
 - 33
 - 34 3. Future Land Use Map (FLUM) Designation:
 - 35 Public Facilities (PF) – RE #00506940.000000
 - 36 Residential Medium (RM) – RE #00506890.000000
 - 37 Residential Medium (RM) – RE #00506860.000000
 - 38
 - 39 4. Tier Designation:
 - 40 Tier III– RE #00506940.000000
 - 41 Tier III – RE #00506890.000000
 - 42 Tier III-A – RE #00506860.000000
 - 43
 - 44 5. Existing Vegetation / Habitat: Predominately scarified with areas of hammock on the
45 parcels identified by RE #00506890.000000 and RE #00506860.000000
 - 46 6. Community Character of Immediate Vicinity: Mixed use along the US 1 corridor and
47 single-family residential to the southwest of US 1 on the other side of the subject building
48
49
50

1 IV REVIEW OF APPLICATION:

2
3 *Matter of Appeal:*

4
5 The appellant is appealing administrative decisions made by Townsley Schwab, in his
6 capacity as planning director, which were set forth in a letter to an agent of the appellant,
7 William Wagner, on April 24, 2012 (Attachment A). The precise decision being appealed is
8 the Planning & Environmental Resources Department's conclusion to fail two building
9 permit applications, #113-4530 and #113-4533.

10
11 Note: Due to the nature of the proposed facility housing federal offices, some of the
12 information (i.e. interior layout depictions, building plans) contained within the building
13 permit applications is privileged and confidential. Therefore, it is not available for review by
14 the general public and cannot be described by Planning & Environmental Resources
15 Department staff in this report.

16
17 In the April 24, 2012 letter, following a review by Planning & Environmental Resources
18 Department staff, the Director determined that the County was unable to approve the
19 applications for the following reasons (provided in *italic*):

- 20
21 **1. *The property is located within a Suburban Commercial (SC) land use district.***
22 ***According to Monroe County Code Section 130-43, "the purpose of the SC district is to***
23 ***establish areas for commercial uses designed and intended primarily to serve the needs***
24 ***of the immediate planning area in which they are located." Based on the plans***
25 ***submitted, the proposed facility does not fulfill this purpose, as the proposed facility is***
26 ***not intended primarily to serve the needs of the immediate planning area of Lower Key***
27 ***Largo (Tavernier), designated as Planning Area/Enumeration District #15 in Monroe***
28 ***County Year 2010 Comprehensive Plan Technical Document Chapter 2.2.***

29
30 If the planning director's decision is overturned and the building permit applications are
31 subsequently approved, the proposed occupant of the building would be a federal
32 government agency, the Department of Homeland Security. In a letter from the US
33 General Services Administration (GSA) dated January 23, 2012, GSA staff indicates that
34 the building would be used specifically by the US Customs and Border Protection Marine
35 Division and Immigration and Customs Enforcement Division (Attachment B).

36
37 The planning director has determined that although the proposed facility would serve the
38 needs of the immediate planning area, it is not intended to *primarily* serve the needs of
39 the immediate planning area. Its purpose is much broader, to serve the needs of the
40 nation as a whole.

41
42 Note: The boundaries of Planning Analysis Area/Enumeration District #15 are shown on
43 Figure 2.4 on page 2-74 of the Monroe County Year 2010 Comprehensive Plan Technical
44 Document (Attachment C).

1 **2. Public buildings may be permitted in the SC district. As defined in Monroe County**
2 **Code Section 101-1, “public buildings means office and service buildings, uses or**
3 **facilities owned or operated by a governmental agency, including publicly and privately**
4 **owned utilities, which are compatible with or provide services to the immediate vicinity**
5 **in which the building is located.” Based on the plans submitted, the proposed facility is**
6 **not compatible with the immediate vicinity.**
7

8 Pursuant to Monroe County Code Section 130-93(a)(6), *public buildings and uses* may be
9 permitted as of right in accordance with Monroe County Code Section 110-37. An
10 applicant for development approval for a use permitted as of right shall submit an
11 application for a building permit, together with a certificate of compliance, if required,
12 obtained pursuant to Monroe County Code Section 110-142 and a description of the
13 proposed development, to the building official. If the planning director determines that
14 the proposed development is in compliance with all requirements of the Land
15 Development Code and the Monroe County Comprehensive Plan, and the building
16 official determines that it is in compliance with the Florida Building Code and the
17 applicant for development approval has been awarded a certificate of compliance, the
18 building official shall issue a building permit with or without conditions.
19

20 A public building, as defined, must be owned or operated by a *governmental agency*.
21 Pursuant to Monroe County Code Section 101-1, *governmental agency* means: 1) the
22 United States or any department, commission, agency or other instrumentality thereof; 2)
23 the state or any department, commission, agency or other instrumentality thereof; 3) any
24 local government or any department, commission, agency or other instrumentality
25 thereof; or 4) any school board or other special district, authority or governmental entity.
26

27 Based on the information provided, the building would not be owned by a government
28 agency, but it would be operated by a government agency, the US Department of
29 Homeland Security. Therefore, the initial component of the definition is satisfied.
30 However, in addition to being owned or operated by a government agency, the agency
31 must be “compatible with or provide services to the immediate vicinity in which the
32 building is located.”
33

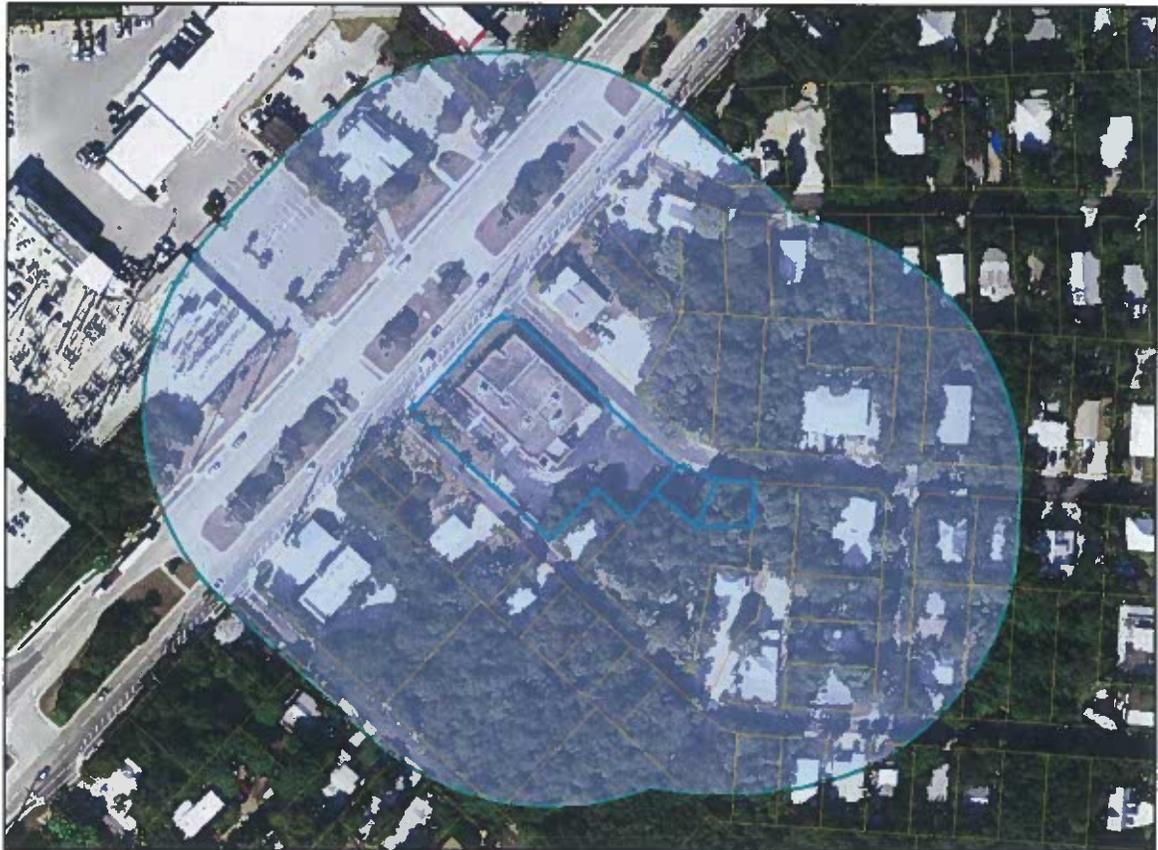
34 The term *compatible* is not defined in the Monroe County Code, Monroe County
35 Comprehensive Plan or Florida Statutes. However, the term *compatibility* is defined in
36 Florida Statutes. As defined in Florida Statutes Section 163.3164, Community Planning
37 Act; definitions (9), “Compatibility” means a condition in which land uses or conditions
38 can coexist in relative proximity to each other in a stable fashion over time such that no
39 use or condition is unduly negatively impacted directly or indirectly by another use or
40 condition.
41

42 The terms *immediate vicinity* and *vicinity* are not defined in the Monroe County Code,
43 Monroe County Comprehensive Plan or Florida Statutes.
44

45 Within the basis of appeal and the letter from the GSA dated January 23, 2012, it is
46 indicated that “a small portion of the building would be used to process individuals that

1 are found within the immediate vicinity and that are under investigation for customs
2 violations.” Note: staff cannot comment on the contents of the building plans in the
3 building permit applications.
4

5 Upon review, the planning director determined that the vicinity is Planning Analysis
6 Area/Enumeration District #15 and the immediate vicinity is 300 feet from the
7 boundaries of the subject property. The 300-foot boundary is the typical standard in the
8 Monroe County Code for surrounding neighbor notification of pending special approvals.
9



300-foot buffer around Subject Property

37
38 Within the 300-foot boundary, there are 20 single-family residences. In addition, there
39 are approximately 10 vacant lots which could be developed with additional single-family
40 residences in the future.

41
42 Further, the Tavernier CommuniKeys Plan describes community character of the area as
43 follows (page 37):

44
45 The words “small town” serves to both paint a picture and suggest the atmosphere
46 of the Tavernier Creek Bridge to Mile Marker 97 planning area. This planning
47 area is not extremely diverse, but has many interesting neighborhoods with their
48 own individual identities. From the historic “conch-style” construction, to the
49 mixed use neighborhoods and large commercial center in the traditional town of

1 Tavernier, to the hammock in the northern end of the planning area, a defining
2 characteristic are the green spaces which separate uses and provides privacy to the
3 neighborhoods.
4

5 Goals in the Tavernier CommuniKeys Plan that relate to community character include:
6

7 Goal 2 “Preserve and protect the qualities of neighborhoods between Tavernier
8 Creek Bridge and Mile Marker 97 – its small town unique character, lush natural
9 environment and water orientation.”

10
11 Goal 3 “Define, Maintain and enhance the community character from [mile
12 marker] 91 – [mile marker] 93.5.”

13
14 Goal 4 “Protect and enhance historic, cultural, and archeological resources within
15 Tavernier to maintain the integrity of the community’s unique character.”
16

17 Based on such information, the planning director has determined that any facility which
18 involves the detention of individuals would not be compatible with the immediate single
19 family area. Therefore, the use of the facility, based on the plans examined by the
20 planning director, is not compatible with the immediate vicinity/planning area.
21

22 As a note, in the basis of appeal, the appellant indicates that the building serves the
23 immediate vicinity, but does not define immediate vicinity. It is assumed by staff that the
24 building would be used to process individuals from a much larger geographical area than
25 what the planning director interprets immediate vicinity to encompass (300 feet).
26

27 Regarding whether or not the proposed facility would provide services to the immediate
28 vicinity, the planning director has determined that the proposed facility is not intended to
29 primarily serve the needs of the immediate vicinity. Its purpose is much broader, to serve
30 the needs of the nation as a whole.
31

32 *Interpretations of the Monroe County Code's Land Development Code and Monroe County*
33 *Comprehensive Plan:*
34

35 As set forth in Monroe County Code Section 101-2(1) b., in the interpretation and application
36 of any provision of [the Land Development Code], it shall be held to be the minimum
37 requirement adopted for the promotion of the public health, safety, comfort, convenience and
38 general welfare. Where any provision of [the Land Development Code], imposes greater
39 restrictions upon the subject matter than a general provision imposed by this [Monroe County
40 Code], or another provision of [the Land Development Code], the provision imposing the
41 greater restriction or regulation shall be deemed to be controlling.
42

43 As set forth in Monroe County Code Section 102-21(b)(2) h., the planning director has the
44 authority and duty to render interpretations of the Monroe County Comprehensive Plan and
45 the Monroe County Land Development Code.
46

1 Therefore, it is the authority and duty of the planning director to render such interpretations
2 on these matters. Townsley Schwab, Senior Director of Planning & Environmental
3 Resources, currently serves in this capacity.
4

5 *Future Land Use Map (FLUM) Designation and Related Policies:*
6

7 Upon a further review following the submittal of the appeal, Planning & Environmental
8 Resources Department staff determined that the proposed use would be inconsistent with the
9 purpose of the Public Facilities (PF) FLUM category. This serves as additional reason to fail
10 the building permit applications.
11

12 Note: The building is located entirely on the parcel assessed as RE #00506940.000000,
13 which is PF. The other parcels, assessed as RE #00506890.000000 and RE
14 #00506860.000000 are Residential Medium (RM).
15

16 The earliest building permit on file for the property indicates that the building has been used
17 by a public utility, Florida Keys Electric Cooperative (FKEC) since as early as 1967. There
18 is no information on file indicating any other occupant of the building. FKEC relocated
19 across US 1 to a new facility in 2009. The building has been vacant since FKEC's departure.
20 The current property owner purchased the property circa 2011.
21

22 In 1992, a revised series of zoning maps was approved (also known as the official land use
23 district maps or the Craig Maps) for all areas of the unincorporated county (depicting
24 boundary determinations carried out between 1986 and 1988). These maps remain the
25 official zoning maps of Monroe County.
26



27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
Land Use District Map (GIS 2012)

1 In 1993, the County adopted a set of Future Land Use Maps pursuant to a joint stipulated
2 settlement agreement and Sec. 163.3184 Florida Statutes. Ordinance #016-1993
3 memorialized the approval.
4



Future Land Use Map (GIS 2012)

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27 In 1993, the facility on the property was owned and operated by a public utility. As a result,
28 the County applied the PF designation.

29
30 Monroe County Comprehensive Plan Policy 101.4.13:

31
32 The principal purpose of the Public Facilities land use category is to provide for land
33 owned by public utilities and service providers.
34

35 The current owner is not a public utility or service provider. In addition, the proposed
36 occupant is not a public utility or service provider. Therefore, the proposed use is
37 inconsistent with Policy 101.4.13.
38

39 Note: In accordance with Monroe County Section 130-127, any use identified in the Monroe
40 County Year 2010 Comprehensive Plan as PF and further identified on the FLUM with a
41 designation of "PF" may be overlaid on any new or existing land use district. The use within
42 the overlay district shall be subject to all land development regulations of the underlying
43 district with the exception of those regulations controlling density and intensity.
44

45 In order to have a use other than a public utility or service provider, the FLUM must be
46 amended to be another designation. Such a designation would need to be consistent with the
47 Monroe County Comprehensive Plan and Tavernier Livable CommuniKeys Plan.

1
2 *Tavernier historic district overlay:*
3

4 The property is within the Tavernier historic district overlay. As set forth in Monroe County
5 Code Section 130-129, the purpose of the Tavernier historic district overlay is to implement
6 the policies of the Monroe County Comprehensive Plan and Tavernier Livable
7 CommuniKeys Plan to protect the historic resources of the community and to encourage
8 development that is sensitive and compatible with the historic character of the Tavernier
9 historic district as identified through the Tavernier Livable CommuniKeys Plan.

10
11 Within the overlay district, the HPC shall review new development, remodeling or
12 redevelopment of uses permitted as of right and uses requiring a minor or major conditional
13 use permit, based on the Tavernier Historic District Preservation Guidelines.

14
15 In the event that this decision is overturned, a special certificate of appropriate shall be
16 required by the HPC.

17
18 V RECOMMENDATION:
19

20 In conclusion, the Director of Planning & Environmental Resources' decision to deny the
21 building permits was based on several findings of fact, as provided in this staff report. Based
22 on a review of all of the available information, staff requests that the Planning Commission
23 uphold the decision of the Senior Director of Planning & Environmental Resources.
24

Attachments:

**Item #1 Hoover Property (Border Patrol)
Attachment A**

**County of Monroe
Growth Management Division**

**Planning & Environmental Resources
Department**

2798 Overseas Highway, Suite 410
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

Mayor David Rice, Dist. 4
Mayor Pro Tem Kim Wigington, Dist. 1
Heather Carruthers, Dist. 3
George Neugent, Dist. 2
Sylvia J. Murphy, Dist. 5

April 24, 2012

Trimar Construction, Inc.
William Wagner
1720 Cass Street
Tampa, FL 33606

RE: Building Permit Applications #113-4530 and #113-4533 – Real Estate No. 00506940.000000

The Planning & Environmental Resources Department is in receipt of the above referenced building permit applications for site improvements and building renovations at 91605 Overseas Highway, Tavernier, Florida (Real Estate No. 00506940.000000).

Please be advised that, after careful review, the Planning Department is unable to approve the building permits. The proposed use for the site has been determined to be incompatible with the community character of the immediate vicinity of the parcel as required by Monroe County Code Section 101-1, as demonstrated below.

1. The property is located within a Suburban Commercial (SC) district. According to Monroe County Code Section 130-43, "the purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located." Based on the plans submitted, the proposed facility does not fulfill this purpose, as the proposed facility is not intended primarily to serve the needs of the immediate planning area of Lower Key Largo (Tavernier), designated as Planning Area/Enumeration District #15 in Monroe County Year 2010 Comprehensive Plan Technical Document Chapter 2.2.
2. Public buildings may be permitted in the SC district. As defined in Monroe County Code Section 101-1, "*public buildings* means office and service buildings, uses or facilities owned or operated by a governmental agency, including publicly and privately owned utilities, which are compatible with or provide services to the immediate vicinity in which the building is located." Based on the plans submitted, the proposed facility is not compatible with the immediate vicinity.

The Planning & Environmental Resources Department has failed the assigned building permit applications #113-4530 and #113-4533.

You may appeal the decisions made in this letter. The appeal must be filed with the County Administrator, 1100 Simonton Street, Gato Building, Key West, FL 33040, within thirty (30) calendar days from the date of this letter. In addition, please submit a copy of your application to Planning

Commission Coordinator, Monroe County Planning & Environmental Resources Department, 2798 Overseas Highway, Suite 410, Marathon, FL 33050. Failure to file such appeal shall constitute a waiver of any rights under the Monroe County Code's Land Development Code to appeal any interpretation or determination made by an administrative official.

As set forth in Monroe County Code Section 102-185, the Planning Commission shall have the authority to hear and decide appeals from any decision, determination or interpretation by any administrative official with respect to the provisions of the Land Development Code and the standards and procedures hereinafter set forth, except that the Board of County Commissioners shall hear and decide appeals from administrative actions regarding the floodplain management provisions of this chapter. In this circumstance, the Planning Commission would hear and decide upon an appeal.

An appeal may be initiated by an owner, applicant, adjacent property owner, any aggrieved or adversely affected person, as defined by F.S. § 163.3215(2), or any resident or real property owner from any order, decision, determination or interpretation by any administrative official with respect to the provisions of the Land Development Code.

The filing of a notice of appeal shall stay all permit activity and any proceedings in furtherance of the action appealed from unless the administrative official rendering such decision, determination or interpretation certifies in writing to the commission and the applicant that a stay poses an imminent peril to life or property, in which case the appeal shall not stay further permit activity and any proceedings. The Planning Commission shall review such certification and grant or deny a stay of the proceedings.

The Planning Commission shall consider the appeal at a duly called public hearing following receipt of all records concerning the subject matter of the appeal. Any person entitled to initiate an appeal may have an opportunity to address the commission at that meeting; and argument shall be restricted to the record below except that a party appealing an administrative decision, determination or interpretation shall be entitled to present evidence and create a record before the commission; any appeals before the hearing officer shall be based upon and restricted to the record.

If you have any questions regarding the contents of this letter or how to obtain a copy of the appeal application, please feel free to contact our Marathon office at (305)289-2500.

Sincerely,



Townsley Schwab,
Senior Director Planning & Environmental Resources

cc: Tob S. Trickey, Hoover Property Management, LLC, 13775 N. Nebraska Ave., Tampa, FL 33613
Christine Hurley, Growth Management Division Director
Suzanne Hutton, County Attorney
Robert Shillinger, Chief Assistant County Attorney
Susan Grimsley, Assistant County Attorney
Jerry Smith, Building Official
Joseph Haberman, Planning & Development Review Manager
Permit Files - Applications #113-4530 and #113-4533

**Item #1 Hoover Property (Border Patrol)
Attachment B**



**Southeast Sunbelt Region
Real Estate Acquisition Division
7771 West Oakland Park Blvd., Suite 119
Sunrise, Florida 33351-6737
Phone: (854) 358-7698 Fax: (854) 358-7676**

U.S. General Services Administration

January 23, 2012

Joseph Haberman, AICP, Planning & Development Review Manager
County of Monroe
Growth Management Division
2798 Overseas Highway
Suite 410
Marathon, FL 33050

**RE: Historic Preservation Commission Special Certificate of
Appropriateness Application File #2011-128 and Building Permit
Applications, Files #113-4530 and #113-4533**

Dear Mr. Haberman:

I have received a copy of your letter dated December 9th 2011 and am writing to provide additional information for the pending Certificate of Appropriateness application and the Building Permits applications for 91805 Overseas Highway, Tavernier, Florida. I understand that concerns have been raised regarding the proposed use and hope to answer those questions and fully address any legitimate concerns. This facility is necessary for the Department of Homeland Security to provide protection and security to the residents of Tavernier and Monroe County and will operate in a way that is not in conflict with or interfere with neighboring properties.

The existing building will be used to house offices for the US Customs and Border Protection Marine Division and the offices of the Immigration and Customs Enforcement Division to serve Tavernier and the upper and middle Florida Keys. Immigration and Customs Enforcement is the primary investigative arm of the United States Department of Homeland Security and requires offices like the one proposed to provide office support and investigative services for border security. Facilities such as those proposed here exist throughout the United States without the observation by or compromised security of the community. Similar facilities have existed in the Florida Keys and in Monroe County for decades.

The proposed facility will serve agency professionals involved in administrative and investigative tasks. The office will operate with customary business hours and will not routinely require after-hours occupation of the building. As described below, most of the uses within the building provide general office support for agency personnel. A small portion of the building is set aside to process individuals that are found within the



immediate vicinity and that are under investigation for customs violations. These individuals are processed at this location for transportation to other US Customs facilities outside of Monroe County. No individuals are housed at the facility or kept overnight.

The building will be occupied by the following uses: The majority of the building, approximately 6,830 square feet (sf), will be made up of offices, conference rooms, break rooms, fitness facilities, lockers and bathrooms for agency employees. 1,249 sf. of the building will be used for storage including file storage and FEMA storage facilities. 1,318 sf. is made up of hallways, janitor rooms and an electrical closet. 761 sf. of the building will provide a processing room and two interview rooms. 234 sf. will provide two holding cells for individuals detained in the surrounding area while transportation to other U.S. Customs facilities outside of the area is arranged. Such transportation is provided on an as-needed basis.

You have also asked that we provide a copy of the floor plans for the building. We will provide a copy of the plans but, as with all government buildings, law enforcement agencies and financial institutions, protective measures are necessary to avoid compromising the security of the building and the individuals who work within it. In this case, all building plans remain the property of the United States Government. Federal Law prohibits the copying, dissemination or distribution of the drawings, plans and specifications to unauthorized users. Further, all such materials must be properly destroyed and disposed of by a contractor to the GSA Contracting Office to avoid mishandling of sensitive information.

I hope that you find this information helpful in your review of the applications. We appreciate your cooperation and assistance in protecting our nation's security and look forward to continuing to work with Monroe County. Please contact me with any further questions or comments.

Kind Regards,



James Thompson
Section Chief
Real Estate Division
General Services Administration

**Item #1 Hoover Property (Border Patrol)
Attachment C**

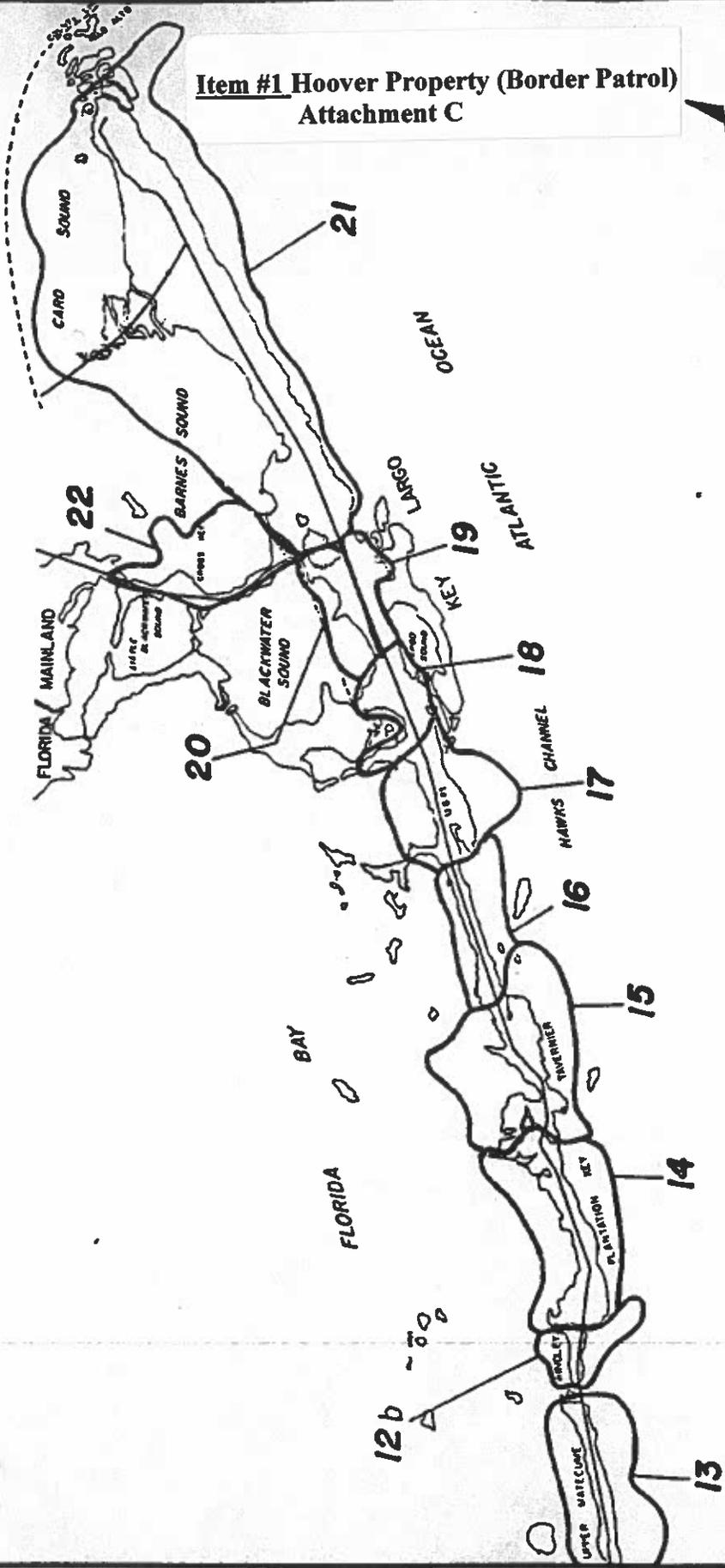


Figure 2.4

Planning Analysis Area/Enumeration Districts
12 (part) - 22

MONROE COUNTY
GROWTH MANAGEMENT DIVISION

File #: **2012-078**

Owner's Name: Hoover Property Islamorada, LLC

Applicant: Tob S. Trickey, Hoover Property Mgmt
aka Border Patrol

Agent: Franklin D. Greenman, Esq.

Type of Application: Appeal - PC

Key: Key Largo

RE: 00506940-000000

Additional Information added to File 2012-078



[Home](#)
 [Contact Us](#)
 [E-Filing Services](#)
 [Document Searches](#)
 [Forms](#)
 [Help](#)

[Previous on List](#)
 [Next on List](#)
 [Return To List](#)

No Events
 No Name History

Entity Name Search

Detail by Entity Name

Florida Limited Liability Company

HOOVER PROPERTY ISLAMORADA, LLC

Filing Information

Document Number L10000110719
FE/EIN Number 273865056
Date Filed 10/22/2010
State FL
Status ACTIVE
Effective Date 10/22/2010

Principal Address

13775 NORTH NEBRASKA AVENUE
TAMPA FL 33613

Mailing Address

13775 NORTH NEBRASKA AVENUE
TAMPA FL 33613

Registered Agent Name & Address

HOOVER, VINCENT A
1806 BELLA LARGO LANE
TAMPA FL 33618 US

Manager/Member Detail

Name & Address

Title MGRM

HOOVER, VINCENT A
13775 NORTH NEBRASKA AVENUE
TAMPA FL 33613

Title MGR

TRICKEY, TOB S
13775 NORTH NEBRASKA AVENUE
TAMPA FL 33613

Annual Reports

Report Year Filed Date

2011 02/25/2011
2012 01/16/2012

Document Images

[01/16/2012 -- ANNUAL REPORT](#) [View image in PDF format]

[02/25/2011 -- ANNUAL REPORT](#) [View image in PDF format]

[10/22/2010 -- Florida Limited Liability](#) [View image in PDF format]

Note: This is not official record. See documents if question or conflict.

[Previous on List](#)

[Next on List](#)

[Return To List](#)

Entity Name Search

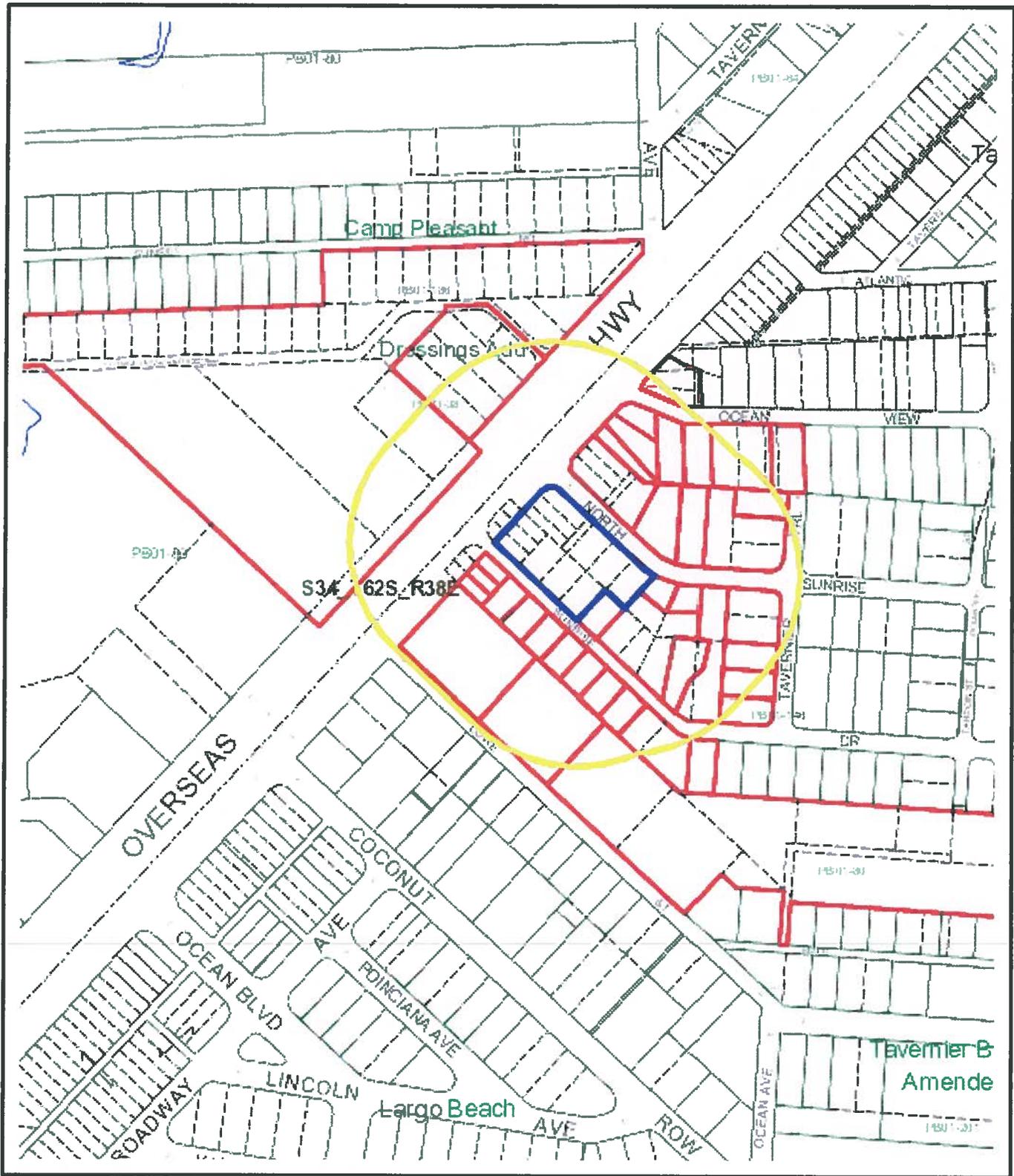
No Events

No Name History

[Submit]

| [Home](#) | [Contact us](#) | [Document Searches](#) | [E-Filing Services](#) | [Forms](#) | [Help](#) |

Copyright © and Privacy Policies
State of Florida, Department of State



Monroe County, Florida

by GC

MCPA GIS Public Portal

Printed: May 24, 2012



DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.



"AGLER RICHARD D AND MINDY S INT
VIVOS REV 12/17/09"
"6810 PORTSIDE DR" ""
"BOCA RATON", "FL" "33496"

"ALLEN ALICE CARROLL "
"133 SUNRISE DR" ""
"TAVERNIER", "FL" "33070-2527"

"BLOM JUNE "
"6925 SNAKE RD" ""
"OAKLAND", "CA" "94611"

"CUMMINGS KELLY ANNE"
"153 TAVERNIER TRL" ""
"TAVERNIER", "FL" "33070-2544"

"FLORIDA KEYS SAILFISH LTD "
"159 TAVERNIER TR" ""
"TAVERNIER", "FL" "33070"

"KROLL DENNIS J"
"141 N SUNRISE DR" ""
"TAVERNIER", "FL" "33070-2523"

"MAHONEY INVESTMENTS LC "
"75 N BOUNTY LANE" ""
"KEY LARGO", "FL" "33037"

"MULICK NICHOLAS W PA "
"91645 OVERSEAS HWY" ""
"TAVERNIER", "FL" "33070"

"STUNCARD JEFFREY DOUGLAS"
"106 HOLIDAY BLVD" ""
"KEY LARGO", "FL" "33037-4410"

"ALBURY SHIRLEY FAYE"
"PO BOX 232" ""
"TAVERNIER", "FL" "33070-0232"

"ALLEN ALICE CARROLL"
"133 SUNRISE DR" ""
"TAVERNIER", "FL" "33070"

"BOERNER DOUGLAS "
"PO BOX 233" ""
"TAVERNIER", "FL" "33070-0233"

"FLORIDA KEYS AQUEDUCT AUTHORITY
"
"1100 KENNEDY DR" ""
"KEY WEST", "FL" "33040-4021"

"HARTMANN WESLEY G "
"1383 SAMANTHA WAY" ""
"N HUNTINGTON", "PA" "15642"

"LOHMAYER GEORGE STEPHEN & "
"140 SUNRISE DRIVE" ""
"TAVERNIER", "FL" "33070"

"MCCLATCHY PROPERTY INC "
"P O BOX 1197" ""
"TAVERNIER", "FL" "33070"

"SBARRO FRANK E"
"122 OCEAN VIEW DR" ""
"TAVERNIER", "FL" "33070"

"TURICK MARY L"
"PO BOX 842" ""
"TAVERNIER", "FL" "33070-0842"

"ALFONSO CAROLINE"
"150 N SUNRISE DR" ""
"TAVERNIER", "FL" "33070-2524"

"BALLAST TRAIL LLC "
"50 S POINTE DR" "APT 2502"
"MIAMI BEACH", "FL" "33139-4789"

"CARPENTER STREET LLC "
"75 NORTH BOUNTY LN" ""
"KEY LARGO", "FL" "33037"

"FLORIDA KEYS ELECTRIC COOPERATIVE
ASSOCIATION INC "
"PO BOX 700377" ""
"TAVERNIER", "FL" "33070-0377"

"HOOVER PROPERTY ISLAMORADA LLC
"
"13775 N NEBRASKA AVE" ""
"TAMPA", "FL" "33613-3320"

"LOHMAYER GEORGE STEPHEN"
"140 SUNRISE DR" ""
"TAVERNIER", "FL" "33070"

"MONROE DISTRICT SCHOOL BOARD "
"242 WHITE ST" ""
"KEY WEST", "FL" "33040"

"STAFFIN EDWARD S AND IRENE T"
"231 TAVERNIER DR" ""
"TAVERNIER", "FL" "33070"

"WAGNER WILLIAM III AND CYNTHIA L"
"137 N SUNRISE DR" ""
"TAVERNIER", "FL" "33070-2523"

County of Monroe
Growth Management Division

Planning & Environmental Resources
Department

2798 Overseas Highway, Suite 410
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

Mayor David Rice, Dist. 4
Mayor Pro Kim Wigington Tem Dist. 1
Heather Carruthers, Dist. 3
George Neugent, Dist. 2
Sylvia J. Murphy, Dist. 5

We strive to be caring, professional and fair

Date: 5.24.12
Time: _____

Dear Applicant:

This is to acknowledge submittal of your application for Appeal - PE
Type of application
Hoover Property
Islamorada LLC to the Monroe County Planning Department.
Project / Name

Thank you.

Sail Creech

Planning Staff

End of Additional File 2012-078

Greenman & Manz
A Partnership of Professional Associations
Attorneys At Law

Franklin D. Greenman, P.A.
David L. Manz, P.A.*
Michelle Klinger

*Board Certified in Marital & Family Law
Fellow of the American Academy of
Matrimonial Lawyers

Gulfside Village, Suite 40
5800 Overseas Highway
Marathon, FL 33050
(305) 743-2351
(305) 743-6523 Fax
FDGreenman@Bellsouth.net

May 24, 2012

Monroe County
Planning & Environmental Resources Department
2798 Overseas Highway
Suite 400
Marathon FL 33050



RE: Administrative Appeal RE# 005006940-000000

Planning Department:

Attached please find:

1. Complete Administrative Appeal Application.
2. A check payable to Monroe County Planning in the amount of \$1,745.00.
3. Proof of ownership.
4. Decision being appealed, Schwab letter of April 24, 2012.
5. Current Property Record Card
6. Notice of Appeal and Memorandum in Support Thereof with Exhibits.
(Decision being appealed Exhibit 3)
7. Aerial and street view photographs.

Respectfully,


Franklin D. Greenman

FDG/ms
enclosure: application and check

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Administrative Appeal to the Monroe County Planning Commission

Monroe County Code § 102-185

Appeals of administrative actions must be filed with the County Administrator and with the Planning & Environmental Resources Department within thirty (30) days of the date of the decision

Administrative Appeal Application Fee: \$1,500.00

In addition to the application fee, the following fees also apply:

Advertising Costs: \$245.00

Surrounding Property Owner Notification: \$3.00 for each property owner required to be noticed

Date of Submittal: / /
Month Day Year

Decision being appealed: Denial of Permit Application

Date of decision being appealed: 04 / 24 / 12
Month Day Year

Appellant:

Tob S. Trickey, Hoover Property Mgmt
Name

13775 Nebraska Ave. Tampa FL 33613
Mailing Address (Street, City, State, Zip Code)

813-963-5555
Daytime Phone

tob_trickey@hotmail.com
Email Address

Property Owner:

Hoover Property Islamorada, LLC
Name

13775 Nebraska Ave. Tampa FL 33613
Mailing Address (Street, City, State, Zip Code)

813-963-5555
Daytime Phone

Agent (if applicable):

Franklin D. Greenman, Esq.
Name

5800 Overseas Hwy Marathon FL
Mailing Address (Street, City, State, Zip Code)

305-743-2351
Daytime Phone

fdgreenman@gmpalaw.com
Email Address

APPLICATION

If new evidence, or the basis for appeal, is submitted at the Planning Commission hearing, Staff shall request that the hearing be continued to the next Planning Commission meeting nearest to the property (approximately six weeks) so that Staff has the opportunity to prepare a response to the new evidence.

If the applicant does not submit the basis for the appeal with the application, Staff will recommend denial of the appeal.

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant:

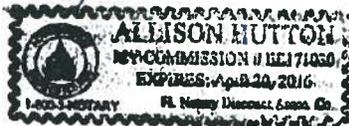
[Handwritten Signature]

Date:

5/22/2012

Sworn before me this

22nd day of *May* *2012*



Allison Hutton
Notary Public
My Commission Expires

Please send the complete application package to:

Planning Commissioner Coordinator
Monroe County Planning & Environmental Resources Department
2798 Overseas Highway, Suite 400, Marathon, FL 33050

-AND-

Monroe County Administrator
The Gato Building
1100 Simonton Street, Key West, FL 33040

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, NOTICE IS GIVEN THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING OR MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE THAT PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. SUCH RECORD TO BE AT THE COST OF THE APPELLANT. ALSO, MONROE COUNTY RESOLUTION #131-1992 REQUIRES THAT "IF A PERSON DECIDES TO APPEAL ANY DECISION OF THE PLANNING COMMISSION, HE SHALL PROVIDE A TRANSCRIPT OF THE HEARING BEFORE THE PLANNING COMMISSION, PREPARED BY A COURT REPORTER AT THE APPLICANT'S EXPENSE, WHICH TRANSCRIPT SHALL BE FILED AS PART OF THE RECORD ON APPEAL WITHIN THE TIME PROVIDED IN SECTION 9.5-521(f), MONROE COUNTY CODE.

Please Note: A transcript made from recordings or other secondary means does not provide a sufficiently accurate record of all the speakers. Therefore, such "secondary" transcripts may not be accepted as a valid verbatim transcript.

THIS INSTRUMENT PREPARED BY:
John H. Haswell, Esquire
CHANDLER, LANG, HASWELL & COLF, PA
Post Office Box 23879
Gainesville, Florida 32602

Doc# 1836849 05/20/2011 3:41PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

05/20/2011 3:41PM
DEED DOC STAMP CL: DIONNE \$10,150.00

Property Appraisers Parcel Identification (Folio) Numbers:
00506940-000000, 00506890-000000 and 00506860-000000

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the 12th day of May, 2011 by Florida Keys Electric Cooperative Association, Inc., a Florida corporation, whose mailing address is Post Office Box 377, Tavernier, Florida 33070-0377; herein called the Grantor, to Hoover Property Islamorada, LLC, a Florida limited liability company, whose post office address is 13775 North Nebraska Ave, Tampa, FL 33613, hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in Monroe County, State of Florida, to wit:

Lots 1, 2, 3, 4, 5, 6, less the Northwesterly 36 feet of Lots 1, 2 and 3, TAVERNIER COVE, according to the Plat thereof, as recorded in Plat Book 1 at Page 103 of the Public Records of Monroe County, Florida.

TOGETHER WITH:

Lots 37, 38, 39, 40, 41, 42, and 43, SINGLETON'S ADDITION TO TAVERNIER COVE, according to the Plat thereof, as recorded in Plat Book 1 at Page 135 of the Public Records of Monroe County, Florida.

TOGETHER WITH:

Lot 35, SINGLETON'S ADDITION TO TAVERNIER COVE, according to the Plat thereof, as recorded in Plat Book 1 at Page 135 of the Public Records of Monroe County, Florida, LESS a portion of said Lot 35, and being more particularly described as follows:

Commencing at the Northeast corner of said Lot 35, run South on the East boundary of said Lot 35, a distance of 50 feet to the Point of Beginning of the portion hereinafter described; thence continue South on the East line of Lot 35 for a distance of 50 feet to the Southeast corner of said Lot 35; thence West on the South boundary line of said Lot 35, a distance of 76.9 feet to the Southwest corner of said Lot 35; thence Northeasterly on the dividing line between Lots 35 and 36 a distance of 48.3 feet; thence East with an interior angle with the last described course of 114 degrees 42 minutes, a distance of 60.4 feet to the Point of Beginning.

TOGETHER WITH:

Lot 36, SINGLETON'S ADDITION TO TAVERNIER COVE, according to the Plat thereof, as recorded in Plat Book 1 at Page 135 of the Public Records of Monroe County, Florida, LESS a portion thereof, being more particularly described as follows: Beginning at the Southwest (most Westerly) corner of said Lot 36; thence run Northeasterly on the Northwesterly boundary of said Lot 36, a distance of 41.5 feet; thence Southeasterly with an interior angle with the last described course of 94 degrees 06 minutes a distance of 60.4 feet to the dividing line between Lots 35 and 36, according to said SINGLETON'S ADDITION TO TAVERNIER COVE, thence Southwesterly on the said dividing line, a distance of 48.3 feet to the Southeast (most Southerly) corner of said Lot 36; thence Northwesterly on the Southwesterly boundary line of said Lot 36, a distance of 75.7 feet to the Point of Beginning.

SUBJECT TO: Taxes for 2011 and subsequent years, easements and restrictions of record, and all applicable zoning ordinances, statutes, and other governmental rules and regulations affecting the use of the subject property.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except as stated herein.

Doc# 1836849
Bk# 2518 Pg# 1765

SPACE ABOVE THIS LINE FOR RECORDING DATA

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Florida Keys Electric Cooperative
Association, Inc.

By: _____

Gregory Scott Newberry,
Chief Executive Officer and General Manager
91630 Overseas Hwy, Tavernier, FL 33070

Witness #1 Signature

LISA L. H. _____
Witness #1 Printed Name

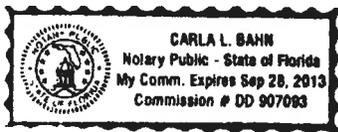
Witness #2 Signature
Carla L. Bahn

Witness #2 Printed Name

STATE OF FLORIDA
COUNTY OF Monroe

The foregoing instrument was acknowledged before me this 12th day of May, 2011 by Gregory Scott Newberry, Chief Executive Officer and General Manager of Florida Keys Electric Cooperative Association, Inc. on behalf of the corporation. He is personally known to me and who did not take an oath.

SEAL



Notary Signature

Carla L. Bahn

Printed Notary Signature

MONROE COUNTY
OFFICIAL RECORDS

County of Monroe Growth Management Division

**Planning & Environmental Resources
Department**

2798 Overseas Highway, Suite 410
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

Mayor David Rice, Dist. 4
Mayor Pro Tem Kim Wigington, Dist. 1
Heather Carruthers, Dist. 3
George Neugent, Dist. 2
Sylvia J. Murphy, Dist. 5

April 24, 2012

Trimar Construction, Inc.
William Wagner
1720 Cass Street
Tampa, FL 33606

RE: Building Permit Applications #113-4530 and #113-4533 – Real Estate No. 00506940.000000

The Planning & Environmental Resources Department is in receipt of the above referenced building permit applications for site improvements and building renovations at 91605 Overseas Highway, Tavernier, Florida (Real Estate No. 00506940.000000).

Please be advised that, after careful review, the Planning Department is unable to approve the building permits. The proposed use for the site has been determined to be incompatible with the community character of the immediate vicinity of the parcel as required by Monroe County Code Section 101-1, as demonstrated below.

1. The property is located within a Suburban Commercial (SC) district. According to Monroe County Code Section 130-43, "the purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located." Based on the plans submitted, the proposed facility does not fulfill this purpose, as the proposed facility is not intended primarily to serve the needs of the immediate planning area of Lower Key Largo (Tavernier), designated as Planning Area/Enumeration District #15 in Monroe County Year 2010 Comprehensive Plan Technical Document Chapter 2.2.
2. Public buildings may be permitted in the SC district. As defined in Monroe County Code Section 101-1, "*public buildings* means office and service buildings, uses or facilities owned or operated by a governmental agency, including publicly and privately owned utilities, which are compatible with or provide services to the immediate vicinity in which the building is located." Based on the plans submitted, the proposed facility is not compatible with the immediate vicinity.

The Planning & Environmental Resources Department has failed the assigned building permit applications #113-4530 and #113-4533.

You may appeal the decisions made in this letter. The appeal must be filed with the County Administrator, 1100 Simonton Street, Gato Building, Key West, FL 33040, within thirty (30) calendar days from the date of this letter. In addition, please submit a copy of your application to Planning

Commission Coordinator, Monroe County Planning & Environmental Resources Department, 2798 Overseas Highway, Suite 410, Marathon, FL 33050. Failure to file such appeal shall constitute a waiver of any rights under the Monroe County Code's Land Development Code to appeal any interpretation or determination made by an administrative official.

As set forth in Monroe County Code Section 102-185, the Planning Commission shall have the authority to hear and decide appeals from any decision, determination or interpretation by any administrative official with respect to the provisions of the Land Development Code and the standards and procedures hereinafter set forth, except that the Board of County Commissioners shall hear and decide appeals from administrative actions regarding the floodplain management provisions of this chapter. In this circumstance, the Planning Commission would hear and decide upon an appeal.

An appeal may be initiated by an owner, applicant, adjacent property owner, any aggrieved or adversely affected person, as defined by F.S. § 163.3215(2), or any resident or real property owner from any order, decision, determination or interpretation by any administrative official with respect to the provisions of the Land Development Code.

The filing of a notice of appeal shall stay all permit activity and any proceedings in furtherance of the action appealed from unless the administrative official rendering such decision, determination or interpretation certifies in writing to the commission and the applicant that a stay poses an imminent peril to life or property, in which case the appeal shall not stay further permit activity and any proceedings. The Planning Commission shall review such certification and grant or deny a stay of the proceedings.

The Planning Commission shall consider the appeal at a duly called public hearing following receipt of all records concerning the subject matter of the appeal. Any person entitled to initiate an appeal may have an opportunity to address the commission at that meeting; and argument shall be restricted to the record below except that a party appealing an administrative decision, determination or interpretation shall be entitled to present evidence and create a record before the commission; any appeals before the hearing officer shall be based upon and restricted to the record.

If you have any questions regarding the contents of this letter or how to obtain a copy of the appeal application, please feel free to contact our Marathon office at (305)289-2500.

Sincerely,



Townsley Schwab,
Senior Director Planning & Environmental Resources

cc: Tob S. Trickey, Hoover Property Management, LLC, 13775 N. Nebraska Ave., Tampa, FL 33613
Christine Hurley, Growth Management Division Director
Suzanne Hutton, County Attorney
Robert Shillinger, Chief Assistant County Attorney
Susan Grimsley, Assistant County Attorney
Jerry Smith, Building Official
Joseph Haberman, Planning & Development Review Manager ✓
Permit Files - Applications #113-4530 and #113-4533

Karl D. Borglum
Property Appraiser
Monroe County, Florida

Key West (305) 292-3420
Marathon (305) 289-2550
Plantation Key (305) 852-7130

Property Record View

Alternate Key: 1624799 Parcel ID: 00506940-000000

Website tested on
Internet Explorer.
Requires Adobe Flash
10.3 or higher

Ownership Details

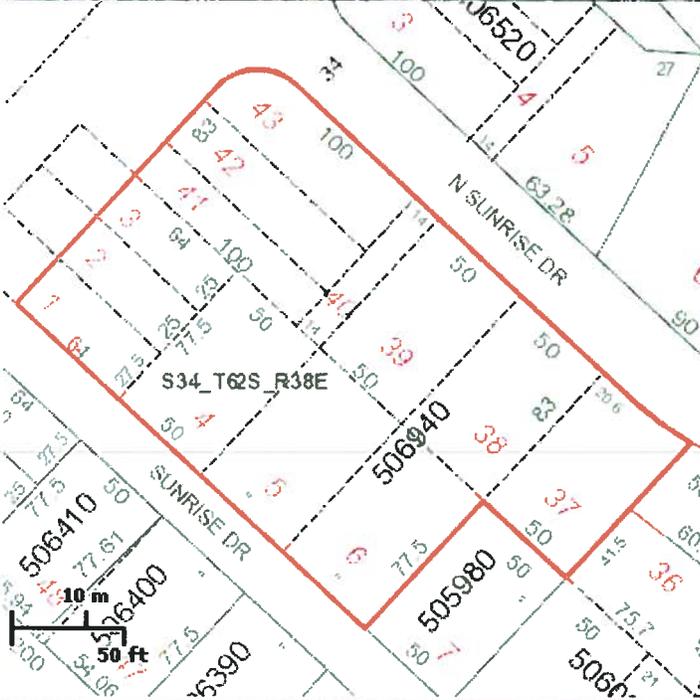
Mailing Address:

HOOVER PROPERTY ISLAMORADA LLC
13775 N NEBRASKA AVE
TAMPA, FL 33613-3320

Property Details

PC Code: 17 - OFFICE BUILDINGS 1 STORY
Millage Group: 500P
Affordable Housing: No
Section-Township-Range: 34-62-38
Property Location: 91605 OVERSEAS HWY KEY LARGO
Subdivision: SINGLETON ADD TO TAVERNIER COVE
Legal Description: SINGLETONS ADD TAVERNIER COVE-KEY LARGO-PB1-135 LTS 1-6 AND 37-43 G51-304/05 OR74-350/351 OR165-306/307 OR204-110/111 OR215-164/65 OR2518-1765/66

Parcel Map (Click to open dynamic parcel map)



Land Details

Land Use Code	Frontage	Depth	Land Area
100H - COMMERCIAL HIGHWAY	83	100	8,300.00 SF
1M0H - COMMERCIAL HIGHWAY			30,900.00 SF

Building Summary

Number of Buildings: 1

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	14158	ELEC/TELEPHONE ETC C	100	Y	Y
	14160	CAN	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
4886	C.B.S.	100

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	AP2:ASPHALT PAVING	17,141 SF	0	0	1985	1986	2	25
2	FN2:FENCES	1,612 SF	0	0	1985	1986	4	30

Appraiser Notes

FLORIDA KEYS ELECTRIC COOP-MAIN OFFICE (1/95).

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2011	1,150,347	19,839	192,875	1,048,586	1,048,586	0	1,048,586
2010	1,163,569	19,839	266,425	1,205,106	1,205,106	0	1,205,106
2009	1,190,014	19,839	306,200	1,329,578	1,329,578	0	1,329,578
2008	1,225,023	19,839	386,900	1,483,633	1,483,633	0	1,483,633
2007	821,462	19,839	421,825	1,263,126	1,263,126	0	1,263,126
2006	839,320	19,839	207,500	1,066,659	1,066,659	0	1,066,659
2005	839,320	19,839	166,000	1,025,159	1,025,159	0	1,025,159
2004	857,172	19,839	107,900	984,911	984,911	0	984,911
2003	857,172	20,298	107,900	985,370	985,370	0	985,370
2002	857,172	20,911	83,000	961,083	961,083	0	961,083
2001	857,172	21,370	47,725	926,267	926,267	0	926,267
2000	857,172	10,005	31,125	898,302	898,302	0	898,302
1999	857,172	10,888	31,125	899,185	899,185	0	899,185
1998	826,486	11,739	31,125	869,350	869,350	0	869,350
1997	826,486	12,590	31,125	870,201	870,201	0	870,201
1996	751,351	13,473	31,125	795,949	795,949	0	795,949
1995	751,351	14,324	31,125	796,800	796,800	0	796,800
1994	751,351	15,175	24,900	791,426	791,426	0	791,426
1993	751,351	16,058	26,975	794,384	794,384	0	794,384

1992	751,351	16,909	26,975	795,235	795,235	0	795,235
1991	751,351	17,760	26,975	796,086	796,086	0	796,086
1990	751,351	18,643	26,975	796,969	796,969	0	796,969
1989	751,351	19,494	24,900	795,745	795,745	0	795,745
1988	580,875	13,138	24,900	618,913	618,913	0	618,913
1987	573,971	13,708	24,900	612,579	612,579	0	612,579
1986	128,417	0	24,900	153,317	153,317	0	153,317
1985	125,737	0	24,900	150,637	150,637	0	150,637
1984	123,819	0	24,900	148,719	148,719	0	148,719
1983	123,819	0	22,700	146,519	146,519	0	146,519
1982	98,290	0	22,700	120,990	120,990	0	120,990

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
5/12/2011	2518 / 1765	1,450,000	WD	05

This page has been visited 27,145 times.

Monroe County Property Appraiser
 Karl D. Borglum
 P.O. Box 1176
 Key West, FL 33041-1176

**HOOVER PROPERTIES ISLAMORADA,
LLC**

Applicant/Petitioner,

vs.

**Appeal of decision rendered by
Planning and Environmental
Resources Department re: Permit
#113-4530 and #113-4533
Real Estate No. 00506940.000000**

**MONROE COUNTY,
Respondent.**

**NOTICE OF APPEAL
AND MEMORANDUM IN SUPPORT THEREOF**

Hoover Properties Islamorada, LLC (“Applicant”) hereby submits this Notice of Appeal and Memorandum in Support Thereof pursuant to Sec. 102-185 (Appeals) of the Monroe County Land Development Code (“Code”). Pursuant to Sec. 102-185(c) of the Code,

A notice of appeal in the form prescribed by the director of planning must be filed with the county administrator and with the office or department rendering the decision, determination or interpretation within thirty (30) calendar days of the decision.

Applicant is appealing the decision rendered on April 24, 2012 by the Monroe County Growth Management Divisions/ Planning and Environmental Resources Department with respect to the DENIAL of Applicant’s building permit applications #113-4530 and #113-4533 (collectively, the “Applications”).

I. FACTS

a. Property information. Applicant is the owner of property located at 91605 Overseas Highway (US1), Tavernier, FL 33070 (the “Property”) located in Monroe County (the “County”). Situated on the Property is an existing 10,316 square foot building that was constructed in 1966, prior to the adoption of the Monroe County Land Use Regulations in 1986. The building was built for, and previously occupied by, the

Florida Keys Electric Cooperative. The Florida Keys Electric Co-op was formed in 1940 as a rural electric cooperative. As a cooperative, FKEC is owned by the customers it serves. It provides electric service to all Key's citizens from the Dade County line to the Seven Mile Bridge. In 2009 the Florida Keys Electric Coop built a new building, *across the street from the subject property*, of 72,488 square feet. The building that is the subject of this appeal was purchased from the FKEC in 2011.

The Applicant purchased the Property and is presently working with the United States Government Services Administration ("GSA") to utilize the building as offices for the United States Customs and Border Protection Marine Division and the offices of Immigration and Customs Enforcement ("ICE").

b. Zoning and procedural history. The Property is located in the Suburban Commercial ("SC") land use district which permits "public buildings and uses" *as-of-right*. See Code 130-93(a) (6). The Property is also located in the Tavernier Historic District. As such, the Applicant was directed by County staff to file an application for a Certificate of Appropriateness ("COA") for the proposed renovations. The Applicant filed the required application. After a public hearing, the HPC tabled the application until the Planning Department determines that the proposed use is permitted under the Monroe County Code.

On December 9, 2011, Joseph Haberman, AICP, Planning and Zoning Review Manager, issued a letter to the Applicant that stated "if any of the of the planned occupants are not governmental agencies that are compatible with or provide services to the immediate vicinity, the proposed use would not qualify as a public building and the change of use to general office use of greater than 10,000 square feet would require a major conditional use permit." Letter from J. Haberman attached hereto as **Exhibit 1**.

Thereafter, on January 23, 2012, James Thompson, Section Chief of the Real Estate Division of the United States General Services Administration issued a letter to Mr. Haberman responding to his request for additional information regarding the proposed uses which would occupy the office building. In addition to the letter from GSA, on February 14, 2012, the Applicant submitted additional plans and information through its land use and zoning counsel, Robert Lochrie III, Esq. In the letter from GSA, Mr. Thompson stated, among other things, the following:

- a) The building would be used to house offices for the U.S. Customs and Border Protection Marine Division and the offices of the ICE.
- b) The office will operate with customary business hours and will not routinely require after-hours occupation of the building.
- c) The office will serve agency processional involved in administrative investigative tasks.
- d) This location would serve the Tavernier community and Upper Florida Keys.

A small portion of the building would be used to process individuals that are found within the immediate vicinity of the Property and that are under investigation for customs violations. The individuals would be processed at this location for transportation to other U.S. Customs facilities outside of Monroe County. Mr. Thompson's letter is attached hereto as **Exhibit 2**.

It is important to note that the U.S. Customs and Border Protection Agency and ICE have two similar offices in Key West, and one in Marathon. The purpose of the proposed use in Tavernier is to meet the needs of U.S. Customs and Border Protection Marine Division and ICE in the Upper Keys area.

c. Administrative decision being appealed. On April 24, 2012, Townsley Schwab, Senior Director of Planning and Environmental Resources issued a letter denying the building permit applications #113-4530 and #113-4533. The County's basis for denial is that the proposed facility is "incompatible with the community character of the immediate vicinity of the parcel as required by Monroe County Code Section 101-1." See April 24, 2012 letter from Townsley Schwab attached as **Exhibit 3**. Applicant disagrees with this position and believes its proposed use is permitted "*as of right*" under the Suburban Commercial District regulations.

II. LEGAL AUTHORITY

The Suburban Commercial District permits *public buildings and uses "as-of-right."* See Code Section. 130-93. County Code Section 101-1 defines *public buildings* as follows:

Public buildings means office and service buildings, uses or facilities owned or operated by a *governmental agency*, including publicly and privately owned utilities, *which are compatible with or provide services to the immediate vicinity in which the building is located.* (Emphasis added.) See Code Sec. 101-1 - Definitions.

The County defines 'governmental agency', at County Code Section 101-1; Definitions, as:

- (1) The United States or any department, commission, agency or other instrumentality thereof;
- (2) The state or any department, commission, agency or other instrumentality thereof;
- (3) Any local government or any department, commission, agency or other instrumentality thereof; or
- (4) Any school board or other special district, authority or

governmental entity.

The Applicant is proposing to use the building as the offices of the U.S. Customs and Border Protection Marine Division and the offices of the Immigration and Customs Enforcement Division. The definition of public buildings requires (i) that the building be owned or operated by a government agency; (ii) that such office and service building be compatible with OR provide services to the immediate vicinity in which the building is located.

There is no dispute that the U.S. Customs and Border Protection Marine Division and ICE are agencies of the U.S. Government. Therefore, the first portion of the definition of public buildings, which requires that the uses/facilities be owned or operated by *governmental agency*, is satisfied.

The second portion of the definition of public building provides that such office and service building is *compatible with OR provides services* to the immediate vicinity in which the building is located. The County's code does not provide a definition for the word compatible. However, given its ordinary and plain meaning, the word "compatible" is an adjective used to describe something that "capable of existing together in harmony." See Merriam-Webster Dictionary. The proposed use will operate as offices for U.S. Customs and Border Protection Marine Division and ICE. As noted in the GSA letter, the office will operate with customary business hours and will not routinely require after-hours occupation of the building.

Moreover, the Applicant is proposing renovations to the exterior to make the building even more compliant with the Tavernier Historical District Overlay. The Applicant has provided the County with drawings of the proposed changes to the façade to provide a more compatible look to the building in the Historic District, changing the appearance of this building which has remained with the same architectural features since 1965. In addition, the Applicant is willing to consider reasonable design changes from the Tavernier Historic District Preservation Board to further meet the needs of historic preservation. As such, the aesthetic compatibility of the proposed use and existing structure has been demonstrated by the applicant.

In addition to being aesthetically compatible with the immediate vicinity of the Property, the proposed use will *provide services* to the immediate vicinity in which the building is located. The office will serve agency processions involved in administrative investigative tasks and will provide protection to the citizens (including those in the immediate vicinity of the Property) from illegal immigration and other matters affecting homeland security. There are three other similar offices located in the Keys; however, this particular location is intended to service the Tavernier and Upper Keys Area specifically. Therefore, this use provides services to the immediate vicinity in which the building is located.

Furthermore, the building's use as administrative offices has been in existence since before the Monroe County Land Development Regulations were passed. Therefore it is granted (deemed) to have a conditional use, if such is required. The Monroe County Code is explicit about the protection of pre-existing uses.

Sec. 101-4. - (c) Existing uses.

“All uses existing on the effective date of the ordinance from which this chapter is derived which would be permitted as a conditional use under the terms of this chapter shall be deemed to have a conditional use permit and shall not be considered nonconforming.”

Therefore, the continuation of the building's prior use is authorized, by: (1) its use as a public building by a governmental agency; (2) its intended use to serve the needs of the immediate vicinity; (3) and, the use of the building as an administrative office, similar to its prior use by the FKEC, is both authorized under the present code, and deemed to have a conditional use, if required, as a lawful pre-existing use.

III. CONCLUSION

The proposed use of the existing building on the Property as the offices of U.S. Customs and Border Protection Marine Division and ICE are public buildings/uses that are permitted “as-of-right” in the SC zoning district.

County of Monroe Growth Management Division

Planning & Environmental Resources
Department
2798 Overseas Highway, Suite 410
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners
Mayor David Rice, Dist. 4
Mayor Pro Tem Kim Wigington, Dist. 1
George Neugent, Dist. 2
Heather Carruthers, Dist. 3
Sylvia J. Murphy, Dist. 5

We strive to be caring, professional and fair

December 9, 2011

Carlos Solis
29456 Flying Cloud Avenue
Big Pine Key, FL 33043

RE: Historic Preservation Commission Special Certificate of Appropriateness Application,
File #2011-128, and Building Permit Applications, Files #113-4530 and #113-4533

Mr. Solis,

The Planning Department is in receipt of the above referenced applications for site improvements and building renovations at 91605 Overseas Highway, Tavernier, Florida (Real Estate #00506940.000000). After careful review, I must inform you that our Department is unable to approve the applications at this time for the following reasons:

1. Concerning your applications for building permits, you did not submit all of the information required by the Monroe County Code (MCC) in order for the Planning Department to approve the applications.

Currently, the 10,316 square foot building is unoccupied. It was previously used as an office building by the Florida Keys Electric Cooperative (FKEC). Since FKEC is an electric utility that provides services to Tavernier, the use was classified as a public building use. As defined in MCC Sec. 101-1, public buildings means office and service buildings, uses or facilities owned or operated by a governmental agency, including publicly and privately owned utilities, which are compatible with or provide services to the immediate vicinity in which the building is located.

Pursuant to MCC Sec. 130-93, improvements to a 10,316 square foot public building and its site may be permitted as-of-right in the Suburban Commercial (SC) land use district. However, this only applies to properties developed with buildings that are defined as public buildings. Other than public buildings, offices uses of greater than 10,000 square feet require a major conditional use permit.

- In order to determine whether or not the proposed use of the building is allowed as-of-right with only building permit approval, please submit a list of the expected agencies,



organizations, and/or businesses that will occupy the building and an interior floor plan showing the activities that will take place within the building.

Although it has been verbally indicated that all of the occupants will be governmental agencies, the provided documentation does not clearly state such. If any of the planned occupants are not governmental agencies that are compatible with or provide services to the immediate vicinity, the proposed use would not qualify as a public building and the change of use to a general office use of greater than 10,000 square feet would require a major conditional use permit, which is reviewed and decided upon by the Monroe County Planning Commission.

Proposed interior floor plans for the building have not been submitted. Interior floor plans would allow staff to determine if the proposed activities within the building meet the definition of public building or are classified as another type of use. Certain activities, even if carried out by governmental agencies, may require additional approvals beyond building permit approvals or may not be permitted.

Note: As requested by the Historic Preservation Commission (HPC) at their December 5, 2011 meeting, the Planning Department will not reschedule your application for a special certificate of appropriateness for their review until staff determines that the proposed use and activities can be permitted by the Monroe County Code.

2. Concerning your application for a special certificate of appropriateness, the application did not provide all the information required by the MCC. Such applications are approved or denied by the HPC. As determined at the December 5, 2011 HPC meeting, this additional information is necessary in order for the commission to make a decision on the application.

Pursuant to MCC Sec. 134-57(c), Special Certificate of Appropriateness, a special certificate of appropriateness shall be issued for any work involving the substantial improvement, relocation, or new construction that will result in a change to the original appearance of a designated historic property. The application shall contain "the full plans and specifications, a site plan, and if deemed applicable, samples of any materials necessary to fully describe the proposed appearance, colors, texture, materials, and design of the building or structure, any outbuilding, wall, courtyard, fence, unique landscape feature, paving, signage, and exterior lighting." The information shall be adequate to enable the HPC to visualize the effect of the proposed work on the historic property.

The special certificate of appropriateness application included a site plan, a written description of the exterior improvements, a rendered illustration of the building with proposed exterior improvements, a sample photograph of the proposed shutter type, a sample photograph of the proposed landscaping tree type and a sample photograph of the proposed fencing. However, the application did not include *full plans and specifications* as required:

- The application included a rendered illustration of the building showing some of the proposed exterior improvements. However, the illustration only depicted two of the four building facades. Further, such an illustration does not constitute full plans, as required

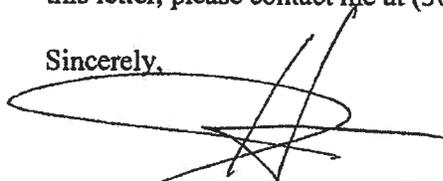
by MCC Sec. 134-57(c). Please submit the required full plans and specifications to the Planning Department to include in File #2011-128. Also, the intent of the illustration is to enable the HPC to visualize the effect of the proposed work. Staff suggests that you revise the rendered illustration by showing it in color and submit rendered illustrations of the other two building facades not shown. The full plans and rendered illustrations will be distributed to the HPC when the item is rescheduled for their review.

- The application included a site plan. However, the plan submitted was on an 8.5" x 11" sheet. This scale is inappropriate for the HPC to review the proposed site improvements, given the size of the site and the magnitude of the alterations. Please submit six sets of the site plan, on 24" x 36" sheets and drawn to a working scale (preferably 1" = 10' or 1"=20'), to the Planning Department to include in File #2011-128. The site plans will be distributed to the HPC when the item is rescheduled for their review.
- The application did not include a landscaping plan. Building Permit Application #113-4530 included a landscaping plan. Landscaping features that will result in a change to the original appearance of a designated historic property must be reviewed by the HPC. Please submit six sets of the landscape plan to the Planning Department to include in File #2011-128. The landscaping plans will be distributed to the HPC when the item is rescheduled for their review.
- The written description and site plan did not indicate if the existing exterior lighting would be modified. If so, please indicate where any new lighting would be located on the site plan and provide an illustration(s) of the proposed type(s) of lighting. Otherwise, any new lighting will have to be considered by the HPC under a separate application in the future.

The Planning Department has assigned your applications the status of pending. In order to have staff continue processing the applications, you must address all of the issues referenced in this letter.

I trust that this information is of assistance. If you have any questions regarding the contents of this letter, please contact me at (305)289-2532.

Sincerely,



Joseph Haberman, AICP, Planning & Development Review Manager

CC: Townsley Schwab, Senior Director of Planning & Environmental Resources
Barbara Bauman, Planner
Diane Silvia, Historic Preservation Commission, Executive Director
Building Dept. Files #113-4530 & #113-4533 / Planning Dept. File #2011-128
Hoover Properties Islamorada, LLC, Attn: Tob S. Trickey, 13775 N Nebraska Ave.,
Tampa, FL 33613



Southeast Sunbelt Region
Real Estate Acquisition Division
7771 West Oakland Park Blvd., Suite 119
Sunrise, Florida 33351-6737
Phone: (954) 356-7698 Fax: (954) 356-7675

U.S. General Services Administration

January 23, 2012

Joseph Haberman, AICP, Planning & Development Review Manager
County of Monroe
Growth Management Division
2798 Overseas Highway
Suite 410
Marathon, FL 33050

**RE: Historic Preservation Commission Special Certificate of
Appropriateness Application File #2011-128 and Building Permit
Applications, Files #113-4530 and #113-4533**

Dear Mr. Haberman:

I have received a copy of your letter dated December 9th 2011 and am writing to provide additional information for the pending Certificate of Appropriateness application and the Building Permits applications for 91605 Overseas Highway, Tavernier, Florida. I understand that concerns have been raised regarding the proposed use and hope to answer those questions and fully address any legitimate concerns. This facility is necessary for the Department of Homeland Security to provide protection and security to the residents of Tavernier and Monroe County and will operate in a way that is not in conflict with or interfere with neighboring properties.

The existing building will be used to house offices for the US Customs and Boarder Protection Marine Division and the offices of the Immigration and Customs Enforcement Division to serve Tavernier and the upper and middle Florida Keys. Immigration and Customs Enforcement is the primary investigative arm of the United States Department of Homeland Security and requires offices like the one proposed to provide office support and investigative services for border security. Facilities such as those proposed here exist throughout the United States without the observation by or compromised security of the community. Similar facilities have existed in the Florida Keys and in Monroe County for decades.

The proposed facility will serve agency professionals involved in administrative and investigative tasks. The office will operate with customary business hours and will not routinely require after-hours occupation of the building. As described below, most of the uses within the building provide general office support for agency personnel. A small portion of the building is set aside to process individuals that are found within the

www.gsa.gov



immediate vicinity and that are under investigation for customs violations. These individuals are processed at this location for transportation to other US Customs facilities outside of Monroe County. No individuals are housed at the facility or kept overnight.

The building will be occupied by the following uses: The majority of the building, approximately 6,830 square feet (sf). will be made up of offices, conference rooms, break rooms, fitness facilities, lockers and bathrooms for agency employees. 1,249 sf. of the building will be used for storage including file storage and FEMA storage facilities. 1,318 sf. is made up of hallways, janitor rooms and an electrical closet. 761 sf. of the building will provide a processing room and two interview rooms. 234 sf. will provide two holding cells for individuals detained in the surrounding area while transportation to other U.S. Customs facilities outside of the area is arranged. Such transportation is provided on an as-needed basis.

You have also asked that we provide a copy of the floor plans for the building. We will provide a copy of the plans but, as with all government buildings, law enforcement agencies and financial institutions, protective measures are necessary to avoid compromising the security of the building and the individuals who work within it. In this case, all building plans remain the property of the United States Government. Federal Law prohibits the copying, dissemination or distribution of the drawings, plans and specifications to unauthorized users. Further, all such materials must be properly destroyed and disposed of by a contractor to the GSA Contracting Office to avoid mishandling of sensitive information.

I hope that you find this information helpful in your review of the applications. We appreciate your cooperation and assistance in protecting our nation's security and look forward to continuing to work with Monroe County. Please contact me with any further questions or comments.

Kind Regards,

A handwritten signature in black ink, appearing to read 'James Thompson', with a long horizontal flourish extending to the right.

James Thompson
Section Chief
Real Estate Division
General Services Administration

County of Monroe Growth Management Division

Planning & Environmental Resources

Department

2798 Overseas Highway, Suite 410

Marathon, FL 33050

Voice: (305) 289-2500

FAX: (305) 289-2336



Board of County Commissioners

Mayor David Rice, Dist. 4

Mayor Pro Tem Kim Wigington, Dist. 1

Heather Carruthers, Dist. 3

George Neugent, Dist. 2

Sylvia J. Murphy, Dist. 5

April 24, 2012

Trimar Construction, Inc.

William Wagner

1720 Cass Street

Tampa, FL 33606

RE: Building Permit Applications #113-4530 and #113-4533 – Real Estate No. 00506940.000000

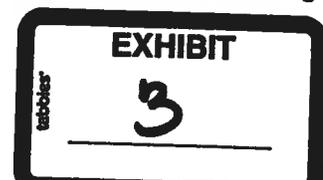
The Planning & Environmental Resources Department is in receipt of the above referenced building permit applications for site improvements and building renovations at 91605 Overseas Highway, Tavernier, Florida (Real Estate No. 00506940.000000).

Please be advised that, after careful review, the Planning Department is unable to approve the building permits. The proposed use for the site has been determined to be incompatible with the community character of the immediate vicinity of the parcel as required by Monroe County Code Section 101-1, as demonstrated below.

1. The property is located within a Suburban Commercial (SC) district. According to Monroe County Code Section 130-43, "the purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located." Based on the plans submitted, the proposed facility does not fulfill this purpose, as the proposed facility is not intended primarily to serve the needs of the immediate planning area of Lower Key Largo (Tavernier), designated as Planning Area/Enumeration District #15 in Monroe County Year 2010 Comprehensive Plan Technical Document Chapter 2.2.
2. Public buildings may be permitted in the SC district. As defined in Monroe County Code Section 101-1, "*public buildings* means office and service buildings, uses or facilities owned or operated by a governmental agency, including publicly and privately owned utilities, which are compatible with or provide services to the immediate vicinity in which the building is located." Based on the plans submitted, the proposed facility is not compatible with the immediate vicinity.

The Planning & Environmental Resources Department has failed the assigned building permit applications #113-4530 and #113-4533.

You may appeal the decisions made in this letter. The appeal must be filed with the County Administrator, 1100 Simonton Street, Gato Building, Key West, FL 33040, within thirty (30) calendar days from the date of this letter. In addition, please submit a copy of your application to Planning



Commission Coordinator, Monroe County Planning & Environmental Resources Department, 2798 Overseas Highway, Suite 410, Marathon, FL 33050. Failure to file such appeal shall constitute a waiver of any rights under the Monroe County Code's Land Development Code to appeal any interpretation or determination made by an administrative official.

As set forth in Monroe County Code Section 102-185, the Planning Commission shall have the authority to hear and decide appeals from any decision, determination or interpretation by any administrative official with respect to the provisions of the Land Development Code and the standards and procedures hereinafter set forth, except that the Board of County Commissioners shall hear and decide appeals from administrative actions regarding the floodplain management provisions of this chapter. In this circumstance, the Planning Commission would hear and decide upon an appeal.

An appeal may be initiated by an owner, applicant, adjacent property owner, any aggrieved or adversely affected person, as defined by F.S. § 163.3215(2), or any resident or real property owner from any order, decision, determination or interpretation by any administrative official with respect to the provisions of the Land Development Code.

The filing of a notice of appeal shall stay all permit activity and any proceedings in furtherance of the action appealed from unless the administrative official rendering such decision, determination or interpretation certifies in writing to the commission and the applicant that a stay poses an imminent peril to life or property, in which case the appeal shall not stay further permit activity and any proceedings. The Planning Commission shall review such certification and grant or deny a stay of the proceedings.

The Planning Commission shall consider the appeal at a duly called public hearing following receipt of all records concerning the subject matter of the appeal. Any person entitled to initiate an appeal may have an opportunity to address the commission at that meeting; and argument shall be restricted to the record below except that a party appealing an administrative decision, determination or interpretation shall be entitled to present evidence and create a record before the commission; any appeals before the hearing officer shall be based upon and restricted to the record.

If you have any questions regarding the contents of this letter or how to obtain a copy of the appeal application, please feel free to contact our Marathon office at (305)289-2500.

Sincerely,



Townsley Schwab,
Senior Director Planning & Environmental Resources

cc: Tob S. Trickey, Hoover Property Management, LLC, 13775 N. Nebraska Ave., Tampa, FL 33613
Christine Hurley, Growth Management Division Director
Suzanne Hutton, County Attorney
Robert Shillinger, Chief Assistant County Attorney
Susan Grimsley, Assistant County Attorney
Jerry Smith, Building Official
Joseph Haberman, Planning & Development Review Manager ✓
Permit Files - Applications #113-4530 and #113-4533



Google earth

feet
meters





91605 Overseas Hwy, Tavernier, FL 330

© 2012 Google

Google earth

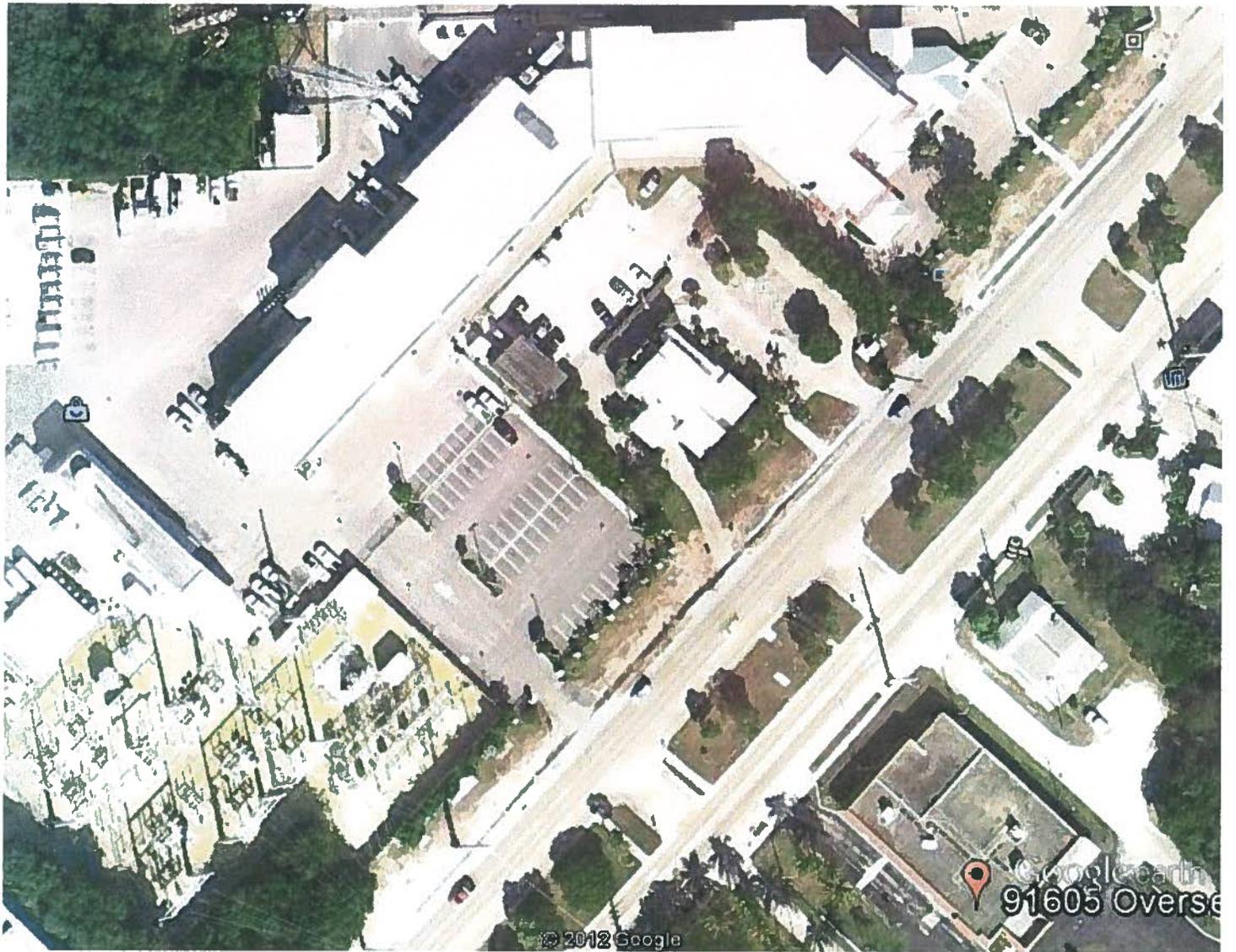
Google earth

feet
meters



300
100





Google earth





FINAL DAYS Entire Stock of Suits
BUY 1* GET 2** FREE
FREE SHIPPING* NO MINIMUM

Ends May 28

SHOP NOW



[House Street Views & Details](#) | [Get House Zestimate®](#) | [Nearby Panoramio Photos](#) | [Satellite View](#) | [Area Real Estate](#)

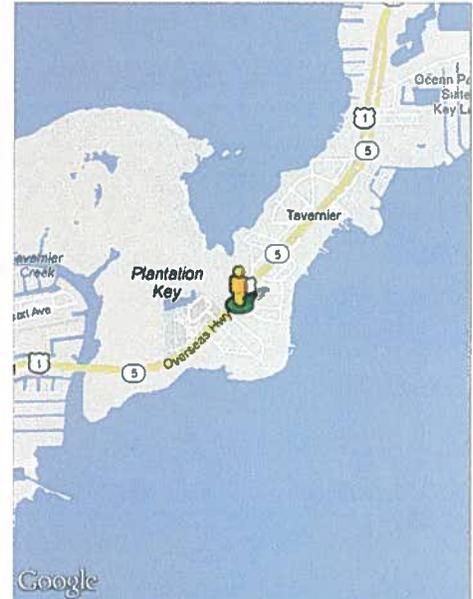
Enter A New Location: (Search)

91605 Overseas Hwy, Tavernier, FL 33070, USA

Street Views of Your Location Below



Navigation Screen



[Email This to a Friend](#) | [Driving Simulation](#) | [Driving Instructions](#)

Tip: Click, drag, & drop the yellow man!

House Street Views Information

Share This Page Online

Welcome to [House Street Views](#). You are currently looking at 91605 Overseas Hwy, Tavernier, FL 33070, USA. On the right, you may click and drag the yellow man icon to reveal all available street views. Once you drop the man on the blue street you desire to see, the left screen will automatically update! On the street view screen, you can zoom in or out, and click/drag the screen around. Feel free to save and share the exact URL with camera positioning using the links below.



[Save this url](#)

Cool Toys! From this page, you can use the blue navigation bar on the top of this page to get a Zillow Zestimate®, see Panoramio Photos, look at the area from Satellite View, and even see real estate information provided by Trulio.

YouTube Videos Near Area

Below, if available, you will find tips from FourSquare near 91605 Overseas Hwy, Tavernier, FL 33070, USA. This reflects nearby businesses and their most recent reviews.





JOS. A. BANK FINAL DAYS Entire Stock of Suits Ends May 28
BUY 1* GET 2 FREE** SHOP NOW
 FREE SHIPPING* NO MINIMUM

[House Street Views & Details](#) | [Get House Zestimate®](#) | [Nearby Panoramio Photos](#) | [Satellite View](#) | [Area Real Estate](#)

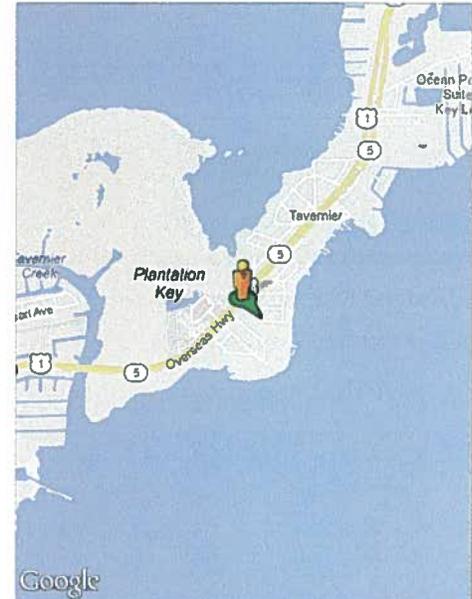
Enter A New Location:

91605 Overseas Hwy, Tavernier, FL 33070, USA

Street Views of Your Location Below



Navigation Screen



[Email This to a Friend](#) | [Driving Simulation](#) | [Driving Instructions](#)

Tip: Click, drag, & drop the yellow man!

House Street Views Information

Share This Page Online

Welcome to [House Street Views](#). You are currently looking at 91605 Overseas Hwy, Tavernier, FL 33070, USA. On the right, you may click and drag the yellow man icon to reveal all available street views. Once you drop the man on the blue street you desire to see, the left screen will automatically update! On the street view screen, you can zoom in or out, and click/drag the screen around. Feel free to save and share the exact URL with camera positioning using the links below.



[Save this url](#)

Cool Toys! From this page, you can use the blue navigation bar on the top of this page to get a Zillow Zestimate®, see Panoramio Photos, look at the area from Satellite View, and even see real estate information provided by Trulio.

YouTube Videos Near Area

Below, if available, you will find tips from FourSquare near 91605 Overseas Hwy, Tavernier, FL 33070, USA. This reflects nearby businesses and their most recent reviews.

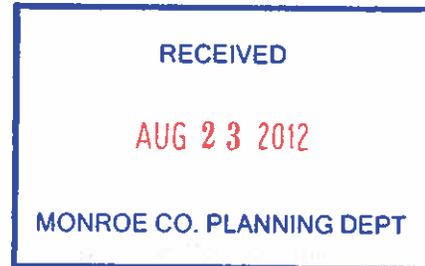


**Item #1 Hoover Property (Border Patrol)
Letter from Alice Allen Recvd 8.23.12**

Alice Allen
133 Sunrise Drive, Tavernier, FL 33070
Phone: (305) 852-5143

August 22, 2012

Monroe County Planning Commission
Marathon Gov. Center
2798 Overseas Highway
Marathon, FL 33050



RE: August 31, 2012 Special Meeting

Dear Commissioners:

I am chairman of the Historic Preservation Commission which reviewed this application on December 5, 2011. The outcome is covered in the appeal file and was as follows:

A. Motion (HPC minutes – Monroe County website)

Bert Bender motioned to table the application until all required documents are received. Among that documentation he would like approval from the Planning Department on use before we review this again. He also would like to review the file when it is re-submitted prior to rescheduling it. Jim Clupper seconded the motion. Alice Allen agreed with the motion, and noted that in some cases use within the historic district is within our purview.

I am not writing as chairman of the HPC but, rather, as a deeply concerned contiguous property owner to the facility at issue. I own approximately 160 feet of property contiguous with the Hoover purchase in 2011. I have attached three documents to try to show how involved my own property is with it.

B. From the language of the appeal...

p. 1 FACTS

The statement ... *10, 316 square foot building that was constructed in 1966...* can't be correct. I was very active in opposing the expansion of the then existing office building to what it is now, placement of that massive pad, and construction of the retention walls. I was out of the area during that 1965-66 period. The build date has to be the 1982 build date from the Property Record Card.

p. 4, paragraph 4 - ...*this building which has remained with the same architectural features since 1965.* That's not even close to true. The previous building looked like the 1950's.

C. From Planning's April 24, 2012 letter of denial – serving our needs and compatibility

- 1. Monroe County Code Section 130-43: basically that *“the proposed facility is not intended primarily to serve the needs of the immediate planning area...”***

I have to assume that there is truly a need for a third such facility in the Keys but I have not read anything addressing that point nor do I ever expect to know. If such a need exists I must also assume that it is intended to serve the needs of the entire Upper Keys not just the Historic District or Tavernier. Facilities already exist in the Middle and Lower Keys. That means there is a vast area from which to choose to place the proposed project and there are numerous commercial zones in the Upper Keys that are far more distant from home sites and neighborhoods than this one. I can't imagine they knew much about this area when they made their choice.

- 2. Monroe County Code Section 101-1: *“the proposed facility is not compatible with the immediate vicinity.”***

Four of the five homes directly surrounding the site (all but the Stuncard house) not only pre-date the FKEC building but were built long before electricity came to them. My own home was built in 1927. These homes were here before the original electric company office was built sometime in the 1950's. This neighborhood and this historic area were already here. More importantly it was a cohesive community even in the late '30's when my family first arrived in Tavernier. It remains so today.

When the FKEC continued to grow into larger buildings and the property became more and more intense we endured the changes, though it was sometimes a bit much. However, each day at 4:30PM everyone went home and on weekends they were all gone. Afterhours occupation of the building virtually never occurred. When it was in operation the only dangerous people we faced were bill payers racing to the drive-in window to meet the deadline. In other words, it was basically a typical office complex which occasionally annoyed us but never frightened us.

The Appeal references Merriam-Webster's Dictionary in defining compatible as “capable of existing in harmony...” I'm a musician and I can already hear a very loud discord. There is no harmony between a facility of this nature and families with their typically unpredictable children or those of us who are elderly and looking for some quiet final years and all the other typical behaviors of people living normal lives. Weapons, sally ports with huge buses belching exhaust while they wait and detainees that require detention areas are not and never could be compatible with this or any neighborhood.

If we will be fearful of this facility – and I already am – how can that be compatible with us? That fear is borne from the knowledge that, in real life, things go wrong. Will we end up paying for an error in the most meaningful way? We are so close there's no time for corrections.

We are grateful and proud of the all the brave people who keep us safe. That is never at issue. However, being in very close quarters with people who carry and store weapons and people who need someone to carry those weapons and who require being kept in detention areas is not in any way comfortable or compatible. No one will be held overnight? How would we even know and what difference does that make? I'm here all day. I'm elderly and work at home. In order to hang my clothes on the lines out in my back yard I have to go to the most logical wooded area that an escapee would head for first because it's directly connected to the site and filled with trees to hide behind. My picnic area is back there, too. Nice place to entertain your friends.

With the FKEC we could access many people with our concerns including a publicly elected Board of Trustees who, if they turned a deaf ear to us, could be voted out of office. While the proposed facility comes under the heading of public buildings I have doubts we would even be able to set foot on the site much less meet with the people inside. Who would be left to confront with our concerns – the GSA? Good luck.

Of course, the public isn't allowed to see the plans so we don't really know the issues but, seeing the other sites, we can make strong guesses. Bright lighting 24/7 is certainly going to be there – what else can they do? Fencing higher than any of ours and with added barbs can be expected.

What about my cherished woods and the rare native trees which are higher than their fences and close to them? Obviously those trees can't be allowed to remain no matter what they say but will I be able to prevent my trees being cut? Will I be challenged walking up to the corner to speak to a neighbor after dark? Will my dog be shot because he lunges at someone on the other side of the facility's fence that's across my back yard? Will I need to "pack a gun?" Yes, these are mostly silly thoughts but they're the type of thoughts that come into your mind when you are confronted with something strange, frightening, beyond your control and inharmonious with normal communities.

What will they have to do to our streets in order to have a secure gated facility with entrances to accommodate the big transport buses and supply trucks like Cisco? Even bad guys need TP. These vehicles will have to make some very sharp turns from Sunrise and North Sunrise to access and leave the facility through locked gates. Getting safely onto the highway is almost an Olympic sport now – what will it be when we have to compete with those big vehicles on our narrow streets? The disharmony goes on and on.

The meager plans given to us (and the public) at the Historic Preservation Commission's meeting in December indicated that part-lot #506890 - owned by Hoover, commercial, paved and used by FKEC for parking and Tier III - was part of this facility. I don't see it referenced in the backup documents. If it is a part it then it adds another 60 feet of contiguous property line for me in addition to the other nearly 42 feet to the west (#506000.) Part-lot #506560 – another 60 feet – is also contiguous, owned by Hoover and recently made commercial but is Tier IIIA. Hopefully it will not pose a future problem for me, but who knows?

C. My financial concerns.

1. I am a piano teacher and I need the income. Some of the children walk or bike to my home for lessons and some are dropped off by parents. After 45 years teaching children I can easily read the expressions on a parent's face or nuances contained in their comments. Parents are already very nervous about the world versus the safety of their children. Since the publicity began on this issue more than one of my parents has commented on it and I can readily detect their concern. At this late stage of my life I should not have to lose income to a bad planning decision. In the past this has always been a very safe and friendly neighborhood for children...maybe not for long.

2. It is highly probable I will need to utilize some or all the equity in my home to help me stay in my home through whatever time I have. The less compatible with its neighbors that facility becomes the lower my appraisal will surely be. That is simple common sense. We've owned this property for 64 years. We paid the taxes and maintained it all that time. We were all good citizens who contributed to our community. What a slap in the face it would be to allow bad planning decisions to jeopardize my future. I have enough hurdles already just being 74.

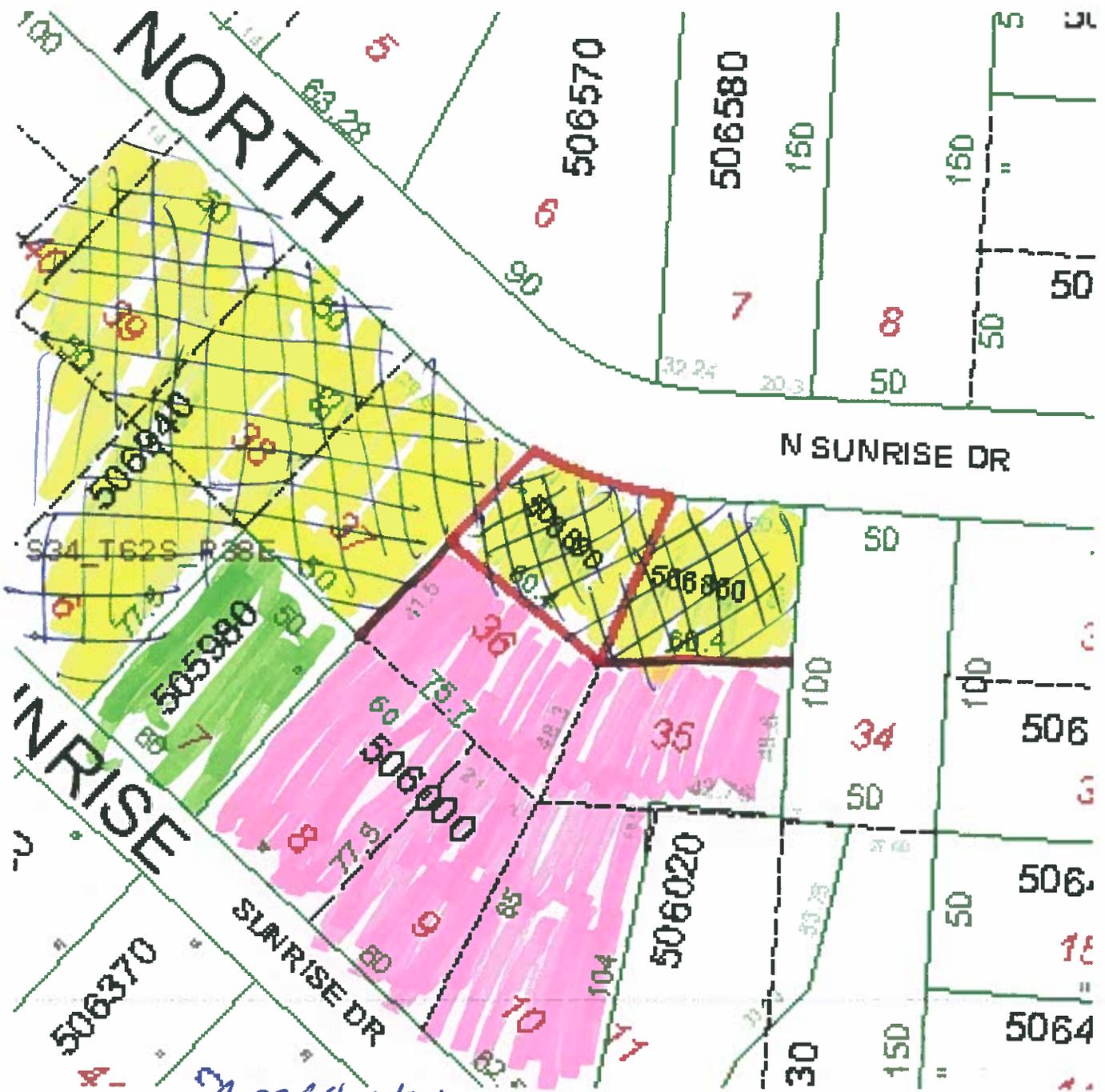
My house is roomy and hopefully will be occupied next by a family like ours once was. However, when a child can reach a hand over the back fence directly into the business end of a facility of this nature I have to suspect my property will not be as enticing to families or others as it once was.

Please vote no on this appeal. Planning got it right in the first place.

Sincerely,



Alice Allen

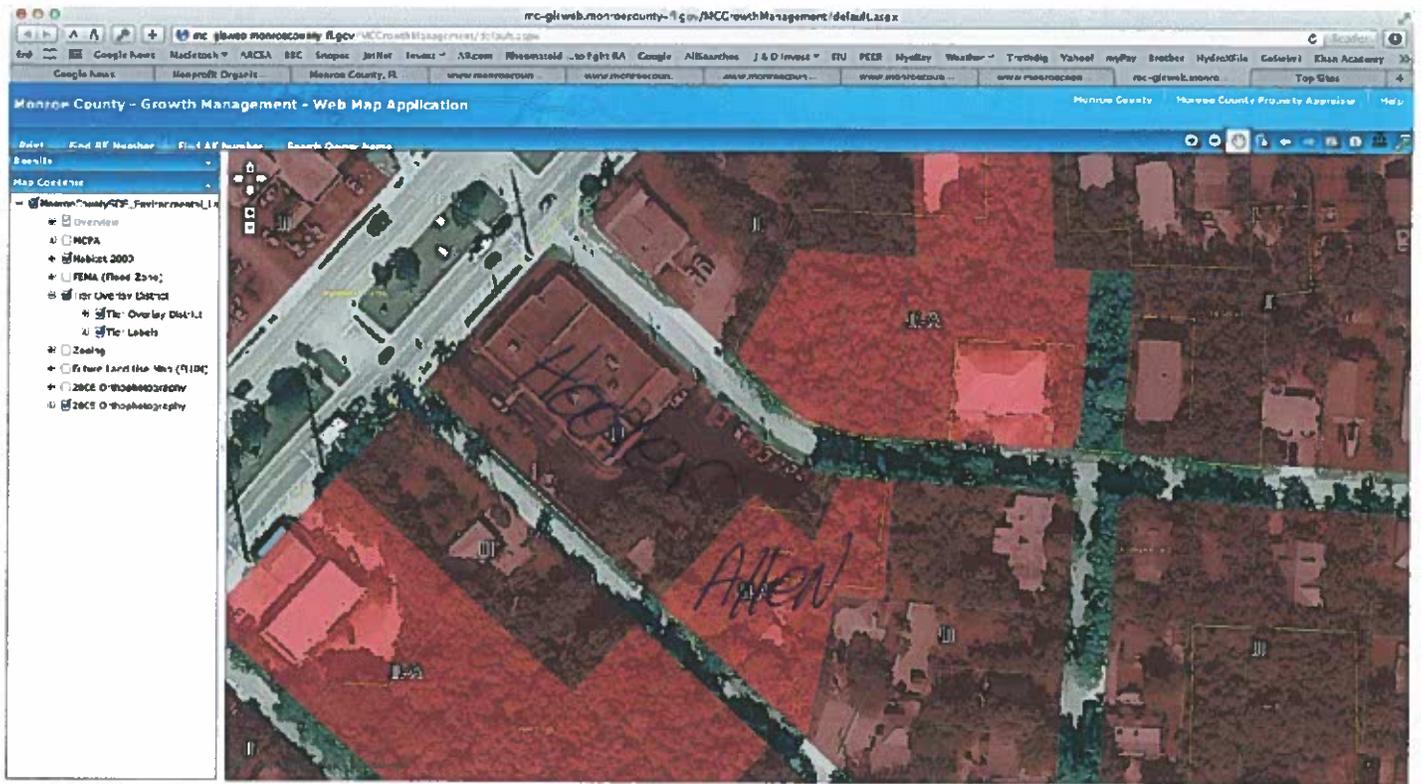


crosshatch
 yellow = Hoover
 Pink = Allen
 Green = Stunard

10/5



506000 - Allen
505980 - STUNCARD
506940 - Hoover



Tier III A - Bright Red

Creech-Gail

From: John Hammerstrom <johnhammer@bellsouth.net>
Sent: Sunday, August 26, 2012 7:47 PM
To: Creech-Gail
Cc: Nick Mulick; Roland Muench; Richard Barreto; Burke Cannon; Sloan Muench; Norma Kula; Bernadette Arnold; Jerry Wilkinson; Philip Debra Blaida
Subject: Hoover Properties Permit Applications
Attachments: DHS-FKEC bldg opposition letter.pdf

Dear Ms. Creech,

Please distribute this letter to the Monroe County Planning Commission, and include it in the record of your August 31, 2012 meeting.

Thank you.

John Hammerstrom, President
Tavernier Community Association

TAVERNIER COMMUNITY ASSOCIATION

POST OFFICE BOX 860
TAVERNIER, FL 33070



Phone: 305-852-8722
FAX: 305-852-1940
E-mail: johnhammer@bellsouth.net

August 26, 2012

Monroe County Planning Commission
c/o Gail Creech, Liaison
2798 Overseas Highway, Suite 410
Marathon, FL 33050

Re: August 31, 2012 Special Meeting, Monroe County Planning Commission; Hoover Property Islamorada, LLC, Property, 91605 Overseas Highway, Tavernier, FL, Mile Marker 91.6, Building Permit Application #113-4530 and #113-4533, RE # 00506940.000000

Dear Commissioners,

The Tavernier Community Association is a Florida nonprofit corporation whose purpose is to provide a voice to issues that the community deems important. During my affiliation, there has not been an issue of greater importance to our members than the proposal by Hoover Properties Islamorada, LLC, to use the former business offices of the Florida Keys Electric Cooperative as a high-security holding facility for the U.S. Department of Homeland Security (DHS). **We endorse the Monroe County Growth Management Division's rejection of the described permit applications, dated April 24, 2012.**

We fully support the mission of DHS, and thank them for their diligent protection of the nation since their creation following the September 11 attacks. At the same time, we are stunned that Hoover Properties and the U.S. General Services Administration could make such a blunder on behalf of the DHS as to propose modifying this low-impact office building—in the middle of one of only two Keys' historic districts—for use as a high-security detention facility that is neither designed for, nor intended to serve the needs of the immediate community. In short, we agree that the proposed facility is incompatible with the character of our residential community, and we oppose issuance of permits.

Sincerely,

A handwritten signature in black ink, appearing to read "John Hammerstrom". The signature is fluid and cursive, with a long horizontal line extending to the right.

John Hammerstrom, President,
Tavernier Community Association, Inc.

Cc: Townsley Schwab, Director Planning & Environmental Resources
Nick Mulick, Esq.
TCA Board of Directors

**Item #1 Hoover Property (Border Patrol)
Exhibit #1 for PC 8.31.12**









**Item #1 Hoover Property (Border Patrol)
Exhibit #2 for PC 8.31.12**

December 16, 2010

Dear Mr. Hoover:
13775 N Nebraska Ave
Tampa, FL 33613-3320

Your offer to satisfy the Government's requirement for office space in Islamorada, FL under SFO #8FL2319 is hereby accepted. Enclosed please find your fully executed copy of Lease Contract Number GS-04B-50833 for 9360 ANSI/BOMA Office Area Square Feet of space located at the 91605 Overseas Highway, Tavernier FL 33070.

Please note that both the Lessor and Payee's registrations in the Central Contractor Registration (CCR) System must remain active throughout the term of the lease as GSA will not process rent payments to vendors without an active CCR account.

I will be contacting you in the near future to discuss the next steps involved in the project. In the interim, if you have any questions on this matter, please contact me at (954) 356-7698 x122 or by e-mail at james.f.thompson@gsa.gov. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "James Thompson", written over a horizontal line.

James Thompson
Contracting Officer
Public Buildings Service
General Services Administration

Enclosed: 1 copy of Executed Lease Contract GS-04B-50833

US GOVERNMENT
LEASE FOR REAL PROPERTY

DATE OF LEASE 12/16/2010

LEASE NO. GS-04B-50833

THIS LEASE, made and entered into this date by and between **Hoover Property Islamorada, LLC**

Whose address is **13775 N. Nebraska Avenue
Tampa, FL 33613-3320**

and whose interest in the property hereinafter described is that of OWNER hereinafter called the Lessor, and the UNITED STATES OF AMERICA, hereinafter called the Government:

WITNESSETH: The parties hereto for the considerations hereinafter mentioned, covenant and agree as follows:

- The Lessor hereby leases to the Government the following described premises:
A total of 10,385 rentable square feet (RSF), consisting of 9,360 ANSI/BOMA Office Area (ABOA) square feet of office and related space (consisting Block A in the amount of 5,500 ABOASF and Block B in the amount of 3,860 (ABOASF) located on the entire first floor of a one story existing building located at 91605 Overseas Highway, Tavernier, FL 33070-2557. In addition, thirty (30) reserved parking spaces (18 spaces for Block A and 11 spaces for Block B) plus one additional space are included at no cost.

to be used for SUCH PURPOSES AS DETERMINED BY THE GENERAL SERVICES ADMINISTRATION

- TO HAVE AND TO HOLD the said premises with their appurtenances for the term beginning on Acceptance of tenant improvements through ten years subject to termination and renewal rights as may be hereafter set forth.

- The Government shall pay the Lessor annual rent for the entire term, monthly, in arrears, as follows:

<u>TERM</u>	<u>ANNUAL RENT</u>	<u>Annual Base Rate</u>	<u>Annual Operating</u>	<u>Annual T/I</u>
Yrs. 1-10				

- The Government may terminate this lease, in whole or in part, at any time on or after - N/A - , by giving the Lessor at least - N/A - notice in writing. No rent shall accrue after the effective date of termination. Said notice shall be computed commencing with the day after the date of mailing.

- This lease may be renewed at the option of the Government, for the following terms and at the following rentals:

<u>TERM</u>	<u>ANNUAL RENT</u>	<u>RATE per RSF</u>	<u>RATE per ABOASF</u>	<u>MONTHLY RATE</u>
DELETED	DELETED	DELETED	DELETED	DELETED

provided notice be given in writing to the Lessor at least ___ days before the end of the original lease term or any renewal term; all other terms and conditions of this lease shall remain the same during any renewal term. Said notice shall be computed commencing with the day after the date of mailing.

6. Rental is subject to the Government's measurement of plans submitted by the Lessor or a mutual on-site measurement of the space and will be based on the rate per ABOASF as noted in Paragraph 3 above, in accordance with Clause 27 (PAYMENT), GSA Form 3517B, General Clauses. The lease contract and the amount of rent will be adjusted accordingly, but not to exceed the maximum ABOASF requested in SFO Paragraph 1.1 (Amount and Type of Space). Rent for a lesser period shall be prorated. Rent checks shall be made payable to:

Hoover Property Islamorada, LLC
13775 N. Nebraska Avenue
Tampa, FL 33613-3320

- 7. The Lessor shall furnish to the Government, as part of the rental consideration, the following:
 - A. Those facilities, services, supplies, utilities, and maintenance in accordance with Solicitation for Offers (SFO) No. 8FL2319, dated 6/9/10 as amended (Amendment No. 1) on 7/19/10
 - B. Buildout in accordance with Solicitation for Offers 8FL2319. Design Intent Drawings (DIDs) shall be prepared by the Lessor and due to the Government within sixty (60) calendar days subsequent to lease award. All tenant alterations are to be completed within one-hundred twenty (120) calendar days of receiving notice to proceed from the Government with agency approved working/construction drawings. Lease term to be effective and rental to begin on date of Government acceptance, if different from Paragraph 2.
 - C. Deviations to the approved Design Intent Drawings reviewed and furnished by the Government to the Lessor subsequent to award will not be permitted unless prior written authorization is obtained from the GSA Contracting Officer.
 - D. Lessor shall provide twenty-nine (29), on-site reserved parking spaces at no additional cost to the Government (Eighteen (18) spaces for Block A and Eleven (11) spaces for Block B). One additional free space is offered for a total of 30 spaces.

- 8. The following are attached and made a part hereof:
 - A. Solicitation for Offers 8FL2319
 - B. Amendment No. 1 to Solicitation for Offers 8FL2319
 - C. GSA Form 3517B entitled General Clauses (Rev. 06/08).
 - D. GSA Form 3518 entitled Representations and Certifications (Rev. 1/07).
 - E. Floor Plan entitled GSA SFO 8FL2319

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above written.

LESSOR: **Hoover Property Islamorada, LLC**

BY
Hoover (Authorized Signature)

13775 N. NEBRASKA AVE.
TAMPA, FL 33613
(Address)

IN THE PRESENCE OF:

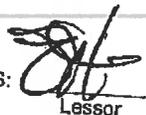
(Signature)

UNITED STATES OF AMERICA

BY
(Signature)

JAMES F. THOMPSON, CONTRACTING OFFICER
GENERAL SERVICES ADMINISTRATION
(Official title)

9. The premises described in Paragraph 1 of this Standard Form 2 shall contain 9,360 (Total for Blocks A and B) ABOASF of office and related space, as identified in SFO 8FL2319.
10. The rental rate in Paragraph 3 for the period 08/01/11 through 07/31/21 includes all Tenant Improvements. In accordance with Paragraph 3.2 of SFO 8FL2319, the Tenant Improvement allowance (T/I) provided in the lease is _____ PABOASF for 9,360 ABOASF = _____ (Block A _____ and Block B _____) amortized at an interest rate of _____ over ten (10) years yielding an annual cost of _____ rate of _____ per ABOASF. The T/I will be used to construct the interior space in accordance with the approved Design Intent Drawings provided by the Lessor. If the T/I cost exceeds _____ PABOASF for 9,360 ABOASF (Total for Blocks A and B), the balance due the Lessor will be paid by rental adjustment or lump sum, to be determined by the Government. If the entire tenant improvement allowance _____ PABOASF is not used, the Government will adjust the rental rate downward to off-set the difference in the T/I. The Lessor understands, in lieu of Cost and Pricing Data, his contractor or each of his sub-contractors shall solicit three (3) bids for work completed as a part of the initial tenant alterations, e.g., for electrical, plumbing, etc. The lowest responsive bid will be accepted. This does not apply to the shell build-out.
11. In accordance with Paragraph 1.12 (Building Shell Requirements) of SFO No. 8FL2319, the annual shell cost is established as _____ which is inclusive of the rental rate in Paragraph 3 for the period 08/01/11 through 07/31/21.
12. In accordance with Paragraph 4.1 C. (Measurement of Space) of SFO No. 8FL2319, the common area factor (CAF) is established as _____ or _____ rounded, based on _____ RSF and (Total for Blocks A and B) ABOASF.
13. In accordance with Paragraph 4.2 (Tax Adjustment) of SFO No. 8FL2319, the percentage of Government occupancy is established as 100% (based on total building area of _____ RSF and the Government's occupancy of approximately _____ RSF). Percentage of occupancy is subject to revision based on actual measurement of Government occupied space at time of final inspection, not to exceed the maximum ABOASF stated in the SFO, and in accordance with GSA Form 3517B, GENERAL CLAUSES.
14. In accordance with Paragraph 4.3 (Operating Costs) of SFO No. 8FL2319, the annual operating cost is established as _____ which is inclusive of the rental rate in Paragraph 3 for the period 08/01/11 through 07/31/21.

INITIALS:  & 
 Lessor Gov't

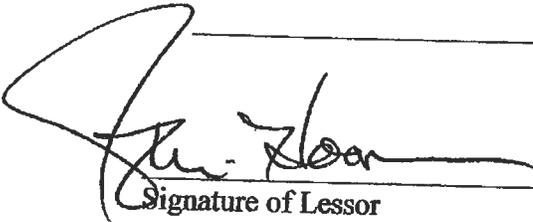
- 15. In accordance with Paragraph 4.4 (Adjustment for Vacant Premises) of SFO No. 8FL2319, the rental rate reduction is established a _____ at ABOASF.
- 16. In accordance with Paragraph 4.6, (Overtime Usage) of SFO No. 8FL2319, the hourly overtime usage for the entire space will be provided _____ } PRSF per annum for areas such as the LANS room.
- 17. In accordance with Paragraph 5.15 (Waiver of Restoration) of SFO No. 8FL2319, the Lessor hereby waives all restoration rights.
- 18. In accordance with Paragraph 9.7 (Radon in Air) of SFO No. 8FL2319, the Lessor shall complete the short test before occupancy and the standard test not later than 90 days after occupancy, with results forwarded to the Contracting Officer. Any corrective action must be completed within 30 days after tests are completed at no additional cost to the Government. Re-testing is required with results forwarded to the Contracting Officer.
- 20. Any deviation from approved construction plans or tenant alterations require approval by the Contracting Officer or Contracting Officer's Designee. Should Lessor make changes without approval, the Government will not be responsible for the cost of those changes and Lessor will not be reimbursed.
- 21. Within five (5) days of lease occupancy, the Lessor shall provide the tenant agency representative (with a copy forwarded to the GSA Government Representative), on site, a copy of the name and phone number of maintenance personnel in order that any cleaning, maintenance, janitorial, etc. problems can be rectified immediately.
- 22. In accordance with SFO NO. 8FL2319, Paragraph 2.6, the Lessor and the Broker have agreed to a cooperating lease commission of _____ of the firm term value of this lease. The total amount of the commission is' _____. The Lessor shall pay the Broker no additional commissions associated with this lease transaction. In accordance with the "Broker Commission and Commission Credit" paragraph, the Broker has agreed to forego 51.5% of the commission that it is entitled to receive in connection with this lease transaction ("Commission Credit"). The Commission Credit is _____. The Lessor agrees to pay the Commission less the Commission Credit to the Broker in accordance with the "Broker Commission and Commission Credit" paragraph in the SFO attached to and forming a part of this lease. The 48.5% balance which equates to _____ to be paid to the broker as follows: One hundred percent (100%) is due and payable within 30 days after lease award. Notwithstanding Paragraph 3 of this Standard Form 2, the shell rental payments due and owing under this lease shall be reduced to fully recapture this Commission Credit. The reduction in shell rent shall commence with the first month of the rental payments and continue as indicated in this schedule for _____

INITIALS: JP & GA
 Lessor Govt

**LESSOR REPRESENTATIVE CERTIFICATE OF PROCUREMENT
INTEGRITY**

1. I, VINCENT HODVER (name of Lessor/Representative), hereby certify that, to the best of my knowledge and belief, with the exception of any information described in this certificate, have no information concerning a violation of subsections (a), (b), (d), or (f) of section 27 of the Office of Federal Procurement Policy Act* (41 U.S.C. 423), as implemented in the FAR, occurring during the conduct of this procurement Lease Project Number: 8FL2319; Islamorada, FL area; DHS CBP & ICE
2. Violations or possible violations: (Continue on plain bond paper if necessary, and label " Client Agency Representative Certificate Of Procurement Integrity (Continuation Sheet)." Enter "NONE" if none exist.)

NONE


Signature of Lessor

11/22/2010
Date

* Subsection 27(a), (b), and (d) are effective on December 1, 1990.
Subsection 27(f) is effective on June 1, 1991.

THIS CERTIFICATION CONCERNS A MATTER WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES AND THE MAKING OF A FALSE, FICTITIOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO PROSECUTION UNDER TITLE 18, UNITED STATES CODE, SECTION 1001.

1.6 **SERVICES, UTILITIES, MAINTENANCE: GENERAL (AUG 2008)**

Services, utilities, and maintenance shall be provided by the Lessor as part of the rental consideration. The Lessor shall have an onsite building superintendent or a locally designated representative available to promptly respond to deficiencies, and immediately address all emergency situations.

1.7 **AREA OF CONSIDERATION (AUG 2008)**

Buildings which face and have street addresses on the boundary streets are deemed to be within the delineated area.

Mile Marker 84 to Mile Marker 106

An award of contract will not be made for a property located within a base flood plain or wetland unless the Government has determined that there is no practicable alternative.

1.8 **LOCATION: INSIDE OR OUTSIDE CITY CENTER (AUG 2008)**

A. CITY CENTER NEIGHBORHOOD:

1. **Facilities:** Space shall be located in a prime commercial office district with attractive, prestigious, professional surroundings with a prevalence of modern design and/or tasteful rehabilitation in modern use. Streets and public sidewalks shall be well maintained.
2. **Parking:** The parking-to-square-foot ratio available on-site shall at least meet current local code requirements, or in the absence of a local code requirement, on-site parking shall be available at a ratio of 1 space for every 371 rentable square feet of Government demised area. A minimum of 29 reserved spaces are required.
3. **Location Amenities:** A variety of inexpensive or moderately priced fast food and/or eat in restaurants shall be located within the immediate vicinity of the building, but generally not exceeding [a walk able 1/2 mile of the employee entrance of the offered building, as determined by the contracting officer. Other employee services, such as retail shops, cleaners, banks, etc., shall also be located within the immediate vicinity of the building, but generally not exceeding a walk able 1/2 mile of the employee entrance of the offered building, as determined by the contracting officer.
4. **Public Transportation:** None available in delineated area.

B. OUTSIDE OF CITY CENTER NEIGHBORHOOD:

1. **Facilities:** Space shall be located 1) in an office, research, technology, or business park that is modern in design with a campus like atmosphere or 2) on an attractively landscaped site containing one or more modern office buildings that are professional and prestigious in appearance with the surrounding development well maintained and in consonance with a professional image.
2. **Parking:** The parking-to-square-foot ratio available on-site shall at least meet current local code requirements, or in the absence of a local code requirement, on-site parking shall be available at a ratio of 1 space for every 371 rentable square feet of Government demised area. A minimum of 29 reserved spaces are required.
3. **Location Amenities:** Adequate eating facilities shall be located within the immediate vicinity of the building, but generally not exceeding a walk able 1/2 mile, as determined by the contracting officer. Other employee services, such as retail shops, cleaners, banks, etc., shall be located within the immediate vicinity of the building, but generally not exceeding one mile, as determined by the contracting officer.
4. **SUBMITTAL REQUIREMENT:**
The Offeror shall provide a map showing amenities and distance marked to the site with the initial offer to the Government. See the Building and Site Information Submittals paragraph for the information that must be provided.

1.9 **OCCUPANCY DATE (AUG 2008)**

- A. Occupancy is required 120 calendar days from the date of the notice to proceed for tenant improvement.

1.10 **NEGOTIATIONS (MAY 2005)**

- A. Negotiations will be conducted on behalf of the Government by the GSA Contracting Officer (or the GSA Contracting Officer's designated representative). The Contracting Officer is named on the cover of this SFO. GSA will negotiate the rental price for the initial term, any renewal periods, and any other aspect of the offer as deemed necessary.
- B. The Offeror shall not enter into negotiations concerning the space leased or to be leased with representatives of federal agencies other than the Contracting Officer or designee.
- C. The Contracting Officer or their designated representative will conduct oral or written negotiations with all Offerors that are within the competitive range. The competitive range will be established by the Contracting Officer on the basis of cost or price and other

factors (if any) that are stated in this SFO and will include all of the most highly rated proposals, unless the range is further reduced for purposes of efficiency. Offerors who are not included in the competitive range will be notified in writing.

- D. All Offerors will be provided a reasonable opportunity to submit any cost or price, technical, or other revisions to their offer that may result from the negotiations. Negotiations will be closed with submission of Final Proposal Revisions ("Best and Final" offers).

1.11 QUALITY AND APPEARANCE OF BUILDING (AUG 2008)

The space offered shall be located in a modern office building with a facade of stone, marble, brick, stainless steel, or other permanent materials in good condition acceptable to the Contracting Officer. If not in a new office building, the space offered shall be in a building that has undergone, or will complete by occupancy, first class modernization or adaptive reuse for office space with modern conveniences. If the modernization work is underway or proposed, then architectural plans acceptable to the Contracting Officer shall be submitted as part of the offer. The building shall be compatible with its surroundings. Overall, the building shall project a professional and aesthetically pleasing appearance including an attractive front and entrance way. The building shall have energy efficient windows or glass areas consistent with the structural integrity of the building, unless not appropriate for intended use. The facade, downspouts, roof trim, and window casing shall be clean and in good condition.

1.12 BUILDING SHELL REQUIREMENTS (AUG 2008)

A. The Lessor's obligations in providing a building shell shall include the following as part of the Lessor's shell rent: All items identified in this solicitation as "building shell" are to be provided, installed, maintained, repaired, and/or replaced as part of the Lessor's shell rent.

1. Base structure and building enclosure components shall be complete. All common areas accessible by the Government, such as lobbies, fire egress corridors and stairwells, elevators, garages, and services areas, shall be complete. Restrooms shall be complete and operational. All newly installed building shell components, including but not limited to, heating, ventilation, and air conditioning (HVAC), electrical, ceilings, sprinklers, etc., shall be furnished, installed, and coordinated with Tenant Improvements. Circulation corridors are provided as part of the base building only on multi-tenanted floors where the corridor is common to more than one tenant. On single tenant floors, only the fire egress corridor necessary to meet code is provided as part of the shell.
2. *Accessibility Requirements.* Accessibility to persons with disabilities shall be required throughout the common areas accessible to Government tenants in accordance with the Architectural Barriers Act Accessibility Standard (ABAAS), Appendices C and D to 36 CFR Part 1191 (ABA Chapters 1 and 2, and Chapters 3 through 10) and shall be installed and coordinated with Tenant Improvements. To the extent the standard referenced in the preceding sentence conflicts with local accessibility requirements, the more stringent standard shall apply.
3. *Ceilings.* A complete acoustical ceiling system (which includes grid and lay in tiles or other building standard ceiling system as approved by the Contracting Officer) throughout the Government demised area and all common areas accessible to Government tenants shall be required in accordance with the "Ceilings" paragraph elsewhere in this SFO. The acoustical ceiling system shall be furnished, installed, and coordinated with Tenant Improvements.
4. *Doors.* Exterior building doors and doors necessary to the lobbies, common areas, and core areas shall be required. This does not include suite entry or interior doors specific to Tenant Improvements. Related hardware shall be installed in accordance with the "Doors: Hardware" paragraph and the "Doors: Exterior" paragraph elsewhere in this SFO.
5. *Partitions.* Permanent, perimeter, and demising slab-to-slab partitions (including all columns) finished with paint and base shall be required in accordance with the "Partitions: General" paragraph and the "Partitions: Permanent" paragraph elsewhere in this SFO.
6. *Flooring.* All building common areas shall have finished floors in accordance with the "Floor Covering and Perimeters" paragraph elsewhere in this SFO.
7. *Plumbing.* The Offeror shall include cost of plumbing in common areas, such as for toilet rooms and janitor closets as part of the building shell cost. Hot and cold water risers and domestic waste and vent risers, installed and ready for connections that are required for Tenant Improvements, shall be included in the shell rent.
8. *HVAC.* Central HVAC systems shall be installed and operational, including, as appropriate, main and branch lines, VAV boxes, dampers, flex ducts, and diffusers, for an open office layout, including all building common areas. Conditioned air through medium pressure duct work at a rate of .75 cubic feet per minute per ANSI/BOMA Office Area square foot shall be provided.
9. *Electrical.* Electrical power distribution panels and circuit breakers shall be available in an electrical closet, with capacity at 277/480 volt (V) and 120/208 V, 3-phase, 4-wire system providing 7 watts (W) per ANSI/BOMA Office Area square foot.
10. *Lighting.* Parabolic type 2'-0" wide x 4'-0" long fluorescent lighting fixtures (or other building standard fixtures approved by the GSA Contracting Officer) shall be installed in the ceiling grid for an open office plan at the rate of 1 fixture per 80 ANSI/BOMA Office Area square feet. Lighting as necessary shall be provided in all building common areas in accordance with the "Lighting: Interior and Parking" paragraph elsewhere in this SFO.
11. *Safety and Environmental Management.* Complete safety and environmental management shall be provided throughout the building in accordance with federal, state, and local codes and laws, including, but not limited to, such items as fire detection

10.0 LEASE SECURITY STANDARDS

10.1 GENERAL REQUIREMENTS (NOV 2005)

A. Overview of Lease Security Standards:

1. The Government will determine security standards for facilities and agency space requirements. Security standards will be assessed based upon tenant agency mix, size of space requirement, number of employees, use of the space, location of the facility, configuration of the site and lot, and public access into and around the facility. The Government will designate a security level from Level I to Level IV for each space requirement. The Contracting Officer (or the Contracting Officer's designated representative) will provide the security level designation as part of the space requirement. A copy of the Government's security standards is available at www.oca.gsa.gov.
2. The Contracting Officer (or the Contracting Officer's designated representative) will identify all required security standards.
3. Within 120 days of lease award, or at the time of submission of working/construction drawings, whichever is earlier, the Lessor shall provide the Government with itemized costs of the security items in this section. Additionally, the Lessor shall provide the cost per square foot of those items designated "shell" in this section as submitted in the final offer.
4. A security level designation may be determined by the individual space requirement or by the assessed, cumulative tenant agency mix within a given facility. If an Offeror is offering space in a facility currently housing a federal agency, the security level designation of the facility may be increased and the Offeror may be required to adhere to a higher security standard than other Offerors competing for the same space requirement. If two or more federal space requirements are being competed at the same time, an Offeror submitting on both or more space requirements may be subject to a higher security standard if the Offeror is determined to be the successful Offeror on more than one space requirement. It is incumbent upon the Offeror to prepare the Offeror's proposal accordingly.
5. Level I requirements have been incorporated into the paragraphs entitled, *Lighting: Interior and Parking*, and *Doors: Hardware* as part of this SFO. If this SFO is used for a Level I space requirement, the Level II lease security standards, as determined by the Government, shall become the minimum lease security standards for this requirement.

10.2 DETERRENCE TO UNAUTHORIZED ENTRY (NOV 2005)

The Lessor shall provide a level of security that reasonably prevents unauthorized entry to the space during non-duty hours and deters loitering or disruptive acts in and around the space leased. The Lessor shall ensure that security cameras and lighting are not obstructed.

10.3 ACCESS TO UTILITY AREAS (NOV 2005)

Utility areas shall be secure, and only authorized personnel shall have access.

10.4 EMERGENCY POWER TO CRITICAL SYSTEMS (TENANT IMPROVEMENT) (NOV 2005)

Emergency power backup is required for all building systems and special equipment, as identified elsewhere in the SFO to provide power for a 7 day duration.

10.5 MECHANICAL AREAS AND BUILDING ROOFS (NOV 2005)

- A. Keyed locks, keycards, or similar security measures shall strictly control access to mechanical areas. Additional controls for access to keys, keycards, and key codes shall be strictly maintained. The Lessor shall develop and maintain accurate HVAC diagrams and HVAC system labeling within mechanical areas.
- B. Roofs with HVAC systems shall also be secured. Fencing or other barriers may be required to restrict access from adjacent roofs based on a Government Building Security Assessment. Roof access shall be strictly controlled through keyed locks, keycards, or similar measures. Fire and life safety egress shall be carefully reviewed when restricting roof access.

10.6 ACCESS TO BUILDING INFORMATION (NOV 2005)

Building Information—including mechanical, electrical, vertical transport, fire and life safety, security system plans and schematics, computer automation systems, and emergency operations procedures—shall be strictly controlled. Such information shall be released to authorized personnel only, approved by the Government, preferably by the development of an access list and controlled copy numbering. The Contracting Officer may direct that the names and locations of Government tenants not be disclosed in any publicly accessed document or record. If that is the case, the Government may request that such information not be posted in the building directory.

10.7 POSTING OF GOVERNMENT RULES AND REGULATIONS (TENANT IMPROVEMENT) (NOV 2005)

The Government will post applicable Government rules and regulations at the entrance to any Government-occupied space for such things as, but not limited to, barring the unauthorized possession of firearms and dangerous weapons. The Government will coordinate with the Lessor to ensure signage is consistent with the Lessor's standards.