

DEVELOPMENT REVIEW COMMITTEE

-  
Tuesday, October 30, 2012

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AGENDA

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The Monroe County Development Review Committee will conduct a meeting on Tuesday, October 30, 2012, beginning at 1:00 PM at the Marathon Government Center, Media & Conference Room (1<sup>st</sup> floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL

DRC MEMBERS:

Townsley Schwab, Senior Director of Planning and Environmental Resources  
Mike Roberts, Sr. Administrator, Environmental Resources  
Joe Haberman, Planning & Development Review Manager  
DOT Representative  
Steve Zavalney, Captain, Fire Prevention  
Public Works Department Representative

STAFF MEMBERS

Christine Hurley, Growth Management Division Director  
Jerry Smith, Building Official  
Mayte Santamaria, Assistant Planning Director  
Mitch Harvey, Comprehensive Plan Manager  
Rey Ortiz, Planning & Biological Plans Examiner Supervisor  
Emily Schemper, Sr. Planner  
Steven Biel, Sr. Planner  
Barbara Bauman, Planner  
Tim Finn, Planner  
Gail Creech, Planning Commission Coordinator

CHANGES TO THE AGENDA

MINUTES FOR APPROVAL

MEETING

-

## New Items:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE FUTURE LAND USE MAP OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE/COMMERCIAL (MC), AS REQUESTED BY JOHN C. AND WENDY MOORE, FOR PROPERTY LOCATED AT 10498 OVERSEAS HIGHWAY, KEY LARGO, LOTS 1-5, BLOCK 4, REVISED AMENDED PLAT OF RIVIERA VILLAGE, PB2/P80 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00511220-000000, 00511220-000100, AND 00511220-000101.

(File 2012-097 Moore-FLUM)

[2012-097 SR DRC 10.30.12.PDF](#)

[2012-097 FILE.PDF](#)

[2012-097 Recvd 7.03.12 Survey.pdf](#)

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAND USE DISTRICT MAP OF THE MONROE COUNTY LAND DEVELOPMENT CODE, AS REQUESTED BY JOHN C. AND WENDY MOORE, FROM IMPROVED SUBDISIVION (IS) TO MIXED USE COMMERCIAL (MU) FOR PROPERTY LOCATED AT 10498 OVERSEAS HIGHWAY, KEY LARGO, LOTS 1-5, BLOCK 4, REVISED AMENDED PLAT OF RIVIERA VILLAGE, PB2/P80 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00511220-000000, 00511220-000100, AND 00511220-000101.

(File 2012-098 Moore-LUD)

[2012-098 SR DRC 10.30.12.PDF](#)

[2012-098 FILE.PDF](#)

[2012-098 Recvd 7.03.12 Survey.pdf](#)

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE FUTURE LAND USE MAP OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, AS REQUESTED BY RENAISSANCE FARMS OF THE FLORIDA KEYS LLC, FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE/ COMMERCIAL (MC) FOR PROPERTY LOCATED AT 98175 OVERSEAS HIGHWAY, KEY LARGO, LOTS 1 & 2, BLOCK 4, ROCK HARBOR ESTATES, PB3/P187 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00519750-000000.

(File 2012-111 Renaissance Farms-FLUM)

[2012-111 SR DRC 10.30.12.PDF](#)

[2012-111 FILE.PDF](#)

[2012-111 Survey.PDF](#)

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAND USE DISTRICT MAP OF THE MONROE COUNTY LAND DEVELOPMENT CODE, AS REQUESTED BY RENAISSANCE FARMS OF THE FLORIDA KEYS LLC, FROM IMPROVED SUBDISIVION (IS) TO SURBURBAN COMMERCIAL (SC) FOR PROPERTY LOCATED AT 98175 OVERSEAS HIGHWAY, KEY LARGO, LOTS 1 & 2, BLOCK 4, ROCK HARBOR ESTATES, PB3/P187 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00519750-000000.

(File 2012-110 Renaissance Farms-LUD)

[2012-110 SR DRC 10.30.12.PDF](#)

[2012-110 FILE.PDF](#)

[2012-110 Survey.PDF](#)

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## ADJOURNMENT

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".



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

**To:** Monroe County Development Review Committee

**Through:** Mayté Santamaria, Assistant Director, Planning and Environmental Resources Department

**From:** Mitchell N. Harvey, AICP, Comprehensive Planning Manager

**Date:** October 24, 2012

**Subject:** REQUEST BY JOHN C. AND WENDY A. MOORE TO AMEND THE FUTURE LAND USE MAP OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE/COMMERCIAL (MC) FOR PROPERTY LOCATED AT 10498 OVERSEAS HIGHWAY, KEY LARGO

**Meeting:** October 30, 2012

**I. REQUEST**

The applicant, John C. and Wendy A. Moore, is requesting to mend the Future Land Use Map (FLUM) of the Monroe County Year 2010 Comprehensive Plan from Residential Medium (RM) to Mixed Use/Commercial (MC) for property located at 10498 Overseas Highway, Key Largo, having real estate numbers 00511220-000000, 00511220-000100, and 00511220-000101.



Existing Conditions



Proposed Conditions

34 **II. BACKGROUND INFORMATION**  
35

36 The property was within the BU-2 district (Medium Business) prior to 1986 when the property was  
37 re-designated IS (Improved Subdivision). After 1986, all subsequent permits indicate that the  
38 building was being utilized for commercial retail use.  
39

40 The applicant presently owns a pet boarding and grooming business in an existing 960 square foot  
41 building located at 10498 Overseas Highway. The subject property currently has a Future Land Use  
42 Map (FLUM) designation of Residential Medium (RM) and a Land Use District designation of  
43 Improved Subdivision (IS). The current regulations pertaining to permitted uses do not allow a  
44 commercial retail use and the use is considered nonconforming to the provisions of the code and the  
45 comprehensive plan. The applicant is requesting to amend the FLUM designation for the existing  
46 commercial use from Residential Medium (RM) to Mixed Use Commercial (MC). The proposed  
47 FLUM amendment, together with the associated LUD amendment (IS to MU) will eliminate the  
48 nonconformity to the use.  
49

50 Monroe County Resolution No. 127-2012, approved on April 18, 2012, allows the applicant to apply  
51 for a LUD and/or FLUM designations that would eliminate the nonconforming use created with the  
52 adoption of the existing designations and not create an adverse effect on the community. The  
53 property owner must provide satisfactory evidence that the existing use on the site also existed  
54 lawfully in 1992 and was deemed nonconforming by final adoption of the LUD map and/or the  
55 existing use on the site existing lawfully in 1997 and was deemed nonconforming by final adoption  
56 of the FLUM to be exempt from the FLUM amendment application fee.  
57

58 On June 4, 2012, Monroe County Planning staff prepared an addendum to a Letter of Understanding,  
59 issued on June 27, 2003, which determined that the existing use existed lawfully in 1992 and was  
60 deemed nonconforming by the final adoption of the LUD map. Staff has also determined that the  
61 existing use existed lawfully in 1997 and was deemed nonconforming by the final adoption of the  
62 FLUM. Staff concluded that the proposed FLUM category of MC and proposed LUD designations of  
63 MU or SC would eliminate the nonconformity of use.  
64

65 Comprehensive Plan Policy 101.20.1 states: *Monroe County shall develop a series of Community*  
66 *Master Plans.* These “CommuniKeys Plans” implement a vision that was developed by the local  
67 community. In 2006, the Monroe County Board of County Commissioners adopted Policy  
68 101.20.2(5) which incorporated the Key Largo Livable CommuniKeys Plan into the Monroe County  
69 2010 Comprehensive Plan. Action Item 1.3.2 states: *Revise the FLUM and Land Use District Maps*  
70 *to resolve non-conformities in the planning area where appropriate.* The proposed FLUM and  
71 associated LUP amendment implements this Action Item of the adopted Key Largo CommuniKeys  
72 Plan.  
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**IV. AMENDMENT REVIEW**

**DENSITY AND INTENSITY ANALYSIS (COMPREHENSIVE PLAN POLICY 101.4.21)**

Existing FLUM	Type	Adopted Standards	Development potential based upon density
<b>RM FLUM</b>  <b>Total site: 0.34 acres</b> <b>0.27 net acres</b> <b>5 lots</b>	Residential Allocated Density/Acre	1 du/lot	5 units
	Residential Max Net/Buildable Acre	N/A	N/A
	Transient Allocated Density/Acre	0 rooms/spaces	0 rooms/spaces
	Transient Max Net/Buildable Acre	N/A	N/A
	Nonresidential Maximum Intensity	0 sf	0 sf
Proposed FLUM	Type	Adopted Standards	Development potential based upon density
<b>Mixed Use/ Commercial FLUM</b>  <b>Total site: 0.34 acres</b> <b>0.27 net acres</b> <b>5 lots</b>	Residential Allocated Density/Acre	1-6 du/ac	2 units
	Residential Max Net/Buildable Acre	6-18 du/ac	1-4 units
	Transient Allocated Density/Acre	5-15 rooms/spaces	1-5 rooms/spaces
	Transient Max Net/Buildable Acre	10-25 rooms/spaces	2-6 room/spaces
	Non Residential Maximum Intensity	0.10-0.45	1,484 – 6,678 sf

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**Net Change:** Residential (Allocated): -3 units  
 Residential (Max Net): +4 units  
 Transient (Allocated): +5 rooms/spaces\*  
 Transient (Max Net): +6 rooms/spaces\*  
 Non Residential: +6,678 square feet

The above table provides an approximation of the development potential for residential, transient and commercial development. Section 130-156 of the Land Development Code states: “The density and intensity provisions set out in this section are intended to be applied cumulatively so that no development shall exceed the total density limits of this article. For example, if a development includes both residential and commercial development, the total gross amount of

99 development shall not exceed the cumulated permitted intensity of the parcel proposed for  
100 development.”

101  
102 There are no existing residential uses within the subject property. Any new residential use must  
103 follow the Rate of Growth Ordinance (ROGO) permit process. An existing affordable residential  
104 use may also be transferred to the subject property from a sender site that is located within the  
105 Upper Keys subarea.  
106

107 \*Monroe County does not award ROGO allocations for the development of NEW transient  
108 residential units (e.g., hotel & motel rooms), pursuant to Policy 101.2.6. For the development of  
109 transient units in unincorporated Monroe County, existing transient units must be transferred  
110 from the same ROGO subarea to a parcel designated as Tier III or Tier III-A which does not  
111 propose the clearing of any portion of an upland native habitat patch of one acre or greater in  
112 area.  
113

#### 114 COMPATIBILITY WITH THE SURROUNDING AREA 115

- 116 A. Existing Vegetation/Habitat: Developed land
- 117 B. Existing Tier Designation: III
- 118 C. Number of Listed Endangered or Threatened Species: None
- 119 D. Existing Use: Commercial
- 120 E. Community Character of Immediate Vicinity: Adjacent land uses consist of a day care  
121 center to the south, residential uses to the north and west, with U.S. 1 right-of-way to the  
122 east.  
123

124 **The proposed FLUM is not anticipated to adversely impact the community character of the**  
125 **surrounding area.**  
126

#### 127 128 CONCURRENCY ANALYSIS (Comprehensive Plan Policy 101.1.1) 129

##### 130 Traffic Circulation (Comprehensive Plan Policy 301.1.1) 131

132 The subject property is located on U.S. 1 in Key Largo. The property is only accessible by U.S.  
133 1. The 2011 URS Arterial Travel Time and Delay Study for Monroe County indicated a LOS of  
134 A in Key Largo (MM 99.5 to MM 106.0). U.S 1 is required to maintain a level of serve (LOS)  
135 of “C” in order to support development.  
136

137 **The proposed FLUM is not anticipated to adversely impact the Traffic Circulation LOS.**  
138

##### 139 Potable Water (Comprehensive Plan Policy 701.1.1) 140

141 In March 2008, South Florida Water Management District (SFWMD) approved the FCAA’s  
142 modification of WUP 13-00005-5-W for a 20-year allocation from the Biscayne and Floridian  
143 Aquifers. The WUP provides an annual allocation of 8,751 Million Gallons (MG) or 23.98  
144 MGD and a maximum monthly allocation of 809 MG with a limited annual withdrawal from the

145 Biscayne Aquifer of 6,492 MG or 17.79 MGD and an average dry season (December 1<sup>st</sup>-April  
146 30<sup>th</sup>) of 17.0 MGD.

147  
148 The Residential LOS is 66.5 gallons/capita/day. The Non-Residential LOS is 0.35 gallons  
149 /sq.ft./day. The overall level of service for potable water is 132 gallons per capita/per/day.

150  
151 Maximum Residential:  $4 \text{ DU} \times 2.24 \text{ (people per household)} = 8$ ;  $8 \times 66.5 \text{ gallons per capita per}$   
152  $\text{day} = \underline{532 \text{ gallons per day}}$

153  
154 Maximum Non-Residential:  $0.35 \times 6,678 \text{ sq.ft.} = \underline{2,337.3 \text{ gallons per day}}$

155  
156 TOTAL:  $532 + 2,337.3 = \underline{2,869.3 \text{ gallons/day}}$

157  
158 **The proposed FLUM is not anticipated to adversely impact the Potable Water LOS.**

159  
160 Solid Waste (Comprehensive Plan Policy 801.1.1)

161  
162 Comprehensive Plan Policy 801.1.1 establishes the level of service for solid waste as 5.44 pounds  
163 per capita per day or 12.2 pounds per day per equivalent residential unit (ERU) and establishes a  
164 haul out capacity of 95,000 tons per year or 42,668 ERUs. The Comprehensive plan requires  
165 sufficient capacity be available at a solid waste disposal site to accommodate all existing and  
166 approved development for a period of three years from the projected date of completion of the  
167 proposed development of use. Monroe County has a solid waste haul out contract with Waste  
168 Management LLC, which authorizes the use of in-state facilities through September 20, 2016,  
169 thereby providing the County with approximately four years of guaranteed capacity.

170  
171 Maximum Residential =  $4 \text{ DUs} \times 2.24 \text{ (people per household)} = 8$ ;  $8 \times 5.44 \text{ pounds per capita}$   
172  $\text{per day} = \underline{43 \text{ pounds per day}}$

173  
174 **The proposed FLUM is not anticipated to adversely impact the Solid Waste LOS.**

175  
176 Sanitary Sewer (Comprehensive Plan Policy 901.1.1)

177  
178 The subject property is presently connected to the Key Largo Wastewater Treatment District  
179 central sewer system. The level of service (LOS) for residential and nonresidential flow is 145  
180 gallons per day per equivalent dwelling units (Exhibit 3-8 Sanitary Wastewater Master Plan  
181 2000).

182  
183 Maximum Residential =  $4 \times 145 = \underline{580 \text{ gallons per day}}$

184  
185 **The proposed FLUM is not anticipated to adversely impact the Sanitary Sewer LOS.**

186  
187 Drainage (Comprehensive Plan Policy 1001.1.1)

188  
189 All projects shall be designed so that the discharges will meet Florida State Water Quality Standards as set  
190 forth in Chapters 17-25 and 17-302, F.A.C, incorporated herein by reference. In addition, all projects shall  
191 include an additional 50% of the water quality treatment specified below, which shall be calculated by

192 multiplying the volumes obtained in Section (a) by a factor of 1.5 , Retention/Detention Criteria (SFWMD  
193 Water Quality Criteria 3.2.2.2):

- 194  
195 a) Retention and/or detention in the overall system, including swales, lakes, canals,  
196 greenways, etc., shall be provided for one of the three following criteria or  
197 equivalent combinations thereof:  
198  
199 (1) Wet detention volume shall be provided for the first inch of runoff from the  
200 developed project, or the total runoff of 2.5 inches times the percentage of  
201 imperviousness, whichever is greater.  
202  
203 (2) Dry detention volume shall be provided equal to 75 percent of the above  
204 amount computed for wet detention.  
205  
206 (3) Retention volume shall be provided equal to 50 percent of the above  
207 amounts computed for wet detention.  
208  
209 b) Infill residential development within improved residential areas or subdivisions  
210 existing prior to the adoption of this comprehensive plan must ensure that its post-  
211 development stormwater run-off will not contribute pollutants which will cause the  
212 runoff from the entire improved area or subdivision to degrade receiving water  
213 bodies and their water quality as stated above.  
214  
215 c) New Development and Redevelopment projects which are exempt from the South  
216 Florida Water Management District permitting process shall also meet the  
217 requirements of Chapter 40-4 and 40E-40, F.A.C.  
218

219 **The proposed FLUM is not anticipated to adversely impact the Drainage LOS.**

220  
221 Recreation and Open Space (Comprehensive Plan Policy 1201.1.1)  
222

223 The County has adopted an overall level of service, pursuant to Comprehensive Plan Policy  
224 1201.1.1, for resourced-based and activity-based recreation and open space of 0.82 acres of per  
225 1,000 persons (functional population). If development occurs at 3 residential dwelling units and  
226 2.24 per capita, there would be an additional 6 people located on this property.  
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228 **The proposed FLUM is not anticipated to adversely impact Parks and Recreation/Open**  
229 **Space LOS.**  
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**V. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, THE KEY LARGO COMMUNIKEYS PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING DEVELOPMENT**

**A. The proposed amendment is generally consistent with the following Goals, Objectives and Policies of the Monroe County Year 2010 Comprehensive Plan. Specifically, it furthers:**

**Goal 101:** Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources.

**Policy 101.112:** Monroe County shall adopt level of service (LOS) standards for the following public facility types required by Chapter 9J-5, F.A.C: roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and paratransit. The LOS standards are established in the following sections of the Comprehensive Plan:

1. The LOS for roads is established in Traffic and Circulation Policy 301.1.1;
2. The LOS for potable water is established in Potable Water Policy 701.1.1;
3. The LOS for solid waste is established in Solid Waste Policy 801.1.1;
4. The LOS for sanitary sewer is established in Sanitary Sewer Policy 901.1.1;
5. The LOS for drainage is established in Drainage Policy 1001.1.1; and
6. The LOS for parks and recreation is established in Recreation and Open Space Policy 1201.1.1

**Objective 101.4:** Monroe County shall regulate future development and redevelopment to maintain the character of the community and protect the natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map.

**Policy 101.4.5:** The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment.

**Objective 101.8:** Monroe County shall eliminate or reduce the frequency of uses which are inconsistent with the applicable provisions of the land development regulations and the Future Land Use Map, and structures which are inconsistent with applicable codes and land development regulations.

**Objective 101.11:** Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities.

**Objective 101.20:** Monroe County shall address local community needs while balancing the needs of all Monroe County communities. These efforts shall focus on the human crafted environment and shall be undertaken through the Livable CommuniKeys Planning Program.

287  
288 **Policy 101.20.2:** The Community Master Plans shall be incorporated into the 2010 Comprehensive Plan as  
289 a part of the plan and be implemented as part of the Comprehensive Plan. The following Community  
290 Master Plans have been completed in accordance with the principles outlined in this section and adopted by  
291 the Board of County Commissioners:  
292

293 5. The Key Largo Livable CommuniKeys Master Plan is incorporated by reference into the 2010  
294 Comprehensive Plan. The term Strategies in the Master Plan is equivalent to the term Objectives in the  
295 Comprehensive Plan and the term Action Item is equivalent to the term Policy; the meanings and  
296 requirements for implementation are synonymous.  
297

298 **B. The proposed amendment is consistent with the following Key Largo Livable**  
299 **CommuniKeys Plan Action Item:**  
300

301 **Action Item 1.3.2:** Revise the FLUM and Land Use District Maps to resolve nonconformities in  
302 the planning area where appropriate.  
303

304 **C. The amendment is consistent with the Principles for Guiding Development for the Florida**  
305 **Keys Area, Section 380.0552(7), Florida Statutes.**  
306

307 For the purposes of reviewing consistency of the adopted plan or any amendments to that plan  
308 with the principles for guiding development and any amendments to the principles, the principles  
309 shall be construed as a whole and no specific provision shall be construed or applied in isolation  
310 from the other provisions.  
311

- 312 (a) Strengthening local government capabilities for managing land use and development so that  
313 local government is able to achieve these objectives without continuing the area of critical  
314 state concern designation.
- 315 (b) Protecting shoreline and marine resources, including mangroves, coral reef formations,  
316 seagrass beds, wetlands, fish and wildlife, and their habitat.
- 317 (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native  
318 tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and  
319 beaches, wildlife, and their habitat.
- 320 (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound  
321 economic development.
- 322 (e) Limiting the adverse impacts of development on the quality of water throughout the Florida  
323 Keys.
- 324 (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural  
325 environment, and ensuring that development is compatible with the unique historic character  
326 of the Florida Keys.
- 327 (g) Protecting the historical heritage of the Florida Keys.
- 328 (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and  
329 proposed major public investments, including:  
330

- 331 1. The Florida Keys Aqueduct and water supply facilities;
- 332 2. Sewage collection, treatment, and disposal facilities;
- 333 3. Solid waste treatment, collection, and disposal facilities;
- 334 4. Key West Naval Air Station and other military facilities;

- 335 5. Transportation facilities;
- 336 6. Federal parks, wildlife refuges, and marine sanctuaries;
- 337 7. State parks, recreation facilities, aquatic preserves, and other publicly owned
- 338 properties;
- 339 8. City electric service and the Florida Keys Electric Co-op; and
- 340 9. Other utilities, as appropriate.

- 341
- 342 (i) Protecting and improving water quality by providing for the construction, operation,
- 343 maintenance, and replacement of stormwater management facilities; central sewage
- 344 collection; treatment and disposal facilities; and the installation and proper operation and
- 345 maintenance of onsite sewage treatment and disposal systems.
- 346 (j) Ensuring the improvement of nearshore water quality by requiring the construction and
- 347 operation of wastewater management facilities that meet the requirements of ss.
- 348 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by
- 349 central wastewater treatment facilities through permit allocation systems.
- 350 (k) Limiting the adverse impacts of public investments on the environmental resources of the
- 351 Florida Keys.
- 352 (l) Making available adequate affordable housing for all sectors of the population of the Florida
- 353 Keys.
- 354 (m) Providing adequate alternatives for the protection of public safety and welfare in the event of
- 355 a natural or manmade disaster and for a postdisaster reconstruction plan.
- 356 (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and
- 357 maintaining the Florida Keys as a unique Florida resource.
- 358

359 Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is consistent with the

360 Principles for Guiding Development as a whole and is not inconsistent with any Principle.

361

362 **C. The proposed amendment is consistent with Part II of Chapter 163, Florida Statutes (F.S.).**

363 **Specifically, the amendment furthers:**

364

365 163.3161(4), F.S. – It is the intent of this act that local governments have the ability to preserve

366 and enhance present advantages; encourage the most appropriate use of land, water, and

367 resources, consistent with the public interest; overcome present handicaps; and deal

368 effectively with future problems that may result from the use and development of land within

369 their jurisdictions. Through the process of comprehensive planning, it is intended that units

370 of local government can preserve, promote, protect, and improve the public health, safety,

371 comfort, good order, appearance, convenience, law enforcement and fire prevention, and

372 general welfare; facilitate the adequate and efficient provision of transportation, water,

373 sewerage, schools, parks, recreational facilities, housing, and other requirements and

374 services; and conserve, develop, utilize, and protect natural resources within their

375 jurisdictions

376

377 163.3161(6), F.S. - It is the intent of this act that adopted comprehensive plans shall have the

378 legal status set out in this act and that no public or private development shall be permitted

379 except in conformity with comprehensive plans, or elements or portions thereof, prepared

380 and adopted in conformity with this act.

381

382 163.3177(1), F.S. - The comprehensive plan shall provide the principles, guidelines, standards,  
383 and strategies for the orderly and balanced future economic, social, physical, environmental,  
384 and fiscal development of the area that reflects community commitments to implement the  
385 plan and its elements. These principles and strategies shall guide future decisions in a  
386 consistent manner and shall contain programs and activities to ensure comprehensive plans  
387 are implemented. The sections of the comprehensive plan containing the principles and  
388 strategies, generally provided as goals, objectives, and policies, shall describe how the local  
389 government's programs, activities, and land development regulations will be initiated,  
390 modified, or continued to implement the comprehensive plan in a consistent manner. It is not  
391 the intent of this part to require the inclusion of implementing regulations in the  
392 comprehensive plan but rather to require identification of those programs, activities, and land  
393 development regulations that will be part of the strategy for implementing the comprehensive  
394 plan and the principles that describe how the programs, activities, and land development  
395 regulations will be carried out. The plan shall establish meaningful and predictable standards  
396 for the use and development of land and provide meaningful guidelines for the content of  
397 more detailed land development and use regulations.

398  
399 163.3177(6)(a)2., F.S. - The future land use plan and plan amendments shall be based upon  
400 surveys, studies, and data regarding the area, as applicable, including:  
401 a. The amount of land required to accommodate anticipated growth.  
402 b. The projected permanent and seasonal population of the area.  
403 c. The character of undeveloped land.  
404 d. The availability of water supplies, public facilities, and services.  
405 e. The need for redevelopment, including the renewal of blighted areas and the elimination of  
406 nonconforming uses which are inconsistent with the character of the community.  
407 f. The compatibility of uses on lands adjacent to or closely proximate to military installations.  
408 g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and  
409 consistent with s. 333.02.  
410 h. The discouragement of urban sprawl.  
411 i. The need for job creation, capital investment, and economic development that will  
412 strengthen and diversify the community's economy.  
413 j. The need to modify land uses and development patterns within antiquated subdivisions.

414  
415 163.3177(6)(a)8., F.S. - Future land use map amendments shall be based upon the following  
416 analyses:  
417 a. An analysis of the availability of facilities and services.  
418 b. An analysis of the suitability of the plan amendment for its proposed use considering the  
419 character of the undeveloped land, soils, topography, natural resources, and historic  
420 resources on site.  
421 c. An analysis of the minimum amount of land needed to achieve the goals and requirements  
422 of this section.

423  
424 163.3194(1)(b), F.S. - All land development regulations enacted or amended shall be  
425 consistent with the adopted comprehensive plan, or element or portion thereof, and any land  
426 development regulations existing at the time of adoption which are not consistent with the  
427 adopted comprehensive plan, or element or portion thereof, shall be amended so as to be  
428 consistent. If a local government allows an existing land development regulation which is  
429 inconsistent with the most recently adopted comprehensive plan, or element or portion

430 thereof, to remain in effect, the local government shall adopt a schedule for bringing the land  
431 development regulation into conformity with the provisions of the most recently adopted  
432 comprehensive plan, or element or portion thereof. During the interim period when the  
433 provisions of the most recently adopted comprehensive plan, or element or portion thereof,  
434 and the land development regulations are inconsistent, the provisions of the most recently  
435 adopted comprehensive plan, or element or portion thereof, shall govern any action taken in  
436 regard to an application for a development order.  
437

438 163.3194(3)(a), F.S. – A development order or land development regulation shall be consistent  
439 with the comprehensive plan if the land uses, densities or intensities, and other aspects of  
440 development permitted by such order or regulation are compatible with and further the  
441 objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it  
442 meets all other criteria enumerated by the local government.  
443

444 163.3201, F.S. – It is the intent of this act that adopted comprehensive plans or elements  
445 thereof shall be implemented, in part, by the adoption and enforcement of appropriate local  
446 regulations on the development of lands and waters within an area. It is the intent of this act  
447 that the adoption and enforcement by a governing body of regulations for the development of  
448 land or the adoption and enforcement by a governing body of a land development code for an  
449 area shall be based on, be related to, and be a means of implementation for an adopted  
450 comprehensive plan as required by this act  
451

## 452 VI. PROCESS

453  
454 Comprehensive Plan Amendments may be proposed by the Board of County Commissioners, the  
455 Planning Commission, the Director of Planning, or the owner or other person having a contractual  
456 interest in property to be affected by a proposed amendment. The Director of Planning shall review  
457 and process applications as they are received and pass them onto the Development Review  
458 Committee and the Planning Commission.  
459

460 The Planning Commission shall hold at least one public hearing. The Planning Commission shall  
461 review the application, the reports and recommendations of the Department of Planning &  
462 Environmental Resources and the Development Review Committee and the testimony given at the  
463 public hearing. The Planning Commission shall submit its recommendations and findings to the  
464 Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the  
465 transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff  
466 recommendation, and the testimony given at the public hearing. The BOCC may or may not  
467 recommend transmittal to the State Land Planning Agency. The amendment is transmitted to State  
468 Land Planning Agency, which then reviews the proposal and issues an Objections,  
469 Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has  
470 180 days to adopt the amendments, adopt the amendments with changes or not adopt the  
471 amendment.  
472

## 473 VII. STAFF RECOMMENDATION

474  
475 Staff recommends approval.  
476  
477

478  
479  
480  
481  
482  
483  
484  
485

**VIII. EXHIBITS**

- A. Letter of Understanding, June 4, 2012 Addendum to a Letter of Understanding issued on June 27, 2003 concerning a pet grooming and boarding facility located at 104980 Overseas Highway, Key Largo
- B. Monroe County Resolution 127-2012
- C. Proposed FLUM Map

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

*We strive to be caring, professional and fair*

June 4, 2012

John Moore  
104980 Overseas Highway  
Key Largo, 33037

**SUBJECT: ADDENDUM TO LETTER OF UNDERSTANDING ISSUED ON JUNE 27, 2003 CONCERNING A PET GROOMING AND BOARDING FACILITY, LOCATED AT 104980 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 104.9, HAVING REAL ESTATE NUMBERS 00511220.000000, 00511220.000100 AND 00511220.000101**

Mr. Moore,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On June 12, 2003, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department on Plantation Key. A letter of understanding was issued afterwards on June 27, 2003.

Note: The June 27, 2003 was for the following real estate numbers: 00511200.000000, 00511210.000000, 00511220.000000 and 00511230.000000. Real estate numbers 00511200.000000, 00511210.000000, and 00511230.000000 were combined with 00511220.000000 for the 2009 tax roll per the property owner's request. Two new real estate numbers, 00511220.000100 and 00511220.000101, was split out from 00511220.000000 for the 2010 tax roll per the property owner's request.

The Board of County Commissioners passed and adopted Resolution #127-2012 on April 18, 2012. This resolution, adopted after the issuance of the letter of understanding on June 27, 2003, amended the Planning & Environmental Resources Department's fee schedule. Of relevance to your property and the development thereon, the amended fee schedule included the following new provision:

There shall be no application or other fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official [Land Use District

(LUD)] map and/or the official [Future Land Use Map (FLUM)], if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.

You have requested that the Senior Director of Planning & Environmental Resources render such a decision in relation to the subject property and allow you to submit FLUM and LUD amendment applications without the required application fees.

The property has a FLUM designation of Residential Medium (RM), a LUD designation of Improved Subdivision (IS), and a tier designation of Tier 3.

You have requested a FLUM designation of Mixed Use / Commercial (MC) and a LUD designation of either Suburban Commercial (SC) or Mixed Use (MU).

The property was within a BU-2 district (Medium Business) prior to 1986 when the property was re-designated IS.

Regarding the development and use of the existing building on the property:

There is no building permit on file for the existing building. According to the Monroe County Property Appraiser's records, it was constructed in 1960.

In 1977, Building Permit #C3245 was issued to relocate a ground-mounted sign. In the permit file, the business is identified as "R & R Marine Inc.", a commercial retail use.

In 1982, Building Permit #C11551 was issued for new electric installation. On the permit, the business is identified as "Upper Keys Coin Laundry", a commercial retail use.

In 1986, Building Permit #20794 was issued for the re-roofing of the existing building. On the permit, the business is identified as a "coin laundry", a commercial retail use.

After 1986, all subsequent permits indicate that the building was being utilized for commercial retail use.

The current regulations pertaining to permitted uses in the IS district do not allow a commercial retail building. Furthermore, Policy 101.4.3 of the Monroe County Year 2010 Comprehensive Plan, which describes permitted uses in the RM FLUM category, does not state that commercial retail uses are allowed. Therefore, the existing commercial retail use is nonconforming to the current provisions of the Monroe County Code and Comprehensive Plan.

However, as the building and its commercial retail use were approved and permitted prior to 1986, the existing use is considered a lawful nonconforming use.

Resolution #127-2012 requires the property owner to provide satisfactory evidence that the existing use on the site also existed lawfully in 1992 and was deemed nonconforming by final adoption of the LUD map and/or the existing use on the site existed lawfully in 1997 and was deemed nonconforming by final adoption of the FLUM. Following a review, Staff has determined that the existing use existed lawfully in 1992 and was deemed nonconforming by the final adoption of the LUD map. Staff has also determined that the existing use existed lawfully in 1997 and was deemed nonconforming by the final adoption of the FLUM.

Resolution #127-2012 requires the applicant to apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Following a review, Staff has determined that the proposed FLUM category of MC and proposed LUD designations of SC or MU would eliminate the nonconformity to use. Therefore, the proposed designations are acceptable; however prior to application submittal, you must decide on whether to pursue an amendment to SC or MU. Staff cannot make this decision. In addition, please be aware that Staff is not obligated to recommend approval of the proposed LUD or FLUM designations. Staff is required to review the application on its merit and determine upon a full review that there shall not be an adverse impact to the community and is consistent with the provisions of the Comprehensive Plan and Monroe County Code.

In conclusion, Staff has determined that your proposal qualifies for fee exemptions to the "Comprehensive Plan, Future Land Use Map (FLUM) Amendment" of \$5,531.00 and the "Land Use District Map, Amendment-Nonresidential" fee of \$4,929.00. You may submit a FLUM amendment and/or LUD amendment application without the submittal of the aforementioned application fees. However, you are responsible for all other requirements, including the fees for advertising (\$245.00 per application) and noticing (\$3.00 per each surrounding property per application).

In addition, please note that you are eligible for these fee waivers so long as such waivers are permitted by the fee schedule. If the fee schedule is amended to remove such a provision in the future, you may not be eligible to submit the application without such required application fees afterwards.

\* \* \* \* \*

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Comprehensive Plan is amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal 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.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely,  


Joseph Haberman, Planning & Development Review Manager  
for  
Townasley Schwab,  
Senior Director of Planning & Environmental Resources

CC: Mayte Santamaria, Assistant Director of Planning

JOE HABERMAN

**Growth Management Division**  
2798 Overseas Highway  
Suite #400  
Marathon, Florida 38050  
Voice: (808) 289-2800  
FAX: (808) 289-2536



**Board of County Commissioners**  
Mayor Dixie Spelner, Dist. 1  
Mayor Pro Tem Murray Nelson, District 5  
George Neugebret, District 2  
Charles "Sonny" McCoy, District 3  
David P. Rice, District 4

June 27, 2003

305-289 2536

**Mr. John Moore**  
478 Summerland Road  
Key Largo, FL 33037

**SUBJECT:** Letter of Understanding: A Proposed Pet Grooming and Boarding Facility  
Revised and Amended Plat of Riviera Village, Block 4, Lots 1-5, Mile Marker 104.9  
Bayside, Key Largo. RE#s: 00511200.000000, 00511210.000000, 00511220.000000,  
& 00511230.000000

Dear Mr. Moore,

This letter is to address issues that arose in a meeting that was held on June 12, 2003, in the Plantation Key Planning Department.

Attendees of this meeting were John Moore (hereafter referred to as "the applicant") and Jeff Stumcard, Senior Planner (hereafter referred to as the Growth Management Division).

Items discussed at the meeting, and further staff research has indicated that the following statements apply to this project:

1. The site is composed of five (5) lots, of which three (3) are vacant and two (2) have an existing structure (963 square feet) that is currently operating as *Largo Coin Laundry*.
2. The FEMA Flood Map (Panel # 0844G) shows all of the property to be in the 'X' flood zone.
3. The current Monroe County Land Use District Map indicates the parcel is located in the Improved Subdivision (IS) land use district, which allows residential uses "as of right". The existing use of the property as a laundromat is not permitted under the current 'IS' zoning. Under the current regulations, that use would be allowed to continue operation as has been the case for a number of years, but would be considered nonconforming. Section 9.5-143 of the Monroe County Land Development Regulations addresses nonconformities as stated below:
  - *Relocation:* A structure in which a nonconforming use is located may not be moved unless the use thereafter conforms to the limitations of the zoning.
  - *Change in Use:* A nonconforming use shall not be changed unless the new use conforms to the provisions of the zoning.
  - *Extensions:* Nonconforming uses shall not be extended, enlarged, or occupy additional land.

The applicant stated that he has no intention of relocating or redeveloping the structure. He also stated his understanding that the structure may not be extended, enlarged, or occupy additional land. It was conveyed to the applicant that the addition of outside kennels or pens for the animals, or a modification of the structure to allow such provisions from the inside would constitute a violation of this clause. The applicant agreed to these interpretations and stated that the services provided would be conducted only within the structure itself. The applicant's intentions are to have approximately 10 indoor "pens" for dogs and a separate room for a reception and grooming area. A "cathouse" was also shown to be located in this portion of the structure. It is staff's understanding that this was not intended as a brothel, but as an area for felines to board. Staff does not view individual dog-walking on the outside premises a violation of the above-stated criteria (occupying additional lands).

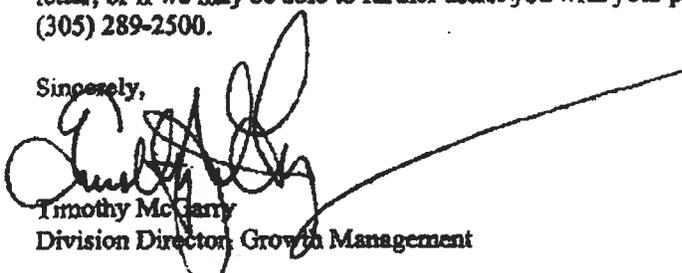
With that said, this proposal becomes a question of whether or not this is a change of use. Staff does not believe this to be the case since a change of use must involve a greater intensity of use for the new proposal. It is staff's opinion that the intensity will be less for a kennel than it is for the existing laundromat.

4. The existing building currently has several non-striped parking areas that have been sufficient for the current business at this location. Per Monroe County Code (MCC) parking requirements, three (3) parking spaces per 1,000 square feet of floor area is required for the proposed use. Any future use of the site would be required to provide one (1) handicapped space with appropriate signage and striping. The area in front of the structure already has a flat, paved surface with unobstructed access into the building.
5. Any requests for signage, or changes to the existing signage would be handled through a separate application and review. Any applicable regulations within Sections 9.5-404 through 9.5-405 of the Monroe County Land Development Regulations would have to be adhered to if changes in signage are petitioned.

Pursuant to Section 9.5-43 of the Monroe County Code, you are to rely upon the representations set forth in this letter of understanding as accurate under the regulations currently in effect. However, the Planning Department acknowledges that all items required as part of the application for development approval may not have been addressed at the June 12, 2003 meeting, and consequently reserves the right for additional department comment.

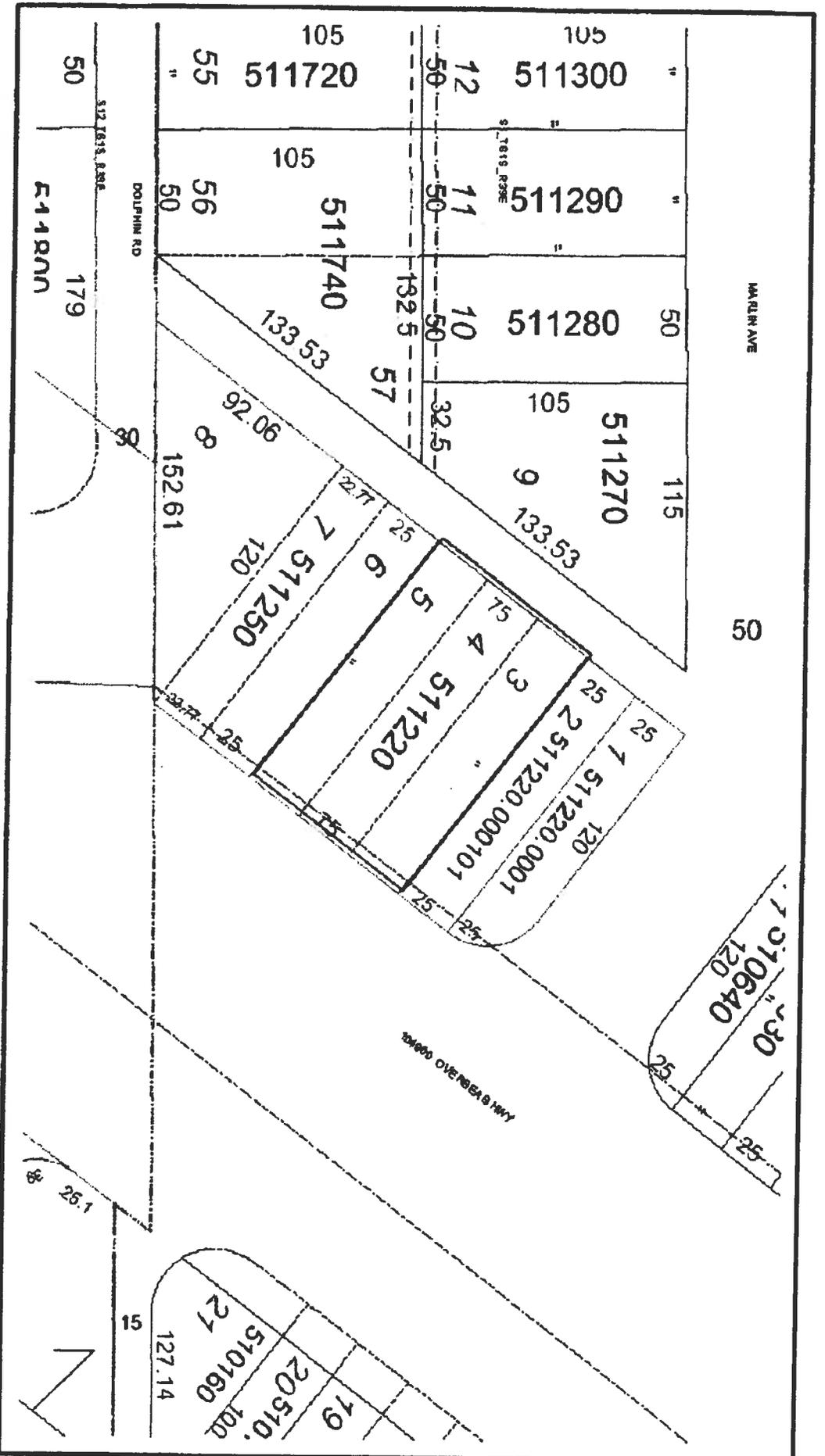
We trust that this information is of assistance. If you have any questions regarding the content of this letter, or if we may be able to further assist you with your project, please feel free to contact our office at (305) 289-2500.

Sincerely,



Timothy McGarry  
Division Director, Growth Management

Cc: Marlene Conaway, Director of Planning and Environmental Resources  
Ervin Higgs, Property Appraiser  
Jeff Stuncard, Senior Planner  
Jerry Buckley, Planner  
Niko Reisinger, Biologist



**Monroe County, Florida**  
**MCPA GIS Portal**

Printed: Jun 07, 2012

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of assisting in securing 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.





**MONROE COUNTY, FLORIDA  
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. 127 - 2012**

A RESOLUTION AMENDING RESOLUTION 169-2011, THE PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT FEE SCHEDULE; TO GENERALIZE THE TITLE OF THE FEE FOR APPLICATIONS FOR EXTENSIONS OF TIME AUTHORIZED BY STATE LEGISLATION; TO EXEMPT MAP AMENDMENT FEES FOR PROPERTY OWNERS WHO APPLY TO AMEND THEIR PROPERTIES' LAND USE DISTRICT AND/OR FUTURE LAND USE MAP DESIGNATIONS TO DESIGNATIONS THAT WOULD ELIMINATE NONCONFORMITIES TO USES THAT WERE CREATED WHEN THE PROPERTIES WERE REZONED BY THE COUNTY IN 1992 AND/OR PROVIDED A FUTURE LAND USE MAP DESIGNATION IN 1997 UNDER CERTAIN CONDITIONS; PROVIDING FOR A FEE FOR A LETTER OF UNDERSTANDING FOR MAP AMENDMENT FEE WAIVERS; AND TO REPEAL ANY OTHER FEE SCHEDULES INCONSISTENT HEREWITH.

**WHEREAS**, the Monroe County Board of County Commissioners wishes to provide the citizens of the County with the best possible service in the most cost effective and reasonable manner; and

**WHEREAS**, the Board finds that it would be in the best interests of the general public to charge the true cost for such services, thereby placing the burden of such costs directly upon those parties deriving the benefit from such services; and

**WHEREAS**, the updated fee schedule prepared by the Growth Management Director for providing these services includes the estimated direct costs and reasonable indirect costs associated with the review and processing of planning and development approval applications and site plans, on-site biological reviews, administrative appeals, preparation of official documentation verifying existing development rights and other processes and services; and

**WHEREAS**, the Board has discussed the need to adjust the fee schedule to compensate the county for resources needed in excess of the fee estimates included in the base fees; and

**WHEREAS**, applicants for development review should pay the cost of the review, rather than those funds coming from other sources; and

**WHEREAS**, the Board of County Commissioners wishes to amend fees to compensate for resources expended in applications for private development approvals; and

**WHEREAS**, The Florida State Legislature is considering legislation which allows for extensions of time for some development orders for which the fee is currently \$250.00, based on previous Senate and House bills; and

**WHEREAS**, in 1992, a revised series of zoning maps was approved (also known as the Land Use District (LUD) maps) for all areas of the unincorporated county. These maps depicted boundary determinations carried out between 1986 and 1988, depicted parcel lines and were drawn at a more usable scale. Although signed in 1988, the LUD's did not receive final approval until 1992. The Monroe County Land Development Regulations, portions of which are adopted by Rule 28-20.021, F.A.C., and portions of which are approved by the Department of Community Affairs in Chapter 9J-14, F.A.C., were amended effective August 12, 1992. The Land Use District Map was revised to reflect the changes in this rule. The LUD maps remain the official zoning maps of Monroe County; and

**WHEREAS**, in 1993, Monroe County adopted a set of Future Land Use Maps (FLUM) pursuant to a joint stipulated settlement agreement and Sec. 163.3184 Florida Statutes. The Ordinance #016-1993 memorialized the approval. This map series was dated 1997. The 1997 FLUM remains the official future land use maps of Monroe County; and

**WHEREAS**, since the adoption of the LUD maps and FLUM, the County has discovered that several parcels with existing, lawful uses were assigned land use district and future land use categories that deemed those uses nonconforming. In these instances, the County created nonconformities to use without studying of the existing uses and the impact of deeming those uses nonconforming. A remedy to existing property owners would be to allow those property owners to apply for map amendments to designations that would eliminate the nonconformities created by the County and not by the property owner without the payment of a fee; and

**WHEREAS**, the County wishes to clarify that fees will be changed to private applicants for traffic studies required or requested for not only map amendments, but for text amendments submitted by private applicants; and

**WHEREAS**, the Board heard testimony and evidence presented as to the appropriate fee schedule during a public hearing on April 18, 2012;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY FLORIDA:**

**Section 1.**

Pursuant to Section 102-19(9), the following schedule of fees to be charged by the Growth Management Division for its services, including but not limited to the filing of land development permit applications, land development approvals, land development orders, and appeal applications, and requests for technical services or official letters attesting to development rights recognized by the County shall be implemented:

Administrative Appeals.....	\$1,500.00
Administrative Relief.....	\$1,011.00
Alcoholic Beverage Special Use Permit.....	\$1,264.00
Appeal ROGO or NROGO to BOCC.....	\$816.00
Beneficial Use.....	\$4,490.00
Biological Site Visit (per visit).....	\$280.00
Biologist Fee (Miscellaneous-per hour).....	\$60.00
Boundary Determination.....	\$1,201.00
Comprehensive Plan, Text Amendment.....	\$5,531.00
Comprehensive Plan, Future Land Use Map (FLUM) Amendment.....	\$5,531.00
Conditional Use, Major, New/Amendment.....	\$10,014.00
Conditional Use, Minor, New/Amendment.....	\$8,484.00
Conditional Use, Minor, Transfer Development Rights (TDR).....	\$1,239.00
Conditional Use, Minor, Transfer Nonresidential Floor Area (TRE).....	\$1,944.00
Conditional Use, Minor, Transfer ROGO Exemption (TRE).....	\$1,740.00
Conditional Use, Minor/Major, Minor Deviation.....	\$1,768.00
Conditional Use, Minor/Major, Major Deviation.....	\$3,500.00
Conditional Use, Minor/Major, Time Extension.....	\$986.00
Department of Administrative Hearings (DOAH) Appeals.....	\$816.00
Development Agreement.....	\$12,900.00
Development of Regional Impact (DRI).....	\$28,876.00
Dock Length Variance.....	\$1,026.00
Front Yard Setback Waiver, Administrative.....	\$1,248.00
Front Yard Setback Waiver, Planning Commission.....	\$1,608.00
Grant of Conservation Easement.....	\$269.00
Habitat Evaluation Index (per hour).....	\$60.00
Home Occupation Special Use Permit.....	\$498.00
Inclusionary Housing Exemption.....	\$900.00
Land Development Code, Text Amendment.....	\$5,041.00
Land Use District Map, Amendment–Nonresidential.....	\$4,929.00
Land Use District Map, Amendment–Residential.....	\$4,131.00

Letter of Current Site Conditions.....	\$936.00
Letter of Development Rights Determination.....	\$2,209.00
Letter of ROGO Exemption.....	\$215.00
Letter of Understanding for LUD Map/FLUM Fee waiver .....	\$250.00
NROGO Application.....	\$774.00
Planning Fee (Miscellaneous-per hour).....	\$50.00
Parking Agreement.....	\$1,013.00
Planning Site Visit.....	\$129.00
Platting, 5 lots or less.....	\$4,017.00
Platting, 6 lots or more.....	\$4,613.00
Pre-application with Letter of Understanding.....	\$689.00
Pre-application with No Letter of Understanding.....	\$296.00
Public Assembly Permit.....	\$149.00
Dog in Restaurant Permit.....	\$150.00
Research, permits and records (per hour).....	\$50.00
Road Abandonment.....	\$1,533.00
ROGO Application.....	\$748.00
ROGO Lot/Parcel Dedication Letter.....	\$236.00
Legislative Time Extension for Development Orders /Permits.....	\$250.00
Special Certificate of Appropriateness.....	\$200.00
Tier Map Amendment–Other than IS/URM Platted Lot.....	\$4,131.00
Tier Map Amendment–IS/URM Platted Lot Only.....	\$1,600.00
Vacation Rental Permit (Initial).....	\$493.00
Vacation Rental (Renewal).....	\$100.00
Vacation Rental Manager License.....	\$106.00
Variance, Planning Commission, Signage.....	\$1,076.00
Variance, Planning Commission, Other than Signage.....	\$1,608.00
Variance, Administrative.....	\$1,248.00
Vested Rights Determination.....	\$2,248.00
Wetlands Delineation (per hour).....	\$60.00

Growth Management applications may be subject to the following additional fees, requirements or applicability:

1. For any application that requires a public hearing(s) and/or surrounding property owner notification, advertising and/or notice fees; \$245 for newspaper advertisement and \$3 per property owner notice.
2. There shall be no application or other fees, except advertising and noticing fees, for affordable housing projects, except that all applicable fees shall be charged for applications for all development approvals required for any development under Sec. 130-161.1 of the Monroe County Code and for applications for variances to setback, landscaping and/or off-street parking regulations associated with an affordable housing development.

3. There shall be no application fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official LUD map and/or the official FLUM, if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.
  
4. Hearing fees: applicant shall pay half the cost of the hourly rate, travel and expenses of any hearing officer. The County is currently charged \$144.00 per hour by Department of Administrative Hearings (DOAH). If the fee charged to the County is increased, the charge will change proportionately. An estimated amount of one-half of the hearing officer costs as determined by the County Attorney shall be deposited by the applicant along with the application fee, and shall be returned to the applicant if unused.
  
5. Base fees listed above include a minimum of (when applicable) two internal staff meetings with applicants; one Development Review Committee meeting, one Planning Commission public hearing; and one Board of County Commission public hearing. If this minimum number of meetings/hearings is exceeded, the following fees shall be charged and paid prior to the private development application proceeding through public hearings:
  - a. Additional internal staff meeting with applicant \$500.00
  - b. Additional Development Review Committee public hearing \$600.00
  - c. Additional Planning Commission public hearing \$700.00
  - d. Additional Board of County Commissioners public hearing \$850.00

The Director of Growth Management or designee shall assure these additional fees are paid prior to hearing scheduling. These fees apply to all applications filed after September 15, 2010.

6. Applicants for Administrative Appeal, who prevail based on County error, as found by the Planning Commission, shall have the entire application fee refunded.
7. Concerning the application fees to amend the tier maps, the lesser application fee of \$1,600.00 is only available for applications to amend the tier designation of a single URM or IS platted lot. It may not be used to amend the designation of more than one parcel.
8. Applicants for any processes listed above that are required to provide transportation studies related to their development impacts shall be required to deposit a fee of \$5,000 into an escrow account to cover the cost of experts hired by the Growth Management Division to review the transportation and other related studies submitted by the applicant as part of the development review process or any text amendment submitted by a private applicant. Any unused funds deposited by the applicant will be returned upon permit approval. Monroe County shall obtain an estimate from the consultant they intend to hire to review the transportation study for accuracy and methodology and if the cost for the review on behalf of Monroe County is higher than the \$5000, applicant shall remit the estimated amount. Any unused funds deposited by the applicant will be returned upon permit approval.

**Section 2.**

Any other fees schedules or provisions of the Monroe County Code inconsistent herewith are hereby repealed.

**Section 3.**

The Clerk of the Board is hereby directed to forward one (1) certified copy of this Resolution to the Division of Growth Management.

(REMAINDER OF PAGE LEFT INTENTIONALLY BLANK)

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 18th day of April, 2012.

Mayor David Rice	<u>Yes</u>
Mayor <i>Pro Tem</i> Kim Wigington	<u>Yes</u>
Commissioner Heather Carruthers	<u>Yes</u>
Commissioner Sylvia Murphy	<u>Yes</u>
Commissioner George Neugent	<u>Yes</u>



**MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**

Test: DANNY L. KOLHAGE, CLERK

Paul C. DeSantis  
Deputy Clerk

By \_\_\_\_\_  
Mayor David Rice

FILED FOR RECORD  
2012 MAY -3 PM 3:16  
DANNY L. KOLHAGE  
CLERK  
MONROE COUNTY, FLORIDA

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
[Signature]  
Date: 4-3-12



**File #:** **2012-097**

**Owner's Name:** Moore, John C. & Wendy A.

**Applicant:** Moore, John

**Agent:** N/A

**Type of Application:** FLUM Amendment

**Key:** Key Largo

**RE:** 00511220-000100

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# **Additional Information added to File 2012-097**

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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 Tern Dist. 1  
Heather Carruthers, Dist. 3  
George Neugent, Dist. 2  
Sylvia J. Murphy, Dist. 5

*We strive to be caring, professional and fair*

Date: 7.03/12  
Time: AM

Dear Applicant:

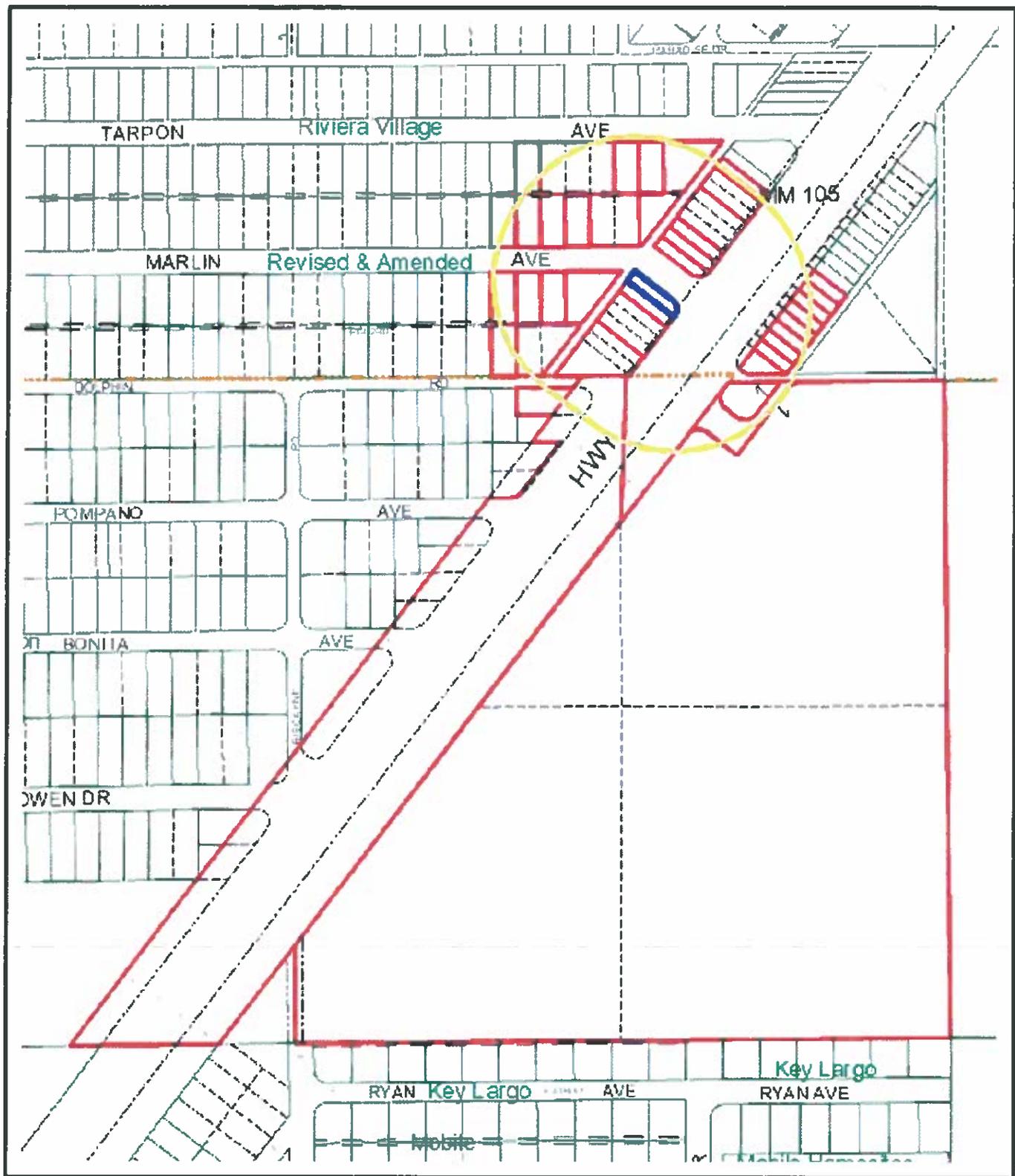
This is to acknowledge submittal of your application for FLUM Amendment  
Type of application

Moore, John to the Monroe County Planning Department.  
Project / Name

Thank you.

Paul Creech

Planning Staff



# Monroe County, Florida *Labels by GC*

Printed: Jul 03, 2012

## MCPA GIS Public Portal

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.



"BARBRO LLC "  
"6760 SW 75TH TER"  
"SOUTH MIAMI", "FL" "33143-4508"

"BARRIOS JORGE AND ADELA "  
"9290 SW 174 ST"  
"PALMETTO BAY", "FL" "33157"

"BENAMI REUVEN"  
"98900 OVERSEAS HWY"  
"KEY LARGO", "FL" "33037-2366"

"COX KEITH H"  
"54 N BLACKWATER LN"  
"KEY LARGO", "FL" "33037"

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

"DOHERTY ROBERT M AND YVETTE"  
"29120 S DIXIE HWY"  
"HOMESTEAD", "FL" "33033-2397"

"DOT/ST.OF FL "  
""  
"TALLAHASSEE", "FL" "32399"

"GRIFFIN LOUISE A"  
"8 DOLPHIN RD"  
"KEY LARGO", "FL" "33037-2913"

"HARDER JACKLYN R"  
"16 N MARLIN AVE"  
"KEY LARGO", "FL" "33037"

"JOHNSON STEVEN K"  
"PO BOX 372508"  
"KEY LARGO", "FL" "33037-7508"

"KARROW ROBERT "  
"3522 135TH AVE NW"  
"ANDOVER", "MN" "55304"

"KLBD LLC "  
"2441 SW 15TH TER"  
"PALM CITY", "FL" "34990-2101"

"MINICHINO JUSTIN"  
"8 N MARLIN AVE"  
"KEY LARGO", "FL" "33037"

"MONROE COUNTY "  
"500 WHITEHEAD ST"  
"KEY WEST", "FL" "33040"

"MONROE COUNTY COMPREHENSIVE  
PLAN LAND AUTHORITY "  
"1200 TRUMAN AVE STE 207"  
"KEY WEST", "FL" "33040-7270"

"MOORE JOHN C AND WENDY A"  
"104980 OVERSEAS HWY"  
"KEY LARGO", "FL" "33037"

"MOSSBROOKS WILLIAM A AND  
CAROLYNN R"  
"291 LANCE LANE"  
"KEY LARGO", "FL" "33037"

"PEARSON GREGORY J & JUDITH A "  
"12 NORTH MARLIN AVENUE"  
"KEY LARGO", "FL" "33037"

"PEARSON GREGORY J AND JUDITH A"  
"12 NORTH MARLIN AVE"  
"KEY LARGO", "FL" "33037"

"RIVIERA KEY LARGO LLC "  
"9400 S DADELAND BLVD STE 600"  
"MIAMI", "FL" "33156-2822"

"STEPHENSON LORI "  
"105050 OVERSEAS HWY"  
"KEY LARGO", "FL" "33037"

"TOBIN BRIAN L AND DENISE E"  
"4137 E ASHURST DR"  
"PHOENIX", "AZ" "85048-0550"

"WARNAAR JAMES GERALD "  
"11 N MARLIN AVE"  
"KEY LARGO", "FL" "33037"

"WARREN BURGESS D AND MARYANN  
J"  
"308 2ND TERR"  
"KEY LARGO", "FL" "33037"

Labels by GC

**End of Additional File 2012-097**

REQUEST FOR FUTURE LAND USE MAP (FLUM)  
AMENDMENT APPLICATION



RECEIVED  
JUL - 3 2012  
MONROE CO. PLANNING DEPT

MONROE COUNTY  
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

An application must be deemed complete and in compliance with the Monroe County Code by the Staff prior to the item being scheduled for review

Amendment to Future Land Use Map Application Fee: \$5,531.00

In addition to the above application fees, the following fees also apply to each application:

Advertising Costs: \$245.00

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

Technology Fee: \$20.00

Date 7/2/12  
Month Day Year

Property Owner:

JOHN MOORE

Name

KEY LARGO 33037  
104980 OVERSEAS HWY

Mailing Address

305-924-2700

Daytime Phone

JLMOORE101@GMAIL.COM

Email Address

Agent (if applicable):

Name

Mailing Address

Daytime Phone

Email Address

Legal Description of Property:

(If in metes and bounds, attach legal description on separate sheet)

4 1 THRU 5 RIVIERA VILLAGE KEY LARGO

Block

Lot

Subdivision

Key

00511220-00100, 00511220-000101 4095586, 4095591, 1630533

Real Estate (RE) Number

Alternate Key Number

104980 OVERSEAS HWY KEY LARGO 33037

Street Address

Approximate Mile Marker

105 MLM

**REQUEST FOR FUTURE LAND USE MAP (FLUM)  
AMENDMENT APPLICATION**

**Current Future Land Use Map Designation(s):** RM

**Proposed Future Land Use Map Designation(s):** \_\_\_\_\_

**Current Land Use District Designation(s):** 15

**Tier Designation(s):** 3

**Total Land Area Affected in acres:** 0.344352

**Existing Use of the Property** (If the property is developed, please describe the existing use of the property, including the number and type of any residential units and the amount and type of any commercial development):

DOG GROOMING AND BOARDING

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**In accordance with Sec. 102-158, the BOCC may consider the adoption of an ordinance enacting the proposed change based on one or more of six factors. Please describe how one or more of the following factors shall be met (attach additional sheets if necessary):**

1) **Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based:**

NONE

\_\_\_\_\_

\_\_\_\_\_

2) **Changed assumptions (e.g., regarding demographic trends):**

NONE

\_\_\_\_\_

\_\_\_\_\_

3) **Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**REQUEST FOR FUTURE LAND USE MAP (FLUM)  
AMENDMENT APPLICATION**

4) **New issues:**

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5) **Recognition of a need for additional detail or comprehensiveness:**

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6) **Data updates:**

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**In no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located. Please describe how the FLUM amendment would not result in an adverse community change (attach additional sheets if necessary):**

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**Has a previous FLUM application been submitted for this site within the past two years?**

Yes \_\_\_\_\_ Date: \_\_\_\_\_  
No

**All of the following must be submitted in order to have a complete application submittal:**  
(Please check as you attach each required item to the application)

- Complete Future Land Use Map (FLUM) amendment application (unaltered and unbound); and
- Correct fee (check or money order to Monroe County Planning & Environmental Resources); and
- Proof of ownership (i.e. Warranty Deed); and
- Current Property Record Card(s) from the Monroe County Property Appraiser; and
- Location map from Monroe County Property Appraiser; and
- Copy of Future Land Use Map (please request from the Planning & Environmental Resources Department prior to application submittal); and
- Copy of Current Land Use District Map (please request from the Planning & Environmental Resources Department prior to application submittal);
- Photograph(s) of site from adjacent roadway(s);

**REQUEST FOR FUTURE LAND USE MAP (FLUM)  
AMENDMENT APPLICATION**

- 300 foot radius map from Monroe County Property Appraiser Office
- List of surrounding property owners from 300 foot radius map
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property (two (2) sets). This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included, and
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – sixteen (16) sets (at a minimum survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage marked with land use district; and total acreage shown with vegetative habitat).

If applicable, the following must be submitted in order to have a complete application submittal:

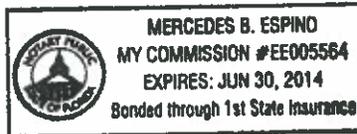
- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property)
- Any other Monroe County documents including Letters of Understanding pertaining to the proposed Future Land Use Map amendment

If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.

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: J.C. Nowle Date: July 2<sup>nd</sup>, 2012

Sworn before me this 2<sup>nd</sup> day of July, 2012



Mercedes B. Espino  
Notary Public  
My Commission Expires

Please send or deliver the complete application package to:  
Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050.

# Map



Parcels



Roads

Parcels



Tier Overlay District

-  Tier I - Natural Area
-  Tier II - Transition and Sprawl Area
-  Tier III - Infill Area
-  Tier III-A - Special Protection Area
-  Military

Tier Labels

- 2009 Orthophotography
-  Red: Band\_1
  -  Green: Band\_2
  -  Blue: Band\_3

## Copyright



CORAL WAY

PARADISE DR

TARPON AVE

MARLIN AVE

MARLIN AVE

DOLPHIN RD

OVERSEAS HWY

POMPANO DR

BONITA AVE



NA

PARADISE DR

TARPON AVE

MARLIN AVE

IS

MARLIN AVE

DOLPHIN RD

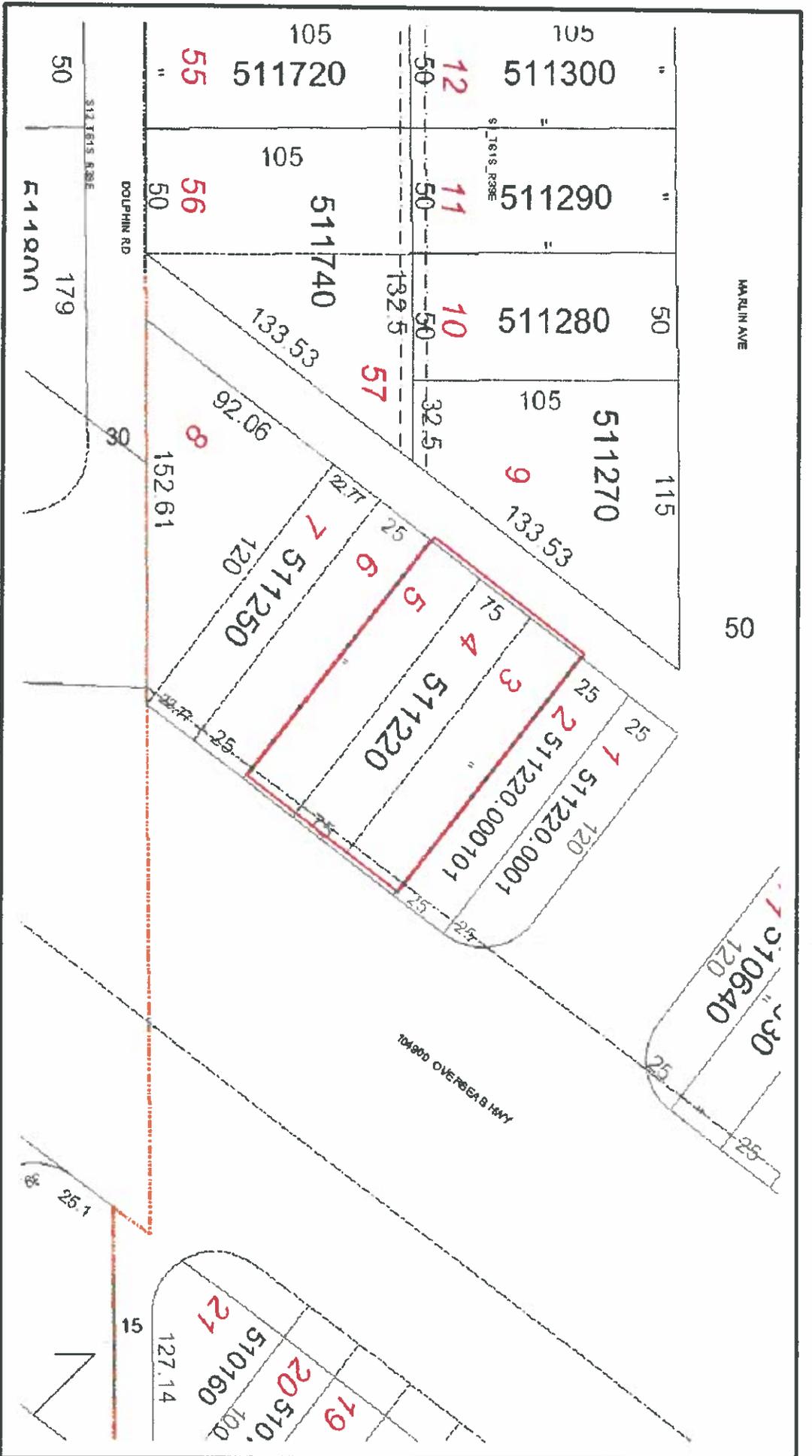
OVERSEAS HWY

SR

POMPANO DR

BONITA AVE

SC



# Monroe County, Florida

## MCPA GIS Portal

Printed: Jun 07, 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.





**Monroe County Property Record Card (073)**

Alternate Key: 9095586  
 Effective Date: 6/8/2012 8:07:03 AM  
 Roll Year 2012  
 Run: 06/08/2012 08:07 AM

MOORE, JOHN C AND WENDY A  
 104980 OVERSEAS HWY  
 KEY LARGO FL 33037

Parcel 00511220-000100-01-61-39 Nbhhd 10020  
 Alt Key 9095586 Mill Group 500K  
 Affordable Housing No PC 1000  
 FEMA Injunction ALL  
 Inspect Date Next Review  
 Business Name  
 Physical Addr VACANT LAND OVERSEAS HWY, KEY LARGO

**Associated Names**

Name DBA Role  
 MOORE, JOHN C AND WENDY A Owner

**Legal Description**

BK 4 LOT 1 REVISED AMENDED PLAT OF RIVIERA VILLAGE PB2-80 KEY LARGO OR499-621 OR1173-2392 OR1374-1998(PROB-95-20123-CP-10) OR1409-2471P/R OR1492-1524C/T  
 OR1499-85AFF OR1499-86D/C OR1507-2085 OR1922-995/996 OR2174-2023/24 OR2390-2166/67

**Land Data 1.**

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
01	1M0H	25	120	Yes	3,000.00	SF	0.00	1.00	1.00	1.00	1.00	1.00		N		
<b>Total Just Value</b>																

**Appraiser Notes**

SPLIT OUT FROM RE 00511220-000000 AK 1630535 FOR THE 2010 TAX ROLL PER THE OWNERS REQUEST.

**Value History**

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2011F	C	3,300	0	0	0	3,300	3,300	0	N	3,300
2010F	C	3,900	0	0	0	3,900	3,900	0	N	3,900

**Monroe County Property Record Card (073)**

Alternate Key: 9095591  
 Effective Date: 6/8/2012 8:08:08 AM  
 Roll Year 2012  
 Run: 06/08/2012 08:08 AM

MOORE, JOHN C AND WENDY A  
 104980 OVERSEAS HWY  
 KEY LARGO FL 33037

Parcel 00511220-000101-01-61-39 Nbhd 10020  
 Alt Key 9095591 Mill Group 500K  
 Affordable Housing No PC 1000  
 FEMA Injunction ALL  
 Inspect Date Next Review  
 Business Name  
 Physical Addr VACANT LAND OVERSEAS HWY, KEY LARGO

Associated Names  
 Name DBA Role  
 MOORE, JOHN C AND WENDY A Owner

Legal Description  
 BK 4 LOT 2 REVISED AMENDED PLAT OF RIVIERA VILLAGE PB2-80 KEY LARGO OR499-621 OR1173-2392 OR1374-1998/(PROB-95-20123-CP-10) OR1409-2471P/R OR1492-1524C/T  
 OR1499-85AFF OR1499-86D/C OR1507-2085 OR1922-995/996 OR2174-2023/24 OR2390-2166/67

Land Data 1.

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
01	100H	25	120	Yes	3,000.00	SF	0.00		1.00	1.00	1.00	1.00		N		
Total Just Value																

Appraiser Notes  
 SPLIT OUT FROM RE 00511220-000000 AK 1630535 FOR THE 2010 TAX ROLL PER THE OWNERS REQUEST.

Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2011F	C	15,600	0	0	0	15,600	15,600	0	N	15,600
2010F	C	24,000	0	0	0	24,000	24,000	0	N	24,000

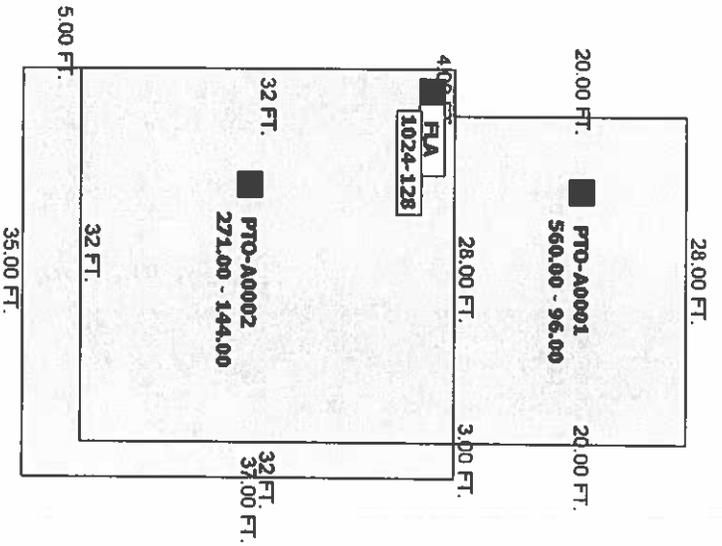


**Monroe County Property Record Card (073)**

Alternate Key: 1630535  
 Effective Date: 6/7/2012 4:29:09 PM

Roll Year 2012  
 Run: 06/07/2012 04:29 PM

Building Sketch 43548



**Building Characteristics**

Building Nbr	1	Building Type	0	Perimeter	128	Functional Obs	0.00
Effective Age	26	Condition	G	Depreciation %	0.33	Economic Obs	0.00
Gmd Floor Area	1024	Quality Grade	300	Year Built	1960		
Fireplaces	0	3 Fix Bath	0	5 Fix Bath	0	7 Fix Bath	0
2 Fix Bath	0	4 Fix Bath	0	6 Fix Bath	0	Extra Fix	5

**Sections**

Type	Number	Wall Height	# Stories	Year Built	% Finished	Area	Sketch ID	SOH %
PTO	0	8	1	1982		271	002	0.00
PTO	0	8	1	1982		560	001	0.00
FLA	1	8	1	1982		1,024	000	0.00

**Interior Finish**

Sec Nbr	Int Nbr	Description	Area %	Sprinkler	A/C	Total RCN	Exterior Finish	Area %	Wall Rate	RCN
1	14194	1 STY STORE-B	100.00	N	N	4905	C.B.S.	100.00		

**Monroe County Property Record Card (073)**

Alternate Key: 1630535  
 Effective Date: 6/7/2012 4:29:09 PM  
 Roll Year 2012  
 Run: 06/07/2012 04:29 PM

**Miscellaneous Improvements**

Nbr	Impr Type	# Units	Type	SOH %	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
5	CL2:CH LINK FENCE	1,100	SF	0.00	220	5	2006	2007	1	30		
4	CL2:CH LINK FENCE	1,395	SF	0.00	279	5	1999	2000	1	30		
3	AP2:ASPHALT PAVING	1,711	SF	0.00	0	0	1981	1982	2	25		
2	UB2:UTILITY BLDG	90	SF	0.00	10	9	1977	1978	3	50		
1	UB2:UTILITY BLDG	200	SF	0.00	20	10	1981	1982	3	50		
<b>Total Depreciated Value</b>												

**Appraiser Notes**

LT 1 (RE00511200-000000 AK1630519) LT 2 (RE00511210-000000 AK1630527) & LOT 5 (RE00511230-000000 AK1630543) ARE NOW COMBINED WITH THIS PARCEL PER OWNER'S REQUEST. DONE FOR THE 2009 TAX ROLL 1/1/2009MKD  
 BK 4 LOT 1 WAS SPLIT OUT TO RE 00511220-000100 AK 9095586 FOR THE 2010 TAX ROLL PER THE OWNERS REQUEST.  
 BK 4 LOT 2 WAS SPLIT OUT TO RE 00511220-000101 AK 9095591 FOR THE 2010 TAX ROLL PER THE OWNERS REQUEST.  
 COIN LAUNDRY

**Building Permits**

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
1301655	May 8 2001 12:00AM	Jan 1 2002 12:00AM	1		A/C WALL UNIT
06304810	Aug 15 2006 12:00AM	Oct 27 2006 12:00AM	1		CHAINLINK FENCE

# Monroe County Property Record Card (073)

Alternate Key: 1630535  
Effective Date: 6/7/2012 4:29:09 PM

Roll Year 2012  
Run: 06/07/2012 04:29 PM

## Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2011F	O	93,600	0	79,095	6,982	229,717	229,717	0	N	229,717
2010F	O	168,000	0	82,636	7,218	250,693	250,693	0	N	250,693
2009F	O	277,200	0	82,636	7,428	327,015	327,015	0	N	327,015
2008F	O	201,600	0	87,358	7,658	406,747	406,747	0	N	406,747
2007F	O	108,000	0	58,461	6,966	291,177	291,177	0	N	291,177
2006F	O	72,000	0	60,832	5,408	252,403	252,403	0	N	252,403
2005F	O	30,600	0	155,385	6,855	219,115	219,115	0	N	219,115
2004F	C	30,600		158,613	7,097	196,310	196,310	0	N	196,310
2003F	C	30,600		158,613	7,316	196,529	196,529	0		196,529
2002F	C	30,600		158,613	7,537	196,750	196,750	0		196,750
2001F	C	22,500		158,613	7,778	188,891	188,891	0		188,891
2000F	C	16,500		158,613	4,718	179,831	179,831	0		179,831
1999F	C	16,500		158,613	3,481	178,594	178,594	0		178,594
1998F	C	16,500		75,965	3,571	96,036	96,036	0		96,036
1997F	C	16,500		75,965	3,660	96,125	96,125	0		96,125
1996F	C	16,500		69,060	3,823	89,383	89,383	0		89,383
1995F	C	16,500		69,060	3,987	89,547	89,547	0		89,547
1994F	C	16,500		69,060	4,151	89,711	89,711	0		89,711
1993F	C	16,500		69,060	4,316	89,876	89,876	0		89,876
1992F	C	16,500		69,060	4,480	90,040	90,040	0		90,040
1991F	C	16,500		34,808	3,653	54,961	54,961	0		54,961
1990F	C	16,500		34,808	3,783	55,091	55,091	0		55,091
1989F	C	16,500		34,808	3,914	55,222	55,222	0		55,222
1988F	C	16,500		31,418	3,203	51,121	51,121	0		51,121
1987F	C	16,500		30,736	3,301	50,537	50,537	0		50,537
1986F	C	16,500		30,789	3,401	50,690	50,690	0		50,690
1985F	C	18,000		29,761	3,499	51,260	51,260	0		51,260
1984F	C	18,000		29,129	3,599	50,728	50,728	0		50,728
1983F	C	15,004		29,129	3,697	47,830	47,830	0		47,830
1982F	C	15,004		19,866	464	35,334	35,334	0		35,334

# Monroe County Property Record Card (073)

Alternate Key: 1630535

Roll Year 2012

Effective Date: 6/7/2012 4:29:09 PM

Run: 06/07/2012 04:29 PM

## Sales History

Book	Page	Sale Date	Instrument	Transfer Code	Q/U	Vacant	Sale Price
1173	2392	5/1/1991	Warranty Deed	4	M	I	260,000
1409	2471	6/1/1996	Warranty Deed	0	M	I	235,000
1507	2085	3/1/1998	Warranty Deed	0	M	I	285,000
1922	995	8/15/2003	Warranty Deed	0	M	I	330,000
2174	2023	12/16/2005	Warranty Deed	0	M	I	550,000
2390	2166	11/20/2008	Warranty Deed	0	F	I	100

Prepared by:

Deborah Kaicher Pastwa, Esq.  
PO BOX 900969  
Homestead, Fl 33090

Property Appraisers Parcel Identification:  
1630519, 1630527, 1630533, 1630543

MONROE COUNTY  
OFFICIAL RECORDS

FILE #1391129  
BK#1922 PG#995

RCD Aug 20 2003 01:00PM  
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 2310.00  
08/20/2003 CA DEP CLK

**WARRANTY DEED**

THIS WARRANTY DEED, executed this 15 day of August, 2003, between:

Largo Coin Laundry, Inc. (*grantors*), and John C. Moore and Wendy A. Moore,  
husband and wife, (*grantees*) whose address is: 478 Summerland Road, Key Largo, 33037, State  
of Florida:

WITNESS: That *grantors*, for and in consideration of \$10.00 and other good and valuable  
considerations, paid by *grantees*, has granted, bargained and sold to the said *grantees*, *grantee's*  
heirs and assigns forever, the following described lot, piece or parcel of land, situated in Monroe  
County, Florida:

**LEGAL DESCRIPTION:**

Lot 1, 2, 3, 4 and 5, Block 4, REVISED AMENDED PLAT OF RIVIERA VILLAGE,  
according to the Plat Thereof, as recorded in Plat Book 2, page 80 of the Public Records  
of Monroe County, Florida. Assessment #:00511200-00511210-00511220-00511230.

**PHYSICAL ADDRESS:**

104980 Overseas Highway, Key Largo, Monroe County, Florida

And Said Grantors do hereby fully warrant the title to said land, and will defend the  
same against the lawful claims of all persons whomsoever.

Grantors warrant that at the time of this conveyance the subject property is not the  
Grantors homestead within the meaning set forth in the constitution of the State of Florida, nor is  
it contiguous to or a part of homestead property.



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

Signed, sealed and delivered in the presence of:

witness S. Neal Steen  
witness Gretchen Holland

Raul E. Pastran  
Largo Coin Laundry, Inc.  
Raul E. Pastran, President

State of Florida,  
County of Monroe

The foregoing instrument was acknowledged before me this 15 day of August, 2003 by Raul E. Pastran, President of Largo Coin Laundry, Inc.. He has produced DRIVER'S LICENSE as identification and did take an oath.

Gretchen Holland  
Signature of Notary

Seal:

State of Florida,

OFFICIAL NOTARY SEAL  
GRETCHEN HOLLAND  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. DD149369  
MY COMMISSION EXP. SEPT. 18, 2006

MONROE COUNTY  
OFFICIAL RECORDS

Page 2 of 2

STATE OF FLORIDA  
COUNTY OF MONROE  
Circuit & County Court  
This document may be  
Original on File in this Office. Witness  
my hand and Official Seal.  
This 15 day of August  
A.D., 2003  
DANNY L. KOLHAGE  
Clerk Circuit Court  
Danny L. Kolhage  
By \_\_\_\_\_ D.C.

CONTACT # JIM GALE

**MONROE COUNTY PROPERTY APPRAISER**

292-3420

COUNTY COURTHOUSE  
P.O. BOX 1176  
KEY WEST, FLORIDA 33041-1176  
PHONE (305) 292-3420 FAX: (305) 292-3431

KARL D. BORGLUM



MCPA-601  
Rev 02/12

**CUSTOM DATA REPORT ORDER FORM**

\*REPORT FEES WILL VARY DUE TO NATURE OF THE REQUEST\*

Request Date: 6-8-2012

RECEIVED  
JUN 08 2012  
BY: JCM

To: Computer Department

Please prepare a report per the specifications requested below. Fill in fields as applicable to the data requirements.

AK: 9095586, 9095591 RE: 00511220-000000  
+ 1630535 RE: 00511220-00100 + 00511220-000101

Subdivision RIVIERA VILLAGE

Lot S 1 thru 5 Block 4

Owner Name MOORE, JOHN C AND WENDY A

Radius Length 300 ft

Other parameters for data to be selected:

MAILING  
THE USUAL - NAMES, ADDRESS, LEGAL,  
PARCEL & AK NUMBERS

Requestor's Name: John Moore

(Please Print)

Address: 104980 OVERSEAS HWY KEY LARGO!  
KEY LARGO FL 33037

City

ST

Zip

Telephone: 305-924-2700 Email: J.C.MOORE101@gmail.com

J.C. Moore Signature Date: JUNE 8th 2012

\*\*\*\*\*  
\*\*\* FAX TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

JOB NO. 0612  
DESTINATION ADDRESS 3501  
PSWD/SUBADDRESS  
DESTINATION ID JIM GALE\MAPPING DEPT  
ST. TIME 06/08 08:34  
USAGE T 00' 40  
PGS. 1  
RESULT OK



MCPA-801  
REV 02/12

KARL D. BORGLUM

MONROE COUNTY PROPERTY APPRAISER

COUNTY COURTHOUSE  
P.O. Box 1176  
KEY WEST, FLORIDA 33041-1176  
PHONE (305) 292-3420 FAX: (305) 292-3431

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City ST Zip

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J.C. Moore Date: JUNE 8th 2012  
Signature

RECEIVED  
JUN 08 2012  
BY: [Signature]



PET MOTEL

MOTEL

LOADING

1100

1678

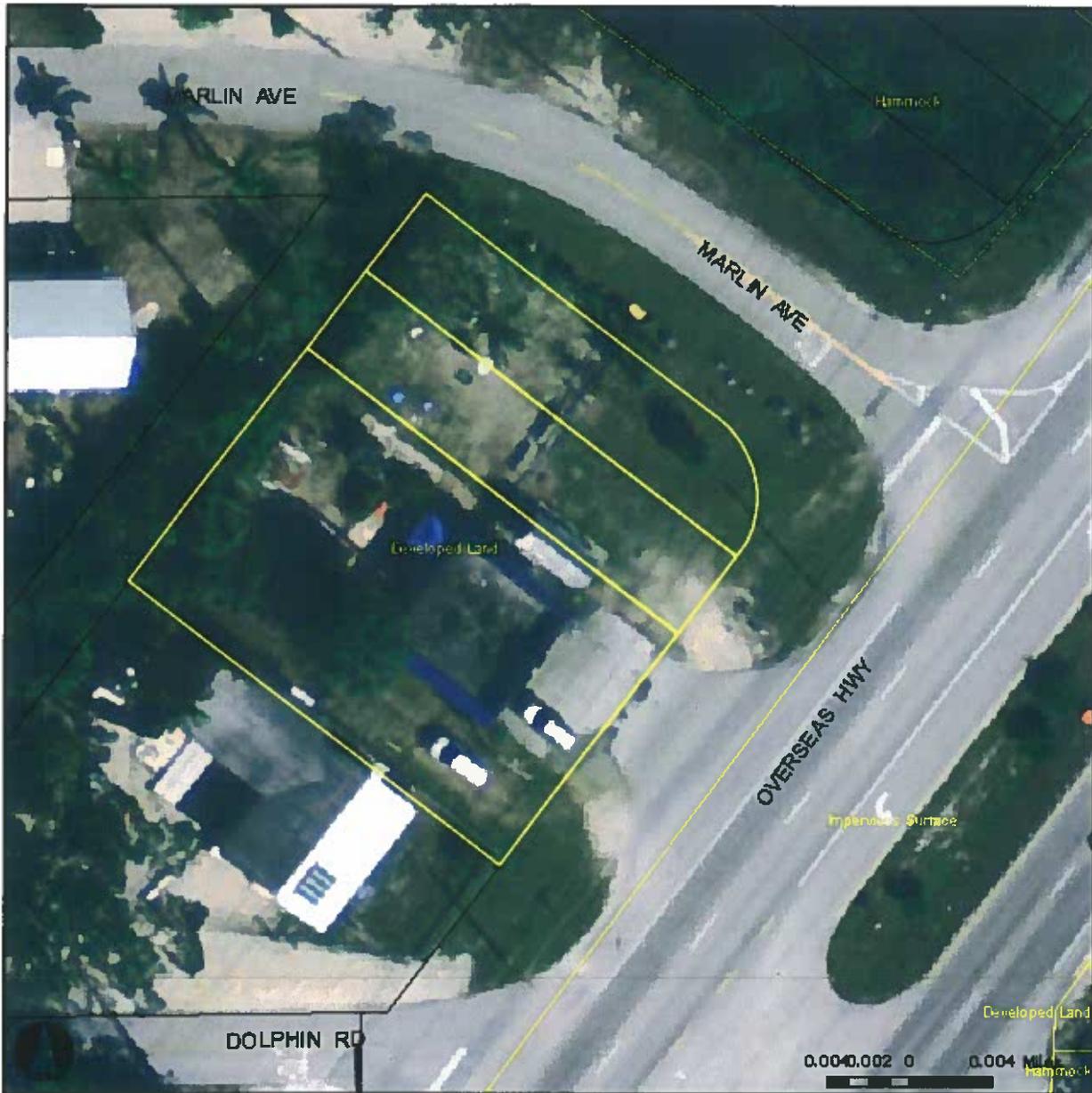
ROOMS AT  
McANULTY'S

PET MOTEL  
SHERIFF





# Map



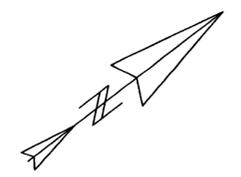
- Parcels
- Parcels
- Roads

- Parcels
- Habitat 2009
- 2006 Orthophotography
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

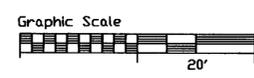
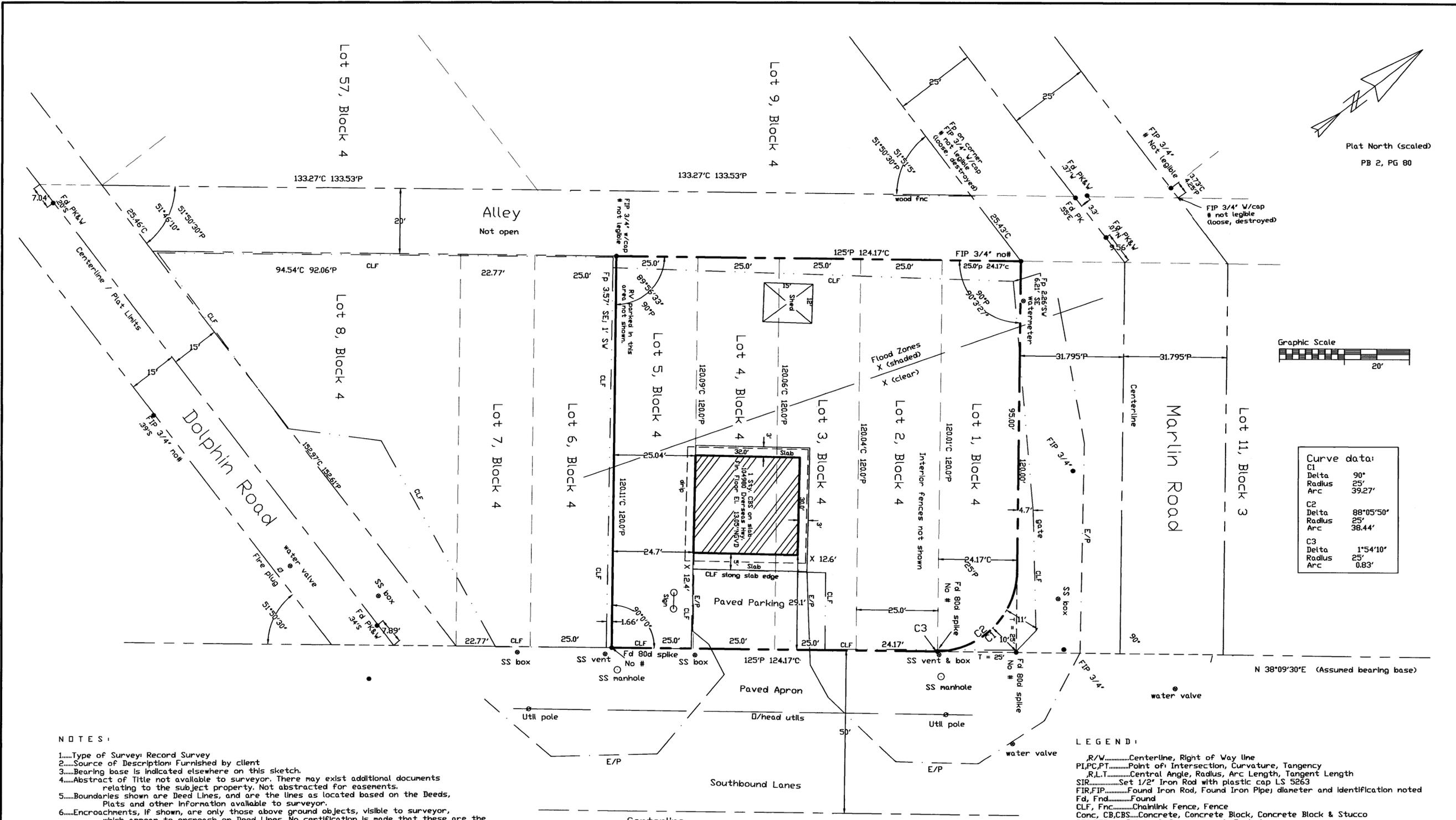
### Copyright

MonroeCountySDE\_Environmental\_Layout  
FEMA: Federal Emergency Management Agency





Plat North (scaled)  
PB 2, PG 80



Curve data:	
C1	Delta 90°
	Radius 25'
	Arc 39.27'
C2	Delta 88°05'50"
	Radius 25'
	Arc 38.44'
C3	Delta 1°54'10"
	Radius 25'
	Arc 0.83'

- NOTES:**
- Type of Survey: Record Survey
  - Source of Description: Furnished by client
  - Bearing base is indicated elsewhere on this sketch.
  - Abstract of Title not available to surveyor. There may exist additional documents relating to the subject property. Not abstracted for easements.
  - Boundaries shown are Deed Lines, and are the lines as located based on the Deeds, Plats and other information available to surveyor.
  - Encroachments, if shown, are only those above ground objects, visible to surveyor, which appear to encroach on Deed Lines. No certification is made that these are the only encroachments, nor that said objects actually encroach on lines of ownership.
  - Subsurface and environmental conditions were not examined nor considered as part of this survey.
  - Location of improvements is limited to those shown. All improvements, ground cover, landscaping, and other such features may not be shown hereon. Unless indicated otherwise, ties to improvements are perpendicular to boundaries.
  - Elevations, if shown, are expressed in feet related to National Geodetic Vertical Datum of 1929, derived from a direct, closed level circuit from NGS benchmarks IWSM 9
  - Ownership of originals and copyrights to all drawings, notes, reports and other documents produced in the course of this project remain with surveyor.
  - This survey is intended for the sole use of the client named hereon and is not transferable.
  - Apparent shoreline, if shown, is along vertical face of seawall/dock or is located by physical evidence only. This is not a Mean High Water Survey.
  - Parcel is in flood zone X, base flood elevation n/a Ft. according to scaled measurements on FEMA Flood Insurance Rate Map for Community 125129, Panel 769 K.
  - Parcel contains 14840 Sq. Ft. more or less.

- LEGEND:**
- R/W.....Centerline, Right of Way line
  - PI,PC,PT.....Point of Intersection, Curvature, Tangency
  - R,L,T.....Central Angle, Radius, Arc Length, Tangent Length
  - SIR.....Set 1/2" Iron Rod with plastic cap LS 5263
  - FIR,FIP.....Found Iron Rod, Found Iron Pipe diameter and identification noted
  - Fd, Fnd.....Found
  - CLF, Fnc.....Chainlink Fence, Fence
  - Conc, CB,CBS.....Concrete, Concrete Block, Concrete Block & Stucco
  - PIC,PDB.....Point of Commencement, Beginning
  - POL.....Point on Line
  - Not.....Identification not visible
  - PB,DB,DR,PG.....Plat Book,Deed Book, Official Record Book, Page Number
  - P,D,C,M.....Values as Platted, Described, Calculated, Measured
  - E/P.....Edge of Paving
  - Desc.....Description
  - X 4.2'.....Spot elevation in feet NGVD29
  - SS.....Sanitary Sewer
  - Fp.....Fencepost
- SOME OR ALL OF THE ABOVE MAY APPEAR HEREON.

### Overseas Highway (US Hwy. No. 1)

**DESCRIPTION:**  
Lots 1, 2, 3, 4 and 5 Block 4, Revised Amended Plat of Riviera Village according to the plat thereof recorded in Plat Book 2 at Page 80 of the public records of Monroe County, Florida.

RECEIVED  
JUL - 3 2012  
2012-097  
MONROE CO. PLANNING DEPT

mapthekeys.com

**CERTIFICATION:**  
TD: John Moore

Unless it bears the embossed seal and the original signature in red ink of Florida Professional Surveyor and Mapper (David H. Barrow, LS 5263), this sketch is for information only and is not valid.

<b>B S M / Barrow Surveying &amp; Mapping</b>	Client: John Moore	Located on Key Largo	Monroe County, Florida
91790 Overseas Highway / P.O. Box 279	Drawn by: DHB	Fieldbook 313	Scale: 1" = 20'
Tavernier, Florida, 33070	Section 1	Township 61	South, Range 39 East
Phone: (305)852-5529 / Fax: (305)852-9064	Computer: jas	Directory: dwg	Revision: 6-27-12
			Description: Area calc, shed

David H. Barrow, LS 5263  
David Barrow Surveying & Mapping, Inc., LB 6501  
©Copyright 2011, David H. Barrow, All rights reserved



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

**To:** Monroe County Development Review Committee

**Through:** Mayté Santamaria, Assistant Director, Planning and Environmental Resources Department

**From:** Mitchell N Harvey, AICP, Comprehensive Planning Manager

**Date:** October 24, 2012

**Subject:** A REQUEST BY JOHN C. AND WENDY MOORE TO AMEND THE LAND USE DISTRICT MAP OF THE MONROE COUNTY LAND DEVELOPMENT CODE FROM IMPROVED SUBDIVISION (IS) TO MIXED USE (MU) FOR PROPERTY LOCATED AT 10498 OVERSEAS HIGHWAY, KEY LARGO

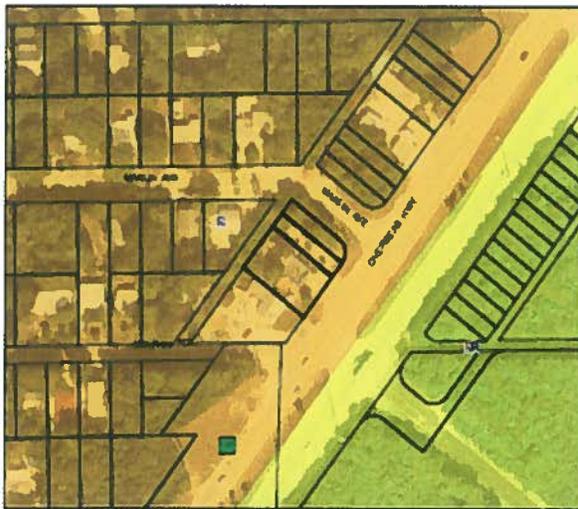
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**Meeting: October 30, 2012**

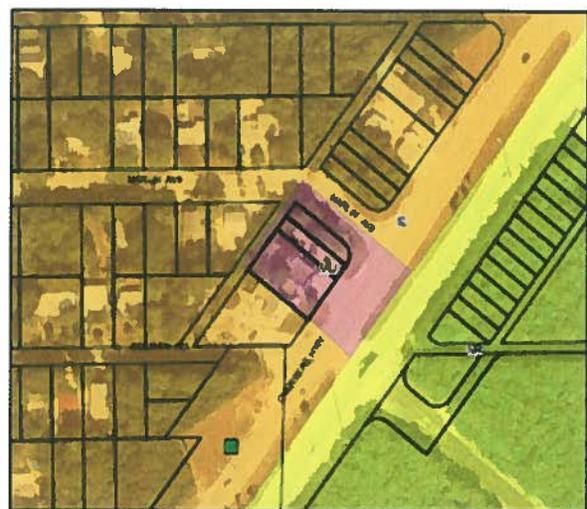
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**I REQUEST**

The applicant, John C. and Wendy A. Moore, is requesting to amend the Land Use District (LUD) designation for the existing commercial use from Improved Subdivision (IS) to Mixed Use (MU), for property located at 10498 Overseas Highway, Key Largo, having real estate numbers 00511220-000000, 00511220-000100, and 00511220-000101.



Existing Conditions



Proposed Conditions

1    II    BACKGROUND INFORMATION

- 2
- 3       A.    Size of Site: 0.34 acres
- 4       B.    Land Use District: IS
- 5       C.    FLUM Designation: RM
- 6       D.    Tier Designation: III
- 7       E.    Flood Zone: X
- 8       F.    Existing Use: Commercial
- 9       G.    Existing Vegetation/Habitat: Developed land
- 10      H.    Community Character of Immediate Vicinity: Adjacent land use consists of IS
- 11      district uses, with a private day care business located on the abutting parcel.

12

13       **Location:** Key Largo, MM 104

14       **Address:** 10498 Overseas Highway, Key Largo, FL

15       **Legal Description:** Lots 1-5, Block 4, Revised Amended Plat of Riviera Village, PB2/P80

16       of the Public Records of Monroe County, Florida

17       **Real Estate Numbers:** 00511220-000000, 00511220-000100, AND 00511220-000101

18       **Applicant:** John C. & Wendy A. Moore

19

20

21    III   RELEVANT PRIOR COUNTY ACTIONS

22

23       The property was within the BU-2 district (Medium Business) prior to 1986 when the property

24       was re-designated IS (Improved Subdivision). After 1986, all subsequent permits indicate that

25       the building was being utilized for commercial retail use.

26

27       The applicant presently owns a pet boarding and grooming business in an existing 960 square

28       foot building located at 10498 Overseas Highway. The subject property currently has a Future

29       Land Use Map (FLUM) designation of Residential Medium (RM) and a Land Use District

30       designation of Improved Subdivision (IS). The current regulations pertaining to permitted uses

31       do not allow a commercial retail use and the use is considered nonconforming to the provisions

32       of the code and the comprehensive plan. The applicant is requesting to amend the FLUM

33       designation for the existing commercial use from Residential Medium (RM) to Mixed Use

34       Commercial (MC). The proposed FLUM amendment, together with the associated LUD

35       amendment (IS to MU) will eliminate the nonconformity to the use.

36

37       Monroe County Resolution No. 127-2012, approved on April 18, 2012, allows the applicant to

38       apply for a LUD and/or FLUM designations that would eliminate the nonconforming use

39       created with the adoption of the existing designations and not create an adverse effect on the

40       community. The property owner must provide satisfactory evidence that the existing use on the

41       site also existed lawfully in 1992 and was deemed nonconforming by final adoption of the

42       LUD map and/or the existing use on the site existing lawfully in 1997 and was deemed

43       nonconforming by final adoption of the FLUM to be exempt from the FLUM amendment

44       application fee.

45

46       On June 4, 2012, Monroe County Planning staff prepared an addendum to a Letter of

47       Understanding, issued on June 27, 2003, which determined that the existing use existed

48       lawfully in 1992 and was deemed nonconforming by the final adoption of the LUD map. Staff

1 has also determined that the existing use existed lawfully in 1997 and was deemed  
2 nonconforming by the final adoption of the FLUM. Staff concluded that he proposed FLUM  
3 category of MC and proposed LUD designations of MU or SC would eliminate the  
4 nonconformity of use.  
5

6 Comprehensive Plan Policy 101.20.1 states: *Monroe County shall develop a series of*  
7 *Community Master Plans.* These “CommuniKeys Plans” implement a vision that was  
8 developed by the local community. In 2006, the Monroe County Board of County  
9 Commissioners adopted Policy 101.20.2(5) which incorporated the Key Largo Livable  
10 CommuniKeys Plan into the Monroe County 2010 Comprehensive Plan. Action Item 1.3.2  
11 states: *Revise the FLUM and Land Use District Maps to resolve non-conformities in the*  
12 *planning area where appropriate.* The proposed FLUM and associated LUP amendment  
13 implements this Action Item of the adopted Key Largo CommuniKeys  
14  
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IV REVIEW OF APPLICATION

A. *DENSITY AND INTENSITY*

Existing LUD	Type	Adopted Standards	Development potential based upon allocated density
<b>Improved Subdivision (IS)</b>  <b>Total site: 0.34 acres</b> <b>0.27 net acres</b> <b>5 lots</b>	Residential Allocated Density/Acre	1 du/lot	5 units
	Residential Max Net/Buildable Acre	N/A	N/A
	Transient Allocated Density/Acre	0 rooms/spaces	0 rooms/spaces
	Transient Max Net/Buildable Acre	N/A	N/A
	Nonresidential Maximum Intensity	0 sf	0 sf
Proposed LUD	Type	Adopted Standards	Development potential based upon allocated density
<b>Mixed Use (MC)</b>  <b>Total site: 0.34 acres</b> <b>0.27 net acres</b> <b>5 lots</b>	Residential Allocated Density/Acre	1	0
	Residential Max Net/Buildable Acre	12	3
	Transient Allocated Density/Acre	10	3
	Transient Max Net/Buildable Acre	15	4
	Non Residential Low Intensity	0.35	5,193 sf
	Non Residential Medium Intensity	0.25	3,710 sf
	Non Residential High Intensity	0.15	2,226 sf

6  
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**Net Change:** Residential (Allocated): -5 units  
 Residential (Max Net): +3 units  
 Transient (Allocated): +3 rooms/spaces\*  
 Transient (Max Net): +4 rooms/spaces\*  
 Non Residential: +5,193 square feet

The above table provides an approximation of the development potential for residential, transient and commercial development. Section 130-156 of the Land Development Code states: "The density and intensity provisions set out in this section are intended to be

1 applied cumulatively so that no development shall exceed the total density limits of this  
2 article. For example, if a development includes both residential and commercial  
3 development, the total gross amount of development shall not exceed the cumulated  
4 permitted intensity of the parcel proposed for development.”  
5

6 There are no existing residential uses within the subject property. Any new residential use  
7 must follow the Rate of Growth Ordinance (ROGO) permit process. An existing affordable  
8 residential use may also be transferred to the subject property from a sender site that is  
9 located within the Upper Keys subarea.  
10

11 \*Monroe County does not award ROGO allocations for the development of NEW transient  
12 residential units (e.g., hotel & motel rooms), pursuant to Policy 101.2.6. For the  
13 development of transient units in unincorporated Monroe County, existing transient units  
14 must be transferred from the same ROGO subarea to a parcel designated as Tier III or Tier  
15 III-A which does not propose the clearing of any portion of an upland native habitat patch  
16 of one acre or greater in area.  
17

#### 18 COMPATIBILITY WITH THE SURROUNDING AREA 19

- 20 A. Existing Vegetation/Habitat: Developed land
- 21 B. Existing Tier Designation: III
- 22 C. Number of Listed Endangered or Threatened Species: None
- 23 D. Existing Use: Commercial
- 24 E. Community Character of Immediate Vicinity: Adjacent land uses consist of a day  
25 care center to the south, residential uses to the north and west, with U.S. 1 right-of-  
26 way to the east.  
27

28 **The proposed LUD is not anticipated to adversely impact the community character of  
29 the surrounding area.**  
30

#### 31 *B. EFFECTS ON PUBLIC FACILITIES* 32

##### 33 Traffic Circulation (Comprehensive Plan Policy 301.1.1) 34

35 The subject property is located on U.S. 1 in Key Largo. The property is only accessible by  
36 U.S. 1. The 2011 URS Arterial Travel Time and Delay Study for Monroe County indicated  
37 a LOS of A in Key Largo (MM 99.5 to MM 106.0). U.S 1 is required to maintain a level  
38 of serve (LOS) of “C” in order to support development.  
39

40 **The proposed LUD is not anticipated to adversely impact the Traffic Circulation  
41 LOS.**  
42

##### 43 Potable Water (Comprehensive Plan Policy 701.1.1) 44

45 In March 2008, South Florida Water Management District (SFWMD) approved the  
46 FCAA’s modification of WUP 13-00005-5-W for a 20-year allocation from the Biscayne  
47 and Floridian Aquifers. The WUP provides an annual allocation of 8,751 Million Gallons  
48 (MG) or 23.98 MGD and a maximum monthly allocation of 809 MG with a limited annual

1 withdrawal from the Biscayne Aquifer of 6,492 MG or 17.79 MGD and an average dry  
2 season (December 1<sup>st</sup>-April 30<sup>th</sup>) of 17.0 MGD.

3  
4 The Residential LOS is 66.5 gallons/capita/day. The Non-Residential LOS is 0.35 gallons  
5 /sq.ft./day. The overall level of service for potable water is 132 gallons per capita/per/day.

6  
7 Maximum Residential:  $3 \text{ DU} \times 2.24 \text{ (people per household)} = 6$ ;  $6 \times 66.5 \text{ gallons per}$   
8  $\text{capita per day} = \underline{399 \text{ gallons per day}}$

9  
10 Maximum Non-Residential:  $0.35 \times 5,193 \text{ sq.ft.} = \underline{1,817.5 \text{ gallons per day}}$

11  
12 TOTAL:  $399 + 1,817.5 = \underline{2,216.5 \text{ gallons/day}}$

13  
14 **The proposed LUD is not anticipated to adversely impact the Potable Water LOS.**

15  
16 Solid Waste (Comprehensive Plan Policy 801.1.1)

17  
18 Comprehensive Plan Policy 801.1.1 establishes the level of service for solid waste as 5.44  
19 pounds per capita per day or 12.2 pounds per day per equivalent residential unit (ERU) and  
20 establishes a haul out capacity of 95,000 tons per year or 42,668 ERUs. The Comprehensive  
21 plan requires sufficient capacity be available at a solid waste disposal site to accommodate all  
22 existing and approved development for a period of three years from the projected date of  
23 completion of the proposed development of use. Monroe County has a solid waste haul out  
24 contract with Waste Management LLC, which authorizes the use of in-state facilities  
25 through September 20, 2016, thereby providing the County with approximately four years  
26 of guaranteed capacity.

27  
28 Maximum Residential =  $3 \text{ DUs} \times 2.24 \text{ (people per household)} = 6$ ;  $6 \times 5.44 \text{ pounds per}$   
29  $\text{capita per day} = \underline{32.6 \text{ pounds per day}}$

30  
31 **The proposed LUD is not anticipated to adversely impact the Solid Waste LOS.**

32  
33 Sanitary Sewer (Comprehensive Plan Policy 901.1.1)

34  
35 The subject property is presently connected to the Key Largo Wastewater Treatment  
36 District central sewer system. The level of service (LOS) for residential and nonresidential  
37 flow is 145 gallons per day per equivalent dwelling units (Exhibit 3-8 Sanitary Wastewater  
38 Master Plan 2000).

39  
40 Maximum Residential =  $3 \times 145 = \underline{435 \text{ gallons per day}}$

41  
42 **The proposed LUD is not anticipated to adversely impact the Sanitary Sewer LOS.**

43  
44 Drainage (Comprehensive Plan Policy 1001.1.1)

45  
46 All projects shall be designed so that the discharges will meet Florida State Water Quality Standards  
47 as set forth in Chapters 17-25 and 17-302, F.A.C, incorporated herein by reference. In addition, all  
48 projects shall include an additional 50% of the water quality treatment specified below, which shall be

1 calculated by multiplying the volumes obtained in Section (a) by a factor of 1.5 , Retention/Detention  
2 Criteria (SFWMD Water Quality Criteria 3.2.2.2):  
3

- 4 a) Retention and/or detention in the overall system, including swales, lakes,  
5 canals, greenways, etc., shall be provided for one of the three following  
6 criteria or equivalent combinations thereof:  
7
- 8 (1) Wet detention volume shall be provided for the first inch of runoff  
9 from the developed project, or the total runoff of 2.5 inches times the  
10 percentage of imperviousness, whichever is greater.
  - 11 (2) Dry detention volume shall be provided equal to 75 percent of the  
12 above amount computed for wet detention.
  - 13 (3) Retention volume shall be provided equal to 50 percent of the above  
14 amounts computed for wet detention.
- 15 b) Infill residential development within improved residential areas or  
16 subdivisions existing prior to the adoption of this comprehensive plan must  
17 ensure that its post-development stormwater run-off will not contribute  
18 pollutants which will cause the runoff from the entire improved area or  
19 subdivision to degrade receiving water bodies and their water quality as  
20 stated above.
- 21 c) New Development and Redevelopment projects which are exempt from the  
22 South Florida Water Management District permitting process shall also meet  
23 the requirements of Chapter 40-4 and 40E-40, F.A.C.  
24

25 **The proposed LUD is not anticipated to adversely impact the Drainage LOS.**  
26

27 Recreation and Open Space (Comprehensive Plan Policy 1201.1.1)  
28

29 The County has adopted an overall level of service, pursuant to Comprehensive Plan Policy  
30 1201.1.1, for resourced-based and activity-based recreation and open space of 0.82 acres of  
31 per 1,000 persons (functional population). If development occurs at 3 residential dwelling  
32 units and 2.24 per capita, there would be an additional 8 people located on this property.  
33

34 **The proposed LUD is not anticipated to adversely impact Parks and Recreation/Open  
35 Space LOS.**  
36

37 *C. CONSISTENCY OF THE PROPOSED AMENDMENT WITH THE PROVISIONS AND  
38 INTENT OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN*  
39

40 **The proposed amendment is generally consistent with the following Goals, Objectives  
41 and Policies of the Monroe County Year 2010 Comprehensive Plan. Specifically, it  
42 furthers:**  
43  
44  
45  
46  
47

1 **Goal 101:** Monroe County shall manage future growth to enhance the quality of life,  
2 ensure the safety of County residents and visitors, and protect valuable natural resources.  
3

4 **Policy 101.112:** Monroe County shall adopt level of service (LOS) standards for the following  
5 public facility types required by Chapter 9J-5, F.A.C: roads, sanitary sewer, solid waste, drainage,  
6 potable water, parks and recreation, and paratransit. The LOS standards are established in the  
7 following sections of the Comprehensive Plan:  
8

- 9 1. The LOS for roads is established in Traffic and Circulation Policy 301.1.1;
- 10 2. The LOS for potable water is established in Potable Water Policy 701.1.1;
- 11 3. The LOS for solid waste is established in Solid Waste Policy 801.1.1;
- 12 4. The LOS for sanitary sewer is established in Sanitary Sewer Policy 901.1.1;
- 13 5. The LOS for drainage is established in Drainage Policy 1001.1.1; and
- 14 6. The LOS for parks and recreation is established in Recreation and Open Space  
15 Policy 1201.1.1  
16  
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21

22 **Objective 101.4:** Monroe County shall regulate future development and redevelopment to  
23 maintain the character of the community and protect the natural resources by providing for  
24 the compatible distribution of land uses consistent with the designations shown on the  
25 Future Land Use Map.  
26

27 **Policy 101.4.5:** The principal purpose of the Mixed Use/ Commercial land use category is to provide  
28 for the establishment of commercial zoning districts where various types of commercial retail and  
29 office may be permitted at intensities which are consistent with the community character and the  
30 natural environment.  
31

32 **Objective 101.8:** Monroe County shall eliminate or reduce the frequency of uses which are  
33 inconsistent with the applicable provisions of the land development regulations and the Future Land  
34 Use Map, and structures which are inconsistent with applicable codes and land development  
35 regulations.  
36

37 **Objective 101.11:** Monroe County shall implement measures to direct future growth away from  
38 environmentally sensitive land and towards established development areas served by existing public  
39 facilities.  
40

41  
42 **Objective 101.20:** Monroe County shall address local community needs while balancing the needs of  
43 all Monroe County communities. These efforts shall focus on the human crafted environment and  
44 shall be undertaken through the Livable CommuniKeys Planning Program.  
45

46 **Policy 101.20.2:** The Community Master Plans shall be incorporated into the 2010 Comprehensive  
47 Plan as a part of the plan and be implemented as part of the Comprehensive Plan. The following  
48 Community Master Plans have been completed in accordance with the principles outlined in this

1 section and adopted by the Board of County Commissioners:  
2

3 5. The Key Largo Livable CommuniKeys Master Plan is incorporated by reference into the 2010  
4 Comprehensive Plan. The term Strategies in the Master Plan is equivalent to the term Objectives in  
5 the Comprehensive Plan and the term Action Item is equivalent to the term Policy; the meanings and  
6 requirements for implementation are synonymous.  
7

8 *D. CONSISTENCY WITH THE KEY LARGO LIVABLE COMMUNIKEYS PLAN:*  
9

10 **The proposed amendment is consistent with the following Key Largo Livable**  
11 **CommuniKeys Plan Action Item:**  
12

13 **Action Item 1.3.2:** Revise the FLUM and Land Use District Maps to resolve  
14 nonconformities in the planning area where appropriate.  
15

16  
17 *E. CONSISTENCY OF THE PROPOSED AMENDMENT WITH THE PROVISIONS AND*  
18 *INTENT OF THE MONROE COUNTY CODE, LAND DEVELOPMENT CODE:*  
19

20 In accordance with MCC§ 102-158(d)(5), the BOCC may consider the adoption of an  
21 ordinance enacting the proposed change based on one or more of the following factors:  
22

23 1. *Changed projections (e.g., regarding public service needs) from those on which the text*  
24 *of boundary was based;*

25 NA  
26

27 2. *Changed assumptions (e.g., regarding demographic trends);*

28 NA  
29

30 3. *Data errors, including errors in mapping, vegetative types and natural features*  
31 *described in Volume I of the plan;*  
32

33 The subject property was constructed as a commercial use within the BU-2 zoning  
34 districted that was in effect at the time of construction. A nonconforming use was created  
35 with the adoption of the FLUM and when the subject property was rezoned by the County  
36 from BU to IS. Amending the LUD Map designation from IS to MU for the subject  
37 property will eliminate the nonconforming use.  
38

39 4. *New issues;*

40 NA  
41

42 5. *Recognition of a need for additional detail or comprehensiveness; or*

43 NA  
44

45 6. *Data updates.*

46 NA  
47

48 **The proposed LUD is consistent with the purpose of the MU district.**

1  
2 *F. IMPACT ON COMMUNITY CHARACTER:*  
3

4 The subject property is presently located along the US 1 right-of way and is an existing  
5 commercial use. It is not anticipated that the future development of the site will impact the  
6 existing character of the adjacent area.  
7

8 Section 130-38, Monroe County Code states: The purpose of the **MU district** is to  
9 establish or conserve areas of mixed uses, including commercial fishing, resorts,  
10 residential, institutional and commercial uses, and preserve these as areas representative of  
11 the character, economy and cultural history of the Florida Keys.

12 **The proposed LUD is consistent with the purpose of the MU district.**  
13

14 V RECOMMENDATION  
15

16 Staff recommends that the LUD Map be amended from IS to MU for the subject property,  
17 contingent upon the adoption and following the effective date of the concurrent FLUM  
18 amendment from RM to MC.  
19

20 VI EXHIBITS  
21

- 22 1. Letter of Understanding, June 4, 2012 Addendum to a Letter of Understanding issued  
23 on June 27, 2003 concerning a pet grooming and boarding facility located at 104980  
24 Overseas Highway, Key Largo  
25 2. Monroe County Resolution No. 127-2012  
26 3. Proposed LUD Map

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 Neugeant, Dist. 2  
Sylvia J. Murphy, Dist. 5

*We strive to be caring, professional and fair*

June 4, 2012

John Moore  
104980 Overseas Highway  
Key Largo, 33037

**SUBJECT: ADDENDUM TO LETTER OF UNDERSTANDING ISSUED ON JUNE 27, 2003 CONCERNING A PET GROOMING AND BOARDING FACILITY, LOCATED AT 104980 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 104.9, HAVING REAL ESTATE NUMBERS 00511220.000000, 00511220.000100 AND 00511220.000101**

Mr. Moore,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On June 12, 2003, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department on Plantation Key. A letter of understanding was issued afterwards on June 27, 2003.

Note: The June 27, 2003 was for the following real estate numbers: 00511200.000000, 00511210.000000, 00511220.000000 and 00511230.000000. Real estate numbers 00511200.000000, 00511210.000000, and 00511230.000000 were combined with 00511220.000000 for the 2009 tax roll per the property owner's request. Two new real estate numbers, 00511220.000100 and 00511220.000101, was split out from 00511220.000000 for the 2010 tax roll per the property owner's request.

The Board of County Commissioners passed and adopted Resolution #127-2012 on April 18, 2012. This resolution, adopted after the issuance of the letter of understanding on June 27, 2003, amended the Planning & Environmental Resources Department's fee schedule. Of relevance to your property and the development thereon, the amended fee schedule included the following new provision:

There shall be no application or other fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official [Land Use District

(LUD)) map and/or the official [Future Land Use Map (FLUM)], if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.

You have requested that the Senior Director of Planning & Environmental Resources render such a decision in relation to the subject property and allow you to submit FLUM and LUD amendment applications without the required application fees.

The property has a FLUM designation of Residential Medium (RM), a LUD designation of Improved Subdivision (IS), and a tier designation of Tier 3.

You have requested a FLUM designation of Mixed Use / Commercial (MC) and a LUD designation of either Suburban Commercial (SC) or Mixed Use (MU).

The property was within a BU-2 district (Medium Business) prior to 1986 when the property was re-designated IS.

Regarding the development and use of the existing building on the property:

There is no building permit on file for the existing building. According to the Monroe County Property Appraiser's records, it was constructed in 1960.

In 1977, Building Permit #C3245 was issued to relocate a ground-mounted sign. In the permit file, the business is identified as "R & R Marine Inc.", a commercial retail use.

In 1982, Building Permit #C11551 was issued for new electric installation. On the permit, the business is identified as "Upper Keys Coin Laundry", a commercial retail use.

In 1986, Building Permit #20794 was issued for the re-roofing of the existing building. On the permit, the business is identified as a "coin laundry", a commercial retail use.

After 1986, all subsequent permits indicate that the building was being utilized for commercial retail use.

The current regulations pertaining to permitted uses in the IS district do not allow a commercial retail building. Furthermore, Policy 101.4.3 of the Monroe County Year 2010 Comprehensive Plan, which describes permitted uses in the RM FLUM category, does not state that commercial retail uses are allowed. Therefore, the existing commercial retail use is nonconforming to the current provisions of the Monroe County Code and Comprehensive Plan.

However, as the building and its commercial retail use were approved and permitted prior to 1986, the existing use is considered a lawful nonconforming use.

Resolution #127-2012 requires the property owner to provide satisfactory evidence that the existing use on the site also existed lawfully in 1992 and was deemed nonconforming by final adoption of the LUD map and/or the existing use on the site existed lawfully in 1997 and was deemed nonconforming by final adoption of the FLUM. Following a review, Staff has determined that the existing use existed lawfully in 1992 and was deemed nonconforming by the final adoption of the LUD map. Staff has also determined that the existing use existed lawfully in 1997 and was deemed nonconforming by the final adoption of the FLUM.

Resolution #127-2012 requires the applicant to apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Following a review, Staff has determined that the proposed FLUM category of MC and proposed LUD designations of SC or MU would eliminate the nonconformity to use. Therefore, the proposed designations are acceptable; however prior to application submittal, you must decide on whether to pursue an amendment to SC or MU. Staff cannot make this decision. In addition, please be aware that Staff is not obligated to recommend approval of the proposed LUD or FLUM designations. Staff is required to review the application on its merit and determine upon a full review that there shall not be an adverse impact to the community and is consistent with the provisions of the Comprehensive Plan and Monroe County Code.

In conclusion, Staff has determined that your proposal qualifies for fee exemptions to the "Comprehensive Plan, Future Land Use Map (FLUM) Amendment" of \$5,531.00 and the "Land Use District Map, Amendment-Nonresidential" fee of \$4,929.00. You may submit a FLUM amendment and/or LUD amendment application without the submittal of the aforementioned application fees. However, you are responsible for all other requirements, including the fees for advertising (\$245.00 per application) and noticing (\$3.00 per each surrounding property per application).

In addition, please note that you are eligible for these fee waivers so long as such waivers are permitted by the fee schedule. If the fee schedule is amended to remove such a provision in the future, you may not be eligible to submit the application without such required application fees afterwards.

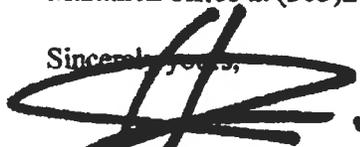
\* \* \* \* \*

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Comprehensive Plan is amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal 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.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely yours,



Joseph Haberman, Planning & Development Review Manager  
for  
Townasley Schwab,  
Senior Director of Planning & Environmental Resources

CC: Mayte Santamaria, Assistant Director of Planning

JOE HABERMAN

Growth Management Division  
2798 Overseas Highway  
Suite #400  
Marathon, Florida 33050  
Voice: (305) 289-2500  
FAX: (305) 289-2536



Board of County Commissioners  
Mayor Dixie Spivey, Dist. 1  
Mayor Pro Tem Murray Nelson, District 5  
George Neugebaur, District 2  
Charles "Sonny" McCoy, District 3  
David P. Rice, District 4

June 27, 2003

305-289 2536

Mr. John Moore  
478 Summerland Road  
Key Largo, FL 33037

**SUBJECT:** Letter of Understanding: A Proposed Pet Grooming and Bearding Facility  
Revised and Amended Plat of Riviera Village, Block 4, Lots 1-5, Mile Marker 104.9  
Bayside, Key Largo. RE#'s: 00511200.000000, 00511210.000000, 00511220.000000,  
& 00511230.000000

Dear Mr. Moore,

This letter is to address issues that arose in a meeting that was held on June 12, 2003, in the Plantation Key Planning Department.

Attendees of this meeting were John Moore (hereafter referred to as "the applicant") and Jeff Stumcard, Senior Planner (hereafter referred to as the Growth Management Division).

Items discussed at the meeting, and further staff research has indicated that the following statements apply to this project:

1. The site is composed of five (5) lots, of which three (3) are vacant and two (2) have an existing structure (963 square feet) that is currently operating as *Largo Coin Laundry*.
2. The FEMA Flood Map (Panel # 0844G) shows all of the property to be in the 'X' flood zone.
3. The current Monroe County Land Use District Map indicates the parcel is located in the Improved Subdivision (IS) land use district, which allows residential uses "as of right". The existing use of the property as a laundromat is not permitted under the current 'IS' zoning. Under the current regulations, that use would be allowed to continue operation as has been the case for a number of years, but would be considered nonconforming. Section 9.5-143 of the Monroe County Land Development Regulations addresses nonconformities as stated below:
  - *Relocation:* A structure in which a nonconforming use is located may not be moved unless the use thereafter conforms to the limitations of the zoning.
  - *Change in Use:* A nonconforming use shall not be changed unless the new use conforms to the provisions of the zoning.
  - *Extensions:* Nonconforming uses shall not be extended, enlarged, or occupy additional land.

The applicant stated that he has no intention of relocating or redeveloping the structure. He also stated his understanding that the structure may not be extended, enlarged, or occupy additional land. It was conveyed to the applicant that the addition of outside kennels or pens for the animals, or a modification of the structure to allow such provisions from the inside would constitute a violation of this clause. The applicant agreed to these interpretations and stated that the services provided would be conducted only within the structure itself. The applicant's intentions are to have approximately 10 indoor "pens" for dogs and a separate room for a reception and grooming area. A "cathouse" was also shown to be located in this portion of the structure. It is staff's understanding that this was not intended as a brothel, but as an area for felines to board. Staff does not view individual dog-walking on the outside premises a violation of the above-stated criteria (occupying additional lands).

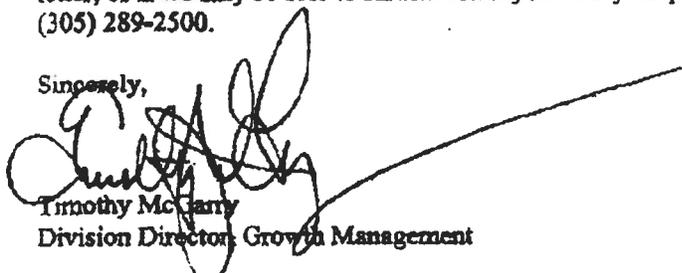
With that said, this proposal becomes a question of whether or not this is a change of use. Staff does not believe this to be the case since a change of use must involve a greater intensity of use for the new proposal. It is staff's opinion that the intensity will be less for a kennel than it is for the existing laundromat.

4. The existing building currently has several non-striped parking areas that have been sufficient for the current business at this location. Per Monroe County Code (MCC) parking requirements, three (3) parking spaces per 1,000 square feet of floor area is required for the proposed use. Any future use of the site would be required to provide one (1) handicapped space with appropriate signage and striping. The area in front of the structure already has a flat, paved surface with unobstructed access into the building.
5. Any requests for signage, or changes to the existing signage would be handled through a separate application and review. Any applicable regulations within Sections 9.5-404 through 9.5-405 of the Monroe County Land Development Regulations would have to be adhered to if changes in signage are petitioned.

Pursuant to Section 9.5-43 of the Monroe County Code, you are to rely upon the representations set forth in this letter of understanding as accurate under the regulations currently in effect. However, the Planning Department acknowledges that all items required as part of the application for development approval may not have been addressed at the June 12, 2003 meeting, and consequently reserves the right for additional department comment.

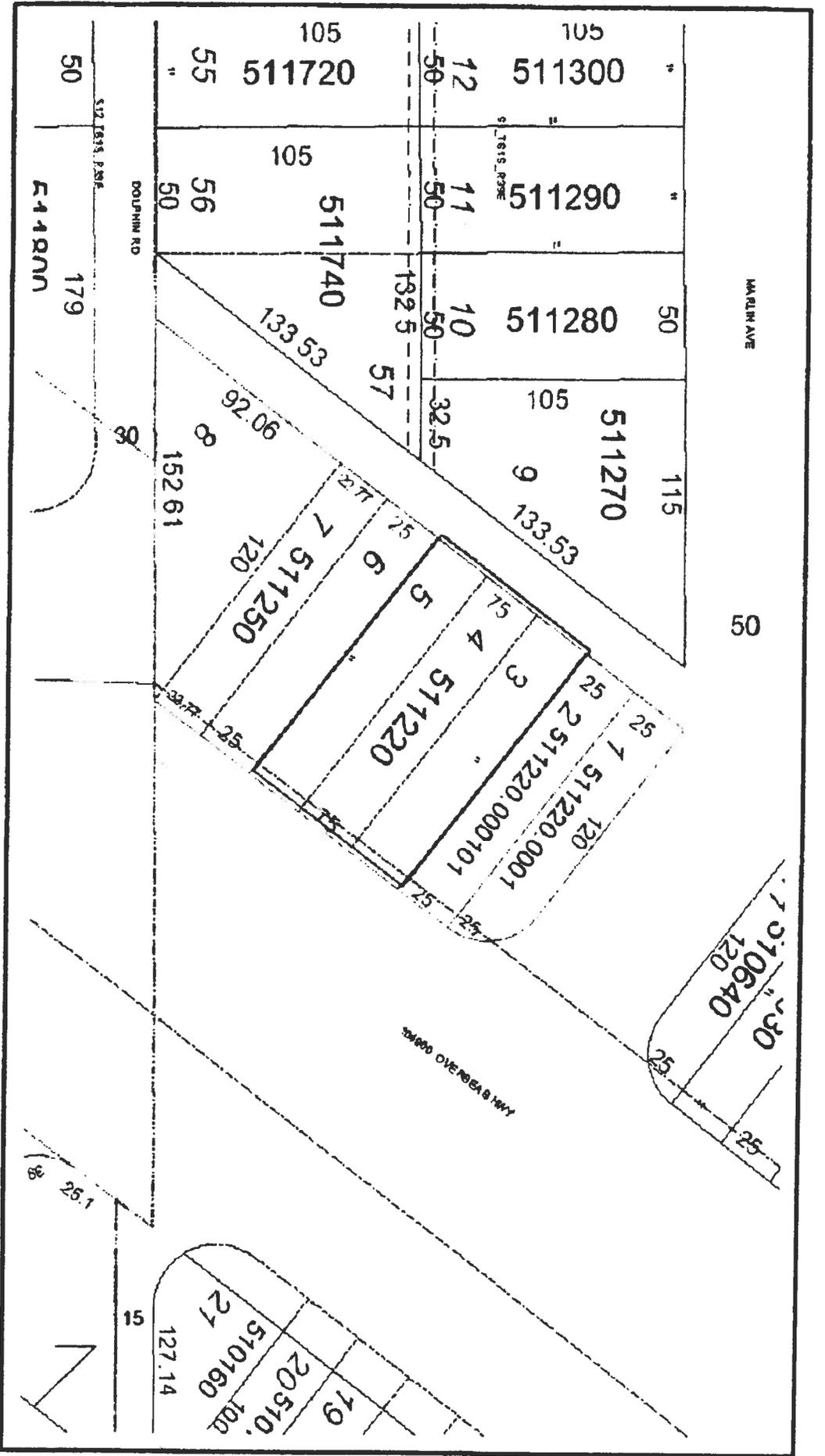
We trust that this information is of assistance. If you have any questions regarding the content of this letter, or if we may be able to further assist you with your project, please feel free to contact our office at (305) 289-2500.

Sincerely,



Timothy McJannet  
Division Director, Growth Management

Cc: Marlene Conaway, Director of Planning and Environmental Resources  
Ervin Higgs, Property Appraiser  
Jeff Stuncard, Senior Planner  
Jerry Buckley, Planner  
Niko Reisinger, Biologist



**Monroe County, Florida**  
**MCPA GIS Portal**

Printed: Jun 07, 2012

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of valuing its responsibility to secure a just valuation for all veteran 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.





**MONROE COUNTY, FLORIDA  
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. 127 - 2012**

A RESOLUTION AMENDING RESOLUTION 169-2011, THE PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT FEE SCHEDULE; TO GENERALIZE THE TITLE OF THE FEE FOR APPLICATIONS FOR EXTENSIONS OF TIME AUTHORIZED BY STATE LEGISLATION; TO EXEMPT MAP AMENDMENT FEES FOR PROPERTY OWNERS WHO APPLY TO AMEND THEIR PROPERTIES' LAND USE DISTRICT AND/OR FUTURE LAND USE MAP DESIGNATIONS TO DESIGNATIONS THAT WOULD ELIMINATE NONCONFORMITIES TO USES THAT WERE CREATED WHEN THE PROPERTIES WERE REZONED BY THE COUNTY IN 1992 AND/OR PROVIDED A FUTURE LAND USE MAP DESIGNATION IN 1997 UNDER CERTAIN CONDITIONS; PROVIDING FOR A FEE FOR A LETTER OF UNDERSTANDING FOR MAP AMENDMENT FEE WAIVERS; AND TO REPEAL ANY OTHER FEE SCHEDULES INCONSISTENT HEREWITH.

**WHEREAS**, the Monroe County Board of County Commissioners wishes to provide the citizens of the County with the best possible service in the most cost effective and reasonable manner; and

**WHEREAS**, the Board finds that it would be in the best interests of the general public to charge the true cost for such services, thereby placing the burden of such costs directly upon those parties deriving the benefit from such services; and

**WHEREAS**, the updated fee schedule prepared by the Growth Management Director for providing these services includes the estimated direct costs and reasonable indirect costs associated with the review and processing of planning and development approval applications and site plans, on-site biological reviews, administrative appeals, preparation of official documentation verifying existing development rights and other processes and services; and

**WHEREAS**, the Board has discussed the need to adjust the fee schedule to compensate the county for resources needed in excess of the fee estimates included in the base fees; and

**WHEREAS**, applicants for development review should pay the cost of the review, rather than those funds coming from other sources; and

**WHEREAS**, the Board of County Commissioners wishes to amend fees to compensate for resources expended in applications for private development approvals; and

**WHEREAS**, The Florida State Legislature is considering legislation which allows for extensions of time for some development orders for which the fee is currently \$250.00, based on previous Senate and House bills; and

**WHEREAS**, in 1992, a revised series of zoning maps was approved (also known as the Land Use District (LUD) maps) for all areas of the unincorporated county. These maps depicted boundary determinations carried out between 1986 and 1988, depicted parcel lines and were drawn at a more usable scale. Although signed in 1988, the LUD's did not receive final approval until 1992. The Monroe County Land Development Regulations, portions of which are adopted by Rule 28-20.021, F.A.C., and portions of which are approved by the Department of Community Affairs in Chapter 9J-14, F.A.C., were amended effective August 12, 1992. The Land Use District Map was revised to reflect the changes in this rule. The LUD maps remain the official zoning maps of Monroe County; and

**WHEREAS**, in 1993, Monroe County adopted a set of Future Land Use Maps (FLUM) pursuant to a joint stipulated settlement agreement and Sec. 163.3184 Florida Statutes. The Ordinance #016-1993 memorialized the approval. This map series was dated 1997. The 1997 FLUM remains the official future land use maps of Monroe County; and

**WHEREAS**, since the adoption of the LUD maps and FLUM, the County has discovered that several parcels with existing, lawful uses were assigned land use district and future land use categories that deemed those uses nonconforming. In these instances, the County created nonconformities to use without studying of the existing uses and the impact of deeming those uses nonconforming. A remedy to existing property owners would be to allow those property owners to apply for map amendments to designations that would eliminate the nonconformities created by the County and not by the property owner without the payment of a fee; and

**WHEREAS**, the County wishes to clarify that fees will be changed to private applicants for traffic studies required or requested for not only map amendments, but for text amendments submitted by private applicants; and

WHEREAS, the Board heard testimony and evidence presented as to the appropriate fee schedule during a public hearing on April 18, 2012;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY FLORIDA:

**Section 1.**

Pursuant to Section 102-19(9), the following schedule of fees to be charged by the Growth Management Division for its services, including but not limited to the filing of land development permit applications, land development approvals, land development orders, and appeal applications, and requests for technical services or official letters attesting to development rights recognized by the County shall be implemented:

Administrative Appeals.....	\$1,500.00
Administrative Relief.....	\$1,011.00
Alcoholic Beverage Special Use Permit.....	\$1,264.00
Appeal ROGO or NROGO to BOCC.....	\$816.00
Beneficial Use.....	\$4,490.00
Biological Site Visit (per visit).....	\$280.00
Biologist Fee (Miscellaneous-per hour).....	\$60.00
Boundary Determination.....	\$1,201.00
Comprehensive Plan, Text Amendment.....	\$5,531.00
Comprehensive Plan, Future Land Use Map (FLUM) Amendment.....	\$5,531.00
Conditional Use, Major, New/Amendment.....	\$10,014.00
Conditional Use, Minor, New/Amendment.....	\$8,484.00
Conditional Use, Minor, Transfer Development Rights (TDR).....	\$1,239.00
Conditional Use, Minor, Transfer Nonresidential Floor Area (TRE).....	\$1,944.00
Conditional Use, Minor, Transfer ROGO Exemption (TRE).....	\$1,740.00
Conditional Use, Minor/Major, Minor Deviation.....	\$1,768.00
Conditional Use, Minor/Major, Major Deviation.....	\$3,500.00
Conditional Use, Minor/Major, Time Extension.....	\$986.00
Department of Administrative Hearings (DOAH) Appeals.....	\$816.00
Development Agreement.....	\$12,900.00
Development of Regional Impact (DRI).....	\$28,876.00
Dock Length Variance.....	\$1,026.00
Front Yard Setback Waiver, Administrative.....	\$1,248.00
Front Yard Setback Waiver, Planning Commission.....	\$1,608.00
Grant of Conservation Easement.....	\$269.00
Habitat Evaluation Index (per hour).....	\$60.00
Home Occupation Special Use Permit.....	\$498.00
Inclusionary Housing Exemption.....	\$900.00
Land Development Code, Text Amendment.....	\$5,041.00
Land Use District Map, Amendment–Nonresidential.....	\$4,929.00
Land Use District Map, Amendment–Residential.....	\$4,131.00

Letter of Current Site Conditions.....	\$936.00
Letter of Development Rights Determination.....	\$2,209.00
Letter of ROGO Exemption.....	\$215.00
Letter of Understanding for LUD Map/FLUM Fee waiver .....	\$250.00
NROGO Application.....	\$774.00
Planning Fee (Miscellaneous-per hour).....	\$50.00
Parking Agreement.....	\$1,013.00
Planning Site Visit.....	\$129.00
Platting, 5 lots or less.....	\$4,017.00
Platting, 6 lots or more.....	\$4,613.00
Pre-application with Letter of Understanding.....	\$689.00
Pre-application with No Letter of Understanding.....	\$296.00
Public Assembly Permit.....	\$149.00
Dog in Restaurant Permit.....	\$150.00
Research, permits and records (per hour).....	\$50.00
Road Abandonment.....	\$1,533.00
ROGO Application.....	\$748.00
ROGO Lot/Parcel Dedication Letter.....	\$236.00
Legislative Time Extension for Development Orders /Permits.....	\$250.00
Special Certificate of Appropriateness.....	\$200.00
Tier Map Amendment—Other than IS/URM Platted Lot.....	\$4,131.00
Tier Map Amendment—IS/URM Platted Lot Only.....	\$1,600.00
Vacation Rental Permit (Initial).....	\$493.00
Vacation Rental (Renewal).....	\$100.00
Vacation Rental Manager License.....	\$106.00
Variance, Planning Commission, Signage.....	\$1,076.00
Variance, Planning Commission, Other than Signage.....	\$1,608.00
Variance, Administrative.....	\$1,248.00
Vested Rights Determination.....	\$2,248.00
Wetlands Delineation (per hour).....	\$60.00

Growth Management applications may be subject to the following additional fees, requirements or applicability:

1. For any application that requires a public hearing(s) and/or surrounding property owner notification, advertising and/or notice fees; \$245 for newspaper advertisement and \$3 per property owner notice.
2. There shall be no application or other fees, except advertising and noticing fees, for affordable housing projects, except that all applicable fees shall be charged for applications for all development approvals required for any development under Sec. 130-161.1 of the Monroe County Code and for applications for variances to setback, landscaping and/or off-street parking regulations associated with an affordable housing development.

3. There shall be no application fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official LUD map and/or the official FLUM, if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.
  
4. Hearing fees: applicant shall pay half the cost of the hourly rate, travel and expenses of any hearing officer. The County is currently charged \$144.00 per hour by Department of Administrative Hearings (DOAH). If the fee charged to the County is increased, the charge will change proportionately. An estimated amount of one-half of the hearing officer costs as determined by the County Attorney shall be deposited by the applicant along with the application fee, and shall be returned to the applicant if unused.
  
5. Base fees listed above include a minimum of (when applicable) two internal staff meetings with applicants; one Development Review Committee meeting, one Planning Commission public hearing; and one Board of County Commission public hearing. If this minimum number of meetings/hearings is exceeded, the following fees shall be charged and paid prior to the private development application proceeding through public hearings:
  - a. Additional internal staff meeting with applicant \$500.00
  - b. Additional Development Review Committee public hearing \$600.00
  - c. Additional Planning Commission public hearing \$700.00
  - d. Additional Board of County Commissioners public hearing \$850.00

The Director of Growth Management or designee shall assure these additional fees are paid prior to hearing scheduling. These fees apply to all applications filed after September 15, 2010.

6. Applicants for Administrative Appeal, who prevail based on County error, as found by the Planning Commission, shall have the entire application fee refunded.
7. Concerning the application fees to amend the tier maps, the lesser application fee of \$1,600.00 is only available for applications to amend the tier designation of a single URM or IS platted lot. It may not be used to amend the designation of more than one parcel.
8. Applicants for any processes listed above that are required to provide transportation studies related to their development impacts shall be required to deposit a fee of \$5,000 into an escrow account to cover the cost of experts hired by the Growth Management Division to review the transportation and other related studies submitted by the applicant as part of the development review process or any text amendment submitted by a private applicant. Any unused funds deposited by the applicant will be returned upon permit approval. Monroe County shall obtain an estimate from the consultant they intend to hire to review the transportation study for accuracy and methodology and if the cost for the review on behalf of Monroe County is higher than the \$5000, applicant shall remit the estimated amount. Any unused funds deposited by the applicant will be returned upon permit approval.

**Section 2.**

Any other fees schedules or provisions of the Monroe County Code inconsistent herewith are hereby repealed.

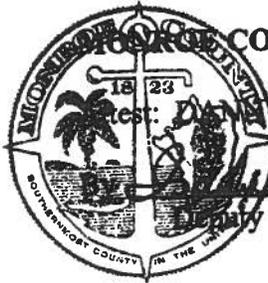
**Section 3.**

The Clerk of the Board is hereby directed to forward one (1) certified copy of this Resolution to the Division of Growth Management.

(REMAINDER OF PAGE LEFT INTENTIONALLY BLANK)

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 18th day of April, 2012.

Mayor David Rice	<u>Yes</u>
Mayor <i>Pro Tem</i> Kim Wigington	<u>Yes</u>
Commissioner Heather Carruthers	<u>Yes</u>
Commissioner Sylvia Murphy	<u>Yes</u>
Commissioner George Neugent	<u>Yes</u>



**MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**

Secretary: **DANIEL L. KOLHAGE, CLERK**

*David C. DeSantis*  
Deputy Clerk

By *David Rice*  
Mayor David Rice

FILED FOR RECORD  
2012 MAY -3 PM 3:16  
DANIEL L. KOLHAGE  
CLERK  
MONROE COUNTY, FLORIDA

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
*David J. Gussler*  
Date: 4-18-12



**File #:** **2012-098**

**Owner's Name:** Moore, John C. & Wendy A.

**Applicant:** Moore, John

**Agent:** N/A

**Type of Application:** Map Amendment - LUD

**Key:** Key Largo

**RE:** 00511220-000100

---

# **Additional Information added to File 2012-098**

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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: 7.03.12  
Time: AM

Dear Applicant:

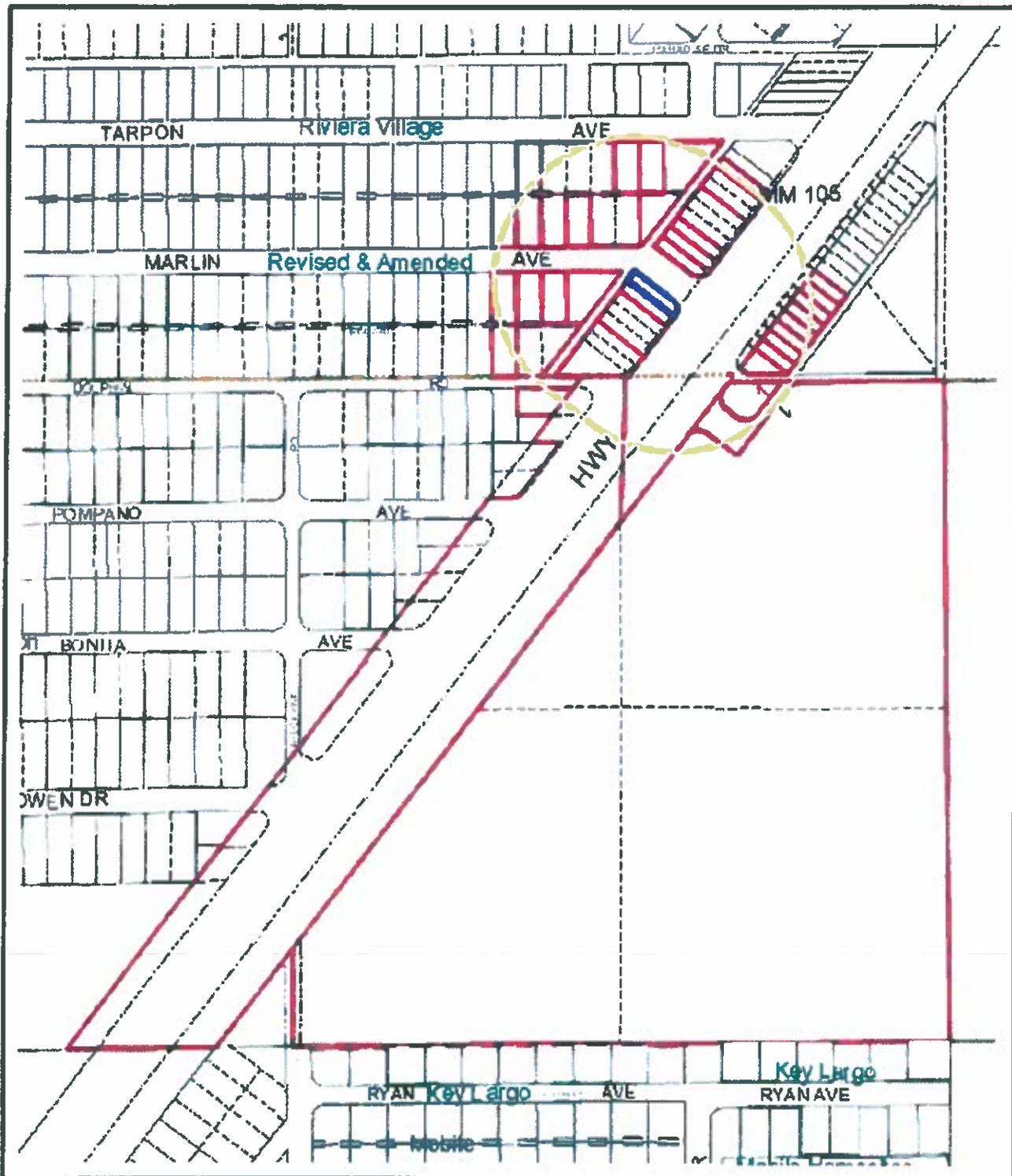
This is to acknowledge submittal of your application for Map Amendment - LUD  
Type of application

Moore, John to the Monroe County Planning Department.  
Project / Name

Thank you.

A handwritten signature in blue ink that reads 'Paul Creech'.

Planning Staff



## Monroe County, Florida *Labels by GC*

Printed: Jul 03, 2012

### MCPA GIS Public Portal

**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.



"BARBRO LLC "  
"6760 SW 75TH TER"  
"SOUTH MIAMI", "FL" "33143-4508"

"BARRIOS JORGE AND ADELA "  
"9290 SW 174 ST"  
"PALMETTO BAY", "FL" "33157"

"BENAMI REUVEN"  
"98900 OVERSEAS HWY"  
"KEY LARGO", "FL" "33037-2366"

"COX KEITH H"  
"54 N BLACKWATER LN"  
"KEY LARGO", "FL" "33037"

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

"DOHERTY ROBERT M AND YVETTE"  
"29120 S DIXIE HWY"  
"HOMESTEAD", "FL" "33033-2397"

"DOT/ST.OF FL "  
""  
"TALLAHASSEE", "FL" "32399"

"GRIFFIN LOUISE A"  
"8 DOLPHIN RD"  
"KEY LARGO", "FL" "33037-2913"

"HARDER JACKLYN R"  
"16 N MARLIN AVE"  
"KEY LARGO", "FL" "33037"

"JOHNSON STEVEN K"  
"PO BOX 372508"  
"KEY LARGO", "FL" "33037-7508"

"KARROW ROBERT "  
"3522 135TH AVE NW"  
"ANDOVER", "MN" "55304"

"KLBD LLC "  
"2441 SW 15TH TER"  
"PALM CITY", "FL" "34990-2101"

"MINICHINO JUSTIN"  
"8 N MARLIN AVE"  
"KEY LARGO", "FL" "33037"

"MONROE COUNTY "  
"500 WHITEHEAD ST"  
"KEY WEST", "FL" "33040"

"MONROE COUNTY COMPREHENSIVE  
PLAN LAND AUTHORITY "  
"1200 TRUMAN AVE STE 207"  
"KEY WEST", "FL" "33040-7270"

"MOORE JOHN C AND WENDY A"  
"104980 OVERSEAS HWY"  
"KEY LARGO", "FL" "33037"

"MOSSBROOKS WILLIAM A AND  
CAROLYNN R"  
"291 LANCE LANE"  
"KEY LARGO", "FL" "33037"

"PEARSON GREGORY J & JUDITH A "  
"12 NORTH MARLIN AVENUE"  
"KEY LARGO", "FL" "33037"

"PEARSON GREGORY J AND JUDITH A"  
"12 NORTH MARLIN AVE"  
"KEY LARGO", "FL" "33037"

"RIVIERA KEY LARGO LLC "  
"9400 S DADELAND BLVD STE 600"  
"MIAMI", "FL" "33156-2822"

"STEPHENSON LORI "  
"105050 OVERSEAS HWY"  
"KEY LARGO", "FL" "33037"

"TOBIN BRIAN L AND DENISE E"  
"4137 E ASHURST DR"  
"PHOENIX", "AZ" "85048-0550"

"WARNAAR JAMES GERALD "  
"11 N MARLIN AVE"  
"KEY LARGO", "FL" "33037"

"WARREN BURGESS D AND MARYANN  
J"  
"308 2ND TERR"  
"KEY LARGO", "FL" "33037"

Labels by GC

**End of Additional File 2012-098**

---

REQUEST FOR A LAND USE DISTRICT (LUD) MAP  
AMENDMENT APPLICATION



RECEIVED  
JUL - 3 2012  
MONROE CO. PLANNING DEPT

MONROE COUNTY  
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

An application must be deemed complete and in compliance with the Monroe County Code by the Staff prior to the item being scheduled for review

Amendment to Land Use Map District (Residential) Application Fee: \$4,131.00  
Amendment to Land Use District Map (Non-Residential) Application Fee: \$4,929.00

In addition to the above application fees, the following fees also apply to each application:  
Advertising Costs: \$245.00  
Surrounding Property Owner Notification: \$3.00 for each property owner required to be noticed  
Technology Fee: \$20.00

Date: 7 / 2 / 12  
Month Day Year

Property Owner:

JOHN MOORE

Name

104980 OVERSEAS HWY

Mailing Address

305-924-2700

Daytime Phone

JCMOORE101@GMAIL.COM

Email Address

Agent (if applicable):

Name

Mailing Address

Daytime Phone

Email Address

Legal Description of Property:

(If in metes and bounds, attach legal description on separate sheet)

4 1 thru 5 RIVIERA VILLAGE KEY LARGO

Block

Lot

Subdivision

Key

00511220-00000, 00511220-000701 9095586, 9095591, 1630535

Real Estate (RE) Number

Alternate Key Number

105980 OVERSEAS HWY KEY LARGO, 33037

Street Address

Approximate Mile Marker

105M1M

**REQUEST FOR A LAND USE DISTRICT (LUD) MAP  
AMENDMENT APPLICATION**

**Current Land Use District Designation(s):** RM

**Proposed Land Use District Designation(s):** \_\_\_\_\_

**Current Future Land Use Map Designation(s):** LS

**Tier Designation(s)** 3

**Total Land Area Affected in acres:** 0.344352

**Existing Use of the Property** (If the property is developed, please describe the existing use of the property, including the number and type of any residential units and the amount and type of any commercial development):

DOG GROOMING AND BOARDING

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**In accordance with Sec. 102-158, the BOCC may consider the adoption of an ordinance enacting the proposed change based on one or more of six factors. Please describe how one or more of the following factors shall be met (attach additional sheets if necessary):**

**1) Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based:**

NONE

\_\_\_\_\_

\_\_\_\_\_

**2) Changed assumptions (e.g., regarding demographic trends):**

NONE

\_\_\_\_\_

\_\_\_\_\_

**3) Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan:**

\_\_\_\_\_

\_\_\_\_\_

**4) New issues:**

\_\_\_\_\_

\_\_\_\_\_

**REQUEST FOR A LAND USE DISTRICT (LUD) MAP  
AMENDMENT APPLICATION**

**5) Recognition of a need for additional detail or comprehensiveness:**

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**6) Data updates:**

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**In no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located. Please describe how the map amendment would not result in an adverse community change (attach additional sheets if necessary):**

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**Has a previous Land Use District Map amendment application been submitted for this site within the past two years?**

Yes \_\_\_\_\_ Date: \_\_\_\_\_  
No X

**All of the following must be submitted in order to have a complete application submittal:**  
(Please check as you attach each required item to the application)

- Complete Land Use District Map amendment application (unaltered and unbound); and**
- Correct fee (check or money order to Monroe County Planning & Environmental Resources); and**
- Proof of ownership (i.e. Warranty Deed); and**
- Current Property Record Card(s) from the Monroe County Property Appraiser; and**
- Location map from Monroe County Property Appraiser; and**
- Copy of current Land Use District Map (please request from the Planning & Environmental Resources Department prior to application submittal); and**
- Copy of current Future Land Use Map (please request from the Planning & Environmental Resources Department prior to application submittal); and**
- 300 foot radius map from Monroe County Property Appraiser Office**
- List of surrounding property owners from 300 foot radius map**
- Photograph(s) of site from adjacent roadway(s); and**

**REQUEST FOR A LAND USE DISTRICT (LUD) MAP  
AMENDMENT APPLICATION**

- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – sixteen (16) sets (at a minimum survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage marked with land use district; and total acreage shown with vegetative habitat); and**
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property (two (2) sets). This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included**

**If applicable, the following must be submitted in order to have a complete application submittal:**

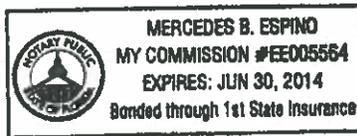
- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property)**
- Any other Monroe County documents including Letters of Understanding pertaining to the proposed Land Use District Map amendment**

**If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.**

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: J.C. Moore Date: 7/2/2012

Sworn before me this 2<sup>nd</sup> day of July, 2012



Mercedes B. Espino  
Notary Public  
My Commission Expires

Please send or deliver the complete application package to:  
Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050.

# Map



Parcels



Roads

Parcels



Tier Overlay District

Tier I - Natural Area

Tier II - Transition and Sprawl Area

Tier III - Infill Area

Tier III-A - Special Protection Area

Military

Tier Labels

2009 Orthophotography

Red: Band\_1

Green: Band\_2

Blue: Band\_3

## Copyright

Logan's Company

NA

PARADISE DR

TARPON AVE

MARLIN AVE

IS

MARLIN AVE

DOLPHIN RD

OVERSEAS HWY

SR

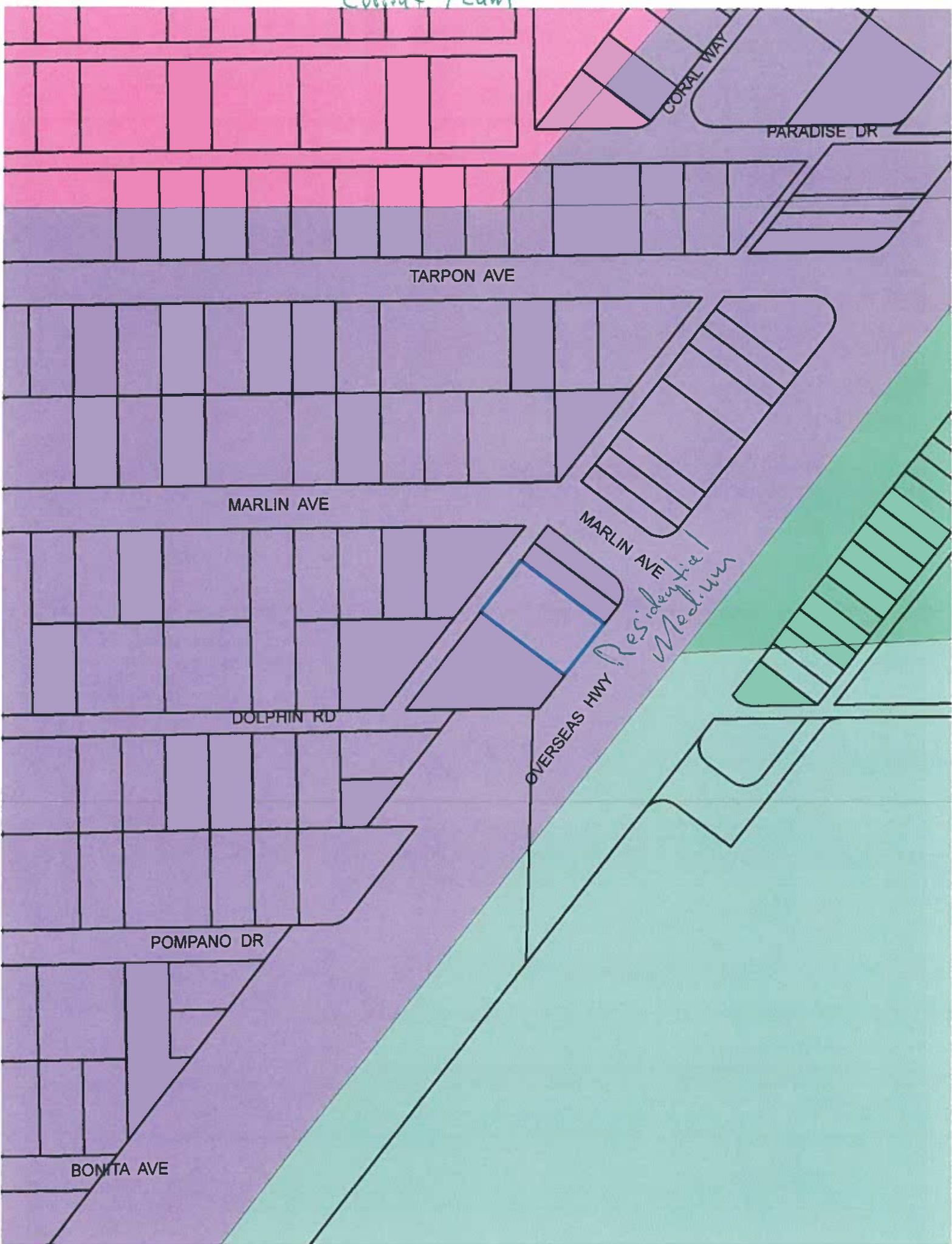
POMPANO DR

BONITA AVE

SC



Current Flow



CORAL WAY

PARADISE DR

TARPON AVE

MARLIN AVE

MARLIN AVE

DOLPHIN RD

OVERSEAS HWY

*Residential Medium Density*

POMPANO DR

BONITA AVE

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

*We strive to be caring, professional and fair*

June 4, 2012

John Moore  
104980 Overseas Highway  
Key Largo, 33037

**SUBJECT: ADDENDUM TO LETTER OF UNDERSTANDING ISSUED ON JUNE 27, 2003 CONCERNING A PET GROOMING AND BOARDING FACILITY, LOCATED AT 104980 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 104.9, HAVING REAL ESTATE NUMBERS 00511220.000000, 00511220.000100 AND 00511220.000101**

Mr. Moore,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On June 12, 2003, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department on Plantation Key. A letter of understanding was issued afterwards on June 27, 2003.

Note: The June 27, 2003 was for the following real estate numbers: 00511200.000000, 00511210.000000, 00511220.000000 and 00511230.000000. Real estate numbers 00511200.000000, 00511210.000000, and 00511230.000000 were combined with 00511220.000000 for the 2009 tax roll per the property owner's request. Two new real estate numbers, 00511220.000100 and 00511220.000101, was split out from 00511220.000000 for the 2010 tax roll per the property owner's request.

The Board of County Commissioners passed and adopted Resolution #127-2012 on April 18, 2012. This resolution, adopted after the issuance of the letter of understanding on June 27, 2003, amended the Planning & Environmental Resources Department's fee schedule. Of relevance to your property and the development thereon, the amended fee schedule included the following new provision:

There shall be no application or other fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official [Land Use District

(LUD)] map and/or the official [Future Land Use Map (FLUM)], if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.

You have requested that the Senior Director of Planning & Environmental Resources render such a decision in relation to the subject property and allow you to submit FLUM and LUD amendment applications without the required application fees.

The property has a FLUM designation of Residential Medium (RM), a LUD designation of Improved Subdivision (IS), and a tier designation of Tier 3.

You have requested a FLUM designation of Mixed Use / Commercial (MC) and a LUD designation of either Suburban Commercial (SC) or Mixed Use (MU).

The property was within a BU-2 district (Medium Business) prior to 1986 when the property was re-designated IS.

Regarding the development and use of the existing building on the property:

There is no building permit on file for the existing building. According to the Monroe County Property Appraiser's records, it was constructed in 1960.

In 1977, Building Permit #C3245 was issued to relocate a ground-mounted sign. In the permit file, the business is identified as "R & R Marine Inc.", a commercial retail use.

In 1982, Building Permit #C11551 was issued for new electric installation. On the permit, the business is identified as "Upper Keys Coin Laundry", a commercial retail use.

In 1986, Building Permit #20794 was issued for the re-roofing of the existing building. On the permit, the business is identified as a "coin laundry", a commercial retail use.

After 1986, all subsequent permits indicate that the building was being utilized for commercial retail use.

The current regulations pertaining to permitted uses in the IS district do not allow a commercial retail building. Furthermore, Policy 101.4.3 of the Monroe County Year 2010 Comprehensive Plan, which describes permitted uses in the RM FLUM category, does not state that commercial retail uses are allowed. Therefore, the existing commercial retail use is nonconforming to the current provisions of the Monroe County Code and Comprehensive Plan.

However, as the building and its commercial retail use were approved and permitted prior to 1986, the existing use is considered a lawful nonconforming use.

Resolution #127-2012 requires the property owner to provide satisfactory evidence that the existing use on the site also existed lawfully in 1992 and was deemed nonconforming by final adoption of the LUD map and/or the existing use on the site existed lawfully in 1997 and was deemed nonconforming by final adoption of the FLUM. Following a review, Staff has determined that the existing use existed lawfully in 1992 and was deemed nonconforming by the final adoption of the LUD map. Staff has also determined that the existing use existed lawfully in 1997 and was deemed nonconforming by the final adoption of the FLUM.

Resolution #127-2012 requires the applicant to apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Following a review, Staff has determined that the proposed FLUM category of MC and proposed LUD designations of SC or MU would eliminate the nonconformity to use. Therefore, the proposed designations are acceptable; however prior to application submittal, you must decide on whether to pursue an amendment to SC or MU. Staff cannot make this decision. In addition, please be aware that Staff is not obligated to recommend approval of the proposed LUD or FLUM designations. Staff is required to review the application on its merit and determine upon a full review that there shall not be an adverse impact to the community and is consistent with the provisions of the Comprehensive Plan and Monroe County Code.

In conclusion, Staff has determined that your proposal qualifies for fee exemptions to the "Comprehensive Plan, Future Land Use Map (FLUM) Amendment" of \$5,531.00 and the "Land Use District Map, Amendment-Nonresidential" fee of \$4,929.00. You may submit a FLUM amendment and/or LUD amendment application without the submittal of the aforementioned application fees. However, you are responsible for all other requirements, including the fees for advertising (\$245.00 per application) and noticing (\$3.00 per each surrounding property per application).

In addition, please note that you are eligible for these fee waivers so long as such waivers are permitted by the fee schedule. If the fee schedule is amended to remove such a provision in the future, you may not be eligible to submit the application without such required application fees afterwards.

\* \* \* \* \*

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Comprehensive Plan is amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal 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.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely yours,



Joseph Haberman, Planning & Development Review Manager  
for  
Townesley Schwab,  
Senior Director of Planning & Environmental Resources

CC: Mayte Santamaria, Assistant Director of Planning

JOE HABERMAN

Growth Management Division  
2798 Overseas Highway  
Suite #400  
Marathon, Florida 33050  
Voice: (305) 289-2800  
FAX: (305) 289-2536



Board of County Commissioners  
Mayor Dixie Spafur, Dist. 1  
Mayor Pro Tem Murray Nelson, District 5  
George Neugent, District 2  
Charles "Sonny" McCoy, District 3  
David P. Rice, District 4

June 27, 2003

305-289 2536

Mr. John Moore  
478 Summerland Road  
Key Largo, FL 33037

**SUBJECT:** Letter of Understanding: A Proposed Pet Grooming and Boarding Facility  
Revised and Amended Plat of Riviera Village, Block 4, Lots 1-5, Mile Marker 104.9  
Bayside, Key Largo. RE#'s: 00511200.000000, 00511210.000000, 00511220.000000,  
& 00511230.000000

Dear Mr. Moore,

This letter is to address issues that arose in a meeting that was held on June 12, 2003, in the Plantation Key Planning Department.

Attendees of this meeting were John Moore (hereafter referred to as "the applicant") and Jeff Stuncard, Senior Planner (hereafter referred to as the Growth Management Division).

Items discussed at the meeting, and further staff research has indicated that the following statements apply to this project:

1. The site is composed of five (5) lots, of which three (3) are vacant and two (2) have an existing structure (963 square feet) that is currently operating as *Largo Coin Laundry*.
2. The FEMA Flood Map (Panel # 0844G) shows all of the property to be in the 'X' flood zone.
3. The current Monroe County Land Use District Map indicates the parcel is located in the Improved Subdivision (IS) land use district, which allows residential uses "as of right". The existing use of the property as a laundromat is not permitted under the current 'IS' zoning. Under the current regulations, that use would be allowed to continue operation as has been the case for a number of years, but would be considered nonconforming. Section 9.5-143 of the Monroe County Land Development Regulations addresses nonconformities as stated below:
  - *Relocation:* A structure in which a nonconforming use is located may not be moved unless the use thereafter conforms to the limitations of the zoning.
  - *Change in Use:* A nonconforming use shall not be changed unless the new use conforms to the provisions of the zoning.
  - *Extensions:* Nonconforming uses shall not be extended, enlarged, or occupy additional land.

The applicant stated that he has no intention of relocating or redeveloping the structure. He also stated his understanding that the structure may not be extended, enlarged, or occupy additional land. It was conveyed to the applicant that the addition of outside kennels or pens for the animals, or a modification of the structure to allow such provisions from the inside would constitute a violation of this clause. The applicant agreed to these interpretations and stated that the services provided would be conducted only within the structure itself. The applicant's intentions are to have approximately 10 indoor "pens" for dogs and a separate room for a reception and grooming area. A "cathouse" was also shown to be located in this portion of the structure. It is staff's understanding that this was not intended as a brothel, but as an area for felines to board. Staff does not view individual dog-walking on the outside premises a violation of the above-stated criteria (occupying additional lands).

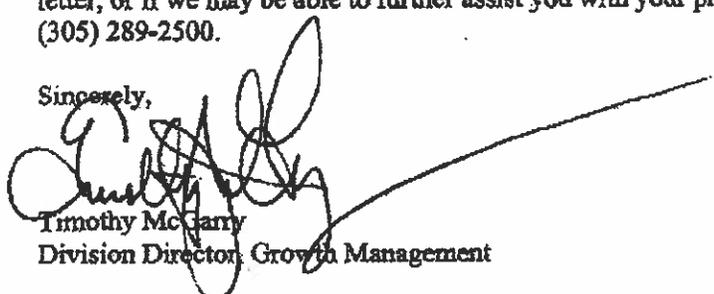
With that said, this proposal becomes a question of whether or not this is a change of use. Staff does not believe this to be the case since a change of use must involve a greater intensity of use for the new proposal. It is staff's opinion that the intensity will be less for a kennel than it is for the existing laundromat.

4. The existing building currently has several non-striped parking areas that have been sufficient for the current business at this location. Per Monroe County Code (MCC) parking requirements, three (3) parking spaces per 1,000 square feet of floor area is required for the proposed use. Any future use of the site would be required to provide one (1) handicapped space with appropriate signage and striping. The area in front of the structure already has a flat, paved surface with unobstructed access into the building.
5. Any requests for signage, or changes to the existing signage would be handled through a separate application and review. Any applicable regulations within Sections 9.5-404 through 9.5-405 of the Monroe County Land Development Regulations would have to be adhered to if changes in signage are petitioned.

Pursuant to Section 9.5-43 of the Monroe County Code, you are to rely upon the representations set forth in this letter of understanding as accurate under the regulations currently in effect. However, the Planning Department acknowledges that all items required as part of the application for development approval may not have been addressed at the June 12, 2003 meeting, and consequently reserves the right for additional department comment.

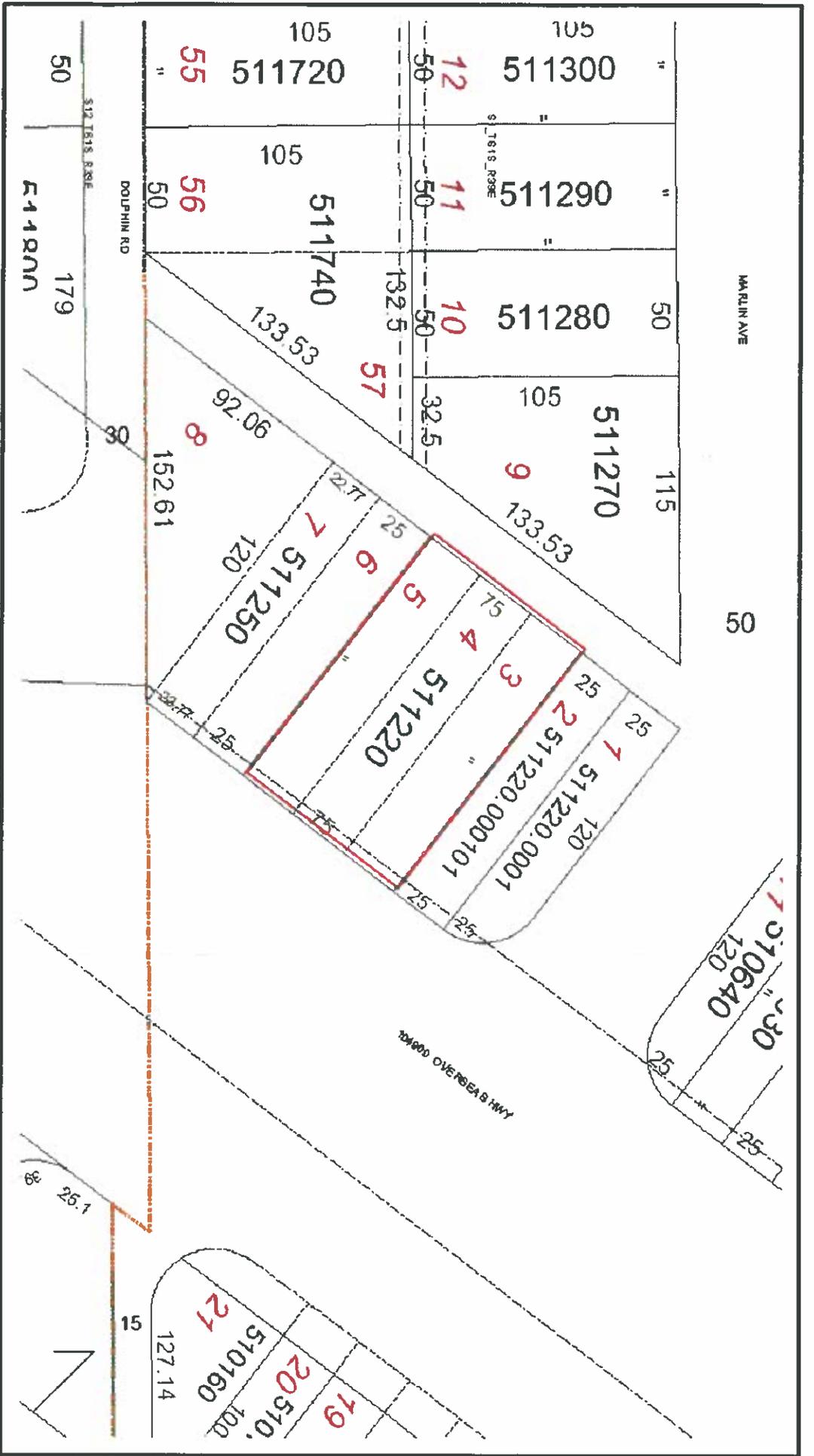
We trust that this information is of assistance. If you have any questions regarding the content of this letter, or if we may be able to further assist you with your project, please feel free to contact our office at (305) 289-2500.

Sincerely,



Timothy McGarry  
Division Director, Growth Management

Cc: Marlene Conaway, Director of Planning and Environmental Resources  
Ervin Higgs, Property Appraiser  
Jeff Stuncard, Senior Planner  
Jerry Buckley, Planner  
Niko Reisinger, Biologist



# Monroe County, Florida

## MCPA GIS Portal

Printed: Jun 07, 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.



# THE PET MOTEL

AK#1630535

MONROE COUNTY PROPERTY APPRAISER OFFICE



THIS PROPERTY LOCATION MAP HAS BEEN COMPILED FOR INTERNAL OFFICE USE AS AN AID IN THE PREPARATION OF THE MONROE COUNTY TAX ROLL. IT IS NOT A SURVEY AND THE OWNERSHIP INFORMATION DEPICTED THEREON SHOULD NOT BE RELIED UPON FOR TITLE PURPOSES. NEITHER MONROE COUNTY NOR THE OFFICE OF THE PROPERTY APPRAISER ASSUMES RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS.

1:417

Date: 6/7/2012

# Monroe County Property Record Card (073)

Alternate Key: 9095586  
 Effective Date: 6/8/2012 8:07:03 AM  
 Roll Year 2012  
 Run: 06/08/2012 08:07 AM

MOORE, JOHN C AND WENDY A  
 104980 OVERSEAS HWY  
 KEY LARGO FL 33037

Parcel 00511220-000100-01-61-39  
 Alt Key 9095586  
 Affordable Housing No  
 FEMA Injunction ALL  
 Inspect Date  
 Business Name  
 Physical Addr VACANT LAND OVERSEAS HWY, KEY LARGO

Nbhd 10020  
 Mill Group 500K  
 PC 1000  
 Next Review

Associated Names  
 Name DBA Role  
 MOORE, JOHN C AND WENDY A Owner

Legal Description  
 BK 4 LOT 1 REVISED AMENDED PLAT OF RIVIERA VILLAGE PB2-80 KEY LARGO OR499-621 OR1173-2392 OR1374-1998(PROB-95-20123-CP-10) OR1409-2471P/R OR1492-1524C/T OR1499-85A/F OR1499-86D/C OR1507-2085 OR1922-995/996 OR2174-2023/24 OR2390-2166/67

Land Data 1.

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
01	1M0H	25	120	Yes	3,000.00	SF	0.00		1.00	1.00	1.00	1.00		N		
Total Just Value																

Appraiser Notes  
 SPLIT OUT FROM RE 00511220-000000 AK 1630535 FOR THE 2010 TAX ROLL PER THE OWNERS REQUEST.

Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2011F	C	3,300	0	0	0	3,300	3,300	0	N	3,300
2010F	C	3,900	0	0	0	3,900	3,900	0	N	3,900

**Monroe County Property Record Card (073)**

Alternmate Key: 9095591  
 Effective Date: 6/8/2012 8:08:08 AM  
 Roll Year 2012  
 Run: 06/08/2012 08:08 AM

MOORE, JOHN C AND WENDY A  
 104980 OVERSEAS HWY  
 KEY LARGO FL 33037

Parcel 00511220-000101-01-61-39 Nbhhd 10020  
 Alt Key 9095591 Mill Group 500K  
 Affordable Housing No PC 1000  
 FEMA Injunction ALL  
 Inspect Date Next Review  
 Business Name  
 Physical Addr VACANT LAND OVERSEAS HWY, KEY LARGO

Associated Names  
 Name MOORE, JOHN C AND WENDY A  
 DBA  
 Role Owner

Legal Description  
 BK 4 LOT 2 REVISED AMENDED PLAT OF RIVIERA VILLAG E P82.80 KEY LARGO OR499-621 OR1173-2392 OR1374-1998(PROB-95-20123-CP-10) OR1409-2471P/R OR1492-1524C/T  
 OR1499-85A/F OR1499-86D/C OR1507-2085 OR1922-995/996 OR2174-2023/24 OR2390-2166/67

Land Data 1.

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
01	100H	25	120	Yes	3,000.00	SF	0.00	1.00	1.00	1.00	1.00	1.00		N		
Total Just Value																

Appraiser Notes  
 SPLIT OUT FROM RE 00511220-000000 AK 1630535 FOR THE 2010 TAX ROLL PER THE OWNERS REQUEST.

Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2011F	C	15,600	0	0	0	15,600	15,600	0	N	15,600
2010F	C	24,000	0	0	0	24,000	24,000	0	N	24,000

**Monroe County Property Record Card (073)**

Alternate Key: 1630535  
 Effective Date: 6/7/2012 4:29:09 PM  
 Roll Year 2012  
 Run: 06/07/2012 04:29 PM

MOORE, JOHN C AND WENDY A  
 104980 OVERSEAS HWY  
 KEY LARGO FL 33037

Parcel 00511220-000000-01-61-39  
 Alt Key 1630535  
 Affordable Housing No  
 FEMA Injunction ALL  
 Inspect Date  
 Business Name THE PET MOTEL  
 Physical Addr 104980 OVERSEAS HWY, KEY LARGO

Nbhd 10020  
 Mill Group 500K  
 PC 1100  
 Next Review

Associated Names  
 Name MOORE, JOHN C AND WENDY A

DBA  
 Role  
 Owner

Legal Description  
 BK 4 LOTS 3 THRU 5 REVISED AMENDED PLAT OF RIVIERA VILLAGE PB2-80 KEY LARGO OR499-621 OR1173-2392 OR1374-1998(PROB-95-20123-CP-10) OR1409-2471P/R  
 OR1492-1524C/T OR1499-85AFF OR1499-86D/C OR1507-2085 OR1922-995/996 OR2174-2023/24 OR2390-2166/67

Land Data 1.

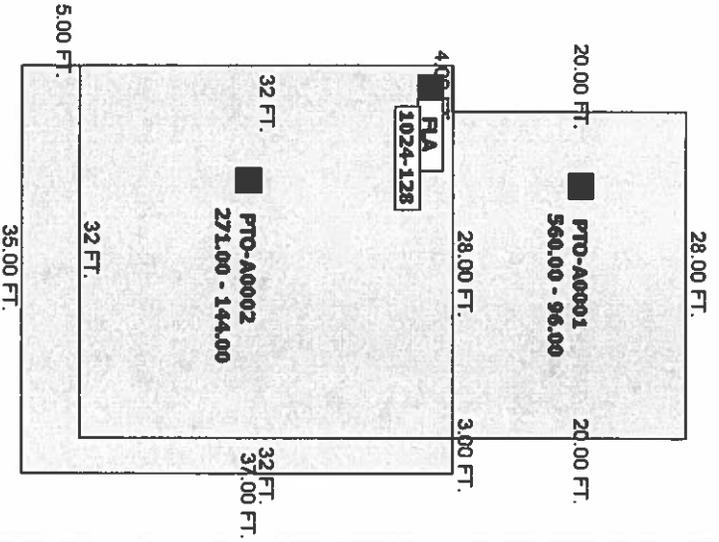
Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
68664	100H	25	120	Yes	3,000.00	SF	0.00		1.00	1.00	1.00	1.00		N		
		50	120	Yes	6,000.00	SF	0.00		1.00	1.00	1.00	1.00		N		
Total Just Value																

# Monroe County Property Record Card (073)

Alternate Key: 1630535  
 Effective Date: 6/7/2012 4:29:09 PM

Roll Year 2012  
 Run: 06/07/2012 04:29 PM

Building Sketch 43548



Building Characteristics			
Building Nbr	1	Building Type	0
Effective Age	26	Condition	G
Gmd Floor Area	1024	Quality Grade	300
Fireplaces	0	3 Fix Bath	0
2 Fix Bath	0	4 Fix Bath	0
		5 Fix Bath	0
		6 Fix Bath	0
		7 Fix Bath	0
		Extra Fix	5

Perimeter	128	Functional Obs	0.00
Depreciation %	0.33	Economic Obs	0.00
Year Built	1960		

Sections							
Type	Number	Wall Height	# Stories	Year Built	% Finished	Area	Sketch ID
PTO	0	8	1	1982		271	002
PTO	0	8	1	1982		560	001
FLA	1	8	1	1982		1,024	000

Interior Finish				Exterior Finish							
Sec Nbr	Int Nbr	Description	Area %	Sprinkler	A/C	Total RCN	Ext Nbr	Wall Type	Area %	Wall Rate	RCN
1	14194	1 STY STORE-B	100.00	N	N	4905	C.B.S.		100.00		

**Monroe County Property Record Card (073)**

Alternate Key: 1630535 Roll Year 2012  
 Effective Date: 6/7/2012 4:29:09 PM Run: 06/07/2012 04:29 PM

**Miscellaneous Improvements**

Nbr	Impr Type	# Units	Type	SOH %	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
5	CL2:CH LINK FENCE	1,100	SF	0.00	220	5	2006	2007	1	30		
4	CL2:CH LINK FENCE	1,395	SF	0.00	279	5	1999	2000	1	30		
3	AP2:ASPHALT PAVING	1,711	SF	0.00	0	0	1981	1982	2	25		
2	UB2:UTILITY BLDG	90	SF	0.00	10	9	1977	1978	3	50		
1	UB2:UTILITY BLDG	200	SF	0.00	20	10	1981	1982	3	50		
<b>Total Depreciated Value</b>												

**Appraiser Notes**

LT 1 (RE00511200-000000 AK1630519) LT 2 (RE00511210-000000 AK1630527) & LOT 5 (RE00511230-000000 AK1630543) ARE NOW COMBINED WITH THIS PARCEL PER OWNER'S REQUEST, DONE FOR THE 2009 TAX ROLL 1/1/2009MKD  
 BK 4 LOT 1 WAS SPLIT OUT TO RE 00511220-000100 AK 9095586 FOR THE 2010 TAX ROLL PER THE OWNERS REQUEST.  
 BK 4 LOT 2 WAS SPLIT OUT TO RE 00511220-000101 AK 9095591 FOR THE 2010 TAX ROLL PER THE OWNERS REQUEST.  
 COIN LAUNDRY

**Building Permits**

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	1301655	May 8 2001 12:00AM	Jan 1 2002 12:00AM	1		A/C WALL UNIT
	06304810	Aug 15 2006 12:00AM	Oct 27 2006 12:00AM	1		CHAINLINK FENCE

# Monroe County Property Record Card (073)

Alternate Key: 1630535  
 Effective Date: 6/7/2012 4:29:09 PM

Roll Year 2012  
 Run: 06/07/2012 04:29 PM

## Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2011F	O	93,600	0	79,095	6,982	229,717	229,717	0	N	229,717
2010F	O	168,000	0	82,636	7,218	250,693	250,693	0	N	250,693
2009F	O	277,200	0	82,636	7,428	327,015	327,015	0	N	327,015
2008F	O	201,600	0	87,358	7,658	406,747	406,747	0	N	406,747
2007F	O	108,000	0	58,461	6,936	291,177	291,177	0	N	291,177
2006F	O	72,000	0	60,832	5,408	252,403	252,403	0	N	252,403
2005F	O	30,600	0	155,385	6,855	219,115	219,115	0	N	219,115
2004F	C	30,600		158,613	7,097	196,310	196,310	0	N	196,310
2003F	C	30,600		158,613	7,316	196,529	196,529	0		196,529
2002F	C	30,600		158,613	7,537	196,750	196,750	0		196,750
2001F	C	22,500		158,613	7,778	188,891	188,891	0		188,891
2000F	C	16,500		158,613	4,718	179,831	179,831	0		179,831
1999F	C	16,500		158,613	3,481	178,594	178,594	0		178,594
1998F	C	16,500		75,965	3,571	96,036	96,036	0		96,036
1997F	C	16,500		75,965	3,660	96,125	96,125	0		96,125
1996F	C	16,500		69,060	3,823	89,383	89,383	0		89,383
1995F	C	16,500		69,060	3,987	89,547	89,547	0		89,547
1994F	C	16,500		69,060	4,151	89,711	89,711	0		89,711
1993F	C	16,500		69,060	4,316	89,876	89,876	0		89,876
1992F	C	16,500		69,060	4,480	90,040	90,040	0		90,040
1991F	C	16,500		34,808	3,653	54,961	54,961	0		54,961
1990F	C	16,500		34,808	3,783	55,091	55,091	0		55,091
1989F	C	16,500		34,808	3,914	55,222	55,222	0		55,222
1988F	C	16,500		31,418	3,203	51,121	51,121	0		51,121
1987F	C	16,500		30,736	3,301	50,537	50,537	0		50,537
1986F	C	16,500		30,789	3,401	50,690	50,690	0		50,690
1985F	C	18,000		29,761	3,499	51,260	51,260	0		51,260
1984F	C	18,000		29,129	3,599	50,728	50,728	0		50,728
1983F	C	15,004		29,129	3,697	47,830	47,830	0		47,830
1982F	C	15,004		19,866	464	35,334	35,334	0		35,334

# Monroe County Property Record Card (073)

Alternate Key: 1630535  
 Effective Date: 6/7/2012 4:29:09 PM

Roll Year 2012  
 Run: 06/07/2012 04:29 PM

## Sales History

Book	Page	Sale Date	Instrument	Transfer Code	Q/U	Vacant	Sale Price
1173	2392	5/1/1991	Warranty Deed	4	M	I	260,000
1409	2471	6/1/1996	Warranty Deed	0	M	I	235,000
1507	2085	3/1/1998	Warranty Deed	0	M	I	285,000
1922	995	8/15/2003	Warranty Deed	0	M	I	330,000
2174	2023	12/16/2005	Warranty Deed	0	M	I	550,000
2390	2166	11/20/2008	Warranty Deed	0	F	I	100

Prepared by:

Deborah Kaicher Pastran, Esq.  
PO BOX 900969  
Homestead, FL 33090

Property Appraisers Parcel Identification:  
1630519, 1630527, 1630535, 1630543

MONROE COUNTY  
OFFICIAL RECORDS

FILE #1391129  
BK#1922 PG#995

RCD Aug 20 2003 01:00PM  
DANNY L KOLHAGE, CLERK

**WARRANTY DEED**

DEED DOC STAMPS 2310.00  
08/20/2003 RA DEP CLK

THIS WARRANTY DEED, executed this 15 day of August, 2003, between:

Largo Coin Laundry, Inc. (*grantors*), and John C. Moore and Wendy A. Moore,  
husband and wife, (*grantees*) whose address is: 478 Summerland Road, Key Largo, 33037, State  
of Florida:

WITNESS: That *grantors*, for and in consideration of \$10.00 and other good and valuable  
considerations, paid by *grantees*, has granted, bargained and sold to the said *grantees*, grantee's  
heirs and assigns forever, the following described lot, piece or parcel of land, situated in Monroe  
County, Florida:

**LEGAL DESCRIPTION:**

Lot 1, 2, 3, 4 and 5, Block 4, REVISED AMENDED PLAT OF RIVIERA VILLAGE,  
according to the Plat Thereof, as recorded in Plat Book 2, page 80 of the Public Records  
of Monroe County, Florida. Assessment #:00511200-00511210-00511220-00511230.

**PHYSICAL ADDRESS:**

104980 Overseas Highway, Key Largo, Monroe County, Florida

And Said Grantors do hereby fully warrant the title to said land, and will defend the  
same against the lawful claims of all persons whomsoever.

Grantors warrant that at the time of this conveyance the subject property is not the  
Grantors homestead within the meaning set forth in the constitution of the State of Florida, nor is  
it contiguous to or a part of homestead property.



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

Signed, sealed and delivered in the presence of:

S. Had them  
witness S. Had them

[Signature]  
Largo Coin Laundry, Inc.  
Raul E. Pastran, President

[Signature]  
witness Gretchen Holland

State of Florida,  
County of Monroe

The foregoing instrument was acknowledged before me this 15 day of August, 2003 by Raul E. Pastran, President of Largo Coin Laundry, Inc.. He has produced DRIVER'S LICENSE as identification and did take an oath.

[Signature]  
Signature of Notary

Seal:

State of Florida,

OFFICIAL NOTARY SEAL  
GRETCHEN HOLLAND  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. DD149369  
MY COMMISSION EXP. SEPT. 18, 2006

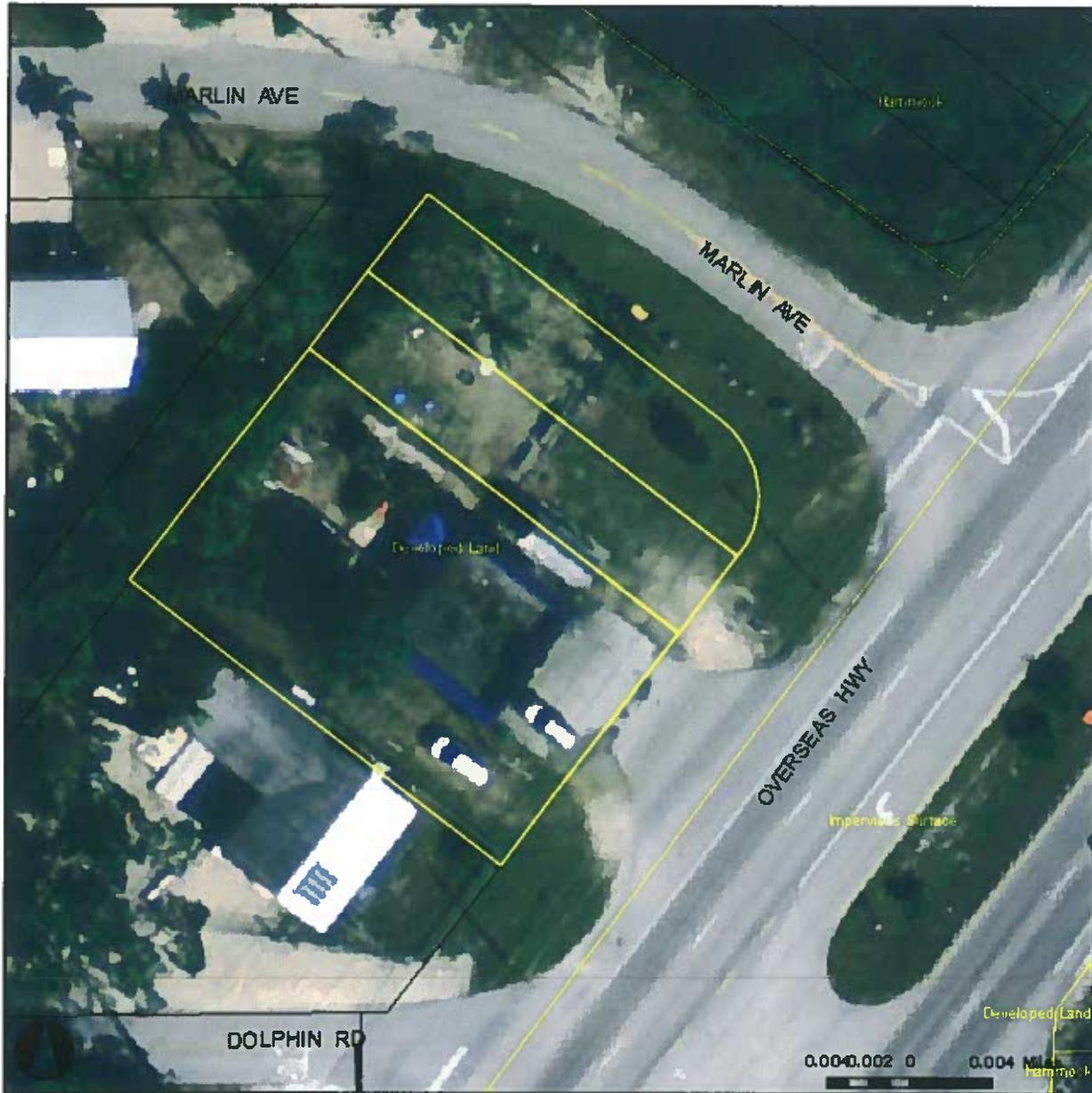
STATE OF FLORIDA  
COUNTY OF MONROE  
Clerk & County Court  
This copy is a true and correct copy of the Original of File of this Office Witness my hand and Official Seal  
This 15 day of August  
A.D., 2003  
[Signature]  
Clerk Circuit Court  
D.C.







# Map



Parcels

Parcels

Roads

Parcels

Habitat 2009

2006 Orthophotography

Red: Band\_1

Green: Band\_2

Blue: Band\_3

### Copyright

MonroeCountySDE\_Environmental\_Layout  
FEMA: Federal Emergency Management Agency



David Barrow Surveying & Mapping, Inc.  
P.O. Box 279  
Tavernier, FL 33070  
MM91.8 Overseas Highway  
Key Largo

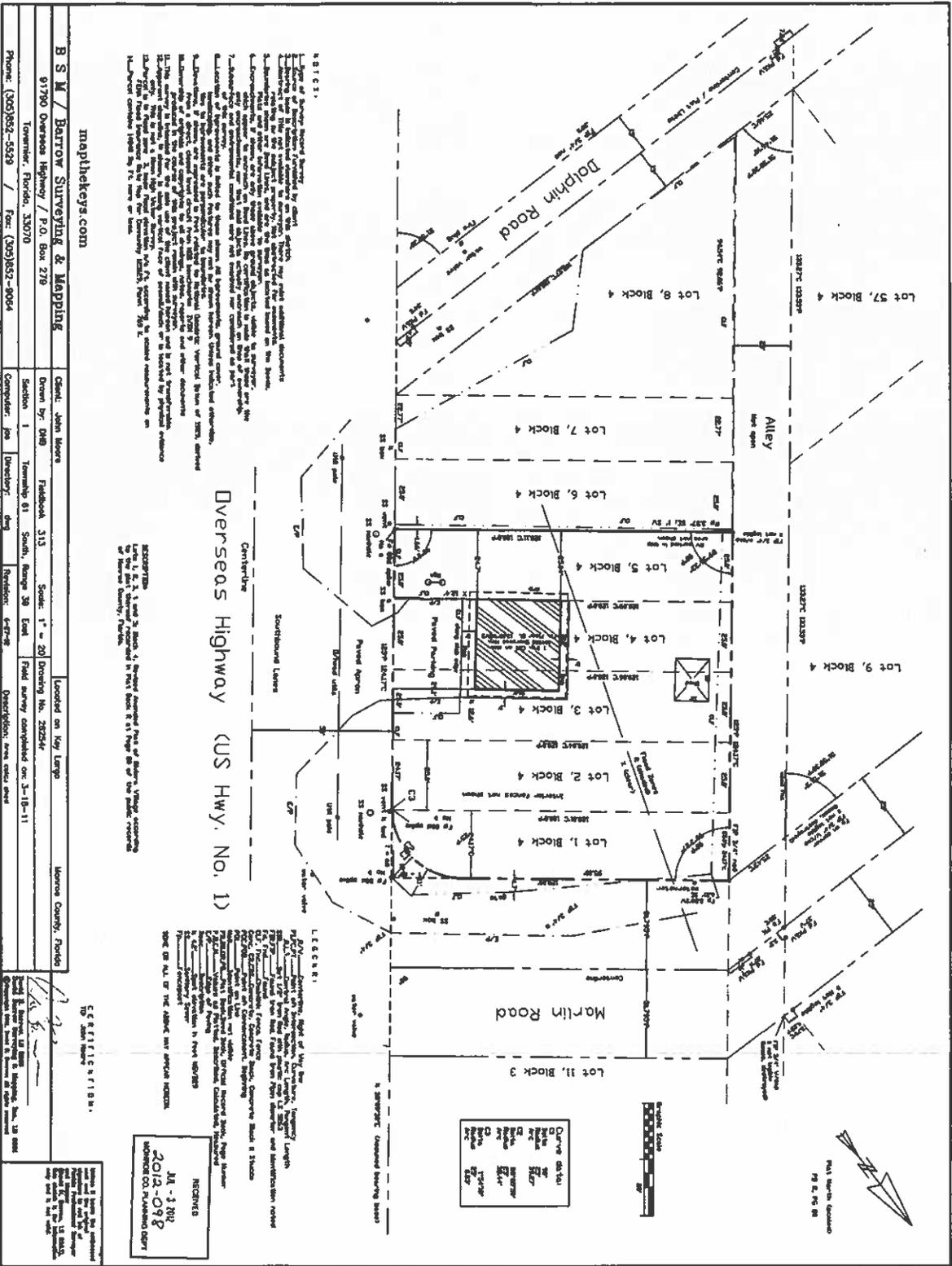
Fax: 305/852-9064  
Phone: 305/852-5529  
Email: surveyor@mapthekeys.com

Properties within 300'+/- radius of John & Wendy Moore parcel at 104980 Overseas Hwy., Key Largo:  
(See attached map)

Lot(s)	RE No.	Owner
6, 7, 8	511250	✓ Jorge & Adela Barrios
1	511800	✓ Monroe County
2	511810	<del>Monroe County</del>
18	511970	CBS Outdoors Inc
3A	511820	James Daughtry
4A	511830	Donald & Rebecca Holley
5A	511840	Mark & Kellie Ordway
52, 53	511700	Thomas Pankau
54, 13	511710	David Jannarone
55	511720	✓ Louise Griffin
56, 57	511740	✓ Keith Cox
9A	511270	✓ KLBD LLC
10A	511280	✓ James Warnaar
11A	511290	<del>James Warnaar</del>
12	511300	✓ Burgess & Mary Ann Warren
14, 15B	511330	Donna Vick
60, 61	511120	Jack Gordon
62	511130	✓ Jaclyn Harder
63	511140	✓ Gregory & Judith Pearson
64	511150	<del>Gregory &amp; Judith Pearson</del>
65	511160	Robert Karrow
66, 67	511170	✓ Justin Minichino
68	511190	<del>Monroe County</del>
12A	510650	<del>Lori Stephenson</del>
13A	510660	✓ Steven Johnson
14A	510670	✓ Brian & Debbie Tobin
15, 16, 17	510690	✓ Robert Karrow
18	510700	✓ Barbro LLC
19	510710	Kimberlee Mobley
11	510640	✓ Reuven Benami
10	510630	<del>Reuven Benami</del>
9	510620	<del>Reuven Benami</del>
6, 7, 8	510610	✓ William & Carolyn Mossbrooks
4, 5	510590	✓ Lori Stephenson
3	510570	Robert & Yvette Doherty

Lot(s)	RE No.	Owner
2A	510560	✓ Robert & Yvette Doherty
1A	510550	<del>Lori Stephenson</del>
101	511750	Dwight & Karen Beal
100	85140	✓ Monroe County School Board
21	510160	✓ Riviera Key Largo LLC
20	510150	<del>Riviera Key Largo LLC</del>
19A	510140	<del>Riviera Key Largo LLC</del>
18A	510130	<del>Riviera Key Largo LLC</del>
17A	510120	<del>Riviera Key Largo LLC</del>
16A	510110	<del>Riviera Key Largo LLC</del>
15A	510100	<del>Riviera Key Largo LLC</del>
14B	510090	<del>Riviera Key Largo LLC</del>
13B	510080	<del>Riviera Key Largo LLC</del>
12B	510070	<del>Riviera Key Largo LLC</del>
11B	510060	Charles Zapotocky
10B	510050	<del>Barbro LLC</del>





**NOTES:**

1. Name of Surveyor, Surveyor, by which, date, and other data, shall be shown on the plat.
2. Name of the person or persons, by whom the survey was made, shall be shown on the plat.
3. The name of the person or persons, to whom the survey was made, shall be shown on the plat.
4. The name of the person or persons, by whom the plat was made, shall be shown on the plat.
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18. The name of the person or persons, by whom the plat was made, shall be shown on the plat.
19. The name of the person or persons, by whom the plat was made, shall be shown on the plat.
20. The name of the person or persons, by whom the plat was made, shall be shown on the plat.

**Overseas Highway (US Hwy. No. 1)**

**B S M / Barron Surveying & Mapping**  
 91790 Overseas Highway / P.O. Box 278  
 Tavernier, Florida, 33070  
 Phone: (305)852-5559 / Fax: (305)852-9054

**Client:** John Moore  
**Drawn by:** DMB  
**Fieldwork:** 01 South, Range 39 East  
**Computer:** jms  
**Director:** dms  
**Revision:** 4-1-11  
**Description:** new street easement

**Located on:** Key Lamp  
 Monroe County, Florida

**Scale:** 1" = 20'  
**Field survey completed:** Dec 3-10-11

**RECEIVED**  
 J.M. - J.M.  
 2012-04-18  
 MONROE COUNTY PLANNING DEPT





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

**To:** Monroe County Development Review Committee

**Through:** Mayté Santamaria, Assistant Director, Planning and Environmental Resources Department

**From:** Mitchell N. Harvey, AICP, Comprehensive Planning Manager

**Date:** October 24, 2012

**Subject:** A REQUEST BY RENAISSANCE FARMS OF THE FLORIDA KEYS LLC TO AMEND THE FUTURE LAND USE MAP OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE/ COMMERCIAL (MC) FOR PROPERTY LOCATED AT 98175 OVERSEAS HIGHWAY, KEY LARGO

**Meeting:** October 30, 2012

**I. REQUEST**

The applicant, Renaissance Farms of Florida Keys LLC, is requesting to amend the Future Land Use Map (FLUM) of the Monroe County Year 2010 Comprehensive Plan from Residential Medium (RM) to Mixed Use/Commercial (MC) for property located at 98175 Overseas Highway, Key Largo, having real estate number 00519750-000000.



Existing Conditions



Proposed Conditions

34 **II. BACKGROUND INFORMATION**  
35

36 The property was within a RU-1 district (Single-Family Residential) and BU-2 district (Medium  
37 Business) prior to 1986, when the property was re-designated IS (Improved Subdivision). It is  
38 unknown as to precisely when the designation was amended from RU-1 to BU-2; however,  
39 according to information within the building permit application, the property was BU-2 when the  
40 building was converted to a dance studio in 1977. After 1986, all subsequent permits indicate that  
41 the building was being utilized for commercial retail use. Since the zoning district changed from  
42 BU-2 to IS, the existing commercial use became a nonconforming use within an IS district.  
43

44 The applicant presently owns a veterinary clinic/animal hospital business in an existing two story  
45 masonry 3,695 square foot building located at 98175 Overseas Highway, Key Largo. The subject  
46 property currently has a Future Land Use Map (FLUM) designation of Residential Medium (RM)  
47 and a Land Use District designation of Improved Subdivision (IS). The current regulations  
48 pertaining to permitted uses do not allow a 3,695 square foot commercial building. However, as the  
49 building and commercial retail use were approved and permitted prior to 1986, the existing use is  
50 considered a lawful nonconforming use.  
51

52 Monroe County Resolution No. 127-2012, approved on April 18, 2012, allows the applicant to apply  
53 for a LUD and/or FLUM designations that would eliminate the nonconforming use created with the  
54 adoption of the existing designations and not create an adverse effect on the community. The  
55 property owner must provide satisfactory evidence that the existing use on the site also existed  
56 lawfully in 1992 and was deemed nonconforming by final adoption of the LUD map and/or the  
57 existing use on the site existing lawfully in 1997 and was deemed nonconforming by final adoption  
58 of the FLUM to be exempt from the FLUM amendment application fee.  
59

60 On June 1, 2012, Monroe County Planning staff prepared an addendum to a Letter of Understanding,  
61 issued on April 27, 2010, which determined that the existing use existed lawfully in 1992 and was  
62 deemed nonconforming by the final adoption of the LUD map. Staff has also determined that the  
63 existing use existed lawfully in 1997 and was deemed nonconforming by the final adoption of the  
64 FLUM. Staff concluded that he proposed FLUM category of MC and proposed LUD designations of  
65 MU or SC would eliminate the nonconformity of use.  
66

67 Comprehensive Plan Policy 101.20.1 states: *Monroe County shall develop a series of Community*  
68 *Master Plans.* These “CommuniKeys Plans” implement a vision that was developed by the local  
69 community. In 2006, the Monroe County Board of County Commissioners adopted Policy  
70 101.20.2(5) which incorporated the Key Largo Livable CommuniKeys Plan into the Monroe County  
71 2010 Comprehensive Plan. Action Item 1.3.2 states: *Revise the FLUM and Land Use District Maps*  
72 *to resolve non-conformities in the planning area where appropriate.* The proposed FLUM and  
73 associated LUP amendment implements this Action Item of the adopted Key Largo CommuniKeys  
74 Plan.  
75  
76  
77  
78  
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82  
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85

**III. AMENDMENT REVIEW**

**DENSITY AND INTENSITY ANALYSIS (COMPREHENSIVE PLAN POLICY 101.4.21)**

Existing FLUM	Type	Adopted Standards	Development potential based upon density
<b>RM FLUM</b>  <b>Total site: 0.31 acres</b> <b>0.24 net acres</b> <b>2 lots</b>	Residential Allocated Density/Acre	1 du/lot	2 units
	Residential Max Net/Buildable Acre	N/A	N/A
	Transient Allocated Density/Acre	0 rooms/spaces	0 rooms/spaces
	Transient Max Net/Buildable Acre	N/A	N/A
	Nonresidential Maximum Intensity	0 sf	0 sf
Proposed FLUM	Type	Adopted Standards	Development potential based upon density
<b>Mixed Use/ Commercial FLUM</b>  <b>Total site: 0.31 acres</b> <b>0.24 net acres</b> <b>2 lots</b>	Residential Allocated Density/Acre	1-6 du/ac	1 unit
	Residential Max Net/Buildable Acre	6-18 du/ac	1-4 units
	Transient Allocated Density/Acre	5-15 rooms/spaces	1-4 rooms/spaces
	Transient Max Net/Buildable Acre	10-25 rooms/spaces	2-6 room/spaces
	Non Residential Maximum Intensity	0.10-0.45	1,350 – 6,076 sf

86  
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98

**Net Change:** Residential (Allocated): -1 unit  
 Residential (Max Net): +4 units  
 Transient (Allocated): +4 rooms/spaces\*  
 Transient (Max Net): +6 rooms/spaces\*  
 Non Residential: +6,076 square feet

The above table provides an approximation of the development potential for residential, transient and commercial development. Section 130-156 of the Land Development Code states: “The density and intensity provisions set out in this section are intended to be applied cumulatively so that no development shall exceed the total density limits of this article. For example, if a development includes both residential and commercial development, the total gross amount of

99 development shall not exceed the cumulated permitted intensity of the parcel proposed for  
100 development.”

101  
102 There are no existing residential uses within the subject property. Any new residential use must  
103 follow the Rate of Growth Ordinance (ROGO) permit process. An existing affordable residential  
104 use may also be transferred to the subject property from a sender site that is located within the  
105 Upper Keys subarea.

106  
107 \*Monroe County does not award ROGO allocations for the development of NEW transient  
108 residential units (e.g., hotel & motel rooms), pursuant to Policy 101.2.6. For the development of  
109 transient units in unincorporated Monroe County, existing transient units must be transferred  
110 from the same ROGO subarea to a parcel designated as Tier III or Tier III-A which does not  
111 propose the clearing of any portion of an upland native habitat patch of one acre or greater in  
112 area.

#### 113 114 COMPATIBILITY WITH THE SURROUNDING AREA

- 115  
116 A. Existing Vegetation/Habitat: Developed land  
117 B. Existing Tier Designation: III  
118 C. Number of Listed Endangered or Threatened Species: None  
119 D. Existing Use: Commercial  
120 E. Community Character of Immediate Vicinity: Adjacent land uses consist of vacant land  
121 to the north, residential uses to the south and east, with commercial uses and U.S. 1 right-  
122 of-way to the west.

123  
124 **The proposed FLUM is not anticipated to adversely impact the community character of the**  
125 **surrounding area.**

#### 126 127 128 CONCURRENCY ANALYSIS (COMPREHENSIVE PLAN POLICY 101.1.1)

##### 129 Traffic Circulation (Comprehensive Plan Policy 301.1.1)

130  
131  
132 The subject property is located on the northbound side of U.S. 1 at MM 98 in Key Largo. The  
133 2011 URS Arterial Travel Time and Delay Study for Monroe County indicated a Level of  
134 Service (LOS) of A within the road segment of MM 91.5 to MM 99.5. U.S 1 is required to  
135 maintain an LOS of “C” in order to support development.

136  
137 **The proposed FLUM is not anticipated to adversely impact Traffic LOS.**

##### 138 139 Potable Water (Comprehensive Plan Policy 701.1.1)

140  
141 In March 2008, South Florida Water Management District (SFWMD) approved the FCAA’s  
142 modification of WUP 13-00005-5-W for a 20-year allocation from the Biscayne and Floridian  
143 Aquifers. The WUP provides an annual allocation of 8,751 Million Gallons (MG) or 23.98  
144 MGD and a maximum monthly allocation of 809 MG with a limited annual withdrawal from the

145 Biscayne Aquifer of 6,492 MG or 17.79 MGD and an average dry season (December 1<sup>st</sup>-April  
146 30<sup>th</sup>) of 17.0 MGD.

147  
148 The Residential LOS is 66.5 gallons/capita/day. The Non-Residential LOS is 0.35 gallons  
149 /sq.ft./day. The overall level of service for potable water is 132 gallons per capita/per/day.

150  
151 Maximum Residential:  $4 \text{ DU} \times 2.24 \text{ (people per household)} = 8$ ;  $8 \times 66.5 \text{ gallons per capita per}$   
152  $\text{day} = \underline{532 \text{ gallons per day}}$

153  
154 Maximum Non-Residential:  $0.35 \times 6,076 \text{ sq.ft.} = \underline{2,126.6 \text{ gallons per day}}$

155  
156 TOTAL:  $532 + 2,126.6 = \underline{2,658.6 \text{ gallons/day}}$

157  
158 **The proposed FLUM is not anticipated to adversely impact the potable water LOS.**

159  
160 Solid Waste (Comprehensive Plan Policy 801.1.1)

161  
162 Comprehensive Plan Policy 801.1.1 establishes the level of service for solid waste as 5.44 pounds  
163 per capita per day or 12.2 pounds per day per equivalent residential unit (ERU) and establishes a  
164 haul out capacity of 95,000 tons per year or 42,668 ERUs. The Comprehensive plan requires  
165 sufficient capacity be available at a solid waste disposal site to accommodate all existing and  
166 approved development for a period of three years from the projected date of completion of the  
167 proposed development of use. Monroe County has a solid waste haul out contract with Waste  
168 Management LLC, which authorizes the use of in-state facilities through September 20, 2016,  
169 thereby providing the County with approximately four years of guaranteed capacity.

170  
171 Maximum Residential =  $4 \text{ DUs} \times 2.24 \text{ (people per household)} = 8$ ;  $8 \times 5.44 \text{ pounds per capita}$   
172  $\text{per day} = \underline{43 \text{ pounds per day}}$

173  
174 **The proposed FLUM is not anticipated to adversely impact the solid waste LOS.**

175  
176 Sanitary Sewer (Comprehensive Plan Policy 901.1.1)

177  
178 The subject property is presently connected to the Key Largo Wastewater Treatment District  
179 central sewer system. The level of service (LOS) for residential and nonresidential flow is 145  
180 gallons per day per equivalent dwelling units (Exhibit 3-8 Sanitary Wastewater Master Plan  
181 2000).

182  
183 Maximum Residential =  $4 \times 145 = \underline{580 \text{ gallons per day}}$

184  
185 **The proposed FLUM is not anticipated to adversely impact the wastewater LOS.**

186  
187 Drainage (Comprehensive Plan Policy 1001.1.1)

188  
189 All projects shall be designed so that the discharges will meet Florida State Water Quality Standards as set  
190 forth in Chapters 17-25 and 17-302, F.A.C, incorporated herein by reference. In addition, all projects shall  
191 include an additional 50% of the water quality treatment specified below, which shall be calculated by

192 multiplying the volumes obtained in Section (a) by a factor of 1.5 , Retention/Detention Criteria (SFWMD  
193 Water Quality Criteria 3.2.2.2):

- 194  
195 a) Retention and/or detention in the overall system, including swales, lakes, canals,  
196 greenways, etc., shall be provided for one of the three following criteria or  
197 equivalent combinations thereof:  
198  
199 (1) Wet detention volume shall be provided for the first inch of runoff from the  
200 developed project, or the total runoff of 2.5 inches times the percentage of  
201 imperviousness, whichever is greater.  
202  
203 (2) Dry detention volume shall be provided equal to 75 percent of the above  
204 amount computed for wet detention.  
205  
206 (3) Retention volume shall be provided equal to 50 percent of the above  
207 amounts computed for wet detention.  
208  
209 b) Infill residential development within improved residential areas or subdivisions  
210 existing prior to the adoption of this comprehensive plan must ensure that its post-  
211 development stormwater run-off will not contribute pollutants which will cause the  
212 runoff from the entire improved area or subdivision to degrade receiving water  
213 bodies and their water quality as stated above.  
214  
215 c) New Development and Redevelopment projects which are exempt from the South  
216 Florida Water Management District permitting process shall also meet the  
217 requirements of Chapter 40-4 and 40E-40, F.A.C.  
218

219 **The proposed FLUM is not anticipated to adversely impact the Drainage LOS.**

220  
221 Recreation and Open Space (Comprehensive Plan Policy 1201.1.1)

222  
223 The County has adopted an overall level of service, pursuant to Comprehensive Plan Policy  
224 1201.1.1, for resourced-based and activity-based recreation and open space of 0.82 acres of per  
225 1,000 persons (functional population). If development occurs at 4 residential dwelling units and  
226 2.24 per capita, there would be an additional 8 people located on this property. The increase  
227 would require 0.003 acres of recreation.  
228

229 **The proposed FLUM is not anticipated to adversely impact Parks and Recreation/Open**  
230 **Space LOS.**

240 **IV. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN,**  
241 **THE KEY LARGO COMMUNIKEYS PLAN, PRINCIPLES FOR GUIDING DEVELOPMENT;**  
242 **AND CHAPTER 163, FLORIDA STATUTES**  
243

244 **A. The proposed amendment is generally consistent with the following Goals, Objectives and**  
245 **Policies of the Monroe County Year 2010 Comprehensive Plan. Specifically, it furthers:**  
246

247 **Goal 101:** Monroe County shall manage future growth to enhance the quality of life, ensure the  
248 safety of County residents and visitors, and protect valuable natural resources.  
249

250 **Policy 101.112:** Monroe County shall adopt level of service (LOS) standards for the following public  
251 facility types required by Chapter 9J-5, F.A.C: roads, sanitary sewer, solid waste, drainage, potable water,  
252 parks and recreation, and paratransit. The LOS standards are established in the following sections of the  
253 Comprehensive Plan:  
254

- 255 1. The LOS for roads is established in Traffic and Circulation Policy 301.1.1;
- 256 2. The LOS for potable water is established in Potable Water Policy 701.1.1;
- 257 3. The LOS for solid waste is established in Solid Waste Policy 801.1.1;
- 258 4. The LOS for sanitary sewer is established in Sanitary Sewer Policy 901.1.1;
- 259 5. The LOS for drainage is established in Drainage Policy 1001.1.1; and
- 260 6. The LOS for parks and recreation is established in Recreation and Open Space Policy  
261 1201.1.1  
262  
263  
264  
265  
266  
267

268 **Objective 101.4:** Monroe County shall regulate future development and redevelopment to  
269 maintain the character of the community and protect the natural resources by providing for the  
270 compatible distribution of land uses consistent with the designations shown on the Future Land  
271 Use Map.  
272

273 **Policy 101.4.5:** The principal purpose of the Mixed Use/ Commercial land use category is to provide for the  
274 establishment of commercial zoning districts where various types of commercial retail and office may be  
275 permitted at intensities which are consistent with the community character and the natural environment.  
276

277 **Objective 101.8:** Monroe County shall eliminate or reduce the frequency of uses which are inconsistent  
278 with the applicable provisions of the land development regulations and the Future Land Use Map, and  
279 structures which are inconsistent with applicable codes and land development regulations.  
280

281 **Objective 101.11:** Monroe County shall implement measures to direct future growth away from  
282 environmentally sensitive land and towards established development areas served by existing public  
283 facilities.  
284

285 **Objective 101.20:** Monroe County shall address local community needs while balancing the needs of all  
286 Monroe County communities. These efforts shall focus on the human crafted environment and shall be  
287 undertaken through the Livable CommuniKeys Planning Program.

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**Policy 101.20.2:** The Community Master Plans shall be incorporated into the 2010 Comprehensive Plan as a part of the plan and be implemented as part of the Comprehensive Plan. The following Community Master Plans have been completed in accordance with the principles outlined in this section and adopted by the Board of County Commissioners:

5. The Key Largo Livable CommuniKeys Master Plan is incorporated by reference into the 2010 Comprehensive Plan. The term Strategies in the Master Plan is equivalent to the term Objectives in the Comprehensive Plan and the term Action Item is equivalent to the term Policy; the meanings and requirements for implementation are synonymous.

**B. The proposed amendment is consistent with the following Key Largo Livable CommuniKeys Plan Action Item:**

**Action Item 1.3.2:** Revise the FLUM and Land Use District Maps to resolve nonconformities in the planning area where appropriate.

**C. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statutes.**

For the purposes of reviewing consistency of the adopted plan or any amendments to that plan with the principles for guiding development and any amendments to the principles, the principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions.

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
- (g) Protecting the historical heritage of the Florida Keys.
- (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

- 1. The Florida Keys Aqueduct and water supply facilities;
- 2. Sewage collection, treatment, and disposal facilities;
- 3. Solid waste treatment, collection, and disposal facilities;
- 4. Key West Naval Air Station and other military facilities;

- 336 5. Transportation facilities;
- 337 6. Federal parks, wildlife refuges, and marine sanctuaries;
- 338 7. State parks, recreation facilities, aquatic preserves, and other publicly owned
- 339 properties;
- 340 8. City electric service and the Florida Keys Electric Co-op; and
- 341 9. Other utilities, as appropriate.

- 342
- 343 (i) Protecting and improving water quality by providing for the construction, operation,
- 344 maintenance, and replacement of stormwater management facilities; central sewage
- 345 collection; treatment and disposal facilities; and the installation and proper operation and
- 346 maintenance of onsite sewage treatment and disposal systems.
- 347 (j) Ensuring the improvement of nearshore water quality by requiring the construction and
- 348 operation of wastewater management facilities that meet the requirements of ss.
- 349 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by
- 350 central wastewater treatment facilities through permit allocation systems.
- 351 (k) Limiting the adverse impacts of public investments on the environmental resources of the
- 352 Florida Keys.
- 353 (l) Making available adequate affordable housing for all sectors of the population of the Florida
- 354 Keys.
- 355 (m) Providing adequate alternatives for the protection of public safety and welfare in the event of
- 356 a natural or manmade disaster and for a postdisaster reconstruction plan.
- 357 (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and
- 358 maintaining the Florida Keys as a unique Florida resource.
- 359

360 Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is consistent with the

361 Principles for Guiding Development as a whole and is not inconsistent with any Principle.

362

363 **D. The proposed amendment is generally consistent with Part II of Chapter 163, Florida**

364 **Statutes (F.S.). Specifically, the amendment furthers:**

365

366 163.3161(4), F.S. – It is the intent of this act that local governments have the ability to preserve

367 and enhance present advantages; encourage the most appropriate use of land, water, and

368 resources, consistent with the public interest; overcome present handicaps; and deal

369 effectively with future problems that may result from the use and development of land within

370 their jurisdictions. Through the process of comprehensive planning, it is intended that units

371 of local government can preserve, promote, protect, and improve the public health, safety,

372 comfort, good order, appearance, convenience, law enforcement and fire prevention, and

373 general welfare; facilitate the adequate and efficient provision of transportation, water,

374 sewerage, schools, parks, recreational facilities, housing, and other requirements and

375 services; and conserve, develop, utilize, and protect natural resources within their

376 jurisdictions

377

378 163.3161(6), F.S. - It is the intent of this act that adopted comprehensive plans shall have the

379 legal status set out in this act and that no public or private development shall be permitted

380 except in conformity with comprehensive plans, or elements or portions thereof, prepared

381 and adopted in conformity with this act.

382

383 163.3177(1), F.S. - The comprehensive plan shall provide the principles, guidelines, standards,  
384 and strategies for the orderly and balanced future economic, social, physical, environmental,  
385 and fiscal development of the area that reflects community commitments to implement the  
386 plan and its elements. These principles and strategies shall guide future decisions in a  
387 consistent manner and shall contain programs and activities to ensure comprehensive plans  
388 are implemented. The sections of the comprehensive plan containing the principles and  
389 strategies, generally provided as goals, objectives, and policies, shall describe how the local  
390 government's programs, activities, and land development regulations will be initiated,  
391 modified, or continued to implement the comprehensive plan in a consistent manner. It is not  
392 the intent of this part to require the inclusion of implementing regulations in the  
393 comprehensive plan but rather to require identification of those programs, activities, and land  
394 development regulations that will be part of the strategy for implementing the comprehensive  
395 plan and the principles that describe how the programs, activities, and land development  
396 regulations will be carried out. The plan shall establish meaningful and predictable standards  
397 for the use and development of land and provide meaningful guidelines for the content of  
398 more detailed land development and use regulations.  
399

400 163.3177(6)(a)2., F.S. - The future land use plan and plan amendments shall be based upon  
401 surveys, studies, and data regarding the area, as applicable, including:

- 402 a. The amount of land required to accommodate anticipated growth.
- 403 b. The projected permanent and seasonal population of the area.
- 404 c. The character of undeveloped land.
- 405 d. The availability of water supplies, public facilities, and services.
- 406 e. The need for redevelopment, including the renewal of blighted areas and the elimination of  
407 nonconforming uses which are inconsistent with the character of the community.
- 408 f. The compatibility of uses on lands adjacent to or closely proximate to military installations.
- 409 g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and  
410 consistent with s. 333.02.
- 411 h. The discouragement of urban sprawl.
- 412 i. The need for job creation, capital investment, and economic development that will  
413 strengthen and diversify the community's economy.
- 414 j. The need to modify land uses and development patterns within antiquated subdivisions.  
415

416 163.3177(6)(a)8., F.S. - Future land use map amendments shall be based upon the following  
417 analyses:

- 418 a. An analysis of the availability of facilities and services.
- 419 b. An analysis of the suitability of the plan amendment for its proposed use considering the  
420 character of the undeveloped land, soils, topography, natural resources, and historic  
421 resources on site.
- 422 c. An analysis of the minimum amount of land needed to achieve the goals and requirements  
423 of this section.  
424

425 163.3194(1)(b), F.S. - All land development regulations enacted or amended shall be  
426 consistent with the adopted comprehensive plan, or element or portion thereof, and any land  
427 development regulations existing at the time of adoption which are not consistent with the  
428 adopted comprehensive plan, or element or portion thereof, shall be amended so as to be  
429 consistent. If a local government allows an existing land development regulation which is  
430 inconsistent with the most recently adopted comprehensive plan, or element or portion

431 thereof, to remain in effect, the local government shall adopt a schedule for bringing the land  
432 development regulation into conformity with the provisions of the most recently adopted  
433 comprehensive plan, or element or portion thereof. During the interim period when the  
434 provisions of the most recently adopted comprehensive plan, or element or portion thereof,  
435 and the land development regulations are inconsistent, the provisions of the most recently  
436 adopted comprehensive plan, or element or portion thereof, shall govern any action taken in  
437 regard to an application for a development order.  
438

439 163.3194(3)(a), F.S. – A development order or land development regulation shall be consistent  
440 with the comprehensive plan if the land uses, densities or intensities, and other aspects of  
441 development permitted by such order or regulation are compatible with and further the  
442 objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it  
443 meets all other criteria enumerated by the local government.  
444

445 163.3201, F.S. – It is the intent of this act that adopted comprehensive plans or elements  
446 thereof shall be implemented, in part, by the adoption and enforcement of appropriate local  
447 regulations on the development of lands and waters within an area. It is the intent of this act  
448 that the adoption and enforcement by a governing body of regulations for the development of  
449 land or the adoption and enforcement by a governing body of a land development code for an  
450 area shall be based on, be related to, and be a means of implementation for an adopted  
451 comprehensive plan as required by this act  
452

## 453 VI. PROCESS

454  
455 Comprehensive Plan Amendments may be proposed by the Board of County Commissioners, the  
456 Planning Commission, the Director of Planning, or the owner or other person having a contractual  
457 interest in property to be affected by a proposed amendment. The Director of Planning shall review  
458 and process applications as they are received and pass them onto the Development Review  
459 Committee and the Planning Commission.  
460

461 The Planning Commission shall hold at least one public hearing. The Planning Commission shall  
462 review the application, the reports and recommendations of the Department of Planning &  
463 Environmental Resources and the Development Review Committee and the testimony given at the  
464 public hearing. The Planning Commission shall submit its recommendations and findings to the  
465 Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the  
466 transmittal of the proposed comprehensive plan amendment, and considers the staff report, staff  
467 recommendation, and the testimony given at the public hearing. The BOCC may or may not  
468 recommend transmittal to the State Land Planning Agency. The amendment is transmitted to the  
469 State Land Planning Agency, which then reviews the proposal and issues an Objections,  
470 Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has  
471 180 days to adopt the amendments, adopt the amendments with changes or not adopt the amendment  
472

## 473 V. STAFF RECOMMENDATION

474  
475 Staff recommends approval.  
476  
477  
478

479 **VII. EXHIBITS**

480

481 1. June 1, 2012 Addendum to a Letter of Understanding Issued on April 27, 2010 concerning a  
482 proposed veterinary clinic/animal hospital, to be located within an existing building at 1300 Almay  
483 Street, Key Largo

484 2. Monroe County Resolution 127-2012

485 3. Proposed FLUM Map

486

# 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

*We strive to be caring, professional and fair*

June 1, 2012

John Kocol  
PO Box 491  
Islamorada, FL 33036

**SUBJECT: ADDENDUM TO LETTER OF UNDERSTANDING ISSUED ON APRIL 27, 2010 CONCERNING A PROPOSED VETERINARY CLINIC/ANIMAL HOSPITAL, TO BE LOCATED WITHIN AN EXISTING BUILDING AT 1300 ALMAY STREET, KEY LARGO, MILE MARKER 98.1, HAVING REAL ESTATE NUMBER 00519750.000000**

Mr. Kocol,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On February 1, 2010, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department on Key Largo. Attendees of the meeting included John Kocol (hereafter referred to as "the Applicant") and Joseph Haberman, Principal Planner, Steven Biel, Senior Planner & Barbara Bauman, Planner (hereafter referred to as "Staff").

The Board of County Commissioners passed and adopted Resolution #127-2012 on April 18, 2012. This resolution, adopted after the issuance of the letter of understanding on April 27, 2010, amended the Planning & Environmental Resources Department's fee schedule. Of relevance to your property and the development thereon, the amended fee schedule included the following new provision:

There shall be no application or other fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official [Land Use District (LUD)] map and/or the official [Future Land Use Map (FLUM)], if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would

eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.

You have requested that the Senior Director of Planning & Environmental Resources render such a decision in relation to the subject property and allow you to submit FLUM and LUD amendment applications without the required application fees.

The property has a FLUM designation of Residential Medium (RM), a LUD designation of Improved Subdivision (IS), and a tier designation of Tier 3.

You have requested a FLUM designation of Mixed Use / Commercial (MC) and a LUD designation of either Suburban Commercial (SC) or Mixed Use (MU).

The property was within a RU-1 district (Single-Family Residential) and BU-2 district (Medium Business) prior to 1986 when the property was re-designated IS. It is unknown as to precisely when the designation was amended from RU-1 to BU-2; however according to information within a building permit application, the property was BU-2 when the building was converted to a "dance studio" in 1977.

Regarding the development and use of the existing building on the property:

In 1972, Building Permit #27471 was issued for the construction of a 774 SF one-story, single-family residence (18' x 43') on Lot 1. Although for a smaller residential structure, this was the original building permit for the building.

In 1977, Building Permit #C2714 was issued for a building addition. Although a change of use was not expressly noted, the proposed construction stated the building would be used as a "dance studio". A continued residential use was not indicated. The building plans are somewhat unclear, but it appears the building addition was a 976 SF second story addition (46'6" x 21') located over the existing 774 SF ground level building (18' x 43'). In 1980, Building Permit #C7436 was issued to enclose stairs and overhang resulting in an unspecified amount of new floor area.

In 1985, Building Permit #C16923 was issued for a 1,000 SF elevated building addition (40' x 25') that extended the building onto Lot 12.

In 1986, Building Permit #C19066 was issued to enclose the lower level of the addition approved under Building Permit #C16923, thus resulting in 1,000 SF of additional square footage.

All subsequent permits indicate that the building was being utilized for commercial retail use.

The current regulations pertaining to permitted uses in the IS district do not allow a 3,695 SF commercial retail building. Furthermore, Policy 101.4.3 of the Monroe County Year 2010 Comprehensive Plan, which describes permitted uses in the RM FLUM category, does not state that commercial retail uses are allowed. Therefore, the existing commercial retail use is nonconforming to the current provisions of the Monroe County Code and Comprehensive Plan.

However, as the 3,695 SF building and its commercial retail use were approved and permitted prior to 1986, the existing use is considered a lawful nonconforming use.

Resolution #127-2012 requires the property owner to provide satisfactory evidence that the existing use on the site also existed lawfully in 1992 and was deemed nonconforming by final adoption of the LUD map and/or the existing use on the site existed lawfully in 1997 and was deemed nonconforming by final adoption of the FLUM. Following a review, Staff has determined that the existing use existed lawfully in 1992 and was deemed nonconforming by the final adoption of the LUD map. Staff has also determined that the existing use existed lawfully in 1997 and was deemed nonconforming by the final adoption of the FLUM.

Resolution #127-2012 requires the applicant to apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Following a review, Staff has determined that the proposed FLUM category of MC and proposed LUD designations of SC or MU would eliminate the nonconformity to use. Therefore, the proposed designations are acceptable; however prior to application submittal, you must decide on whether to pursue an amendment to SC or MU. Staff cannot make this decision. In addition, please be aware that Staff is not obligated to recommend approval of the proposed LUD or FLUM designations. Staff is required to review the application on its merit and determine upon a full review that there shall not be an adverse impact to the community and is consistent with the provisions of the Comprehensive Plan and Monroe County Code.

In conclusion, Staff has determined that your proposal qualifies for fee exemptions to the "Comprehensive Plan, Future Land Use Map (FLUM) Amendment" of \$5,531.00 and the "Land Use District Map, Amendment-Nonresidential" fee of \$4,929.00. You may submit a FLUM amendment and/or LUD amendment application without the submittal of the aforementioned application fees. However, you are responsible for all other requirements, including the fees for advertising (\$245.00 per application) and noticing (\$3.00 per each surrounding property per application).

In addition, please note that you are eligible for these fee waivers so long as such waivers are permitted by the fee schedule. If the fee schedule is amended to remove such a provision in the

future, you may not be eligible to submit the application without such required application fees afterwards.

\* \* \* \* \*

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Comprehensive Plan is amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal 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.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely yours,



Mayte Santamaria,

Assistant Director of Planning

for

Townsley Schwab,

Senior Director of Planning & Environmental Resources

CC: Joseph Haberman, Planning & Development Review Manager  
Michael Roberts, Senior Administrator of Environmental Resources

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 Sylvia J. Murphy, Dist. 5

Mayor Pro Tem Heather Carruthers, Dist. 3

Mario Di Gennaro, Dist. 4

George Neugent, Dist. 2

Kim Wigington, Dist. 1

*We strive to be caring, professional and fair*

April 27, 2010

John Kocol  
PO Box 491  
Islamorada, FL 33036

**SUBJECT: LETTER OF UNDERSTANDING CONCERNING A PROPOSED VETERINARY CLINIC/ANIMAL HOSPITAL, TO BE LOCATED WITHIN AN EXISTING BUILDING AT 1300 ALMAY STREET, KEY LARGO, MILE MARKER 98.1, HAVING REAL ESTATE NUMBER 00519750.000000**

Mr. Kocol,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On February 1, 2010, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department on Key Largo. Attendees of the meeting included John Kocol (hereafter referred to as "the Applicant") and Joseph Haberman, Principal Planner, Steven Biel, Senior Planner & Barbara Bauman, Planner (hereafter referred to as "Staff").

In addition, to further discuss the proposal, on March 15, 2010, a second meeting was held at the office of the Monroe County Planning & Environmental Resources Department in Marathon. Attendees of the meeting included John Kocol and Joseph Haberman.

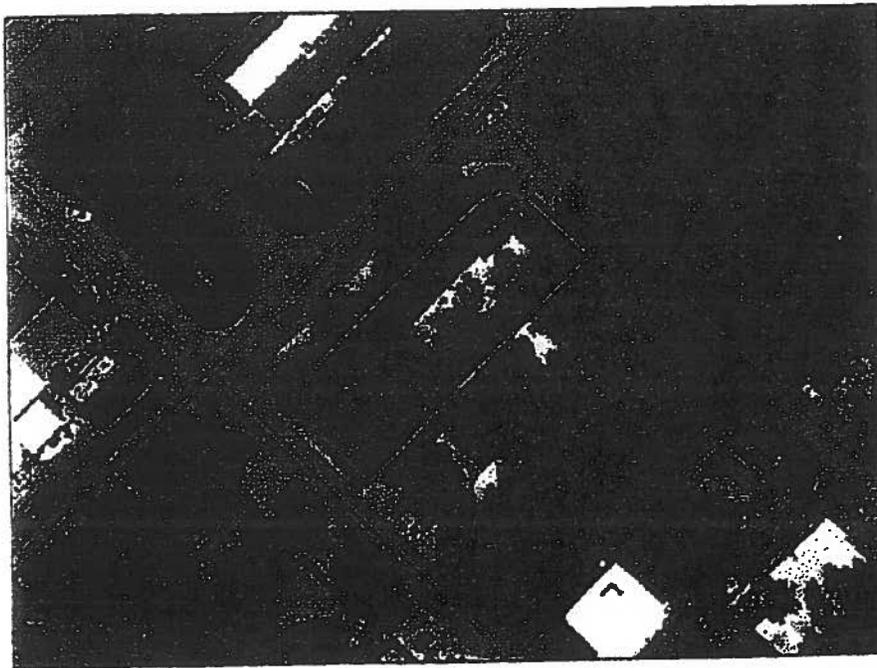
*Materials presented for review included:*

- (a) Pre-Application Conference Request Form;
- (b) Existing Site Plan by Keys Engineering Inc., dated March 10, 2010;
- (c) Proposed Site Plan by Keys Engineering Inc., dated March 10, 2010;
- (d) Site Plan by the Applicant;
- (e) Monroe County Property Record Cards; and
- (f) Monroe County Land Use District Map and Future Land Use Map

## I. APPLICANT PROPOSAL

The Applicant is proposing to convert the first floor of an existing two-story commercial retail building into a veterinary clinic/animal hospital. The veterinary clinic/animal hospital would be located entirely within the first story of the building, which currently provides space for a dance school/martial arts center. The second story would not be modified and would continue to provide space for the dance school/martial arts center or a similar business in the future. In addition, the Applicant is proposing to establish a fenced area for convalescing and otherwise temporarily boarded animals at the animal hospital, to establish a new off-street parking area and to improve the site as determined necessary by the County.

As stated in the application, the veterinary clinic/animal hospital would be open normal business hours: 8:00am to 5:00pm, Monday through Saturday. However, it would open intermittently at other times to provide emergency services to patients.



Subject Property (outlined in blue) (2009)

## II. SUBJECT PROPERTY DESCRIPTION

1. The property's address is 1300 Almay Street on Key Largo. However, most of its frontage is located along US 1, between Almay Street and Grand Street.
2. The property consists of one parcel of land. Real Estate number (RE) 00519750.000000 is legally described as Block 4, Lots 1 and 12, Rock Harbor Estates subdivision (PB3-187), Key Largo.

3. According to Monroe County's GIS database, in total, the property consists of approximately 13,217 ft<sup>2</sup> (0.30 acres) of land area. Therefore, all calculations included in this letter are based on these records. A sealed boundary survey indicating total land area may be required at the time of application submittal for any development approval of any additional floor area. If the amount of upland area provided on the sealed boundary survey differs, then calculations provided in this letter are subject to change.
4. According to the Monroe County Property Appraiser's records, RE 00519750.000000 is currently being assessed under the property classification (PC) code of 17 (office buildings).

### **III. RELEVANT PRIOR COUNTY ACTIONS**

1. According to the Monroe County Property Appraiser's records, the existing two-story building was built in 1972 and consists of 3,695 ft<sup>2</sup> of floor area.

In 1972, Permit 27471 was issued for the construction of a 774 ft<sup>2</sup> one-story, single-family residence (18' x 43') on Lot 1. Although for a smaller residential structure, this was the original building permit for the building. In 1977, Permit C2714 was issued for a building addition. Although a change of use was not expressly noted, the proposed construction stated the building would be used as a "dance studio". A continued residential use was not indicated. The building plans are somewhat unclear, but it appears the building addition was a 976 ft<sup>2</sup> second story addition (46'6" x 21') located over the existing 774 ft<sup>2</sup> ground level building (18' x 43'). In 1980, Permit C7436 was issued to enclose stairs and overhang resulting in an unspecified amount of new floor area.

In 1985, Permit C16923 was issued for a 1,000 ft<sup>2</sup> elevated building addition (40' x 25') that extended the building onto Lot 12. In 1986, Permit C19066 was issued to enclose the lower level of the addition approved under C16923, thus resulting in 1,000 ft<sup>2</sup> of additional square footage.

2. Staff located building permits for the subject property dating back to 1972. Permit 27471, issued in 1977, states that the building was to be utilized by a residential use at that time. However, the next building permit on file, Permit C2714, issued in 1977, states that the building was to be utilized by a commercial retail use (dance studio) at that time. All subsequent permits indicate that the building was being utilized for commercial retail, many specifically referring to a dance studio.
3. On March 7, 1986, the Board of County Commissioners approved a flood variance to allow the construction of an enclosure below the 100-year flood elevation under the existing building (resulting in the issuance of Permit C19066).

#### IV. REVIEW OF PROPOSAL

The following land development regulations directly affect the proposal; however, there are other land development regulations not referred to nor described in this letter which may govern future development as well:

1. The property has a Land Use District designation of Improved Subdivision (IS), a Future Land Use Map (FLUM) designation of Residential Medium (RM) and a tier designation of Tier 3.
2. References within the building permits files on file indicate that the property was within a RU-1 district (Single-Family Residential) and BU-2 district (Medium Business) prior to 1986 when the property was re-designated IS. It is unknown as to precisely when the designation was amended from RU-1 to BU-2; however according to the building permit application, the property was BU-2 when the building was converted to a "dance studio" in 1977.
3. The veterinary clinic/animal hospital would be located within the first story of the building. The second story would continue to provide space for the dance school/martial arts center. Regarding use, Staff has determined that the existing dance school/martial arts center and the proposed animal hospital would be classified as commercial retail uses. Although neither are traditional commercial retail businesses, the Land Development Code defines commercial retail as a use that sells goods or services at retail.

Depending on trip generation, commercial retail uses are classified as low, medium or high-intensity. A traffic impact analysis has not been submitted which would indicate whether or not the proposed change in business to an animal hospital would affect the site's currently approved intensity. Based on traffic impact analyses for similar developments, Staff anticipates that both the existing and proposed commercial retail uses generate less than 100 average daily trips per 1,000 ft<sup>2</sup> of floor area and thereby would be classified as low or medium-intensity. However to ensure that there is not a prohibited increase in intensity, a comparative level 1 traffic impact analysis will be required prior to Staff conclusively stating such.

4. The commercial retail use of the existing dance school/martial arts center was rendered a nonconforming use following the re-zoning of the property from BU-2 to IS in 1986 and the assignment of the FLUM future land use category of RM in 1997.

In the Monroe County Land Development Code, the current regulations pertaining to permitted uses in the IS district do not allow a 3,695 ft<sup>2</sup> commercial retail building. Furthermore, Policy 101.4.2 of the Monroe County Year 2010 Comprehensive Plan, which pertains to permitted uses in the RM future land use category, does not state that commercial retail uses are permitted. Therefore, the existing commercial retail use is nonconforming to the current Land Development Code and Comprehensive Plan.

However, as the 3,695 ft building and its commercial retail use were approved and permitted prior to 1986, the existing use is considered a lawful nonconforming use and Policy 101.4.3 provides some protection to such lawful uses. Specifically, Policy 101.4.3 states a nonresidential use that was listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996 may develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 land development regulations allowed. In addition to being lawfully established prior to 1986, the existing type of use (commercial retail) and the existing amount of non-residential floor area (3,695 ft<sup>2</sup>) were in existence in 1996.

The existing intensity of the site could not be determined in the absence of a traffic impact report. Furthermore, without knowing the intensity, Staff could not determine the existing density (the floor area ratios are 0.35 for low-intensity, 0.25 for medium-intensity and 0.15 for high-intensity commercial retail uses).

5. In accordance with Policy 101.4.3, a commercial retail use (with businesses associated with this type of use) and the building's floor area may be redeveloped, reestablished and/or substantially improved with a major conditional use permit, subject to the standards and procedures set forth in the Land Development Code. In the event that reestablishment or substantial improvement is carried out, although the building is over 2,500 ft<sup>2</sup> in area and could be classified as high intensity following the submittal of a traffic impact report stating such, the provisions of the Comprehensive Plan currently provided for in Policy 101.4.3, shall take precedent over the requirements for an existing nonconforming commercial retail use in the IS District, currently provided for in MCC §130-94(c)(1), which restricts buildings to 2,500 ft<sup>2</sup> and low/medium intensity.

Conditional uses are those uses which are generally compatible with the other land uses permitted, but require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location. Minor conditional use permit applications are granted or denied by the Planning Director in accordance with MCC §110-69 and major conditional use permit applications are granted or denied by the Planning Commission at a public hearing in accordance with MCC §110-70.

Concerning the Applicant's proposal, a major conditional use permit shall not be required for the change in business and moderate building/site improvements as these improvements would not meet the intent of terms redevelopment, reestablishment or substantial improvement as used in Policy 101.4.3.

6. Policy 101.4.3 allows redevelopment limited to intensity, floor area, density and to the type of use as that existed prior to its redevelopment. The policy does not protect the existing configuration of development on a particular site and does not protect existing nonconformities other than intensity, density and type of use. Furthermore, it does not state

or otherwise provide that a development may be reestablished or substantially improved without coming into compliance with the current comprehensive plan policies, land development regulations and/or building codes.

As the site was lawfully developed prior to adoption of the current regulations, it would be difficult to bring the site into full compliance the land development regulations, especially those relating to bulk regulations and off-street parking, in the event of reestablishment or substantially improvement. Staff requests that the site come into compliance to the greatest extent practical with all applicable comprehensive plan policies, Key Largo Livable CommuniKeys policies and land development regulations as improvements are carried out.

7. Building permits are required for interior renovations to the commercial building, site work and new signage. As both the proposed veterinary clinic/animal hospital and existing dance school/martial arts center are commercial retail uses, Staff shall consider the occupation of the first floor by the veterinary clinic/animal hospital a change in business, not a change in use. Changes in businesses do not require a building permit or other approval from the Growth Management Division. However, as stated a previously, a traffic impact report must be submitted to provided the existing and proposed intensity to determine if the change in business would result in a higher intensity. Increasing changes in intensity do require building permit approval (however, in this case a building permit to increase intensity would be denied per Policy 101.4.3).
8. It has been determined that the commercial retail use and the existing building's floor area were lawfully-established and therefore the use and existing floor area are lawfully nonconforming. However, expansion of the existing commercial retail use is prohibited unless the subject property's land use district designation and FLUM category are amended to designations that allow commercial retail uses of this size and intensity or the text relating to the permitted uses in the IS district and RM FLUM category amended.
9. According to the proposed site plan, the proposed fenced area would be an unenclosed area located behind the existing building in the northeastern corner of the subject property. This secured space would serve as a supervised area for exercising animals. This type of structure is considered an accessory structure and not a component of the principal structure. As defined in MCC §101-1, accessory means a use or structure that is subordinate to and serves a principal use or structure; is subordinate in area, extent and purpose to the principal use or structure served; contributes to the comfort, convenience or necessity of occupants of the principal use or structure served; and is located on the same lot or on contiguous lots under the same ownership and in the same land use district as the principal use or structure. Accessory structures are permitted as-of-right in the IS district. Therefore, a fence may be constructed and would not constitute an expansion of the nonconforming use.
10. The Non-Residential Rate of Growth Ordinance (NROGO) shall not apply to the redevelopment, rehabilitation or replacement of any lawfully-established, nonresidential floor area which does not increase the amount of non-residential floor area greater than that

which existed on the site prior to the redevelopment, rehabilitation or replacement. Therefore, owners of land containing non-residential floor area shall be entitled to one square foot for each such square foot lawfully-established. Administrative Interpretation 03-108 provides the criteria to be used by Staff to determine whether or not non-residential floor area was lawfully-established.

Non-residential floor area is the sum of the gross floor area for a non-residential building or structure as defined in MCC §101-1, any areas used for the provision of food and beverage services and seating whether covered or uncovered, and all covered, unenclosed areas.

Following a review of the building permits on file, as well as the documentation within the applications, Staff has determined that all of the non-residential floor area within the existing 3,695 ft<sup>2</sup> building was lawfully-established. The accumulation of all the floor area approved in Permits 27471 (774 ft<sup>2</sup>), C2714 (976 ft<sup>2</sup>), C7436 (unknown), C16923 (1,000 ft<sup>2</sup>) and C19066 (1,000 ft<sup>2</sup>) is 3,750 ft<sup>2</sup>. However, as the plans for new floor area did not show existing portions of the building in some of the permit applications, Staff could not determine if there was some overlap. Therefore, unless scaled floor plans are submitted, drawn by a licensed architect or engineer, showing 3,750 ft<sup>2</sup> or a higher figure, Staff is utilizing the lesser figure of 3,695 ft<sup>2</sup> provided by the Monroe County Property Appraiser. If the Applicant submits floor plans, Staff will have to compare such plans to the plans in the building permit files to ensure their accuracy.

11. In the IS district, there is a required open space ratio of 0.20. Therefore, at least 20 percent of the site must remain open space.
12. In the IS District, the required non-shoreline setbacks for commercial uses are as follows: Front yard – 25'; Rear yard – 20'; and Side yard – 10'/15' (where 10' is required for one side and 15' is the minimum combined total of both sides).

The property is a triple frontage, corner lot. The site has front yard requirements of 25' along the right-of-way of US 1 to the northwest, Almay Street to the northeast and Grand Street to the southwest. In addition, there is a side yard setback of 10' along the property line to the southeast.

According to the existing site plan, the existing building is partially located 2' into the required 25' setback along Almay Street. As the building was legally established, it is considered a lawfully nonconforming structure. In addition, a concrete walkway and off-street parking is located within the required 25' setbacks along US 1, Almay Street and Grand Street. As these structures were legally established, they are considered lawfully nonconforming structures.

The change in business would not affect the building's existing footprint. However, the modified off-street parking area and new loading zone would be located in the front yard setbacks along all three rights-of-way. The new dumpster would be located in the front yard setback along Grand Street and side yard setback.

At the pre-application conference, Staff informed the Applicant that the proposed modifications to the parking area may require a variance to the setbacks requirements as aerial photography suggested that parking had never existed in the front yard setback along US 1. However, following the conference, Staff reviewed the approved site plans on file. The most recent approved site plan, filed with Permit C16923, shows the parking area 6' from the property line adjacent to US 1, 6' from the property line adjacent to Grand Street and 3' from the property line adjacent to Almay Street. The revised, proposed site plan shows a reconfigured parking area that is 5' from the property line adjacent to US 1, 8' from the property line adjacent to Grand Street and 5' from the property line adjacent to Almay Street.

Staff supports the new reconfigured parking area as it would bring the nonconforming parking area into compliance with several parking lot requirements such as clear site triangles, proper aisle widths, correct parking space dimensions and better access and handicap accessibility, as well as provide a compliant loading zone. If a 6' setback can be provided along US 1, Staff shall not require a setback variance for the parking area improvements. If only 5' can be provided, a setback variance would be required as the nonconformity would be expanded; however in our recommendation on such a variance application to the planning commission, Staff shall strongly consider the fact that the site will be brought into compliance with several access and parking related regulations by approving the setback variance.

The C16923 site plan does not show the location of a dumpster. Therefore, the proposed dumpster must be relocated to an area outside of the required setbacks, unless a setback variance is granted.

13. A stormwater management plan shall be required as a part of any application for the proposed off-street parking areas. This plan shall detail pre and post development water flow and storage on site with supporting calculations.
14. The development is subject to the following off-street parking requirements:

Specified Use	Multiplier	Proposed	Required Spaces
Commercial Retail	3 spaces / 1,000 ft <sup>2</sup>	3,695 ft <sup>2</sup>	11 spaces

The redevelopment requires 11 off-street parking spaces. The proposed site plan shows 12 spaces. As only 11 spaces are required, Staff requests that the Applicant remove the "end" parallel space adjacent to the US 1 property line near Almay Street as this unnecessary space may interfere with access to and from the site. Further, the removal of this space and its replacement with landscaping would bring the site further into compliance with the setback requirements (as outlined previously) and bufferyard requirements (to be outlined later).

All regular parking spaces, with the exception of parallel, must be at least 8.5 feet in width by 18 feet in length and all handicap-accessible parking spaces must be at least 12 feet in width with an access aisle of 5 feet in width. Parallel spaces must be 8.5 feet in width by 25 feet in length.

If there are 1 to 25 total parking spaces in a lot, one (1) accessible parking space, 12 feet in width, is required. Such a space shall be designed and marked for the exclusive use of those individuals who have been issued either a disabled parking permit or license plate. In addition, a 5-foot parking access aisle must be part of an accessible route to the building entrance. The access aisle shall be striped diagonally to designate it as a no-parking zone. Curb ramps must be located outside of the disabled parking spaces and access aisles.

15. All nonresidential uses with 2,500 ft<sup>2</sup> to 49,999 ft<sup>2</sup> of floor area are required to have one (1) loading and unloading space, measuring 11 feet by 55 feet. Loading/unloading spaces shall be located entirely on the same lot as the principal use they serve. These spaces shall not be located on any public right-of-way, parking spaces or parking aisle and shall be as close to the building served as possible.

The Applicant inquired about whether or not the required loading/unloading space length requirement could be reduced from 55' to 45' as the veterinary clinic/animal hospital and dance school/marital arts center do not require any deliveries to be made by a semi-tractor trailer or other large vehicle. There is currently no approved loading/unloading space on the site at all. Further, the existing vehicle maneuverability guidelines could only allow a 55' loading/unloading space, with proper room to reverse, at the expense of further encroachment into the required setback(s) and/or reduced of parking. Therefore, Staff shall allow the reduction as the introduction of an 11' by 45' loading/unloading space would be bringing the site into compliance to the greatest extent practical.

16. Since the parking area shall be required to contain six or more parking spaces and is within a IS District, a class "A" landscaping standard will be required. This standard is explained, with accompanying graphics, in MCC §114-100. Although there is vegetation on the site, there appears to not be any parking lot landscaping. Further, the modification of the parking area will result in the removal of existing vegetation. Staff requests that the Applicant bring the site into compliance with this regulation to the greatest extent practical.
17. No structure or land which abuts US 1 shall be developed, used or occupied unless a scenic corridor or bufferyard is provided. In the IS District, the required major street bufferyard is a class "D" bufferyard. The minimum class "D" bufferyard is 20' in width. Widths of 25', 30' and 35' are also optional with reduced planting requirements.

The site is nonconforming to both the minimum width and planting requirements. As previously stated, if a 6' setback can be provided along US 1, a setback variance shall not be required and if only 5' can be provided, a setback variance would be required. In either event, Staff requests that the Applicant bring the site into compliance with this regulation to the greatest extent practical. However, if a setback variance is requested, the Applicant

shall also have to request a variance to the bufferyard requirements (as the nonconformity relating to bufferyard minimum width would be expanded). As a note, the two types of variance requests may be filed on the same application as they are related.

18. Mitigation will be required for qualifying native vegetation removed for development. The number, species and sizes of plants to be mitigated shall be identified in an existing conditions report prepared and submitted by the applicant and approved by the county biologist.
19. There are existing access drives into the site from Almay and Grand Street. The existing drives may be nonconforming to clear site triangles for vehicles entering the side roads from US 1 and distance requirements for access drives from US 1. However, Staff supports the modification to the access points as shown on the proposed site plan as the one-way traffic pattern through the site would result in safer vehicle maneuverability. However, Staff requests that upon implementation of the proposed site plan, signage be installed that clearly directs motorists entering and exiting site.

#### V. OTHER ISSUES CONCERNING THE PROPOSAL

1. The Applicant inquired about the possibility of amending the land use district and FLUM designations of the subject property from IS and RM, respectively, to designations that would permit the existing use and thereby render it conforming.

As set forth in the Land Development Code, the purpose of an amendment is not intended to relieve particular hardships, nor to confer special privileges or rights on any person, nor to permit a change in community character, as analyzed in the Monroe County Year 2010 Comprehensive Plan, but only to make necessary adjustments in light of changed conditions. Amendments may be proposed by a person having a contractual interest in property to be affected by a proposed amendment. The Director of Planning shall review and process amendment applications as they are received and pass them on to the Development Review Committee and the Planning Commission for recommendation and final approval by the BOCC.

The BOCC may consider the adoption of an ordinance enacting the proposed change based on one (1) or more of the following factors: (i) Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based; (ii) Changed assumptions (e.g., regarding demographic trends); (iii) Data errors, including errors in mapping, vegetative types and natural features described in the comprehensive plan; (iv) New issues; (v) Recognition of a need for additional detail or comprehensiveness; or (vi) Data updates. However, in no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located.

In an analysis of community needs, the Key Largo Livable CommuniKeys Plan states: "existing uses on parcels that were previously down-zoned are generally non-conforming.

It is appropriate to re-evaluate these parcels and uses on a case-by-case basis and restore the commercial status where appropriate". This analysis is substantiated by Action Item 1.3.2 which directs Staff to "revise the FLUM and Land Use District maps to resolve conflicts and inconsistencies the planning area where appropriate."

However, it should be noted that this language does not guarantee that any map amendments shall be granted as each application must be reviewed on a case-by-case basis and the BOCC makes the final decision on the matter. Further, although Staff discussed the amendment process with the Applicant at the conference, the Department of Planning & Environmental Resources will not provide any recommendation of approval or denial until an application for an amendment is submitted and reviewed by Staff.

2. The Applicant inquired about whether or not the site plan would be in compliance with regulations relating to the Suburban Commercial (SC) district. As the site is designated IS at this time, it would inappropriate for Staff to comment on whether or not the site would be in compliance with the regulations pertaining to other land use districts. Such comments could be deemed to be an endorsement of a map amendment.
3. The Applicant inquired about ground-mounted and wall-mounted signage. Specifically, the Applicant inquired whether or not a variance would be required to advertise the veterinary clinic/animal hospital.

In the IS district, a nonresidential developed parcel of land shall be allowed one ground-mounted sign, but limited to 32 ft<sup>2</sup> in area per face and eight feet in height. In addition, ground-mounted signage is required to be located at least 5' from any property line. Wall-mounted signage is also permitted, but shall be limited to a total of 32 ft<sup>2</sup>. Staff has determined that a variance to the sign regulations shall only be required if the Applicant requests signage of greater square footage than that allowed or a deviation from the height, setback or other construction requirements.

The Applicant inquired whether or not variances could be granted administratively. There are no administrative variances to the sign regulations. All applications are decided upon by the Planning Commission at a public hearing. The Applicant also inquired about whether or not Staff would recommend approval of such an application. Although Staff discussed the variance process with the Applicant at the conference, the Department of Planning & Environmental Resources will not provide any recommendation of approval or denial until an application for a variance is submitted and reviewed by Staff.

The Applicant inquired about whether or not his facility would qualify for the additional signage permitted for "Hospitals or other emergency facilities" in MCC §142-4(1)(c). In addition to any other signage allowed under the Land Development Code, hospitals or other emergency medical facilities, excluding individual medical offices, shall be allowed one additional illuminated ground- or wall-mounted sign not to exceed 32 ft<sup>2</sup> per face to identify each emergency entrance. Although considered a commercial retail use, the veterinary clinic/animal hospital would qualify and serve as emergency facility. As there is one-way

traffic through the site, Staff shall allow one additional illuminated ground or wall-mounted sign not to exceed 32 ft<sup>2</sup> per face to identify the emergency entrance. Although there are two drives, it is only necessary to designate one drive as an emergency entrance.

The Applicant also inquired about whether or not his facility would qualify for the additional signage permitted in MCC §142-4(3)(a)(5) which states that a school, church, day-care center or other similar use shall be allowed to add an additional 64 ft<sup>2</sup> or 32 ft<sup>2</sup> per face of signage to the ground-mounted or wall-mounted sign for the exclusive use of a changeable copy sign. Although named a dance school, the dance school is a commercial retail use and not a school use as defined in the Monroe County Code. Therefore, this additional signage is not permitted.

The Applicant inquired as to which of the building's frontages is considered the front. The US 1 frontage would be considered the front.

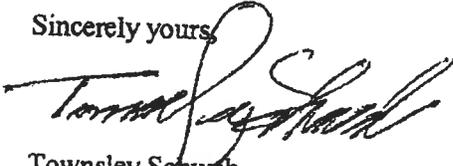
4. The proposed veterinary clinic/animal hospital would introduce animals to the site which could result in more noise than the existing businesses. Although increase noise is not prohibited, in respect to the residential neighboring properties, noise should be mitigated and the noise ordinance must be observed. The Applicant submitted a noise abatement strategy that should mitigate noise acceptably. Further, although not required, Staff suggests that the Applicant install buffering vegetation in the setback between the existing building and the neighboring residential properties.
5. Prior to the issuance of any building permit, proposed development shall be found in compliance by the Monroe County Building Department, the Monroe County Public Works Division and the Monroe County Office of the Fire Marshal. Staff recommends that the Applicant coordinate with these offices prior to application submittal.
6. All development shall be required to meet all standards and construction requirements of the Americans with Disabilities Act (ADA). The site must be brought into compliance with ADA parking and building access requirements upon approval of a new site plan.

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Year 2010 Comprehensive Plan are amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal 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.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Townsley Schwab". The signature is written in a cursive style with a large, looping initial "T".

Townsley Schwab,  
Senior Director Planning & Environmental Resources



**MONROE COUNTY, FLORIDA  
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. 127 - 2012**

A RESOLUTION AMENDING RESOLUTION 169-2011, THE PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT FEE SCHEDULE; TO GENERALIZE THE TITLE OF THE FEE FOR APPLICATIONS FOR EXTENSIONS OF TIME AUTHORIZED BY STATE LEGISLATION; TO EXEMPT MAP AMENDMENT FEES FOR PROPERTY OWNERS WHO APPLY TO AMEND THEIR PROPERTIES' LAND USE DISTRICT AND/OR FUTURE LAND USE MAP DESIGNATIONS TO DESIGNATIONS THAT WOULD ELIMINATE NONCONFORMITIES TO USES THAT WERE CREATED WHEN THE PROPERTIES WERE REZONED BY THE COUNTY IN 1992 AND/OR PROVIDED A FUTURE LAND USE MAP DESIGNATION IN 1997 UNDER CERTAIN CONDITIONS; PROVIDING FOR A FEE FOR A LETTER OF UNDERSTANDING FOR MAP AMENDMENT FEE WAIVERS; AND TO REPEAL ANY OTHER FEE SCHEDULES INCONSISTENT HEREWITH.

**WHEREAS**, the Monroe County Board of County Commissioners wishes to provide the citizens of the County with the best possible service in the most cost effective and reasonable manner; and

**WHEREAS**, the Board finds that it would be in the best interests of the general public to charge the true cost for such services, thereby placing the burden of such costs directly upon those parties deriving the benefit from such services; and

**WHEREAS**, the updated fee schedule prepared by the Growth Management Director for providing these services includes the estimated direct costs and reasonable indirect costs associated with the review and processing of planning and development approval applications and site plans, on-site biological reviews, administrative appeals, preparation of official documentation verifying existing development rights and other processes and services; and

**WHEREAS**, the Board has discussed the need to adjust the fee schedule to compensate the county for resources needed in excess of the fee estimates included in the base fees; and

**WHEREAS**, applicants for development review should pay the cost of the review, rather than those funds coming from other sources; and

**WHEREAS**, the Board of County Commissioners wishes to amend fees to compensate for resources expended in applications for private development approvals; and

**WHEREAS**, The Florida State Legislature is considering legislation which allows for extensions of time for some development orders for which the fee is currently \$250.00, based on previous Senate and House bills; and

**WHEREAS**, in 1992, a revised series of zoning maps was approved (also known as the Land Use District (LUD) maps) for all areas of the unincorporated county. These maps depicted boundary determinations carried out between 1986 and 1988, depicted parcel lines and were drawn at a more usable scale. Although signed in 1988, the LUD's did not receive final approval until 1992. The Monroe County Land Development Regulations, portions of which are adopted by Rule 28-20.021, F.A.C., and portions of which are approved by the Department of Community Affairs in Chapter 9J-14, F.A.C., were amended effective August 12, 1992. The Land Use District Map was revised to reflect the changes in this rule. The LUD maps remain the official zoning maps of Monroe County; and

**WHEREAS**, in 1993, Monroe County adopted a set of Future Land Use Maps (FLUM) pursuant to a joint stipulated settlement agreement and Sec. 163.3184 Florida Statutes. The Ordinance #016-1993 memorialized the approval. This map series was dated 1997. The 1997 FLUM remains the official future land use maps of Monroe County; and

**WHEREAS**, since the adoption of the LUD maps and FLUM, the County has discovered that several parcels with existing, lawful uses were assigned land use district and future land use categories that deemed those uses nonconforming. In these instances, the County created nonconformities to use without studying of the existing uses and the impact of deeming those uses nonconforming. A remedy to existing property owners would be to allow those property owners to apply for map amendments to designations that would eliminate the nonconformities created by the County and not by the property owner without the payment of a fee; and

**WHEREAS**, the County wishes to clarify that fees will be changed to private applicants for traffic studies required or requested for not only map amendments, but for text amendments submitted by private applicants; and

**WHEREAS**, the Board heard testimony and evidence presented as to the appropriate fee schedule during a public hearing on April 18, 2012;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY FLORIDA:**

**Section 1.**

Pursuant to Section 102-19(9), the following schedule of fees to be charged by the Growth Management Division for its services, including but not limited to the filing of land development permit applications, land development approvals, land development orders, and appeal applications, and requests for technical services or official letters attesting to development rights recognized by the County shall be implemented:

Administrative Appeals.....	\$1,500.00
Administrative Relief.....	\$1,011.00
Alcoholic Beverage Special Use Permit.....	\$1,264.00
Appeal ROGO or NROGO to BOCC.....	\$816.00
Beneficial Use.....	\$4,490.00
Biological Site Visit (per visit).....	\$280.00
Biologist Fee (Miscellaneous-per hour).....	\$60.00
Boundary Determination.....	\$1,201.00
Comprehensive Plan, Text Amendment.....	\$5,531.00
Comprehensive Plan, Future Land Use Map (FLUM) Amendment.....	\$5,531.00
Conditional Use, Major, New/Amendment.....	\$10,014.00
Conditional Use, Minor, New/Amendment.....	\$8,484.00
Conditional Use, Minor, Transfer Development Rights (TDR).....	\$1,239.00
Conditional Use, Minor, Transfer Nonresidential Floor Area (TRE).....	\$1,944.00
Conditional Use, Minor, Transfer ROGO Exemption (TRE).....	\$1,740.00
Conditional Use, Minor/Major, Minor Deviation.....	\$1,768.00
Conditional Use, Minor/Major, Major Deviation.....	\$3,500.00
Conditional Use, Minor/Major, Time Extension.....	\$986.00
Department of Administrative Hearings (DOAH) Appeals.....	\$816.00
Development Agreement.....	\$12,900.00
Development of Regional Impact (DRI).....	\$28,876.00
Dock Length Variance.....	\$1,026.00
Front Yard Setback Waiver, Administrative.....	\$1,248.00
Front Yard Setback Waiver, Planning Commission.....	\$1,608.00
Grant of Conservation Easement.....	\$269.00
Habitat Evaluation Index (per hour).....	\$60.00
Home Occupation Special Use Permit.....	\$498.00
Inclusionary Housing Exemption.....	\$900.00
Land Development Code, Text Amendment.....	\$5,041.00
Land Use District Map, Amendment–Nonresidential.....	\$4,929.00
Land Use District Map, Amendment–Residential.....	\$4,131.00

Letter of Current Site Conditions.....	\$936.00
Letter of Development Rights Determination.....	\$2,209.00
Letter of ROGO Exemption.....	\$215.00
Letter of Understanding for LUD Map/FLUM Fee waiver .....	\$250.00
NROGO Application.....	\$774.00
Planning Fee (Miscellaneous-per hour).....	\$50.00
Parking Agreement.....	\$1,013.00
Planning Site Visit.....	\$129.00
Platting, 5 lots or less.....	\$4,017.00
Platting, 6 lots or more.....	\$4,613.00
Pre-application with Letter of Understanding.....	\$689.00
Pre-application with No Letter of Understanding.....	\$296.00
Public Assembly Permit.....	\$149.00
Dog in Restaurant Permit.....	\$150.00
Research, permits and records (per hour).....	\$50.00
Road Abandonment.....	\$1,533.00
ROGO Application.....	\$748.00
ROGO Lot/Parcel Dedication Letter.....	\$236.00
Legislative Time Extension for Development Orders /Permits.....	\$250.00
Special Certificate of Appropriateness.....	\$200.00
Tier Map Amendment–Other than IS/URM Platted Lot.....	\$4,131.00
Tier Map Amendment–IS/URM Platted Lot Only.....	\$1,600.00
Vacation Rental Permit (Initial).....	\$493.00
Vacation Rental (Renewal).....	\$100.00
Vacation Rental Manager License.....	\$106.00
Variance, Planning Commission, Signage.....	\$1,076.00
Variance, Planning Commission, Other than Signage.....	\$1,608.00
Variance, Administrative.....	\$1,248.00
Vested Rights Determination.....	\$2,248.00
Wetlands Delineation (per hour).....	\$60.00

Growth Management applications may be subject to the following additional fees, requirements or applicability:

1. For any application that requires a public hearing(s) and/or surrounding property owner notification, advertising and/or notice fees; \$245 for newspaper advertisement and \$3 per property owner notice.
2. There shall be no application or other fees, except advertising and noticing fees, for affordable housing projects, except that all applicable fees shall be charged for applications for all development approvals required for any development under Sec. 130-161.1 of the Monroe County Code and for applications for variances to setback, landscaping and/or off-street parking regulations associated with an affordable housing development.

3. There shall be no application fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official LUD map and/or the official FLUM, if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.
  
4. Hearing fees: applicant shall pay half the cost of the hourly rate, travel and expenses of any hearing officer. The County is currently charged \$144.00 per hour by Department of Administrative Hearings (DOAH). If the fee charged to the County is increased, the charge will change proportionately. An estimated amount of one-half of the hearing officer costs as determined by the County Attorney shall be deposited by the applicant along with the application fee, and shall be returned to the applicant if unused.
  
5. Base fees listed above include a minimum of (when applicable) two internal staff meetings with applicants; one Development Review Committee meeting, one Planning Commission public hearing; and one Board of County Commission public hearing. If this minimum number of meetings/hearings is exceeded, the following fees shall be charged and paid prior to the private development application proceeding through public hearings:
  - a. Additional internal staff meeting with applicant \$500.00
  - b. Additional Development Review Committee public hearing \$600.00
  - c. Additional Planning Commission public hearing \$700.00
  - d. Additional Board of County Commissioners public hearing \$850.00

The Director of Growth Management or designee shall assure these additional fees are paid prior to hearing scheduling. These fees apply to all applications filed after September 15, 2010.

6. Applicants for Administrative Appeal, who prevail based on County error, as found by the Planning Commission, shall have the entire application fee refunded.
7. Concerning the application fees to amend the tier maps, the lesser application fee of \$1,600.00 is only available for applications to amend the tier designation of a single URM or IS platted lot. It may not be used to amend the designation of more than one parcel.
8. Applicants for any processes listed above that are required to provide transportation studies related to their development impacts shall be required to deposit a fee of \$5,000 into an escrow account to cover the cost of experts hired by the Growth Management Division to review the transportation and other related studies submitted by the applicant as part of the development review process or any text amendment submitted by a private applicant. Any unused funds deposited by the applicant will be returned upon permit approval. Monroe County shall obtain an estimate from the consultant they intend to hire to review the transportation study for accuracy and methodology and if the cost for the review on behalf of Monroe County is higher than the \$5000, applicant shall remit the estimated amount. Any unused funds deposited by the applicant will be returned upon permit approval.

**Section 2.**

Any other fees schedules or provisions of the Monroe County Code inconsistent herewith are hereby repealed.

**Section 3.**

The Clerk of the Board is hereby directed to forward one (1) certified copy of this Resolution to the Division of Growth Management.

(REMAINDER OF PAGE LEFT INTENTIONALLY BLANK)

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 18th day of April, 2012.

Mayor David Rice	<u>Yes</u>
Mayor <i>Pro Tem</i> Kim Wigington	<u>Yes</u>
Commissioner Heather Carruthers	<u>Yes</u>
Commissioner Sylvia Murphy	<u>Yes</u>
Commissioner George Neugent	<u>Yes</u>



**MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**

CLERK: DENNY L. KOLHAGE, CLERK

*D. C. DeSantis*  
Deputy Clerk

By *David Rice*  
Mayor David Rice

FILED FOR RECORD  
2012 MAY -3 PM 3:16  
DANNY L. KOLHAGE  
CLERK  
MONROE COUNTY, FL

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
*D. W. Gresham*  
Date: 4-18-12

# Monroe County Future Land Use Amendment



Existing Conditions



Proposed Conditions

Future Land Use Designation: RL - Residential Single-Family, RM - Residential Medium Density, RE - Residential Single-Family, RD - Residential Single-Family, RS - Residential Single-Family, RT - Residential Single-Family, RU - Residential Single-Family, RV - Residential Single-Family, RW - Residential Single-Family, RX - Residential Single-Family, RY - Residential Single-Family, RZ - Residential Single-Family, CA - Community Center, CB - Community Center, CC - Community Center, CD - Community Center, CE - Community Center, CF - Community Center, CG - Community Center, CH - Community Center, CI - Community Center, CJ - Community Center, CK - Community Center, CL - Community Center, CM - Community Center, CN - Community Center, CO - Community Center, CP - Community Center, CQ - Community Center, CR - Community Center, CS - Community Center, CT - Community Center, CU - Community Center, CV - Community Center, CW - Community Center, CX - Community Center, CY - Community Center, CZ - Community Center, DA - District Office, DB - District Office, DC - District Office, DD - District Office, DE - District Office, DF - District Office, DG - District Office, DH - District Office, DI - District Office, DJ - District Office, DK - District Office, DL - District Office, DM - District Office, DN - District Office, DO - District Office, DP - District Office, DQ - District Office, DR - District Office, DS - District Office, DT - District Office, DU - District Office, DV - District Office, DW - District Office, DX - District Office, DY - District Office, DZ - District Office, EA - Employment, EB - Employment, EC - Employment, ED - Employment, EE - Employment, EF - Employment, EG - Employment, EH - Employment, EI - Employment, EJ - Employment, EK - Employment, EL - Employment, EM - Employment, EN - Employment, EO - Employment, EP - Employment, EQ - Employment, ER - Employment, ES - Employment, ET - Employment, EU - Employment, EV - Employment, EW - Employment, EX - Employment, EY - Employment, EZ - Employment, FA - Financial, FB - Financial, FC - Financial, FD - Financial, FE - Financial, FF - Financial, FG - Financial, FH - Financial, FI - Financial, FJ - Financial, FK - Financial, FL - Financial, FM - Financial, FN - Financial, FO - Financial, FP - Financial, FQ - Financial, FR - Financial, FS - Financial, FT - Financial, FU - Financial, FV - Financial, FW - Financial, FX - Financial, FY - Financial, FZ - Financial, GA - General, GB - General, GC - General, GD - General, GE - General, GF - General, GG - General, GH - General, GI - General, GJ - General, GK - General, GL - General, GM - General, GN - General, GO - General, GP - General, GQ - General, GR - General, GS - General, GT - General, GU - General, GV - General, GW - General, GX - General, GY - General, GZ - General, HA - High Density, HB - High Density, HC - High Density, HD - High Density, HE - High Density, HF - High Density, HG - High Density, HH - High Density, HI - High Density, HJ - High Density, HK - High Density, HL - High Density, HM - High Density, HN - High Density, HO - High Density, HP - High Density, HQ - High Density, HR - High Density, HS - High Density, HT - High Density, HU - High Density, HV - High Density, HW - High Density, HX - High Density, HY - High Density, HZ - High Density, IA - Industrial, IB - Industrial, IC - Industrial, ID - Industrial, IE - Industrial, IF - Industrial, IG - Industrial, IH - Industrial, II - Industrial, IJ - Industrial, IK - Industrial, IL - Industrial, IM - Industrial, IN - Industrial, IO - Industrial, IP - Industrial, IQ - Industrial, IR - Industrial, IS - Industrial, IT - Industrial, IU - Industrial, IV - Industrial, IW - Industrial, IX - Industrial, IY - Industrial, IZ - Industrial, JA - Job, JB - Job, JC - Job, JD - Job, JE - Job, JF - Job, JG - Job, JH - Job, JI - Job, JJ - Job, JK - Job, JL - Job, JM - Job, JN - Job, JO - Job, JP - Job, JQ - Job, JR - Job, JS - Job, JT - Job, JU - Job, JV - Job, JW - Job, JX - Job, JY - Job, JZ - Job, KA - Knowledge, KB - Knowledge, KC - Knowledge, KD - Knowledge, KE - Knowledge, KF - Knowledge, KG - Knowledge, KH - Knowledge, KI - Knowledge, KJ - Knowledge, KK - Knowledge, KL - Knowledge, KM - Knowledge, KN - Knowledge, KO - Knowledge, KP - Knowledge, KQ - Knowledge, KR - Knowledge, KS - Knowledge, KT - Knowledge, KU - Knowledge, KV - Knowledge, KW - Knowledge, KX - Knowledge, KY - Knowledge, KZ - Knowledge, LA - Local, LB - Local, LC - Local, LD - Local, LE - Local, LF - Local, LG - Local, LH - Local, LI - Local, LJ - Local, LK - Local, LL - Local, LM - Local, LN - Local, LO - Local, LP - Local, LQ - Local, LR - Local, LS - Local, LT - Local, LU - Local, LV - Local, LW - Local, LX - Local, LY - Local, LZ - Local, MA - Medium Density, MB - Medium Density, MC - Medium Density, MD - Medium Density, ME - Medium Density, MF - Medium Density, MG - Medium Density, MH - Medium Density, MI - Medium Density, MJ - Medium Density, MK - Medium Density, ML - Medium Density, MM - Medium Density, MN - Medium Density, MO - Medium Density, MP - Medium Density, MQ - Medium Density, MR - Medium Density, MS - Medium Density, MT - Medium Density, MU - Medium Density, MV - Medium Density, MW - Medium Density, MX - Medium Density, MY - Medium Density, MZ - Medium Density, NA - Neighborhood, NB - Neighborhood, NC - Neighborhood, ND - Neighborhood, NE - Neighborhood, NF - Neighborhood, NG - Neighborhood, NH - Neighborhood, NI - Neighborhood, NJ - Neighborhood, NK - Neighborhood, NL - Neighborhood, NM - Neighborhood, NN - Neighborhood, NO - Neighborhood, NP - Neighborhood, NQ - Neighborhood, NR - Neighborhood, NS - Neighborhood, NT - Neighborhood, NU - Neighborhood, NV - Neighborhood, NW - Neighborhood, NX - Neighborhood, NY - Neighborhood, NZ - Neighborhood, OA - Office, OB - Office, OC - Office, OD - Office, OE - Office, OF - Office, OG - Office, OH - Office, OI - Office, OJ - Office, OK - Office, OL - Office, OM - Office, ON - Office, OO - Office, OP - Office, OQ - Office, OR - Office, OS - Office, OT - Office, OU - Office, OV - Office, OW - Office, OX - Office, OY - Office, OZ - Office, PA - Public Facility, PB - Public Facility, PC - Public Facility, PD - Public Facility, PE - Public Facility, PF - Public Facility, PG - Public Facility, PH - Public Facility, PI - Public Facility, PJ - Public Facility, PK - Public Facility, PL - Public Facility, PM - Public Facility, PN - Public Facility, PO - Public Facility, PP - Public Facility, PQ - Public Facility, PR - Public Facility, PS - Public Facility, PT - Public Facility, PU - Public Facility, PV - Public Facility, PW - Public Facility, PX - Public Facility, PY - Public Facility, PZ - Public Facility, RA - Regional, RB - Regional, RC - Regional, RD - Regional, RE - Regional, RF - Regional, RG - Regional, RH - Regional, RI - Regional, RJ - Regional, RK - Regional, RL - Regional, RM - Regional, RN - Regional, RO - Regional, RP - Regional, RQ - Regional, RR - Regional, RS - Regional, RT - Regional, RU - Regional, RV - Regional, RW - Regional, RX - Regional, RY - Regional, RZ - Regional, SA - State, SB - State, SC - State, SD - State, SE - State, SF - State, SG - State, SH - State, SI - State, SJ - State, SK - State, SL - State, SM - State, SN - State, SO - State, SP - State, SQ - State, SR - State, SS - State, ST - State, SU - State, SV - State, SW - State, SX - State, SY - State, SZ - State, TA - Town, TB - Town, TC - Town, TD - Town, TE - Town, TF - Town, TG - Town, TH - Town, TI - Town, TJ - Town, TK - Town, TL - Town, TM - Town, TN - Town, TO - Town, TP - Town, TQ - Town, TR - Town, TS - Town, TT - Town, TU - Town, TV - Town, TW - Town, TX - Town, TY - Town, TZ - Town, UA - Urban, UB - Urban, UC - Urban, UD - Urban, UE - Urban, UF - Urban, UG - Urban, UH - Urban, UI - Urban, UJ - Urban, UK - Urban, UL - Urban, UM - Urban, UN - Urban, UO - Urban, UP - Urban, UQ - Urban, UR - Urban, US - Urban, UT - Urban, UV - Urban, UW - Urban, UX - Urban, UY - Urban, UZ - Urban, VA - Village, VB - Village, VC - Village, VD - Village, VE - Village, VF - Village, VG - Village, VH - Village, VI - Village, VJ - Village, VK - Village, VL - Village, VM - Village, VN - Village, VO - Village, VP - Village, VQ - Village, VR - Village, VS - Village, VT - Village, VU - Village, VV - Village, VW - Village, VX - Village, VY - Village, VZ - Village, WA - Water, WB - Water, WC - Water, WD - Water, WE - Water, WF - Water, WG - Water, WH - Water, WI - Water, WJ - Water, WK - Water, WL - Water, WM - Water, WN - Water, WO - Water, WP - Water, WQ - Water, WR - Water, WS - Water, WT - Water, WU - Water, WV - Water, WW - Water, WX - Water, WY - Water, WZ - Water, XA - X-Use, XB - X-Use, XC - X-Use, XD - X-Use, XE - X-Use, XF - X-Use, XG - X-Use, XH - X-Use, XI - X-Use, XJ - X-Use, XK - X-Use, XL - X-Use, XM - X-Use, XN - X-Use, XO - X-Use, XP - X-Use, XQ - X-Use, XR - X-Use, XS - X-Use, XT - X-Use, XU - X-Use, XV - X-Use, XW - X-Use, XX - X-Use, XY - X-Use, XZ - X-Use, YA - Y-Use, YB - Y-Use, YC - Y-Use, YD - Y-Use, YE - Y-Use, YF - Y-Use, YG - Y-Use, YH - Y-Use, YI - Y-Use, YJ - Y-Use, YK - Y-Use, YL - Y-Use, YM - Y-Use, YN - Y-Use, YO - Y-Use, YP - Y-Use, YQ - Y-Use, YR - Y-Use, YS - Y-Use, YT - Y-Use, YU - Y-Use, YV - Y-Use, YW - Y-Use, YX - Y-Use, YY - Y-Use, YZ - Y-Use, ZA - Z-Use, ZB - Z-Use, ZC - Z-Use, ZD - Z-Use, ZE - Z-Use, ZF - Z-Use, ZG - Z-Use, ZH - Z-Use, ZI - Z-Use, ZJ - Z-Use, ZK - Z-Use, ZL - Z-Use, ZM - Z-Use, ZN - Z-Use, ZO - Z-Use, ZP - Z-Use, ZQ - Z-Use, ZR - Z-Use, ZS - Z-Use, ZT - Z-Use, ZU - Z-Use, ZV - Z-Use, ZW - Z-Use, ZX - Z-Use, ZY - Z-Use, ZZ - Z-Use



Number of Protected Species



Habitat Type

**Growth Management Division**  
We strive to be caring, professional, and fair.

The Monroe County Future Land Use is proposed to be amended as indicated above and briefly described as:  
 Key: Key Largo Mile Marker 88 Map Amendment #:  
 Acreage: 0.31 Land Use District Map #: 138  
 Ordinance No.:  
 Date of Adoption:  
 Proposed Future Land Use change of one parcel from Residential Medium (RM) to Mixed Use (MIXED) (MIX):  
 Property Description:  
 RE Number: 00519750-00000

Review & be used by the Monroe County Growth Management Division. The data on this map is for informational purposes only and is not a legal representation of any other map or data.



Tier Designation



Land Use District

**File #:** **2012-111**

**Owner's Name:** Renaissance Farms of the Keys LLC

**Applicant:** Renaissance Farms of the Keys LLC

**Agent:** N/A

**Type of Application:** Map Amendment-FLUM

**Key:** Key Largo

**RE:** 00519750-000000

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## **Additional Information added to File 2012-111**



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: 7.31.12  
Time: \_\_\_\_\_

Dear Applicant:

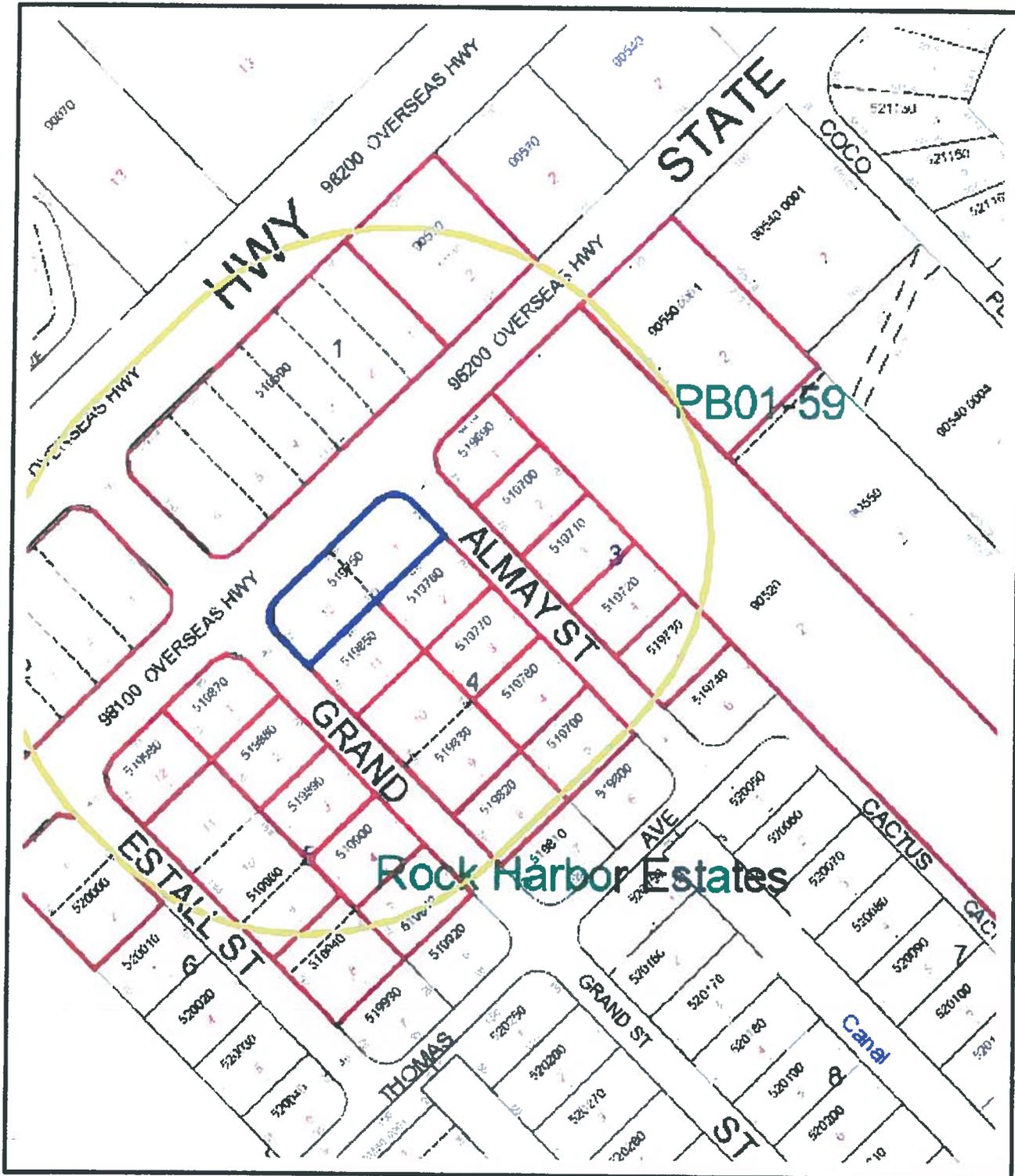
This is to acknowledge submittal of your application for Map Amendment - FLUM  
Type of application

Renaissance Farms of the Keys LLC to the Monroe County Planning Department.  
Project / Name

Thank you.

Paul Creech

Planning Staff



Monroe County, Florida *by GC*

MCPA GIS Public Portal

Printed: Jul 31, 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.



"A WEEKEND AT BERNI'S INC "  
"100 SAN MARCO DR"  
"ISLAMORADA", "FL" "33036"

"BOATS DIRECT LLC "  
"98150 OVERSEAS HWY"  
"KEY LARGO", "FL" "33037-2356"

"DIAZ JULIAN K AND MIRIAM C"  
"4254 SW 163RD PATH"  
"MIAMI", "FL" "33185-5332"

"HUNTER PAUL J "  
"1307 ALMAY STREET"  
"KEY LARGO", "FL" "33037"

"KIRCHNER TIMOTHY JAMES"  
"1104 GRAND ST"  
"KEY LARGO", "FL" "33037"

"RENAISSANCE FARMS OF THE KEYS LLC  
"  
"PO BOX 491"  
"ISLAMORADA", "FL" "33036-0491"

"STUMPO MARK R SR AND LAURIE J"  
"11980 SW 3RD ST"  
"PLANTATION", "FL" "33325-2825"

"WALLIS GEORGE AND CAROLYN"  
"198 DOVE LAKE DR"  
"TAVERNIER", "FL" "33070-2928"

"BARRERO ROLANDO TRUSTEE"  
"PO BOX 440632"  
"MIAMI", "FL" "33144"

"CASH MART INVESTMENTS INC "  
"PO BOX 370213"  
"KEY LARGO", "FL" "33037-0213"

"GILLMOR RICHARD & JUDY "  
"744 KROEGEL AVE"  
"SEBASTIAN", "FL" "32958"

"JOINER MELANIE C AND JEFFRY"  
"1308 ALMAY ST"  
"KEY LARGO", "FL" "33037-4102"

"MOORE EMMA L REV TR 12/21/2007"  
"909 ESTALL ST"  
"KEY LARGO", "FL" "33037-4118"

"SMENDA JOANN"  
"1109 GRAND ST"  
"KEY LARGO", "FL" "33037"

"TEAGUE GLORIA JEAN"  
"PO BOX 623"  
"ISLAMORADA", "FL" "33036"

"WILE MARK AND PATRICIA J"  
"1106 GRAND ST"  
"KEY LARGO", "FL" "33037"

"BARRY DANIEL O JR AND ARCHER A"  
"PO BOX 18769"  
"WEST PALM BEACH", "FL" "33416-8769"

"DANELLA ROBERT G & CAROL "  
"879 ELLEN DR"  
"KEY LARGO", "FL" "33037"

"HARLING DONN N AND SHER A "  
"136 OCEAN SHORES DR"  
"KEY LARGO", "FL" "33037"

"KEY LARGO SERVICE STATION LLC "  
"9701 NW 89TH AVE"  
"MEDLEY", "FL" "33178-1435"

"MUGUERCIA LUIS M"  
"PO BOX 226932"  
"MIAMI", "FL" "33222-6932"

"STEPHENS CRAIG KENDAL"  
"905 ESTALL ST"  
"KEY LARGO", "FL" "33037-4118"

"WALL RANDOLPH D & NANCY N "  
"1208 CACTUS STREET"  
"KEY LARGO", "FL" "33037"

"ZIMMERMAN KAREN"  
"101425 OVERSEAS HWY UNIT 364"  
"KEY LARGO", "FL" "33037-4505"

Use These - Applicants were short 5 labels by GC

**End of Additional File 2012-111**

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REQUEST FOR FUTURE LAND USE MAP (FLUM)  
AMENDMENT APPLICATION

Rec'd  
7/30/12  
BB



RECEIVED  
JUL 31 2012  
MONROE CO. PLANNING DEPT

MONROE COUNTY  
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

An application must be deemed complete and in compliance with the Monroe County Code by the Staff prior to the item being scheduled for review

Amendment to Future Land Use Map Application Fee: \$5,531.00

In addition to the above application fees, the following fees also apply to each application:

Advertising Costs: \$245.00

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

Technology Fee: \$20.00

Date 6 / 21 / 12  
Month Day Year

Property Owner:

Agent (if applicable): N/A

REGNABSANCE FARMS OF THE KEYS, LLC. ATTN: JOHN KOCOL  
Name Name

PO. BOX 491 Islamorada, FL 33036  
Mailing Address Mailing Address

305-395-9471  
Daytime Phone Daytime Phone

wdb4907@bellsouth.net  
Email Address Email Address

Legal Description of Property:

(If in metes and bounds, attach legal description on separate sheet)

4 1, 12 Rock Harbor Estates Key Largo  
Block Lot Subdivision Key

519750-000000 1638994  
Real Estate (RE) Number Alternate Key Number

98175 OVERSEAS Hwy 98.1 oceanside.  
Street Address Approximate Mile Marker

**REQUEST FOR FUTURE LAND USE MAP (FLUM)  
AMENDMENT APPLICATION**

**Current Future Land Use Map Designation(s):** Improved Subdivision

**Proposed Future Land Use Map Designation(s):** Sub-Urban Commercial

**Current Land Use District Designation(s):** Improved Subdivision

**Tier Designation(s):** \_\_\_\_\_

**Total Land Area Affected in acres:** ~ .31 acres

**Existing Use of the Property** (If the property is developed, please describe the existing use of the property, including the number and type of any residential units and the amount and type of any commercial development):

Veterinary Hospital  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**In accordance with Sec. 102-158, the BOCC may consider the adoption of an ordinance enacting the proposed change based on one or more of six factors. Please describe how one or more of the following factors shall be met (attach additional sheets if necessary):**

**1) Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2) Changed assumptions (e.g., regarding demographic trends):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3) Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REQUEST FOR FUTURE LAND USE MAP (FLUM)  
AMENDMENT APPLICATION

4) New issues:

THE PROPERTY WAS ZONED BU-2 AND WAS A LAWFULLY ESTABLISHED/PERMITTED BUSINESS, WHEN (FOR SOME UNKNOWN REASON) WAS REZONED IN 1986 AS "FS". THE PROPERTY WAS CONFORMING UNTIL THIS ~~CHANGE~~ REZONING WAS DONE

5) Recognition of a need for additional detail or comprehensiveness:

THE MAP AMMENDMENT WILL RESTORE THIS PROPERTY'S LAWFULLY ESTABLISHED CONFORMITY.

6) Data updates:

THERE WILL BE NO DEVELOPMENT, CHANGE TO THE NEIGHBORHOOD, USE OF THE BUILDINGS, TRAFFIC PATTERNS OR ACTIVITY. ALL ASPECTS OF THE USE WILL REMAIN AS IS.

In no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located. Please describe how the FLUM amendment would not result in an adverse community change (attach additional sheets if necessary):

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Has a previous FLUM application been submitted for this site within the past two years?

Yes \_\_\_\_\_ Date: \_\_\_\_\_  
No \_\_\_\_\_

All of the following must be submitted in order to have a complete application submittal:  
(Please check as you attach each required item to the application)

- Complete Future Land Use Map (FLUM) amendment application (unaltered and unbound); and
- Correct fee (check or money order to Monroe County Planning & Environmental Resources); and
- Proof of ownership (i.e. Warranty Deed); and
- Current Property Record Card(s) from the Monroe County Property Appraiser; and
- Location map from Monroe County Property Appraiser; and
- Copy of Future Land Use Map (please request from the Planning & Environmental Resources Department prior to application submittal); and
- Copy of Current Land Use District Map (please request from the Planning & Environmental Resources Department prior to application submittal);
- Photograph(s) of site from adjacent roadway(s);

**REQUEST FOR FUTURE LAND USE MAP (FLUM)  
AMENDMENT APPLICATION**

- 300 foot radius map from Monroe County Property Appraiser Office
- List of surrounding property owners from 300 foot radius map
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property (two (2) sets). This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included, and
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – sixteen (16) sets (at a minimum survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage marked with land use district; and total acreage shown with vegetative habitat).

**If applicable, the following must be submitted in order to have a complete application submittal:**

- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property)
- Any other Monroe County documents including Letters of Understanding pertaining to the proposed Future Land Use Map amendment

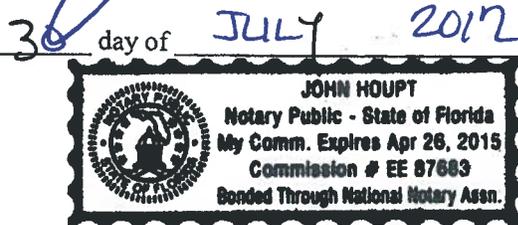
**If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.**

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: \_\_\_\_\_

Date: \_\_\_\_\_

Sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012



\_\_\_\_\_  
Notary Public  
My Commission Expires

Please send or deliver the complete application package to:  
Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050.

# 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

*We strive to be caring, professional and fair*

June 1, 2012

John Kocol  
PO Box 491  
Islamorada, FL 33036

**SUBJECT: ADDENDUM TO LETTER OF UNDERSTANDING ISSUED ON APRIL 27, 2010 CONCERNING A PROPOSED VETERINARY CLINIC/ANIMAL HOSPITAL, TO BE LOCATED WITHIN AN EXISTING BUILDING AT 1300 ALMAY STREET, KEY LARGO, MILE MARKER 98.1, HAVING REAL ESTATE NUMBER 00519750.000000**

Mr. Kocol,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On February 1, 2010, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department on Key Largo. Attendees of the meeting included John Kocol (hereafter referred to as "the Applicant") and Joseph Haberman, Principal Planner, Steven Biel, Senior Planner & Barbara Bauman, Planner (hereafter referred to as "Staff").

The Board of County Commissioners passed and adopted Resolution #127-2012 on April 18, 2012. This resolution, adopted after the issuance of the letter of understanding on April 27, 2010, amended the Planning & Environmental Resources Department's fee schedule. Of relevance to your property and the development thereon, the amended fee schedule included the following new provision:

There shall be no application or other fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official [Land Use District (LUD)] map and/or the official [Future Land Use Map (FLUM)], if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would

eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.

You have requested that the Senior Director of Planning & Environmental Resources render such a decision in relation to the subject property and allow you to submit FLUM and LUD amendment applications without the required application fees.

The property has a FLUM designation of Residential Medium (RM), a LUD designation of Improved Subdivision (IS), and a tier designation of Tier 3.

You have requested a FLUM designation of Mixed Use / Commercial (MC) and a LUD designation of either Suburban Commercial (SC) or Mixed Use (MU).

The property was within a RU-1 district (Single-Family Residential) and BU-2 district (Medium Business) prior to 1986 when the property was re-designated IS. It is unknown as to precisely when the designation was amended from RU-1 to BU-2; however according to information within a building permit application, the property was BU-2 when the building was converted to a "dance studio" in 1977.

Regarding the development and use of the existing building on the property:

In 1972, Building Permit #27471 was issued for the construction of a 774 SF one-story, single-family residence (18' x 43') on Lot 1. Although for a smaller residential structure, this was the original building permit for the building.

In 1977, Building Permit #C2714 was issued for a building addition. Although a change of use was not expressly noted, the proposed construction stated the building would be used as a "dance studio". A continued residential use was not indicated. The building plans are somewhat unclear, but it appears the building addition was a 976 SF second story addition (46'6" x 21') located over the existing 774 SF ground level building (18' x 43'). In 1980, Building Permit #C7436 was issued to enclose stairs and overhang resulting in an unspecified amount of new floor area.

In 1985, Building Permit #C16923 was issued for a 1,000 SF elevated building addition (40' x 25') that extended the building onto Lot 12.

In 1986, Building Permit #C19066 was issued to enclose the lower level of the addition approved under Building Permit #C16923, thus resulting in 1,000 SF of additional square footage.

All subsequent permits indicate that the building was being utilized for commercial retail use.

The current regulations pertaining to permitted uses in the IS district do not allow a 3,695 SF commercial retail building. Furthermore, Policy 101.4.3 of the Monroe County Year 2010 Comprehensive Plan, which describes permitted uses in the RM FLUM category, does not state that commercial retail uses are allowed. Therefore, the existing commercial retail use is nonconforming to the current provisions of the Monroe County Code and Comprehensive Plan.

However, as the 3,695 SF building and its commercial retail use were approved and permitted prior to 1986, the existing use is considered a lawful nonconforming use.

Resolution #127-2012 requires the property owner to provide satisfactory evidence that the existing use on the site also existed lawfully in 1992 and was deemed nonconforming by final adoption of the LUD map and/or the existing use on the site existed lawfully in 1997 and was deemed nonconforming by final adoption of the FLUM. Following a review, Staff has determined that the existing use existed lawfully in 1992 and was deemed nonconforming by the final adoption of the LUD map. Staff has also determined that the existing use existed lawfully in 1997 and was deemed nonconforming by the final adoption of the FLUM.

Resolution #127-2012 requires the applicant to apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Following a review, Staff has determined that the proposed FLUM category of MC and proposed LUD designations of SC or MU would eliminate the nonconformity to use. Therefore, the proposed designations are acceptable; however prior to application submittal, you must decide on whether to pursue an amendment to SC or MU. Staff cannot make this decision. In addition, please be aware that Staff is not obligated to recommend approval of the proposed LUD or FLUM designations. Staff is required to review the application on its merit and determine upon a full review that there shall not be an adverse impact to the community and is consistent with the provisions of the Comprehensive Plan and Monroe County Code.

In conclusion, Staff has determined that your proposal qualifies for fee exemptions to the "Comprehensive Plan, Future Land Use Map (FLUM) Amendment" of \$5,531.00 and the "Land Use District Map, Amendment-Nonresidential" fee of \$4,929.00. You may submit a FLUM amendment and/or LUD amendment application without the submittal of the aforementioned application fees. However, you are responsible for all other requirements, including the fees for advertising (\$245.00 per application) and noticing (\$3.00 per each surrounding property per application).

In addition, please note that you are eligible for these fee waivers so long as such waivers are permitted by the fee schedule. If the fee schedule is amended to remove such a provision in the

future, you may not be eligible to submit the application without such required application fees afterwards.

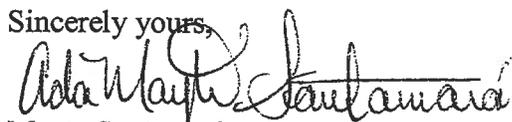
\* \* \* \* \*

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Comprehensive Plan is amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal 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.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely yours,



Mayte Santamaria,

Assistant Director of Planning

for

Townsley Schwab,

Senior Director of Planning & Environmental Resources

CC: Joseph Haberman, Planning & Development Review Manager  
Michael Roberts, Senior Administrator of Environmental Resources

# 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 Sylvia J. Murphy, Dist. 5

Mayor Pro Tem Heather Carruthers, Dist. 3

Mario Di Gennaro, Dist. 4

George Neugent, Dist. 2

Kim Wigington, Dist. 1

*We strive to be caring, professional and fair*

April 27, 2010

John Kocol  
PO Box 491  
Islamorada, FL 33036

**SUBJECT: LETTER OF UNDERSTANDING CONCERNING A PROPOSED VETERINARY CLINIC/ANIMAL HOSPITAL, TO BE LOCATED WITHIN AN EXISTING BUILDING AT 1300 ALMAY STREET, KEY LARGO, MILE MARKER 98.1, HAVING REAL ESTATE NUMBER 00519750.000000**

Mr. Kocol,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On February 1, 2010, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department on Key Largo. Attendees of the meeting included John Kocol (hereafter referred to as "the Applicant") and Joseph Haberman, Principal Planner, Steven Biel, Senior Planner & Barbara Bauman, Planner (hereafter referred to as "Staff").

In addition, to further discuss the proposal, on March 15, 2010, a second meeting was held at the office of the Monroe County Planning & Environmental Resources Department in Marathon. Attendees of the meeting included John Kocol and Joseph Haberman.

*Materials presented for review included:*

- (a) Pre-Application Conference Request Form;
- (b) Existing Site Plan by Keys Engineering Inc., dated March 10, 2010;
- (c) Proposed Site Plan by Keys Engineering Inc., dated March 10, 2010;
- (d) Site Plan by the Applicant;
- (e) Monroe County Property Record Cards; and
- (f) Monroe County Land Use District Map and Future Land Use Map

## I. APPLICANT PROPOSAL

The Applicant is proposing to convert the first floor of an existing two-story commercial retail building into a veterinary clinic/animal hospital. The veterinary clinic/animal hospital would be located entirely within the first story of the building, which currently provides space for a dance school/martial arts center. The second story would not be modified and would continue to provide space for the dance school/martial arts center or a similar business in the future. In addition, the Applicant is proposing to establish a fenced area for convalescing and otherwise temporarily boarded animals at the animal hospital, to establish a new off-street parking area and to improve the site as determined necessary by the County.

As stated in the application, the veterinary clinic/animal hospital would be open normal business hours: 8:00am to 5:00pm, Monday through Saturday. However, it would open intermittently at other times to provide emergency services to patients.



Subject Property (outlined in blue) (2009)

## II. SUBJECT PROPERTY DESCRIPTION

1. The property's address is 1300 Almay Street on Key Largo. However, most of its frontage is located along US 1, between Almay Street and Grand Street.
2. The property consists of one parcel of land. Real Estate number (RE) 00519750.000000 is legally described as Block 4, Lots 1 and 12, Rock Harbor Estates subdivision (PB3-187), Key Largo.

3. According to Monroe County's GIS database, in total, the property consists of approximately 13,217 ft<sup>2</sup> (0.30 acres) of land area. Therefore, all calculations included in this letter are based on these records. A sealed boundary survey indicating total land area may be required at the time of application submittal for any development approval of any additional floor area. If the amount of upland area provided on the sealed boundary survey differs, then calculations provided in this letter are subject to change.
4. According to the Monroe County Property Appraiser's records, RE 00519750.000000 is currently being assessed under the property classification (PC) code of 17 (office buildings).

### III. RELEVANT PRIOR COUNTY ACTIONS

1. According to the Monroe County Property Appraiser's records, the existing two-story building was built in 1972 and consists of 3,695 ft<sup>2</sup> of floor area.

In 1972, Permit 27471 was issued for the construction of a 774 ft<sup>2</sup> one-story, single-family residence (18' x 43') on Lot 1. Although for a smaller residential structure, this was the original building permit for the building. In 1977, Permit C2714 was issued for a building addition. Although a change of use was not expressly noted, the proposed construction stated the building would be used as a "dance studio". A continued residential use was not indicated. The building plans are somewhat unclear, but it appears the building addition was a 976 ft<sup>2</sup> second story addition (46'6" x 21') located over the existing 774 ft<sup>2</sup> ground level building (18' x 43'). In 1980, Permit C7436 was issued to enclose stairs and overhang resulting in an unspecified amount of new floor area.

In 1985, Permit C16923 was issued for a 1,000 ft<sup>2</sup> elevated building addition (40' x 25') that extended the building onto Lot 12. In 1986, Permit C19066 was issued to enclose the lower level of the addition approved under C16923, thus resulting in 1,000 ft<sup>2</sup> of additional square footage.

2. Staff located building permits for the subject property dating back to 1972. Permit 27471, issued in 1977, states that the building was to be utilized by a residential use at that time. However, the next building permit on file, Permit C2714, issued in 1977, states that the building was to be utilized by a commercial retail use (dance studio) at that time. All subsequent permits indicate that the building was being utilized for commercial retail, many specifically referring to a dance studio.
3. On March 7, 1986, the Board of County Commissioners approved a flood variance to allow the construction of an enclosure below the 100-year flood elevation under the existing building (resulting in the issuance of Permit C19066).

#### IV. REVIEW OF PROPOSAL

The following land development regulations directly affect the proposal; however, there are other land development regulations not referred to nor described in this letter which may govern future development as well:

1. The property has a Land Use District designation of Improved Subdivision (IS), a Future Land Use Map (FLUM) designation of Residential Medium (RM) and a tier designation of Tier 3.
2. References within the building permits files on file indicate that the property was within a RU-1 district (Single-Family Residential) and BU-2 district (Medium Business) prior to 1986 when the property was re-designated IS. It is unknown as to precisely when the designation was amended from RU-1 to BU-2; however according to the building permit application, the property was BU-2 when the building was converted to a "dance studio" in 1977.
3. The veterinary clinic/animal hospital would be located within the first story of the building. The second story would continue to provide space for the dance school/martial arts center. Regarding use, Staff has determined that the existing dance school/martial arts center and the proposed animal hospital would be classified as commercial retail uses. Although neither are traditional commercial retail businesses, the Land Development Code defines commercial retail as a use that sells goods or services at retail.

Depending on trip generation, commercial retail uses are classified as low, medium or high-intensity. A traffic impact analysis has not been submitted which would indicate whether or not the proposed change in business to an animal hospital would affect the site's currently approved intensity. Based on traffic impact analyses for similar developments, Staff anticipates that both the existing and proposed commercial retail uses generate less than 100 average daily trips per 1,000 ft<sup>2</sup> of floor area and thereby would be classified as low or medium-intensity. However to ensure that there is not a prohibited increase in intensity, a comparative level 1 traffic impact analysis will be required prior to Staff conclusively stating such.

4. The commercial retail use of the existing dance school/martial arts center was rendered a nonconforming use following the re-zoning of the property from BU-2 to IS in 1986 and the assignment of the FLUM future land use category of RM in 1997.

In the Monroe County Land Development Code, the current regulations pertaining to permitted uses in the IS district do not allow a 3,695 ft<sup>2</sup> commercial retail building. Furthermore, Policy 101.4.2 of the Monroe County Year 2010 Comprehensive Plan, which pertains to permitted uses in the RM future land use category, does not state that commercial retail uses are permitted. Therefore, the existing commercial retail use is nonconforming to the current Land Development Code and Comprehensive Plan.

However, as the 3,695 ft building and its commercial retail use were approved and permitted prior to 1986, the existing use is considered a lawful nonconforming use and Policy 101.4.3 provides some protection to such lawful uses. Specifically, Policy 101.4.3 states a nonresidential use that was listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996 may develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 land development regulations allowed. In addition to being lawfully established prior to 1986, the existing type of use (commercial retail) and the existing amount of non-residential floor area (3,695 ft<sup>2</sup>) were in existence in 1996.

The existing intensity of the site could not be determined in the absence of a traffic impact report. Furthermore, without knowing the intensity, Staff could not determine the existing density (the floor area ratios are 0.35 for low-intensity, 0.25 for medium-intensity and 0.15 for high-intensity commercial retail uses).

5. In accordance with Policy 101.4.3, a commercial retail use (with businesses associated with this type of use) and the building's floor area may be redeveloped, reestablished and/or substantially improved with a major conditional use permit, subject to the standards and procedures set forth in the Land Development Code. In the event that reestablishment or substantial improvement is carried out, although the building is over 2,500 ft<sup>2</sup> in area and could be classified as high intensity following the submittal of a traffic impact report stating such, the provisions of the Comprehensive Plan currently provided for in Policy 101.4.3, shall take precedent over the requirements for an existing nonconforming commercial retail use in the IS District, currently provided for in MCC §130-94(c)(1), which restricts buildings to 2,500 ft<sup>2</sup> and low/medium intensity.

Conditional uses are those uses which are generally compatible with the other land uses permitted, but require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location. Minor conditional use permit applications are granted or denied by the Planning Director in accordance with MCC §110-69 and major conditional use permit applications are granted or denied by the Planning Commission at a public hearing in accordance with MCC §110-70.

Concerning the Applicant's proposal, a major conditional use permit shall not be required for the change in business and moderate building/site improvements as these improvements would not meet the intent of terms redevelopment, reestablishment or substantial improvement as used in Policy 101.4.3.

6. Policy 101.4.3 allows redevelopment limited to intensity, floor area, density and to the type of use as that existed prior to its redevelopment. The policy does not protect the existing configuration of development on a particular site and does not protect existing nonconformities other than intensity, density and type of use. Furthermore, it does not state

or otherwise provide that a development may be reestablished or substantially improved without coming into compliance with the current comprehensive plan policies, land development regulations and/or building codes.

As the site was lawfully developed prior to adoption of the current regulations, it would be difficult to bring the site into full compliance the land development regulations, especially those relating to bulk regulations and off-street parking, in the event of reestablishment or substantially improvement. Staff requests that the site come into compliance to the greatest extent practical with all applicable comprehensive plan policies, Key Largo Livable CommuniKeys policies and land development regulations as improvements are carried out.

7. Building permits are required for interior renovations to the commercial building, site work and new signage. As both the proposed veterinary clinic/animal hospital and existing dance school/martial arts center are commercial retail uses, Staff shall consider the occupation of the first floor by the veterinary clinic/animal hospital a change in business, not a change in use. Changes in businesses do not require a building permit or other approval from the Growth Management Division. However, as stated a previously, a traffic impact report must be submitted to provided the existing and proposed intensity to determine if the change in business would result in a higher intensity. Increasing changes in intensity do require building permit approval (however, in this case a building permit to increase intensity would be denied per Policy 101.4.3).
8. It has been determined that the commercial retail use and the existing building's floor area were lawfully-established and therefore the use and existing floor area are lawfully nonconforming. However, expansion of the existing commercial retail use is prohibited unless the subject property's land use district designation and FLUM category are amended to designations that allow commercial retail uses of this size and intensity or the text relating to the permitted uses in the IS district and RM FLUM category amended.
9. According to the proposed site plan, the proposed fenced area would be an unenclosed area located behind the existing building in the northeastern corner of the subject property. This secured space would serve as a supervised area for exercising animals. This type of structure is considered an accessory structure and not a component of the principal structure. As defined in MCC §101-1, accessory means a use or structure that is subordinate to and serves a principal use or structure; is subordinate in area, extent and purpose to the principal use or structure served; contributes to the comfort, convenience or necessity of occupants of the principal use or structure served; and is located on the same lot or on contiguous lots under the same ownership and in the same land use district as the principal use or structure. Accessory structures are permitted as-of-right in the IS district. Therefore, a fence may be constructed and would not constitute an expansion of the nonconforming use.
10. The Non-Residential Rate of Growth Ordinance (NROGO) shall not apply to the redevelopment, rehabilitation or replacement of any lawfully-established, nonresidential floor area which does not increase the amount of non-residential floor area greater than that

which existed on the site prior to the redevelopment, rehabilitation or replacement. Therefore, owners of land containing non-residential floor area shall be entitled to one square foot for each such square foot lawfully-established. Administrative Interpretation 03-108 provides the criteria to be used by Staff to determine whether or not non-residential floor area was lawfully-established.

Non-residential floor area is the sum of the gross floor area for a non-residential building or structure as defined in MCC §101-1, any areas used for the provision of food and beverage services and seating whether covered or uncovered, and all covered, unenclosed areas.

Following a review of the building permits on file, as well as the documentation within the applications, Staff has determined that all of the non-residential floor area within the existing 3,695 ft<sup>2</sup> building was lawfully-established. The accumulation of all the floor area approved in Permits 27471 (774 ft<sup>2</sup>), C2714 (976 ft<sup>2</sup>), C7436 (unknown), C16923 (1,000 ft<sup>2</sup>) and C19066 (1,000 ft<sup>2</sup>) is 3,750 ft<sup>2</sup>. However, as the plans for new floor area did not show existing portions of the building in some of the permit applications, Staff could not determine if there was some overlap. Therefore, unless scaled floor plans are submitted, drawn by a licensed architect or engineer, showing 3,750 ft<sup>2</sup> or a higher figure, Staff is utilizing the lesser figure of 3,695 ft<sup>2</sup> provided by the Monroe County Property Appraiser. If the Applicant submits floor plans, Staff will have to compare such plans to the plans in the building permit files to ensure their accuracy.

11. In the IS district, there is a required open space ratio of 0.20. Therefore, at least 20 percent of the site must remain open space.
12. In the IS District, the required non-shoreline setbacks for commercial uses are as follows: Front yard – 25'; Rear yard – 20'; and Side yard – 10'/15' (where 10' is required for one side and 15' is the minimum combined total of both sides).

The property is a triple frontage, corner lot. The site has front yard requirements of 25' along the right-of-way of US 1 to the northwest, Almay Street to the northeast and Grand Street to the southwest. In addition, there is a side yard setback of 10' along the property line to the southeast.

According to the existing site plan, the existing building is partially located 2' into the required 25' setback along Almay Street. As the building was legally established, it is considered a lawfully nonconforming structure. In addition, a concrete walkway and off-street parking is located within the required 25' setbacks along US 1, Almay Street and Grand Street. As these structures were legally established, they are considered lawfully nonconforming structures.

The change in business would not affect the building's existing footprint. However, the modified off-street parking area and new loading zone would be located in the front yard setbacks along all three rights-of-way. The new dumpster would be located in the front yard setback along Grand Street and side yard setback.

At the pre-application conference, Staff informed the Applicant that the proposed modifications to the parking area may require a variance to the setbacks requirements as aerial photography suggested that parking had never existed in the front yard setback along US 1. However, following the conference, Staff reviewed the approved site plans on file. The most recent approved site plan, filed with Permit C16923, shows the parking area 6' from the property line adjacent to US 1, 6' from the property line adjacent to Grand Street and 3' from the property line adjacent to Almay Street. The revised, proposed site plan shows a reconfigured parking area that is 5' from the property line adjacent to US 1, 8' from the property line adjacent to Grand Street and 5' from the property line adjacent to Almay Street.

Staff supports the new reconfigured parking area as it would bring the nonconforming parking area into compliance with several parking lot requirements such as clear site triangles, proper aisle widths, correct parking space dimensions and better access and handicap accessibility, as well as provide a compliant loading zone. If a 6' setback can be provided along US 1, Staff shall not require a setback variance for the parking area improvements. If only 5' can be provided, a setback variance would be required as the nonconformity would be expanded; however in our recommendation on such a variance application to the planning commission, Staff shall strongly consider the fact that the site will be brought into compliance with several access and parking related regulations by approving the setback variance.

The C16923 site plan does not show the location of a dumpster. Therefore, the proposed dumpster must be relocated to an area outside of the required setbacks, unless a setback variance is granted.

13. A stormwater management plan shall be required as a part of any application for the proposed off-street parking areas. This plan shall detail pre and post development water flow and storage on site with supporting calculations.
14. The development is subject to the following off-street parking requirements:

<i>Specific Use</i>	<i>Multiplier</i>	<i>Proposed</i>	<i>Required Spaces</i>
Commercial Retail	3 spaces / 1,000 ft <sup>2</sup>	3,695 ft <sup>2</sup>	11 spaces

The redevelopment requires 11 off-street parking spaces. The proposed site plan shows 12 spaces. As only 11 spaces are required, Staff requests that the Applicant remove the "end" parallel space adjacent to the US 1 property line near Almay Street as this unnecessary space may interfere with access to and from the site. Further, the removal of this space and its replacement with landscaping would bring the site further into compliance with the setback requirements (as outlined previously) and bufferyard requirements (to be outlined later).

All regular parking spaces, with the exception of parallel, must be at least 8.5 feet in width by 18 feet in length and all handicap-accessible parking spaces must be at least 12 feet in width with an access aisle of 5 feet in width. Parallel spaces must be 8.5 feet in width by 25 feet in length.

If there are 1 to 25 total parking spaces in a lot, one (1) accessible parking space, 12 feet in width, is required. Such a space shall be designed and marked for the exclusive use of those individuals who have been issued either a disabled parking permit or license plate. In addition, a 5-foot parking access aisle must be part of an accessible route to the building entrance. The access aisle shall be striped diagonally to designate it as a no-parking zone. Curb ramps must be located outside of the disabled parking spaces and access aisles.

15. All nonresidential uses with 2,500 ft<sup>2</sup> to 49,999 ft<sup>2</sup> of floor area are required to have one (1) loading and unloading space, measuring 11 feet by 55 feet. Loading/unloading spaces shall be located entirely on the same lot as the principal use they serve. These spaces shall not be located on any public right-of-way, parking spaces or parking aisle and shall be as close to the building served as possible.

The Applicant inquired about whether or not the required loading/unloading space length requirement could be reduced from 55' to 45' as the veterinary clinic/animal hospital and dance school/marital arts center do not require any deliveries to be made by a semi-tractor trailer or other large vehicle. There is currently no approved loading/unloading space on the site at all. Further, the existing vehicle maneuverability guidelines could only allow a 55' loading/unloading space, with proper room to reverse, at the expense of further encroachment into the required setback(s) and/or reduced of parking. Therefore, Staff shall allow the reduction as the introduction of an 11' by 45' loading/unloading space would be bring the site into compliance to the greatest extent practical.

16. Since the parking area shall be required to contain six or more parking spaces and is within a IS District, a class "A" landscaping standard will be required. This standard is explained, with accompanying graphics, in MCC §114-100. Although there is vegetation on the site, there appears to not be any parking lot landscaping. Further, the modification of the parking area will result in the removal of existing vegetation. Staff requests that the Applicant bring the site into compliance with this regulation to the greatest extent practical.
17. No structure or land which abuts US 1 shall be developed, used or occupied unless a scenic corridor or bufferyard is provided. In the IS District, the required major street bufferyard is a class "D" bufferyard. The minimum class "D" bufferyard is 20' in width. Widths of 25', 30' and 35' are also optional with reduced planting requirements.

The site is nonconforming to both the minimum width and planting requirements. As previously stated, if a 6' setback can be provided along US 1, a setback variance shall not be required and if only 5' can be provided, a setback variance would be required. In either event, Staff requests that the Applicant bring the site into compliance with this regulation to the greatest extent practical. However, if a setback variance is requested, the Applicant

shall also have to request a variance to the bufferyard requirements (as the nonconformity relating to bufferyard minimum width would be expanded). As a note, the two types of variance requests may be filed on the same application as they are related.

18. Mitigation will be required for qualifying native vegetation removed for development. The number, species and sizes of plants to be mitigated shall be identified in an existing conditions report prepared and submitted by the applicant and approved by the county biologist.
19. There are existing access drives into the site from Almay and Grand Street. The existing drives may be nonconforming to clear site triangles for vehicles entering the side roads from US 1 and distance requirements for access drives from US 1. However, Staff supports the modification to the access points as shown on the proposed site plan as the one-way traffic pattern through the site would result in safer vehicle maneuverability. However, Staff requests that upon implementation of the proposed site plan, signage be installed that clearly directs motorists entering and exiting site.

#### **V. OTHER ISSUES CONCERNING THE PROPOSAL**

1. The Applicant inquired about the possibility of amending the land use district and FLUM designations of the subject property from IS and RM, respectively, to designations that would permit the existing use and thereby render it conforming.

As set forth in the Land Development Code, the purpose of an amendment is not intended to relieve particular hardships, nor to confer special privileges or rights on any person, nor to permit a change in community character, as analyzed in the Monroe County Year 2010 Comprehensive Plan, but only to make necessary adjustments in light of changed conditions. Amendments may be proposed by a person having a contractual interest in property to be affected by a proposed amendment. The Director of Planning shall review and process amendment applications as they are received and pass them on to the Development Review Committee and the Planning Commission for recommendation and final approval by the BOCC.

The BOCC may consider the adoption of an ordinance enacting the proposed change based on one (1) or more of the following factors: (i) Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based; (ii) Changed assumptions (e.g., regarding demographic trends); (iii) Data errors, including errors in mapping, vegetative types and natural features described in the comprehensive plan; (iv) New issues; (v) Recognition of a need for additional detail or comprehensiveness; or (vi) Data updates. However, in no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located.

In an analysis of community needs, the Key Largo Livable CommuniKeys Plan states: "existing uses on parcels that were previously down-zoned are generally non-conforming.

It is appropriate to re-evaluate these parcels and uses on a case-by-case basis and restore the commercial status where appropriate". This analysis is substantiated by Action Item 1.3.2 which directs Staff to "revise the FLUM and Land Use District maps to resolve conflicts and inconsistencies the planning area where appropriate."

However, it should be noted that this language does not guarantee that any map amendments shall be granted as each application must be reviewed on a case-by-case basis and the BOCC makes the final decision on the matter. Further, although Staff discussed the amendment process with the Applicant at the conference, the Department of Planning & Environmental Resources will not provide any recommendation of approval or denial until an application for an amendment is submitted and reviewed by Staff.

2. The Applicant inquired about whether or not the site plan would be in compliance with regulations relating to the Suburban Commercial (SC) district. As the site is designated IS at this time, it would be inappropriate for Staff to comment on whether or not the site would be in compliance with the regulations pertaining to other land use districts. Such comments could be deemed to be an endorsement of a map amendment.
3. The Applicant inquired about ground-mounted and wall-mounted signage. Specifically, the Applicant inquired whether or not a variance would be required to advertise the veterinary clinic/animal hospital.

In the IS district, a nonresidential developed parcel of land shall be allowed one ground-mounted sign, but limited to 32 ft<sup>2</sup> in area per face and eight feet in height. In addition, ground-mounted signage is required to be located at least 5' from any property line. Wall-mounted signage is also permitted, but shall be limited to a total of 32 ft<sup>2</sup>. Staff has determined that a variance to the sign regulations shall only be required if the Applicant requests signage of greater square footage than that allowed or a deviation from the height, setback or other construction requirements.

The Applicant inquired whether or not variances could be granted administratively. There are no administrative variances to the sign regulations. All applications are decided upon by the Planning Commission at a public hearing. The Applicant also inquired about whether or not Staff would recommend approval of such an application. Although Staff discussed the variance process with the Applicant at the conference, the Department of Planning & Environmental Resources will not provide any recommendation of approval or denial until an application for a variance is submitted and reviewed by Staff.

The Applicant inquired about whether or not his facility would qualify for the additional signage permitted for "Hospitals or other emergency facilities" in MCC §142-4(1)(c). In addition to any other signage allowed under the Land Development Code, hospitals or other emergency medical facilities, excluding individual medical offices, shall be allowed one additional illuminated ground- or wall-mounted sign not to exceed 32 ft<sup>2</sup> per face to identify each emergency entrance. Although considered a commercial retail use, the veterinary clinic/animal hospital would qualify and serve as emergency facility. As there is one-way

traffic through the site, Staff shall allow one additional illuminated ground or wall-mounted sign not to exceed 32 ft<sup>2</sup> per face to identify the emergency entrance. Although there are two drives, it is only necessary to designate one drive as an emergency entrance.

The Applicant also inquired about whether or not his facility would qualify for the additional signage permitted in MCC §142-4(3)(a)(5) which states that a school, church, day-care center or other similar use shall be allowed to add an additional 64 ft<sup>2</sup> or 32 ft<sup>2</sup> per face of signage to the ground-mounted or wall-mounted sign for the exclusive use of a changeable copy sign. Although named a dance school, the dance school is a commercial retail use and not a school use as defined in the Monroe County Code. Therefore, this additional signage is not permitted.

The Applicant inquired as to which of the building's frontages is considered the front. The US 1 frontage would be considered the front.

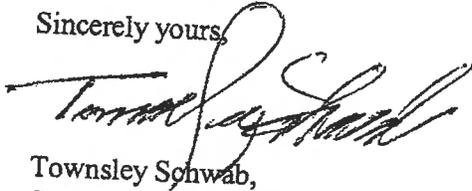
4. The proposed veterinary clinic/animal hospital would introduce animals to the site which could result in more noise than the existing businesses. Although increase noise is not prohibited, in respect to the residential neighboring properties, noise should be mitigated and the noise ordinance must be observed. The Applicant submitted a noise abatement strategy that should mitigate noise acceptably. Further, although not required, Staff suggests that the Applicant install buffering vegetation in the setback between the existing building and the neighboring residential properties.
5. Prior to the issuance of any building permit, proposed development shall be found in compliance by the Monroe County Building Department, the Monroe County Public Works Division and the Monroe County Office of the Fire Marshal. Staff recommends that the Applicant coordinate with these offices prior to application submittal.
6. All development shall be required to meet all standards and construction requirements of the Americans with Disabilities Act (ADA). The site must be brought into compliance with ADA parking and building access requirements upon approval of a new site plan.

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Year 2010 Comprehensive Plan are amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal 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.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Townsley Schwab". The signature is written in a cursive, flowing style with a large initial "T".

Townsley Schwab,  
Senior Director Planning & Environmental Resources

**Karl D. Borglum**  
**Property Appraiser**  
**Monroe County, Florida**

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

**Property Record Card -  
Map portion under construction.**

**Alternate Key: 1638994 Parcel ID: 00519750-000000**

**Ownership Details**

**Mailing Address:**

RENAISSANCE FARMS OF THE KEYS LLC  
PO BOX 491  
ISLAMORADA, FL 33036-0491

**Property Details**

**PC Code:** 17 - OFFICE BUILDINGS 1 STORY

**Millage Group:** 500K

**Affordable Housing:** No

**Section-Township-** 05-62-39

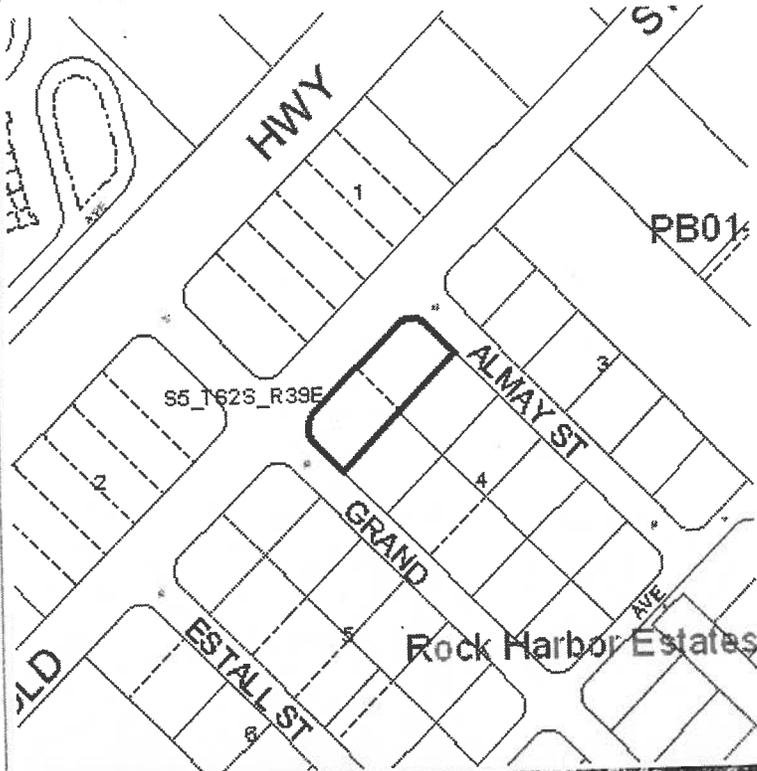
**Range:**

**Property Location:** 98175 OVERSEAS HWY KEY LARGO

**Subdivision:** ROCK HARBOR ESTATE

**Legal** BK 4 LT 1 AND 12 ROCK HARBOR EST PB3-187 KEY LARGO OR247-140/141 OR509-120 OR617-671 OR653-288

**Description:** OR671-672 OR679-521 OR838-608 OR931-89 OR947-2329/AFF OR2472-1206 OR2478-1622



Show Parcel Map that can launch map - Must have Adobe Flash Player 10.3 or higher

**Land Details**

Land Use Code	Frontage	Depth	Land Area
100H - COMMERCIAL HIGHWAY	190	71	13,490.00 SF

**Building Summary**

Number of Buildings: 1  
 Number of Commercial Buildings: 1

3	FLA	1	1986	1,795
4	OUF	1	1986	18

**Interior Finish:**

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	14215	1 STY STORE-D	100	N	Y
	14217	1 STY STORE-D	100	N	Y

**Exterior Wall:**

Interior Finish Nbr	Type	Area %
4913	C.B.S.	100

**Misc Improvement Details**

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
0	CL2:CH LINK FENCE	252 SF	42	6	2010	2011	1	30
0	AC2:WALL AIR COND	5 UT	0	0	2000	2007	2	20
0	WD2:WOOD DECK	448 SF	16	28	2000	2007	2	40
1	PT3:PATIO	280 SF	0	0	1975	1976	2	50
2	UB2:UTILITY BLDG	96 SF	8	12	1975	1976	3	50
3	CL2:CH LINK FENCE	1,350 SF	225	6	2001	2002	2	30

**Appraiser Notes**

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**Building Permits**

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
10303435	06/25/2010	10/25/2010	1		A/C REPLACEMENT
10303851	08/03/2010	12/30/2010	1		INTERIOR DEMOLITION
10303534	07/13/2010	12/30/2010	1		WINDOWS AND DOORS/REPAIR SPALLING
10304992	09/27/2010	12/30/2010	1		CHAIN LINK FENCE
11305688	12/19/2011		1		INT/EXT. REMODEL/REPAIR

**Parcel Value History**

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll	Total Bldg	Total Misc	Total Land	Total Just	Total	School Exempt	School Taxable
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Year	Value	Improvement Value	Value	(Market) Value	Assessed Value	Value	Value
2011	235,424	9,613	175,370	533,969	533,969	0	533,969
2010	254,448	9,553	269,800	599,721	599,721	0	599,721
2009	266,760	9,902	296,780	712,799	712,799	0	712,799
2008	266,760	10,283	377,720	756,414	756,414	0	756,414
2007	181,975	10,373	161,880	354,228	354,228	0	354,228
2006	193,916	3,777	134,900	332,593	332,593	0	332,593
2005	198,478	3,931	70,823	273,232	273,232	0	273,232
2004	198,474	4,086	70,823	273,383	273,383	0	273,383
2003	198,474	4,265	70,823	273,562	273,562	0	273,562
2002	198,474	4,418	70,823	273,715	273,715	0	273,715
2001	183,009	1,888	60,706	245,603	245,603	0	245,603
2000	183,009	963	60,706	244,678	244,678	0	244,678
1999	183,009	1,000	60,706	244,715	244,715	0	244,715
1998	156,237	1,037	60,706	217,980	217,980	0	217,980
1997	156,237	1,074	60,706	218,017	218,017	0	218,017
1996	142,033	1,111	60,706	203,850	203,850	0	203,850
1995	142,033	1,148	60,706	203,887	203,887	0	203,887
1994	130,197	0	26,980	157,177	157,177	0	157,177
1993	130,197	0	26,980	157,177	157,177	0	157,177
1992	130,197	0	26,980	157,177	157,177	0	157,177
1991	130,197	0	26,980	157,177	157,177	0	157,177
1990	130,197	0	26,980	157,177	157,177	0	157,177
1989	130,197	0	13,490	143,687	143,687	0	143,687
1988	120,139	0	13,490	133,629	133,629	0	133,629
1987	117,590	0	13,490	131,080	131,080	0	131,080
1986	97,607	0	13,490	111,097	111,097	0	111,097
1985	52,510	0	12,950	65,460	65,460	0	65,460
1984	51,285	0	12,950	64,235	64,235	0	64,235
1983	51,285	0	7,508	58,793	58,793	0	58,793
1982	43,661	0	7,508	51,169	51,169	0	51,169

## 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
8/5/2010	2478 / 1622	100	WD	11
6/10/2010	2472 / 1206	480,000	WD	31

2/1/1976

679 / 521

36,000

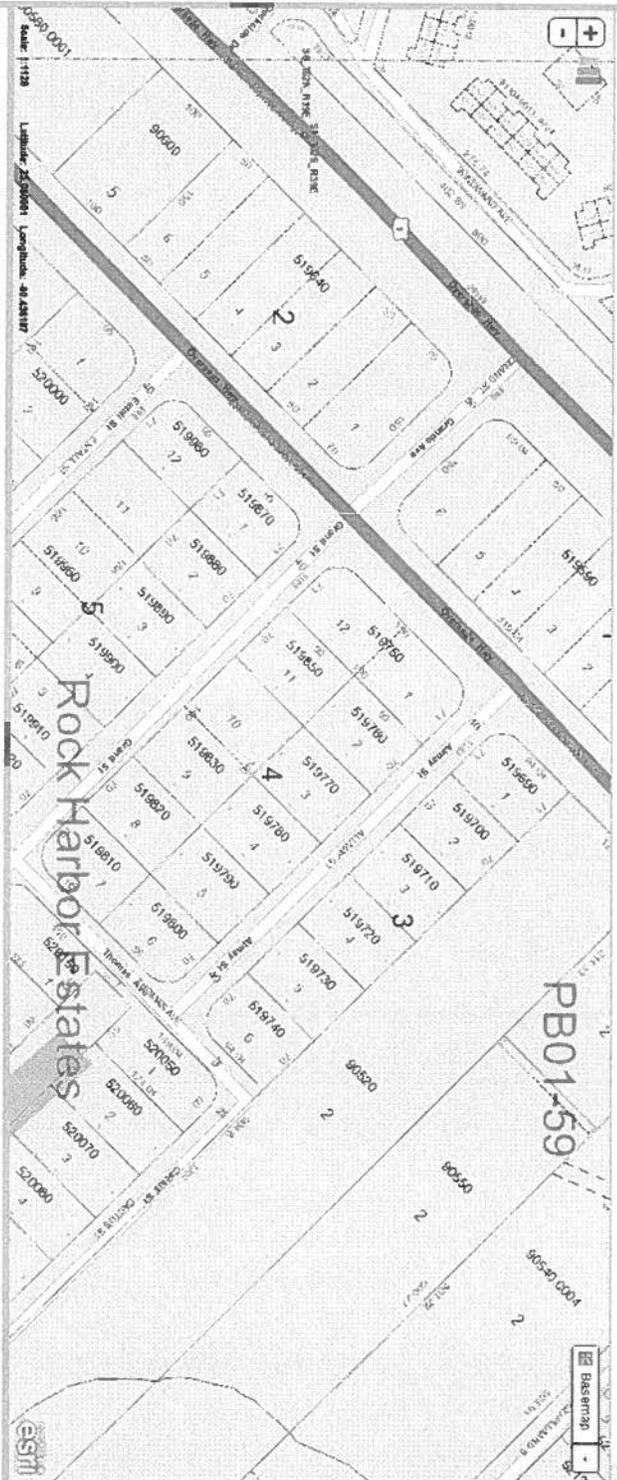
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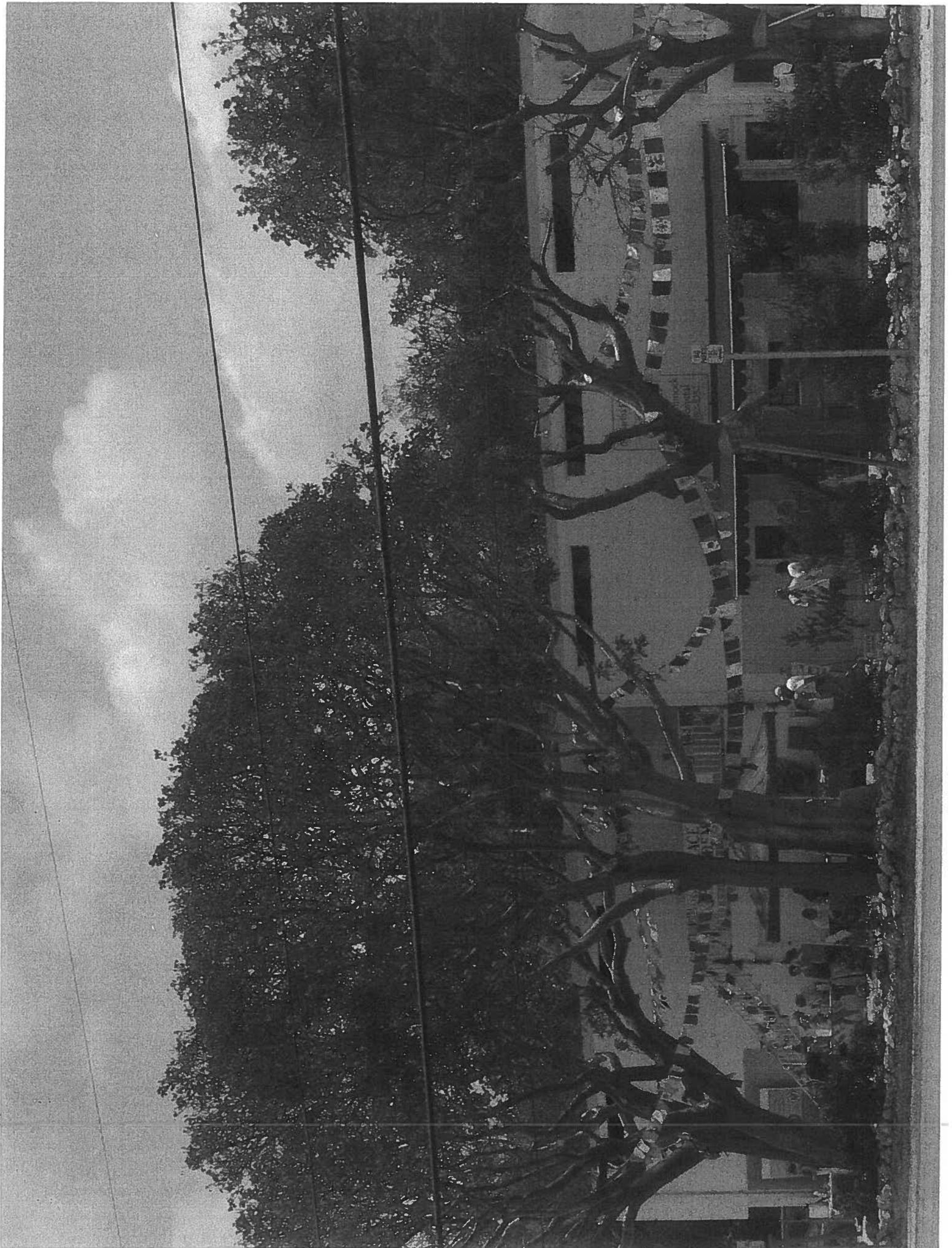
This page has been visited 88,834 times.

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

- Expand All
- MCPA GIS Public Portal
- Monroe Overlay
- Subdivisions
- Section Lines
- Parcels
- Shoreline
- Lot Lines
- Hooks Leads
- Essements
- Text Displays
- Condo Sales
- Sales
- Transportation



No search results



WARRANTY DEED

THIS INDENTURE, Made this 5<sup>th</sup> day of August, 2010, between EXCHANGE #506, LLC, a Idaho Limited Liability Co. whose address is: 580 Jensen Grove Dr., P.O. Box 339, Blackfoot, ID 83221 party of the first part, and RENAISSANCE FARMS OF THE KEYS, LLC, a Florida Limited Liability Co. Whose address is: P.O. Box 491, Islamorada, FL 33036 party of the second part,

WITNESSETH, that the said party/parties of the first part, for and in consideration of the sum of Ten and No/100ths Dollars and other good and valuable consideration, to him/her/them in hand paid by the said party/parties of the second part, the receipt of which is hereby acknowledged, has granted, bargained, and sold to the said party/parties of the second part, his/her/their heirs and assigns forever, the following described land, situate and being in the County of Monroe, State of Florida, to-wit:

Lots 1 and 12, Block 4, ROCK HARBOR ESTATES, according to the Plat thereof as recorded in Plat Book 3, Page 187 of the Public Records of Monroe County, Florida,

PURSUANT TO DOR 12B-4.014(5) THIS IS AN AGENT TO PRINCIPLE TRANSFER AND DEED RECORDING STATE/TAX STAMPS FEES HAVE BEEN PAID.

Subject to conditions, restrictions and reservations of record, zoning ordinances, easements for the public utilities, if any, taxes for the current and subsequent years.

Assessment # 00519750-000000 Alternate Key #1638994

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his/her/their hands and seals the day and year first written above.

Signed, sealed and delivered in the presence of:

Sandy Nelson  
Print Name: Sandy Nelson  
Witness as to all

Curtis S. Chambers  
Print Name: CURTIS S. CHAMBERS  
Witness as to all

EXCHANGE SERVICES, INC., a Idaho Corporation, Member of EXCHANGE #506, LLC, a Idaho Limited Liability Co.

BY: Amanda Schmidt  
AMANDA SCHMIDT, Assistant Vice President

(corporate seal)

STATE OF IDAHO  
COUNTY OF Bingham

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of August, 2010, by AMANDA SCHMIDT the Assistant Vice President of EXCHANGE SERVICES, INC., a Idaho Corp, as member of EXCHANGE #506, LLC, a Idaho Limited Liability Co. who is personally known to me or who has produced a Montana Drivers License as identification.

Witness my hand and official seal in the County and State last aforesaid this 5<sup>th</sup> day of August, 2010.



Shauna Rommel  
NOTARY PUBLIC  
Comm Expires: 06/04/2010

THIS INSTRUMENT PREPARED BY:  
DEBI WACHENDORFER  
FLORIDA TITLE OF THE KEYS  
A division of Island Acquisition Title Co.  
85960 OVERSEAS HWY., Ste 1  
P.O. BOX 535  
ISLAMORADA, FL 33036  
10-IS-21/DW

MONROE COUNTY  
OFFICIAL RECORDS

A WEEKEND AT BERNI'S INC  
100 SAN MARCO DR  
ISLAMORADA, FL 33036

BARRERO ROLANDO TRUSTEE  
PO BOX 440632  
MIAMI, FL 33144

DIAZ JULIAN K AND MIRIAM C  
4254 SW 163RD PATH  
MIAMI, FL 331285

HUNTER PAUL J & PATTERSON LESLIE  
M R/S  
1307 ALMAY STREET  
KEY LARGO, FL 33037

HUNTER PAUL J  
1307 ALMAY STREET  
KEY LARGO, FL 33037, FL 33037

JOINER MELANIE C AND JEFFRY  
1308 ALMAY ST  
KEY LARGO, FL 33037

STUMPO MARK R SR AND LAURIE J  
11980 SW 3RD ST  
PLANTATION, FL 33325

STUMPO MARK R SR AND LAURIE J  
11980 SW 3RD ST  
PLANTATION, FL 33325

WALL RANDOLPH D & NANCY N  
1208 CACTUS STREET  
KEY LARGO, FL 33037

GILLMOR RICHARD & JUDY  
744 KROEGEL AVE  
SEBASTIAN, FL 33037

HARLING DONN N AND SHER A  
136 OCEAN SHORES DR  
KEY LARGO, FL 33037

SMENDA JOANN  
1109 GRAND ST  
KEY LARGO, FL 33037

WILE MARK AND PATRICIA J  
1106 GRAND ST  
KEY LARGO, FL 33037

KIRCHNER TIMOTHY JAMES  
1104 GRAND ST  
KEY LARGO, FL 33037

WALLIS GEORGE AND CAROLYN  
198 DOVE LAKE DR  
TAVERNIER, FL 33070

WALLIS GEORGE AND CAROLYN  
198 DOVE LAKE DR  
TAVERNIER, FL 33070

MUGUERCIA LUIS M  
PO BOX 226932  
MIAMI, FL 33222

STEPHENS CRAIG KENDAL  
905 ESTALL ST  
KEY LARGO, FL 33037

BOATS DIRECT LLC  
98150 OVERSEAS HWY  
KEY LARGO, FL 33037

KEY LARGO SERVICE STATION LLC  
9701 NW 89TH AVE  
MEDLEY, FL 33178-1435, FL 33178

BARRY DANIEL O JR AND ARCHER A  
PO BOX 18769  
WEST PALM BEACH, FL 33416

781 13 05H

LIST of  
Surrounding  
Property owners  
(300')

Parcel ID 519690  
Name A WEEKEND AT BERNI'S INC  
Street Address 100 SAN MARCO DR  
City, State, Zip ISLAMORADA, FL 33036

Parcel ID 90520  
Name BARRERO ROLANDO TRUSTEE  
Street Address PO BOX 440632  
City, State, Zip MIAMI, FL 33144

Parcel ID 519700  
Name DIAZ JULIAN K AND MIRIAM C  
Street Address 4254 SW 163RD PATH  
City, State, Zip MIAMI, FL 33185-5332

Parcel ID 519710  
Name HUNTER PAUL J & PATTERSON LESLIE M R/S  
Street Address 1307 ALMAY STREET  
City, State, Zip KEY LARGO, FL 33037

Parcel ID 519720  
Name HUNTER PAUL J  
Street Address 1307 ALMAY STREET  
City, State, Zip KEY LARGO, FL 33037

Parcel ID 519790  
Name JOINER MELANIE C AND JEFFRY  
Street Address 1308 ALMAY ST  
City, State, Zip KEY LARGO, FL 33037-4102

Parcel ID 519780  
Name STUMPO MARK R SR AND LAURIE J  
Street Address 11980 SW 3RD ST  
City, State, Zip PLANTATION, FL 33325-2825

Parcel ID 519770  
Name STUMPO MARK R SR AND LAURIE J  
Street Address 11980 SW 3RD ST  
City, State, Zip PLANTATION, FL 33325-2825

Parcel ID 519760  
Name WALL RANDOLPH D & NANCY N  
Street Address 1208 CACTUS STREET  
City, State, Zip KEY LARGO, FL 33037

---

Parcel ID 519850  
Name GILLMOR RICHARD & JUDY

Street Address City, State, Zip	744 KROEGEL AVE SEBASTIAN, FL 32958
Parcel ID Name Street Address City, State, Zip	519830 HARLING DONN N AND SHER A 136 OCEAN SHORES DR KEY LARGO, FL 33037
Parcel ID Name Street Address City, State, Zip	519820 SMENDA JOANN 1109 GRAND ST KEY LARGO, FL 33037
Parcel ID Name Street Address City, State, Zip	519900 WILE MARK AND PATRICIA J 1106 GRAND ST KEY LARGO, FL 33037
Parcel ID Name Street Address City, State, Zip	519890 KIRCHNER TIMOTHY JAMES 1104 GRAND ST KEY LARGO, FL 33037
Parcel ID Name Street Address City, State, Zip	519880 WALLIS GEORGE AND CAROLYN 198 DOVE LAKE DR TAVERNIER, FL 33070-2928
Parcel ID Name Street Address City, State, Zip	519870 WALLIS GEORGE AND CAROLYN 198 DOVE LAKE DR TAVERNIER, FL 33070-2928
Parcel ID Name Street Address City, State, Zip	519980 MUGUERCIA LUIS M PO BOX 226932 MIAMI, FL 33222-6932
Parcel ID Name Street Address City, State, Zip	519960 STEPHENS CRAIG KENDAL 905 ESTALL ST KEY LARGO, FL 33037-4118
Parcel ID Name Street Address City, State, Zip	519640 BOATS DIRECT LLC 98150 OVERSEAS HWY KEY LARGO, FL 33037-2356

Parcel ID

90530

Name

KEY LARGO SERVICE STATION LLC

Street Address

9701 NW 89TH AVE

City, State, Zip

MEDLEY, FL 33178-1435

Parcel ID

519590

Name

BARRY DANIEL O JR AND ARCHER A

Street Address

PO BOX 18769

City, State, Zip

WEST PALM BEACH, FL 33416-8769

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# LAWRENCE FRANK LAND SURVEYING, LLC

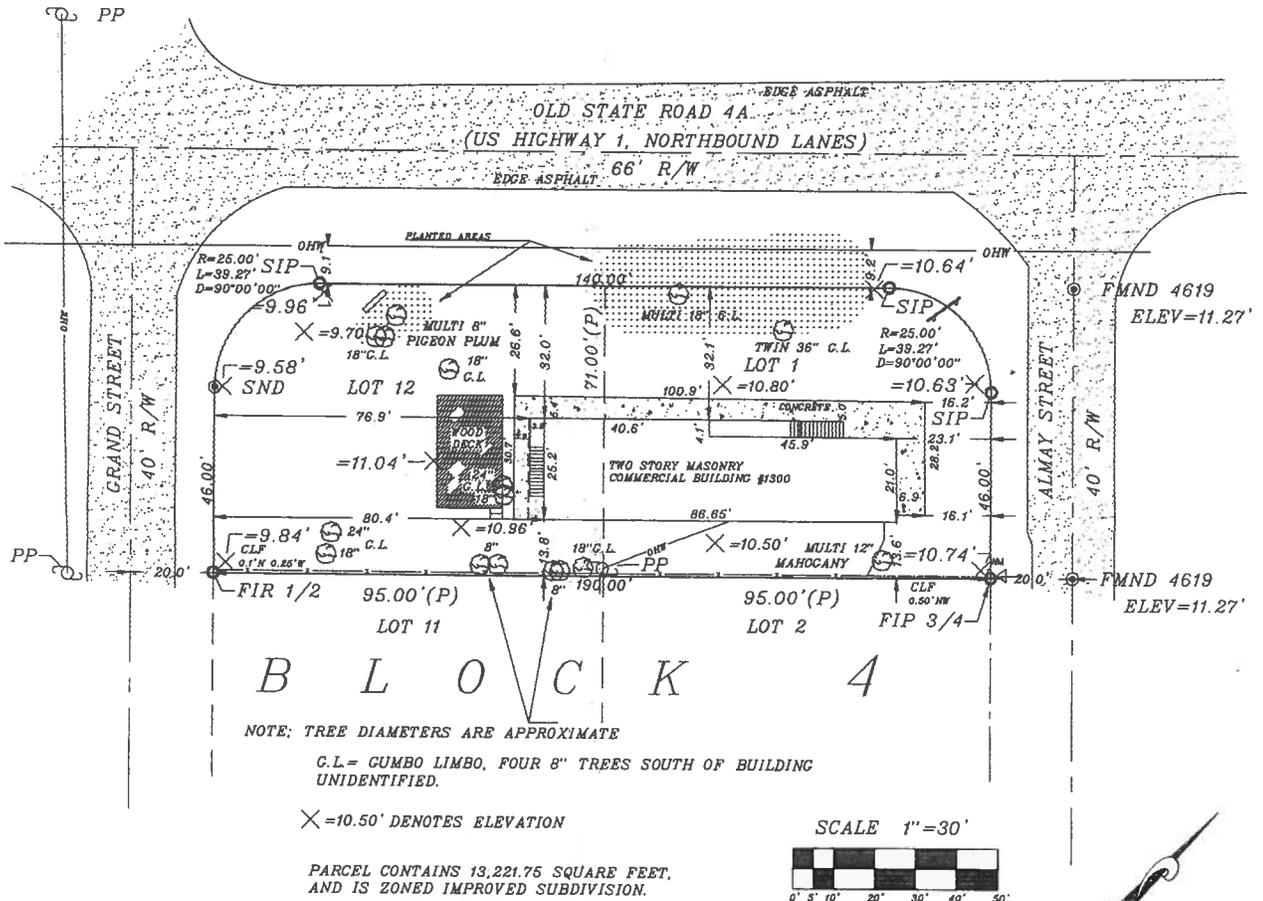
SURVEYORS • LAND PLANNERS  
 83266 OVERSEAS HIGHWAY, SUITE 300, ISLAMORADA, FLORIDA 33036  
 Phone (305) 664-0764 FAX (305) 664-0816  
 CERTIFICATE OF AUTHORIZATION NUMBER LB7698

RECEIVED  
 JUL 31 2012  
 2012-111  
 MONROE CO. PLANNING DEPT

CERTIFIED TO:  
 JOHN KOCOL

LEGAL DESCRIPTION:  
 LOTS 1 & 12, BLOCK 4, ROCK  
 HARBOR ESTATES, ACCORDING TO  
 THE PLAT THEREOF, AS RECORDED  
 IN PLAT BOOK 3, PAGE 187 OF THE  
 PUBLIC RECORDS OF MONROE  
 COUNTY, FLORIDA.

JOB No. K10036  
 SEC. 5, TWP. 62 S., RGE. 39 E.  
 MONROE COUNTY, FLORIDA



NOTE: TREE DIAMETERS ARE APPROXIMATE  
 C.L. = GUMBO LIMBO, FOUR 8" TREES SOUTH OF BUILDING  
 UNIDENTIFIED.

X = 10.50' DENOTES ELEVATION

PARCEL CONTAINS 13,221.75 SQUARE FEET,  
 AND IS ZONED IMPROVED SUBDIVISION.

SURVEYOR'S NOTES:

- 1.) ALL CORNERS FOUND HAVE NO NUMBER DESIGNATING PREVIOUS SURVEYOR OR COMPANY EXCEPT AS SHOWN.
- 2.) ALL BEARINGS AND DISTANCES ARE MEASURED PER PLAT UNLESS OTHERWISE NOTED.
- 3.) NO UNDERGROUND ENCROACHMENTS, FOUNDATIONS OR UTILITIES HAVE BEEN LOCATED OR SHOWN UNLESS OTHERWISE NOTED.
- 4.) NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN HEREON.
- 5.) ELEVATION DATUM: N.G.V.D. 1929, BENCHMARK: X-275  
 BASIS OF BEARINGS: PLAT ANGLES = 90°00'00", NORTH SCALED FROM PLAT.
- 6.) THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP, COMMUNITY No. 125129, PANEL No. 1004 K, EFFECTIVE DATE 2/18/05, AND THE HEREON DESCRIBED PROPERTY APPEARS TO BE IN ZONE AE, WITH A BASE ELEVATION OF 8' M.S.L.

THE SURVEY DEPICTED HERE IS NOT COVERED  
 BY PROFESSIONAL LIABILITY INSURANCE

ABBREVIATION LEGEND:

F.I.R. FOUND IRON ROO, SIZE INDICATED	SEC. SECTION
S.I.P. SET IRON PIPE, 1/2" P.L.S. #4619	TWP. TOWNSHIP
F.I.P. FOUND IRON PIPE, SIZE INDICATED	RGE. RANGE
F.N.O. FOUND NAIL AND DISK	(D) DEED
S.N.O. SET NAIL AND DISK, P.L.S. #4619	(P) PLAT
F.C.M. FOUND CONCRETE MONUMENT	(M) MEASURED
P.R.M. PERMANENT REFERENCE MONUMENT	(C) CALCULATED
P.C.P. PERMANENT CONTROL POINT	CONC. CONCRETE
P.I. POINT OF INTERSECTION	COV. COVERED
P.C. POINT OF CURVE	CLF. CHAIN LINK FENCE
P.O.B. POINT OF BEGINNING	OHW. OVERHEAD WIRE
R/W. RIGHT-OF-WAY	ELEV. ELEVATION
TYP. TYPICAL	WM. WATER METER
PP. POWER POLE	LP. LIGHT POLE

CERTIFIED FOR BOUNDARY SURVEY

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

*Lawrence P. Frank*  
 LAWRENCE P. FRANK, P.L.S. #4619

DATE: 03/01/10  
 REVISED: 06/08/12; LOT AREA AND LAND USE DISTRICT.  
 UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

# LAWRENCE FRANK, LAND SURVEYING, LLC

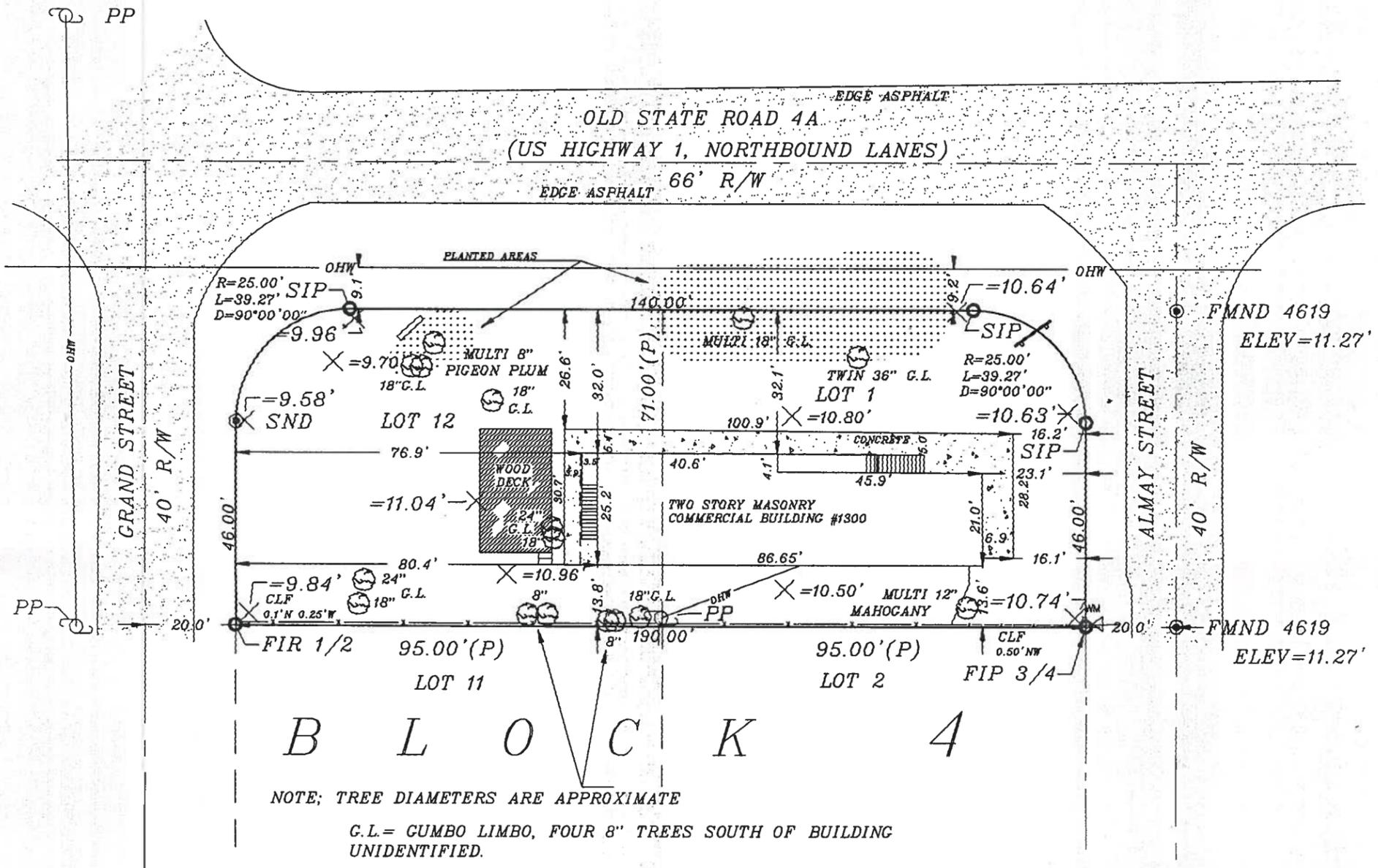
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X = 10.50' DENOTES ELEVATION

PARCEL CONTAINS 13,221.75 SQUARE FEET,  
 AND IS ZONED IMPROVED SUBDIVISION.

SCALE 1" = 30'



**SURVEYOR'S NOTES:**

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R/W RIGHT-OF-WAY	ELEV. ELEVATION
TYP. TYPICAL	WM WATER METER
PP POWER POLE	LP LIGHT POLE

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*Lawrence P. Frank*

LAWRENCE P. FRANK, P.L.S. #4619 DATE: 03/01/10  
 REVISED: 06/08/12; LOT AREA AND LAND USE DISTRICT.  
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**MEMORANDUM**  
**MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**  
*We strive to be caring, professional and fair*

**To:** Monroe County Development Review Committee

**Through:** Mayté Santamaria, Assistant Director, Planning and Environmental Resources Department

**From:** Mitchell N Harvey, AICP, Comprehensive Planning Manager

**Date:** October 23, 2012

**Subject:** A REQUEST BY RENAISSANCE FARMS OF THE FLORIDA KEYS LLC TO AMEND THE LAND USE DISTRICT MAP OF THE MONROE COUNTY LAND DEVELOPMENT CODE FROM IMPROVED SUBDISIVION (IS) TO SURBURBAN COMMERCIAL (SC) FOR PROPERTY LOCATED AT 98175 OVERSEAS HIGHWAY, KEY LARGO

---

**Meeting: October 30, 2012**

---

I REQUEST

The applicant is requesting to amend the Land Use District (LUD) designation for the existing commercial use from Improved Subdivision (IS) to Suburban Commercial (SC) for property located at 98175 Overseas Highway, Key Largo, having real estate number 00519750-000000.



Existing Conditions



Proposed Conditions

1    **II    BACKGROUND INFORMATION**

- 2
- 3       A.    Size of Site: 0.31 acres
- 4       B.    Land Use District: IS
- 5       C.    FLUM Designation: RM
- 6       D.    Tier Designation: III
- 7       E.    Flood Zone: AE (El 8)
- 8       F.    Existing Use: Commercial
- 9       G.    Existing Vegetation/Habitat: Developed land
- 10      H.    Community Character of Immediate Vicinity: Adjacent land use consists of IS
- 11      district uses.

12

13

14      **Location:** Key Largo, MM 98

15      **Address:** 98175 Overseas Highway, Key Largo, FL

16      **Legal Description:** Lots 1-2, Block 4, Rock Harbor Estates, PB2/P80 of the Public

17      Records of Monroe County, Florida

18      **Real Estate Number:** 00519750-000000

19      **Applicant:** Renaissance Farms of the Florida Keys LLC

20

21

22    **III   RELEVANT PRIOR COUNTY ACTIONS**

23

24      The property was within a RU-1 district (Single-Family Residential) and BU-2 district

25      (Medium Business) prior to 1986, when the property was re-designated IS (Improved

26      Subdivision). It is unknown as to precisely when the designation was amended from RU-1 to

27      BU-2; however, according to information within the building permit application, the property

28      was BU-2 when the building was converted to a dance studio in 1977. After 1986, all

29      subsequent permits indicate that the building was being utilized for commercial retail use.

30      Because the zoning district changed from BU-2 to IS, the existing commercial use became a

31      nonconforming use within an IS district.

32

33      The applicant presently owns a veterinary clinic/animal hospital business in an existing two

34      story masonry 3,695 square foot building located at 98175 Overseas Highway, Key Largo. The

35      subject property currently has a Future Land Use Map (FLUM) designation of Residential

36      Medium (RM) and a Land Use District designation of Improved Subdivision (IS). The current

37      regulations pertaining to permitted uses do not allow a 3,695 square foot commercial building.

38      However, as the building and commercial retail use were approved and permitted prior to

39      1986, the existing use is considered a lawful nonconforming use.

40

41      Monroe County Resolution No. 127-2012, approved on April 18, 2012, allows the applicant to

42      apply for a LUD and/or FLUM designations that would eliminate the nonconforming use

43      created with the adoption of the existing designations and not create an adverse effect on the

44      community. The property owner must provide satisfactory evidence that the existing use on the

45      site also existed lawfully in 1992 and was deemed nonconforming by final adoption of the

46      LUD map and/or the existing use on the site existing lawfully in 1997 and was deemed

47      nonconforming by final adoption of the FLUM to be exempt from the FLUM amendment

48      application fee.

1  
2 On June 1, 2012, Monroe County Planning staff prepared an addendum to a Letter of  
3 Understanding, issued on April 27, 2010, which determined that the existing use existed  
4 lawfully in 1992 and was deemed nonconforming by the final adoption of the LUD map. Staff  
5 has also determined that the existing use existed lawfully in 1997 and was deemed  
6 nonconforming by the final adoption of the FLUM. Staff concluded that he proposed FLUM  
7 category of MC and proposed LUD designations of MU or SC would eliminate the  
8 nonconformity of use.  
9

10 Comprehensive Plan Policy 101.20.1 states: *Monroe County shall develop a series of*  
11 *Community Master Plans*. These “CommuniKeys Plans” implement a vision that was  
12 developed by the local community. In 2006, the Monroe County Board of County  
13 Commissioners adopted Policy 101.20.2(5) which incorporated the Key Largo Livable  
14 CommuniKeys Plan into the Monroe County 2010 Comprehensive Plan. Action Item 1.3.2  
15 states: *Revise the FLUM and Land Use District Maps to resolve non-conformities in the*  
16 *planning area where appropriate*. The proposed FLUM and associated LUP amendment  
17 implements this Action Item of the adopted Key Largo CommuniKeys Plan.  
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1 IV REVIEW OF APPLICATION

2  
3 A. *DENSITY AND INTENSITY ANALYSIS*

4

Existing LUD	Type	Adopted Standards	Development potential based upon allocated density
<b>Improved Subdivision (IS)</b>  <b>Total site: 0.31 acres</b> <b>0.24 net acres</b> <b>2 lots</b>	Residential Allocated Density/Acre	1 du/lot	1 unit
	Residential Max Net/Buildable Acre	N/A	N/A
	Transient Allocated Density/Acre	0 rooms/spaces	0 rooms/spaces
	Transient Max Net/Buildable Acre	N/A	N/A
	Nonresidential Maximum Intensity	0 sf	0 sf
Proposed LUD	Type	Adopted Standards	Development potential based upon allocated density
<b>Suburban Commercial (SC)</b>  <b>Total site: 0.31 acres</b> <b>0.24 net acres</b> <b>2 lots</b>	Residential Allocated Density/Acre	3	0
	Residential Max Net/Buildable Acre	6	1
	Transient Allocated Density/Acre	10	3
	Transient Max Net/Buildable Acre	15	3
	Non Residential Low Intensity	0.35	4,726 sf
	Non Residential Medium Intensity	0.25	3,375 sf
Non Residential High Intensity	0.15	2,025 sf	

5  
6 **Net Change:** Residential (Allocated): -1 unit  
7 Residential (Max Net): +1 unit  
8 Transient (Allocated): +3 rooms/spaces\*  
9 Transient (Max Net): +3 rooms/spaces\*  
10 Non Residential: +4,726 square feet

11  
12  
13 The above table provides an approximation of the development potential for residential,  
14 transient and commercial development. Section 130-156 of the Land Development Code  
15 states: "The density and intensity provisions set out in this section are intended to be  
16 applied cumulatively so that no development shall exceed the total density limits of this

1 article. For example, if a development includes both residential and commercial  
2 development, the total gross amount of development shall not exceed the cumulated  
3 permitted intensity of the parcel proposed for development.”  
4

5 There are no existing residential uses within the subject property. Any new residential use  
6 must follow the Rate of Growth Ordinance (ROGO) permit process. An existing affordable  
7 residential use may also be transferred to the subject property from a sender site that is  
8 located within the Upper Keys subarea.  
9

10 \*Monroe County does not award ROGO allocations for the development of NEW transient  
11 residential units (e.g., hotel & motel rooms), pursuant to Policy 101.2.6. For the  
12 development of transient units in unincorporated Monroe County, existing transient units  
13 must be transferred from the same ROGO subarea to a parcel designated as Tier III or Tier  
14 III-A which does not propose the clearing of any portion of an upland native habitat patch  
15 of one acre or greater in area.  
16  
17

## 18 *B. EFFECTS ON PUBLIC FACILITIES*

### 19 Traffic Circulation (Comprehensive Plan Policy 301.1.1)

20 The subject property is located on the northbound side of U.S. 1 at MM 98 in Key Largo.  
21 The 2011 URS Arterial Travel Time and Delay Study for Monroe County indicated a Level  
22 of Service (LOS) of A within the road segment of MM 91.5 to MM 99.5. U.S 1 is required  
23 to maintain an LOS of “C” in order to support development.  
24  
25  
26

27 **The proposed LUD is not anticipated to adversely impact Traffic LOS.**

### 28 Potable Water (Comprehensive Plan Policy 701.1.1)

29 In March 2008, South Florida Water Management District (SFWMD) approved the  
30 FKAAs modification of WUP 13-00005-5-W for a 20-year allocation from the Biscayne  
31 and Floridian Aquifers. The WUP provides an annual allocation of 8,751 Million Gallons  
32 (MG) or 23.98 MGD and a maximum monthly allocation of 809 MG with a limited annual  
33 withdrawal from the Biscayne Aquifer of 6,492 MG or 17.79 MGD and an average dry  
34 season (December 1<sup>st</sup>-April 30<sup>th</sup>) of 17.0 MGD.  
35  
36  
37

38 The Residential LOS is 66.5 gallons/capita/day. The Non-Residential LOS is 0.35 gallons  
39 /sq.ft./day. The overall level of service for potable water is 132 gallons per capita/per/day.  
40

41 Maximum Residential: 1 DU X 2.24 (people per household) = 2; 2 X 66.5 gallons per  
42 capita per day = 133 gallons per day  
43

44 Maximum Non-Residential: 0.35 X 4,726 sq.ft. = 1,654 gallons per day  
45

46 TOTAL: 133 + 1654 = 1,787 gallons/day  
47

48 **The proposed LUD is not anticipated to adversely impact the potable water LOS.**

1  
2 Solid Waste (Comprehensive Plan Policy 801.1.1)  
3

4 Comprehensive Plan Policy 801.1.1 establishes the level of service for solid waste as 5.44  
5 pounds per capita per day or 12.2 pounds per day per equivalent residential unit (ERU) and  
6 establishes a haul out capacity of 95,000 tons per year or 42,668 ERUs. The Comprehensive  
7 plan requires sufficient capacity be available at a solid waste disposal site to accommodate all  
8 existing and approved development for a period of three years from the projected date of  
9 completion of the proposed development of use. Monroe County has a solid waste haul out  
10 contract with Waste Management LLC, which authorizes the use of in-state facilities  
11 through September 20, 2016, thereby providing the County with approximately four years  
12 of guaranteed capacity.  
13

14 Maximum Residential = 1 DU X 2.24 (people per household) = 2; 2 X 5.44 pounds per  
15 capita per day = 10 pounds per day  
16

17 **The proposed LUD is not anticipated to adversely impact the solid waste LOS.**  
18

19 Sanitary Sewer (Comprehensive Plan Policy 901.1.1)  
20

21 The subject property is presently connected to the Key Largo Wastewater Treatment  
22 District central sewer system. The level of service (LOS) for residential and nonresidential  
23 flow is 145 gallons per day per equivalent dwelling units (Exhibit 3-8 Sanitary Wastewater  
24 Master Plan 2000).  
25

26 Maximum Residential = 1 X 145 = 145 gallons per day  
27

28 **The proposed LUD is not anticipated to adversely impact the wastewater LOS.**  
29  
30

31 Drainage (Comprehensive Plan Policy 1001.1.1)  
32

33 All projects shall be designed so that the discharges will meet Florida State Water Quality Standards  
34 as set forth in Chapters 17-25 and 17-302, F.A.C, incorporated herein by reference. In addition, all  
35 projects shall include an additional 50% of the water quality treatment specified below, which shall be  
36 calculated by multiplying the volumes obtained in Section (a) by a factor of 1.5 , Retention/Detention  
37 Criteria (SFWMD Water Quality Criteria 3.2.2.2):  
38

- 39 a) Retention and/or detention in the overall system, including swales, lakes,  
40 canals, greenways, etc., shall be provided for one of the three following  
41 criteria or equivalent combinations thereof:  
42
- 43 (1) Wet detention volume shall be provided for the first inch of runoff  
44 from the developed project, or the total runoff of 2.5 inches times the  
45 percentage of imperviousness, whichever is greater.  
46
  - 47 (2) Dry detention volume shall be provided equal to 75 percent of the  
48 above amount computed for wet detention.

1  
2 (3) Retention volume shall be provided equal to 50 percent of the above  
3 amounts computed for wet detention.  
4

5 b) Infill residential development within improved residential areas or  
6 subdivisions existing prior to the adoption of this comprehensive plan must  
7 ensure that its post-development stormwater run-off will not contribute  
8 pollutants which will cause the runoff from the entire improved area or  
9 subdivision to degrade receiving water bodies and their water quality as  
10 stated above.  
11

12 c) New Development and Redevelopment projects which are exempt from the  
13 South Florida Water Management District permitting process shall also meet  
14 the requirements of Chapter 40-4 and 40E-40, F.A.C.  
15

16 **The proposed LUD is not anticipated to adversely impact the Stormwater LOS.**  
17

18 Recreation and Open Space (Comprehensive Plan Policy 1201.1.1)  
19

20 The County has adopted an overall level of service, pursuant to Comprehensive Plan Policy  
21 1201.1.1, for resourced-based and activity-based recreation and open space of 0.82 acres of  
22 per 1,000 persons (functional population). If development occurs at 1 residential dwelling  
23 units and 2.24 per capita, there would be an additional 2 people located on this property.  
24

25 **The proposed LUD is not anticipated to adversely impact Parks and Recreation/Open**  
26 **Space LOS.**  
27

28  
29 *C. CONSISTENCY OF THE PROPOSED AMENDMENT WITH THE PROVISIONS AND*  
30 *INTENT OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN*  
31

32 **The proposed amendment is generally consistent with the following Goals, Objectives**  
33 **and Policies of the Monroe County Year 2010 Comprehensive Plan. Specifically, it**  
34 **further:**  
35

36 **Goal 101:** Monroe County shall manage future growth to enhance the quality of life,  
37 ensure the safety of County residents and visitors, and protect valuable natural resources.  
38

39 **Policy 101.112:** Monroe County shall adopt level of service (LOS) standards for the following  
40 public facility types required by Chapter 9J-5, F.A.C: roads, sanitary sewer, solid waste, drainage,  
41 potable water, parks and recreation, and paratransit. The LOS standards are established in the  
42 following sections of the Comprehensive Plan:  
43

- 44 1. The LOS for roads is established in Traffic and Circulation Policy 301.1.1;
- 45 2. The LOS for potable water is established in Potable Water Policy 701.1.1;
- 46 3. The LOS for solid waste is established in Solid Waste Policy 801.1.1;
- 47
- 48

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4. The LOS for sanitary sewer is established in Sanitary Sewer Policy 901.1.1;
  5. The LOS for drainage is established in Drainage Policy 1001.1.1; and
  6. The LOS for parks and recreation is established in Recreation and Open Space Policy 1201.1.1

**Objective 101.4:** Monroe County shall regulate future development and redevelopment to maintain the character of the community and protect the natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map.

**Policy 101.4.5:** The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment.

**Objective 101.8:** Monroe County shall eliminate or reduce the frequency of uses which are inconsistent with the applicable provisions of the land development regulations and the Future Land Use Map, and structures which are inconsistent with applicable codes and land development regulations.

**Objective 101.11:** Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities.

**Objective 101.20:** Monroe County shall address local community needs while balancing the needs of all Monroe County communities. These efforts shall focus on the human crafted environment and shall be undertaken through the Livable CommuniKeys Planning Program.

**Policy 101.20.2:** The Community Master Plans shall be incorporated into the 2010 Comprehensive Plan as a part of the plan and be implemented as part of the Comprehensive Plan. The following Community Master Plans have been completed in accordance with the principles outlined in this section and adopted by the Board of County Commissioners:

5. The Key Largo Livable CommuniKeys Master Plan is incorporated by reference into the 2010 Comprehensive Plan. The term Strategies in the Master Plan is equivalent to the term Objectives in the Comprehensive Plan and the term Action Item is equivalent to the term Policy; the meanings and requirements for implementation are synonymous.

*D. CONSISTENCY WITH THE KEY LARGO LIVABLE COMMUNIKEYS PLAN*

**The proposed LUD is consistent with the following Key Largo Livable CommuniKeys Plan Action Item:**

1           **Action Item 1.3.2:** Revise the FLUM and Land Use District Maps to resolve  
2 nonconformities in the planning area where appropriate.  
3  
4

5 E. *CONSISTENCY OF THE PROPOSED AMENDMENT WITH THE PROVISIONS AND*  
6 *INTENT OF THE MONROE COUNTY CODE, LAND DEVELOPMENT CODE:*  
7

8           In accordance with MCC§ 102-158(d)(5), the BOCC may consider the adoption of an  
9 ordinance enacting the proposed change based on one or more of the following factors:  
10

11           1. *Changed projections (e.g., regarding public service needs) from those on which the text*  
12 *of boundary was based;*

13           NA  
14

15           2. *Changed assumptions (e.g., regarding demographic trends);*

16           NA  
17

18           3. *Data errors, including errors in mapping, vegetative types and natural features*  
19 *described in Volume I of the plan;*  
20

21           The subject property was constructed as a commercial use within a BU commercial zoning  
22 districted that was in effect at the time of construction. A nonconforming use was created  
23 with the adoptions of the FLUM and when the subject property was rezoned by the County  
24 from BU to IS. Amending the LUD Map designation from IS to SC for the subject property  
25 will eliminate the nonconforming use.  
26

27           4. *New issues;*

28           NA  
29

30           5. *Recognition of a need for additional detail or comprehensiveness; or*

31           NA  
32

33           6. *Data updates.*

34           NA  
35  
36

37 F. *IMPACT ON COMMUNITY CHARACTER:*  
38

39           The subject property is presently located along the US 1 right-of way and is an existing  
40 commercial use. It is not anticipated that the future development of the site will impact the  
41 existing character of the adjacent area.  
42

43           Section 130-43, Monroe County code states: The purpose of the **SC district** is to establish  
44 areas for commercial uses designed and intended primarily to serve the needs of the  
45 immediate planning area in which they are located. This district should be established at  
46 locations convenient and accessible to residential areas without use of U.S. 1.

47           **The proposed LUD is consistent with the purpose of the SC district.**

1 V RECOMMENDATION

2  
3 Staff recommends that the LUD Map be amended from IS to SC for the subject property,  
4 contingent upon the adoption, and following the effective date, of the concurrent FLUM  
5 amendment from RM to MC.  
6

7  
8 VI EXHIBITS

- 9  
10 1. June 1, 2012 Addendum to a Letter of Understanding Issued on April 27, 2010  
11 concerning a proposed veterinary clinic/animal hospital, to be located within an existing  
12 building at 1300 Almay Street, Key Largo  
13 2. Monroe County Resolution 127-2012  
14 3. Proposed LUD Map  
15

# 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

*We strive to be caring, professional and fair*

June 1, 2012

John Kocol  
PO Box 491  
Islamorada, FL 33036

**SUBJECT: ADDENDUM TO LETTER OF UNDERSTANDING ISSUED ON APRIL 27, 2010 CONCERNING A PROPOSED VETERINARY CLINIC/ANIMAL HOSPITAL, TO BE LOCATED WITHIN AN EXISTING BUILDING AT 1300 ALMAY STREET, KEY LARGO, MILE MARKER 98.1, HAVING REAL ESTATE NUMBER 00519750.000000**

Mr. Kocol,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On February 1, 2010, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department on Key Largo. Attendees of the meeting included John Kocol (hereafter referred to as "the Applicant") and Joseph Haberman, Principal Planner, Steven Biel, Senior Planner & Barbara Bauman, Planner (hereafter referred to as "Staff").

The Board of County Commissioners passed and adopted Resolution #127-2012 on April 18, 2012. This resolution, adopted after the issuance of the letter of understanding on April 27, 2010, amended the Planning & Environmental Resources Department's fee schedule. Of relevance to your property and the development thereon, the amended fee schedule included the following new provision:

There shall be no application or other fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official [Land Use District (LUD)] map and/or the official [Future Land Use Map (FLUM)], if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would

eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.

You have requested that the Senior Director of Planning & Environmental Resources render such a decision in relation to the subject property and allow you to submit FLUM and LUD amendment applications without the required application fees.

The property has a FLUM designation of Residential Medium (RM), a LUD designation of Improved Subdivision (IS), and a tier designation of Tier 3.

You have requested a FLUM designation of Mixed Use / Commercial (MC) and a LUD designation of either Suburban Commercial (SC) or Mixed Use (MU).

The property was within a RU-1 district (Single-Family Residential) and BU-2 district (Medium Business) prior to 1986 when the property was re-designated IS. It is unknown as to precisely when the designation was amended from RU-1 to BU-2; however according to information within a building permit application, the property was BU-2 when the building was converted to a "dance studio" in 1977.

Regarding the development and use of the existing building on the property:

In 1972, Building Permit #27471 was issued for the construction of a 774 SF one-story, single-family residence (18' x 43') on Lot 1. Although for a smaller residential structure, this was the original building permit for the building.

In 1977, Building Permit #C2714 was issued for a building addition. Although a change of use was not expressly noted, the proposed construction stated the building would be used as a "dance studio". A continued residential use was not indicated. The building plans are somewhat unclear, but it appears the building addition was a 976 SF second story addition (46'6" x 21') located over the existing 774 SF ground level building (18' x 43'). In 1980, Building Permit #C7436 was issued to enclose stairs and overhang resulting in an unspecified amount of new floor area.

In 1985, Building Permit #C16923 was issued for a 1,000 SF elevated building addition (40' x 25') that extended the building onto Lot 12.

In 1986, Building Permit #C19066 was issued to enclose the lower level of the addition approved under Building Permit #C16923, thus resulting in 1,000 SF of additional square footage.

All subsequent permits indicate that the building was being utilized for commercial retail use.

The current regulations pertaining to permitted uses in the IS district do not allow a 3,695 SF commercial retail building. Furthermore, Policy 101.4.3 of the Monroe County Year 2010 Comprehensive Plan, which describes permitted uses in the RM FLUM category, does not state that commercial retail uses are allowed. Therefore, the existing commercial retail use is nonconforming to the current provisions of the Monroe County Code and Comprehensive Plan.

However, as the 3,695 SF building and its commercial retail use were approved and permitted prior to 1986, the existing use is considered a lawful nonconforming use.

Resolution #127-2012 requires the property owner to provide satisfactory evidence that the existing use on the site also existed lawfully in 1992 and was deemed nonconforming by final adoption of the LUD map and/or the existing use on the site existed lawfully in 1997 and was deemed nonconforming by final adoption of the FLUM. Following a review, Staff has determined that the existing use existed lawfully in 1992 and was deemed nonconforming by the final adoption of the LUD map. Staff has also determined that the existing use existed lawfully in 1997 and was deemed nonconforming by the final adoption of the FLUM.

Resolution #127-2012 requires the applicant to apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Following a review, Staff has determined that the proposed FLUM category of MC and proposed LUD designations of SC or MU would eliminate the nonconformity to use. Therefore, the proposed designations are acceptable; however prior to application submittal, you must decide on whether to pursue an amendment to SC or MU. Staff cannot make this decision. In addition, please be aware that Staff is not obligated to recommend approval of the proposed LUD or FLUM designations. Staff is required to review the application on its merit and determine upon a full review that there shall not be an adverse impact to the community and is consistent with the provisions of the Comprehensive Plan and Monroe County Code.

In conclusion, Staff has determined that your proposal qualifies for fee exemptions to the "Comprehensive Plan, Future Land Use Map (FLUM) Amendment" of \$5,531.00 and the "Land Use District Map, Amendment-Nonresidential" fee of \$4,929.00. You may submit a FLUM amendment and/or LUD amendment application without the submittal of the aforementioned application fees. However, you are responsible for all other requirements, including the fees for advertising (\$245.00 per application) and noticing (\$3.00 per each surrounding property per application).

In addition, please note that you are eligible for these fee waivers so long as such waivers are permitted by the fee schedule. If the fee schedule is amended to remove such a provision in the

future, you may not be eligible to submit the application without such required application fees afterwards.

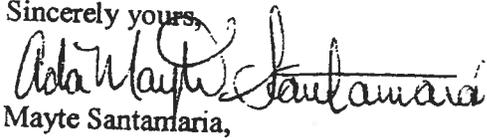
\* \* \* \* \*

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Comprehensive Plan is amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal 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.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely yours,



Mayte Santamaria,  
Assistant Director of Planning  
for  
Townsley Schwab,  
Senior Director of Planning & Environmental Resources

CC: Joseph Haberman, Planning & Development Review Manager  
Michael Roberts, Senior Administrator of Environmental Resources

County of Monroe  
Growth Management Division

Planning & Environmental Resources  
Department  
2798 Overseas Highway, Suite 410  
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Board of County Commissioners  
Mayor Sylvia J. Murphy, Dist. 5  
Mayor Pro Tem Heather Carruthers, Dist. 3  
Mario Di Gennaro, Dist. 4  
George Neugent, Dist. 2  
Kim Wigington, Dist. 1

*We strive to be caring, professional and fair*

April 27, 2010

John Kocol  
PO Box 491  
Islamorada, FL 33036

**SUBJECT: LETTER OF UNDERSTANDING CONCERNING A PROPOSED  
VETERINARY CLINIC/ANIMAL HOSPITAL, TO BE LOCATED  
WITHIN AN EXISTING BUILDING AT 1300 ALMAY STREET, KEY  
LARGO, MILE MARKER 98.1, HAVING REAL ESTATE NUMBER  
00519750.000000**

Mr. Kocol,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On February 1, 2010, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department on Key Largo. Attendees of the meeting included John Kocol (hereafter referred to as "the Applicant") and Joseph Haberman, Principal Planner, Steven Biel, Senior Planner & Barbara Bauman, Planner (hereafter referred to as "Staff").

In addition, to further discuss the proposal, on March 15, 2010, a second meeting was held at the office of the Monroe County Planning & Environmental Resources Department in Marathon. Attendees of the meeting included John Kocol and Joseph Haberman.

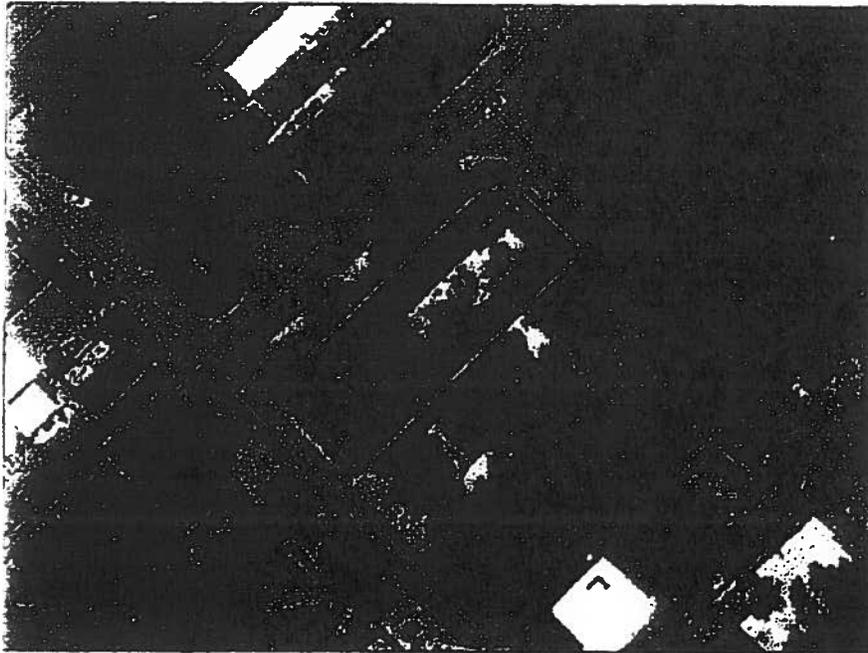
*Materials presented for review included:*

- (a) Pre-Application Conference Request Form;
- (b) Existing Site Plan by Keys Engineering Inc., dated March 10, 2010;
- (c) Proposed Site Plan by Keys Engineering Inc., dated March 10, 2010;
- (d) Site Plan by the Applicant;
- (e) Monroe County Property Record Cards; and
- (f) Monroe County Land Use District Map and Future Land Use Map

## I. APPLICANT PROPOSAL

The Applicant is proposing to convert the first floor of an existing two-story commercial retail building into a veterinary clinic/animal hospital. The veterinary clinic/animal hospital would be located entirely within the first story of the building, which currently provides space for a dance school/martial arts center. The second story would not be modified and would continue to provide space for the dance school/martial arts center or a similar business in the future. In addition, the Applicant is proposing to establish a fenced area for convalescing and otherwise temporarily boarded animals at the animal hospital, to establish a new off-street parking area and to improve the site as determined necessary by the County.

As stated in the application, the veterinary clinic/animal hospital would be open normal business hours: 8:00am to 5:00pm, Monday through Saturday. However, it would open intermittently at other times to provide emergency services to patients.



Subject Property (outlined in blue) (2009)

## II. SUBJECT PROPERTY DESCRIPTION

1. The property's address is 1300 Almay Street on Key Largo. However, most of its frontage is located along US 1, between Almay Street and Grand Street.
2. The property consists of one parcel of land. Real Estate number (RE) 00519750.000000 is legally described as Block 4, Lots 1 and 12, Rock Harbor Estates subdivision (PB3-187), Key Largo.

3. According to Monroe County's GIS database, in total, the property consists of approximately 13,217 ft<sup>2</sup> (0.30 acres) of land area. Therefore, all calculations included in this letter are based on these records. A sealed boundary survey indicating total land area may be required at the time of application submittal for any development approval of any additional floor area. If the amount of upland area provided on the sealed boundary survey differs, then calculations provided in this letter are subject to change.
4. According to the Monroe County Property Appraiser's records, RE 00519750.000000 is currently being assessed under the property classification (PC) code of 17 (office buildings).

### **III. RELEVANT PRIOR COUNTY ACTIONS**

1. According to the Monroe County Property Appraiser's records, the existing two-story building was built in 1972 and consists of 3,695 ft<sup>2</sup> of floor area.

In 1972, Permit 27471 was issued for the construction of a 774 ft<sup>2</sup> one-story, single-family residence (18' x 43') on Lot 1. Although for a smaller residential structure, this was the original building permit for the building. In 1977, Permit C2714 was issued for a building addition. Although a change of use was not expressly noted, the proposed construction stated the building would be used as a "dance studio". A continued residential use was not indicated. The building plans are somewhat unclear, but it appears the building addition was a 976 ft<sup>2</sup> second story addition (46'6" x 21') located over the existing 774 ft<sup>2</sup> ground level building (18' x 43'). In 1980, Permit C7436 was issued to enclose stairs and overhang resulting in an unspecified amount of new floor area.

In 1985, Permit C16923 was issued for a 1,000 ft<sup>2</sup> elevated building addition (40' x 25') that extended the building onto Lot 12. In 1986, Permit C19066 was issued to enclose the lower level of the addition approved under C16923, thus resulting in 1,000 ft<sup>2</sup> of additional square footage.

2. Staff located building permits for the subject property dating back to 1972. Permit 27471, issued in 1977, states that the building was to be utilized by a residential use at that time. However, the next building permit on file, Permit C2714, issued in 1977, states that the building was to be utilized by a commercial retail use (dance studio) at that time. All subsequent permits indicate that the building was being utilized for commercial retail, many specifically referring to a dance studio.
3. On March 7, 1986, the Board of County Commissioners approved a flood variance to allow the construction of an enclosure below the 100-year flood elevation under the existing building (resulting in the issuance of Permit C19066).

#### IV. REVIEW OF PROPOSAL

The following land development regulations directly affect the proposal; however, there are other land development regulations not referred to nor described in this letter which may govern future development as well:

1. The property has a Land Use District designation of Improved Subdivision (IS), a Future Land Use Map (FLUM) designation of Residential Medium (RM) and a tier designation of Tier 3.
2. References within the building permits files on file indicate that the property was within a RU-1 district (Single-Family Residential) and BU-2 district (Medium Business) prior to 1986 when the property was re-designated IS. It is unknown as to precisely when the designation was amended from RU-1 to BU-2; however according to the building permit application, the property was BU-2 when the building was converted to a "dance studio" in 1977.
3. The veterinary clinic/animal hospital would be located within the first story of the building. The second story would continue to provide space for the dance school/martial arts center. Regarding use, Staff has determined that the existing dance school/martial arts center and the proposed animal hospital would be classified as commercial retail uses. Although neither are traditional commercial retail businesses, the Land Development Code defines commercial retail as a use that sells goods or services at retail.

Depending on trip generation, commercial retail uses are classified as low, medium or high-intensity. A traffic impact analysis has not been submitted which would indicate whether or not the proposed change in business to an animal hospital would affect the site's currently approved intensity. Based on traffic impact analyses for similar developments, Staff anticipates that both the existing and proposed commercial retail uses generate less than 100 average daily trips per 1,000 ft<sup>2</sup> of floor area and thereby would be classified as low or medium-intensity. However to ensure that there is not a prohibited increase in intensity, a comparative level 1 traffic impact analysis will be required prior to Staff conclusively stating such.

4. The commercial retail use of the existing dance school/martial arts center was rendered a nonconforming use following the re-zoning of the property from BU-2 to IS in 1986 and the assignment of the FLUM future land use category of RM in 1997.

In the Monroe County Land Development Code, the current regulations pertaining to permitted uses in the IS district do not allow a 3,695 ft<sup>2</sup> commercial retail building. Furthermore, Policy 101.4.2 of the Monroe County Year 2010 Comprehensive Plan, which pertains to permitted uses in the RM future land use category, does not state that commercial retail uses are permitted. Therefore, the existing commercial retail use is nonconforming to the current Land Development Code and Comprehensive Plan.

However, as the 3,695 ft building and its commercial retail use were approved and permitted prior to 1986, the existing use is considered a lawful nonconforming use and Policy 101.4.3 provides some protection to such lawful uses. Specifically, Policy 101.4.3 states a nonresidential use that was listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996 may develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 land development regulations allowed. In addition to being lawfully established prior to 1986, the existing type of use (commercial retail) and the existing amount of non-residential floor area (3,695 ft<sup>2</sup>) were in existence in 1996.

The existing intensity of the site could not be determined in the absence of a traffic impact report. Furthermore, without knowing the intensity, Staff could not determine the existing density (the floor area ratios are 0.35 for low-intensity, 0.25 for medium-intensity and 0.15 for high-intensity commercial retail uses).

5. In accordance with Policy 101.4.3, a commercial retail use (with businesses associated with this type of use) and the building's floor area may be redeveloped, reestablished and/or substantially improved with a major conditional use permit, subject to the standards and procedures set forth in the Land Development Code. In the event that reestablishment or substantial improvement is carried out, although the building is over 2,500 ft<sup>2</sup> in area and could be classified as high intensity following the submittal of a traffic impact report stating such, the provisions of the Comprehensive Plan currently provided for in Policy 101.4.3, shall take precedent over the requirements for an existing nonconforming commercial retail use in the IS District, currently provided for in MCC §130-94(c)(1), which restricts buildings to 2,500 ft<sup>2</sup> and low/medium intensity.

Conditional uses are those uses which are generally compatible with the other land uses permitted, but require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location. Minor conditional use permit applications are granted or denied by the Planning Director in accordance with MCC §110-69 and major conditional use permit applications are granted or denied by the Planning Commission at a public hearing in accordance with MCC §110-70.

Concerning the Applicant's proposal, a major conditional use permit shall not be required for the change in business and moderate building/site improvements as these improvements would not meet the intent of terms redevelopment, reestablishment or substantial improvement as used in Policy 101.4.3.

6. Policy 101.4.3 allows redevelopment limited to intensity, floor area, density and to the type of use as that existed prior to its redevelopment. The policy does not protect the existing configuration of development on a particular site and does not protect existing nonconformities other than intensity, density and type of use. Furthermore, it does not state

or otherwise provide that a development may be reestablished or substantially improved without coming into compliance with the current comprehensive plan policies, land development regulations and/or building codes.

As the site was lawfully developed prior to adoption of the current regulations, it would be difficult to bring the site into full compliance the land development regulations, especially those relating to bulk regulations and off-street parking, in the event of reestablishment or substantially improvement. Staff requests that the site come into compliance to the greatest extent practical with all applicable comprehensive plan policies, Key Largo Livable CommuniKeys policies and land development regulations as improvements are carried out.

7. Building permits are required for interior renovations to the commercial building, site work and new signage. As both the proposed veterinary clinic/animal hospital and existing dance school/martial arts center are commercial retail uses, Staff shall consider the occupation of the first floor by the veterinary clinic/animal hospital a change in business, not a change in use. Changes in businesses do not require a building permit or other approval from the Growth Management Division. However, as stated a previously, a traffic impact report must be submitted to provided the existing and proposed intensity to determine if the change in business would result in a higher intensity. Increasing changes in intensity do require building permit approval (however, in this case a building permit to increase intensity would be denied per Policy 101.4.3).
8. It has been determined that the commercial retail use and the existing building's floor area were lawfully-established and therefore the use and existing floor area are lawfully nonconforming. However, expansion of the existing commercial retail use is prohibited unless the subject property's land use district designation and FLUM category are amended to designations that allow commercial retail uses of this size and intensity or the text relating to the permitted uses in the IS district and RM FLUM category amended.
9. According to the proposed site plan, the proposed fenced area would be an unenclosed area located behind the existing building in the northeastern corner of the subject property. This secured space would serve as a supervised area for exercising animals. This type of structure is considered an accessory structure and not a component of the principal structure. As defined in MCC §101-1, accessory means a use or structure that is subordinate to and serves a principal use or structure; is subordinate in area, extent and purpose to the principal use or structure served; contributes to the comfort, convenience or necessity of occupants of the principal use or structure served; and is located on the same lot or on contiguous lots under the same ownership and in the same land use district as the principal use or structure. Accessory structures are permitted as-of-right in the IS district. Therefore, a fence may be constructed and would not constitute an expansion of the nonconforming use.
10. The Non-Residential Rate of Growth Ordinance (NROGO) shall not apply to the redevelopment, rehabilitation or replacement of any lawfully-established, nonresidential floor area which does not increase the amount of non-residential floor area greater than that

which existed on the site prior to the redevelopment, rehabilitation or replacement. Therefore, owners of land containing non-residential floor area shall be entitled to one square foot for each such square foot lawfully-established. Administrative Interpretation 03-108 provides the criteria to be used by Staff to determine whether or not non-residential floor area was lawfully-established.

Non-residential floor area is the sum of the gross floor area for a non-residential building or structure as defined in MCC §101-1, any areas used for the provision of food and beverage services and seating whether covered or uncovered, and all covered, unenclosed areas.

Following a review of the building permits on file, as well as the documentation within the applications, Staff has determined that all of the non-residential floor area within the existing 3,695 ft<sup>2</sup> building was lawfully-established. The accumulation of all the floor area approved in Permits 27471 (774 ft<sup>2</sup>), C2714 (976 ft<sup>2</sup>), C7436 (unknown), C16923 (1,000 ft<sup>2</sup>) and C19066 (1,000 ft<sup>2</sup>) is 3,750 ft<sup>2</sup>. However, as the plans for new floor area did not show existing portions of the building in some of the permit applications, Staff could not determine if there was some overlap. Therefore, unless scaled floor plans are submitted, drawn by a licensed architect or engineer, showing 3,750 ft<sup>2</sup> or a higher figure, Staff is utilizing the lesser figure of 3,695 ft<sup>2</sup> provided by the Monroe County Property Appraiser. If the Applicant submits floor plans, Staff will have to compare such plans to the plans in the building permit files to ensure their accuracy.

11. In the IS district, there is a required open space ratio of 0.20. Therefore, at least 20 percent of the site must remain open space.
12. In the IS District, the required non-shoreline setbacks for commercial uses are as follows: Front yard – 25'; Rear yard – 20'; and Side yard – 10'/15' (where 10' is required for one side and 15' is the minimum combined total of both sides).

The property is a triple frontage, corner lot. The site has front yard requirements of 25' along the right-of-way of US 1 to the northwest, Almay Street to the northeast and Grand Street to the southwest. In addition, there is a side yard setback of 10' along the property line to the southeast.

According to the existing site plan, the existing building is partially located 2' into the required 25' setback along Almay Street. As the building was legally established, it is considered a lawfully nonconforming structure. In addition, a concrete walkway and off-street parking is located within the required 25' setbacks along US 1, Almay Street and Grand Street. As these structures were legally established, they are considered lawfully nonconforming structures.

The change in business would not affect the building's existing footprint. However, the modified off-street parking area and new loading zone would be located in the front yard setbacks along all three rights-of-way. The new dumpster would be located in the front yard setback along Grand Street and side yard setback.

At the pre-application conference, Staff informed the Applicant that the proposed modifications to the parking area may require a variance to the setbacks requirements as aerial photography suggested that parking had never existed in the front yard setback along US 1. However, following the conference, Staff reviewed the approved site plans on file. The most recent approved site plan, filed with Permit C16923, shows the parking area 6' from the property line adjacent to US 1, 6' from the property line adjacent to Grand Street and 3' from the property line adjacent to Almay Street. The revised, proposed site plan shows a reconfigured parking area that is 5' from the property line adjacent to US 1, 8' from the property line adjacent to Grand Street and 5' from the property line adjacent to Almay Street.

Staff supports the new reconfigured parking area as it would bring the nonconforming parking area into compliance with several parking lot requirements such as clear site triangles, proper aisle widths, correct parking space dimensions and better access and handicap accessibility, as well as provide a compliant loading zone. If a 6' setback can be provided along US 1, Staff shall not require a setback variance for the parking area improvements. If only 5' can be provided, a setback variance would be required as the nonconformity would be expanded; however in our recommendation on such a variance application to the planning commission, Staff shall strongly consider the fact that the site will be brought into compliance with several access and parking related regulations by approving the setback variance.

The C16923 site plan does not show the location of a dumpster. Therefore, the proposed dumpster must be relocated to an area outside of the required setbacks, unless a setback variance is granted.

13. A stormwater management plan shall be required as a part of any application for the proposed off-street parking areas. This plan shall detail pre and post development water flow and storage on site with supporting calculations.
14. The development is subject to the following off-street parking requirements:

Specified Use	Multiplic <sup>er</sup>	Proposed	Required Spaces
Commercial Retail	3 spaces / 1,000 ft <sup>2</sup>	3,695 ft <sup>2</sup>	11 spaces

The redevelopment requires 11 off-street parking spaces. The proposed site plan shows 12 spaces. As only 11 spaces are required, Staff requests that the Applicant remove the "end" parallel space adjacent to the US 1 property line near Almay Street as this unnecessary space may interfere with access to and from the site. Further, the removal of this space and its replacement with landscaping would bring the site further into compliance with the setback requirements (as outlined previously) and bufferyard requirements (to be outlined later).

All regular parking spaces, with the exception of parallel, must be at least 8.5 feet in width by 18 feet in length and all handicap-accessible parking spaces must be at least 12 feet in width with an access aisle of 5 feet in width. Parallel spaces must be 8.5 feet in width by 25 feet in length.

If there are 1 to 25 total parking spaces in a lot, one (1) accessible parking space, 12 feet in width, is required. Such a space shall be designed and marked for the exclusive use of those individuals who have been issued either a disabled parking permit or license plate. In addition, a 5-foot parking access aisle must be part of an accessible route to the building entrance. The access aisle shall be striped diagonally to designate it as a no-parking zone. Curb ramps must be located outside of the disabled parking spaces and access aisles.

15. All nonresidential uses with 2,500 ft<sup>2</sup> to 49,999 ft<sup>2</sup> of floor area are required to have one (1) loading and unloading space, measuring 11 feet by 55 feet. Loading/unloading spaces shall be located entirely on the same lot as the principal use they serve. These spaces shall not be located on any public right-of-way, parking spaces or parking aisle and shall be as close to the building served as possible.

The Applicant inquired about whether or not the required loading/unloading space length requirement could be reduced from 55' to 45' as the veterinary clinic/animal hospital and dance school/marital arts center do not require any deliveries to be made by a semi-tractor trailer or other large vehicle. There is currently no approved loading/unloading space on the site at all. Further, the existing vehicle maneuverability guidelines could only allow a 55' loading/unloading space, with proper room to reverse, at the expense of further encroachment into the required setback(s) and/or reduced of parking. Therefore, Staff shall allow the reduction as the introduction of an 11' by 45' loading/unloading space would be bring the site into compliance to the greatest extent practical.

16. Since the parking area shall be required to contain six or more parking spaces and is within a IS District, a class "A" landscaping standard will be required. This standard is explained, with accompanying graphics, in MCC §114-100. Although there is vegetation on the site, there appears to not be any parking lot landscaping. Further, the modification of the parking area will result in the removal of existing vegetation. Staff requests that the Applicant bring the site into compliance with this regulation to the greatest extent practical.
17. No structure or land which abuts US 1 shall be developed, used or occupied unless a scenic corridor or bufferyard is provided. In the IS District, the required major street bufferyard is a class "D" bufferyard. The minimum class "D" bufferyard is 20' in width. Widths of 25', 30' and 35' are also optional with reduced planting requirements.

The site is nonconforming to both the minimum width and planting requirements. As previously stated, if a 6' setback can be provided along US 1, a setback variance shall not be required and if only 5' can be provided, a setback variance would be required. In either event, Staff requests that the Applicant bring the site into compliance with this regulation to the greatest extent practical. However, if a setback variance is requested, the Applicant

shall also have to request a variance to the bufferyard requirements (as the nonconformity relating to bufferyard minimum width would be expanded). As a note, the two types of variance requests may be filed on the same application as they are related.

18. Mitigation will be required for qualifying native vegetation removed for development. The number, species and sizes of plants to be mitigated shall be identified in an existing conditions report prepared and submitted by the applicant and approved by the county biologist.
19. There are existing access drives into the site from Almay and Grand Street. The existing drives may be nonconforming to clear site triangles for vehicles entering the side roads from US 1 and distance requirements for access drives from US 1. However, Staff supports the modification to the access points as shown on the proposed site plan as the one-way traffic pattern through the site would result in safer vehicle maneuverability. However, Staff requests that upon implementation of the proposed site plan, signage be installed that clearly directs motorists entering and exiting site.

#### V. OTHER ISSUES CONCERNING THE PROPOSAL

1. The Applicant inquired about the possibility of amending the land use district and FLUM designations of the subject property from IS and RM, respectively, to designations that would permit the existing use and thereby render it conforming.

As set forth in the Land Development Code, the purpose of an amendment is not intended to relieve particular hardships, nor to confer special privileges or rights on any person, nor to permit a change in community character, as analyzed in the Monroe County Year 2010 Comprehensive Plan, but only to make necessary adjustments in light of changed conditions. Amendments may be proposed by a person having a contractual interest in property to be affected by a proposed amendment. The Director of Planning shall review and process amendment applications as they are received and pass them on to the Development Review Committee and the Planning Commission for recommendation and final approval by the BOCC.

The BOCC may consider the adoption of an ordinance enacting the proposed change based on one (1) or more of the following factors: (i) Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based; (ii) Changed assumptions (e.g., regarding demographic trends); (iii) Data errors, including errors in mapping, vegetative types and natural features described in the comprehensive plan; (iv) New issues; (v) Recognition of a need for additional detail or comprehensiveness; or (vi) Data updates. However, in no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located.

In an analysis of community needs, the Key Largo Livable CommuniKeys Plan states: "existing uses on parcels that were previously down-zoned are generally non-conforming.

It is appropriate to re-evaluate these parcels and uses on a case-by-case basis and restore the commercial status where appropriate". This analysis is substantiated by Action Item 1.3.2 which directs Staff to "revise the FLUM and Land Use District maps to resolve conflicts and inconsistencies the planning area where appropriate."

However, it should be noted that this language does not guarantee that any map amendments shall be granted as each application must be reviewed on a case-by-case basis and the BOCC makes the final decision on the matter. Further, although Staff discussed the amendment process with the Applicant at the conference, the Department of Planning & Environmental Resources will not provide any recommendation of approval or denial until an application for an amendment is submitted and reviewed by Staff.

2. The Applicant inquired about whether or not the site plan would be in compliance with regulations relating to the Suburban Commercial (SC) district. As the site is designated IS at this time, it would be inappropriate for Staff to comment on whether or not the site would be in compliance with the regulations pertaining to other land use districts. Such comments could be deemed to be an endorsement of a map amendment.
3. The Applicant inquired about ground-mounted and wall-mounted signage. Specifically, the Applicant inquired whether or not a variance would be required to advertise the veterinary clinic/animal hospital.

In the IS district, a nonresidential developed parcel of land shall be allowed one ground-mounted sign, but limited to 32 ft<sup>2</sup> in area per face and eight feet in height. In addition, ground-mounted signage is required to be located at least 5' from any property line. Wall-mounted signage is also permitted, but shall be limited to a total of 32 ft<sup>2</sup>. Staff has determined that a variance to the sign regulations shall only be required if the Applicant requests signage of greater square footage than that allowed or a deviation from the height, setback or other construction requirements.

The Applicant inquired whether or not variances could be granted administratively. There are no administrative variances to the sign regulations. All applications are decided upon by the Planning Commission at a public hearing. The Applicant also inquired about whether or not Staff would recommend approval of such an application. Although Staff discussed the variance process with the Applicant at the conference, the Department of Planning & Environmental Resources will not provide any recommendation of approval or denial until an application for a variance is submitted and reviewed by Staff.

The Applicant inquired about whether or not his facility would qualify for the additional signage permitted for "Hospitals or other emergency facilities" in MCC §142-4(1)(c). In addition to any other signage allowed under the Land Development Code, hospitals or other emergency medical facilities, excluding individual medical offices, shall be allowed one additional illuminated ground- or wall-mounted sign not to exceed 32 ft<sup>2</sup> per face to identify each emergency entrance. Although considered a commercial retail use, the veterinary clinic/animal hospital would qualify and serve as emergency facility. As there is one-way

traffic through the site, Staff shall allow one additional illuminated ground or wall-mounted sign not to exceed 32 ft<sup>2</sup> per face to identify the emergency entrance. Although there are two drives, it is only necessary to designate one drive as an emergency entrance.

The Applicant also inquired about whether or not his facility would qualify for the additional signage permitted in MCC §142-4(3)(a)(5) which states that a school, church, day-care center or other similar use shall be allowed to add an additional 64 ft<sup>2</sup> or 32 ft<sup>2</sup> per face of signage to the ground-mounted or wall-mounted sign for the exclusive use of a changeable copy sign. Although named a dance school, the dance school is a commercial retail use and not a school use as defined in the Monroe County Code. Therefore, this additional signage is not permitted.

The Applicant inquired as to which of the building's frontages is considered the front. The US 1 frontage would be considered the front.

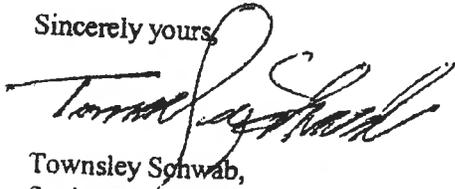
4. The proposed veterinary clinic/animal hospital would introduce animals to the site which could result in more noise than the existing businesses. Although increase noise is not prohibited, in respect to the residential neighboring properties, noise should be mitigated and the noise ordinance must be observed. The Applicant submitted a noise abatement strategy that should mitigate noise acceptably. Further, although not required, Staff suggests that the Applicant install buffering vegetation in the setback between the existing building and the neighboring residential properties.
5. Prior to the issuance of any building permit, proposed development shall be found in compliance by the Monroe County Building Department, the Monroe County Public Works Division and the Monroe County Office of the Fire Marshal. Staff recommends that the Applicant coordinate with these offices prior to application submittal.
6. All development shall be required to meet all standards and construction requirements of the Americans with Disabilities Act (ADA). The site must be brought into compliance with ADA parking and building access requirements upon approval of a new site plan.

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Year 2010 Comprehensive Plan are amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal 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.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Townsley Schwab". The signature is written in a cursive style with a large, looping initial "T".

Townsley Schwab,  
Senior Director Planning & Environmental Resources



**MONROE COUNTY, FLORIDA  
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. 127 - 2012**

A RESOLUTION AMENDING RESOLUTION 169-2011, THE PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT FEE SCHEDULE; TO GENERALIZE THE TITLE OF THE FEE FOR APPLICATIONS FOR EXTENSIONS OF TIME AUTHORIZED BY STATE LEGISLATION; TO EXEMPT MAP AMENDMENT FEES FOR PROPERTY OWNERS WHO APPLY TO AMEND THEIR PROPERTIES' LAND USE DISTRICT AND/OR FUTURE LAND USE MAP DESIGNATIONS TO DESIGNATIONS THAT WOULD ELIMINATE NONCONFORMITIES TO USES THAT WERE CREATED WHEN THE PROPERTIES WERE REZONED BY THE COUNTY IN 1992 AND/OR PROVIDED A FUTURE LAND USE MAP DESIGNATION IN 1997 UNDER CERTAIN CONDITIONS; PROVIDING FOR A FEE FOR A LETTER OF UNDERSTANDING FOR MAP AMENDMENT FEE WAIVERS; AND TO REPEAL ANY OTHER FEE SCHEDULES INCONSISTENT HEREWITH.

**WHEREAS**, the Monroe County Board of County Commissioners wishes to provide the citizens of the County with the best possible service in the most cost effective and reasonable manner; and

**WHEREAS**, the Board finds that it would be in the best interests of the general public to charge the true cost for such services, thereby placing the burden of such costs directly upon those parties deriving the benefit from such services; and

**WHEREAS**, the updated fee schedule prepared by the Growth Management Director for providing these services includes the estimated direct costs and reasonable indirect costs associated with the review and processing of planning and development approval applications and site plans, on-site biological reviews, administrative appeals, preparation of official documentation verifying existing development rights and other processes and services; and

**WHEREAS**, the Board has discussed the need to adjust the fee schedule to compensate the county for resources needed in excess of the fee estimates included in the base fees; and

**WHEREAS**, applicants for development review should pay the cost of the review, rather than those funds coming from other sources; and

**WHEREAS**, the Board of County Commissioners wishes to amend fees to compensate for resources expended in applications for private development approvals; and

**WHEREAS**, The Florida State Legislature is considering legislation which allows for extensions of time for some development orders for which the fee is currently \$250.00, based on previous Senate and House bills; and

**WHEREAS**, in 1992, a revised series of zoning maps was approved (also known as the Land Use District (LUD) maps) for all areas of the unincorporated county. These maps depicted boundary determinations carried out between 1986 and 1988, depicted parcel lines and were drawn at a more usable scale. Although signed in 1988, the LUD's did not receive final approval until 1992. The Monroe County Land Development Regulations, portions of which are adopted by Rule 28-20.021, F.A.C., and portions of which are approved by the Department of Community Affairs in Chapter 9J-14, F.A.C., were amended effective August 12, 1992. The Land Use District Map was revised to reflect the changes in this rule. The LUD maps remain the official zoning maps of Monroe County; and

**WHEREAS**, in 1993, Monroe County adopted a set of Future Land Use Maps (FLUM) pursuant to a joint stipulated settlement agreement and Sec. 163.3184 Florida Statutes. The Ordinance #016-1993 memorialized the approval. This map series was dated 1997. The 1997 FLUM remains the official future land use maps of Monroe County; and

**WHEREAS**, since the adoption of the LUD maps and FLUM, the County has discovered that several parcels with existing, lawful uses were assigned land use district and future land use categories that deemed those uses nonconforming. In these instances, the County created nonconformities to use without studying of the existing uses and the impact of deeming those uses nonconforming. A remedy to existing property owners would be to allow those property owners to apply for map amendments to designations that would eliminate the nonconformities created by the County and not by the property owner without the payment of a fee; and

**WHEREAS**, the County wishes to clarify that fees will be changed to private applicants for traffic studies required or requested for not only map amendments, but for text amendments submitted by private applicants; and

**WHEREAS**, the Board heard testimony and evidence presented as to the appropriate fee schedule during a public hearing on April 18, 2012;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY FLORIDA:**

**Section 1.**

Pursuant to Section 102-19(9), the following schedule of fees to be charged by the Growth Management Division for its services, including but not limited to the filing of land development permit applications, land development approvals, land development orders, and appeal applications, and requests for technical services or official letters attesting to development rights recognized by the County shall be implemented:

Administrative Appeals.....	\$1,500.00
Administrative Relief.....	\$1,011.00
Alcoholic Beverage Special Use Permit.....	\$1,264.00
Appeal ROGO or NROGO to BOCC.....	\$816.00
Beneficial Use.....	\$4,490.00
Biological Site Visit (per visit).....	\$280.00
Biologist Fee (Miscellaneous-per hour).....	\$60.00
Boundary Determination.....	\$1,201.00
Comprehensive Plan, Text Amendment.....	\$5,531.00
Comprehensive Plan, Future Land Use Map (FLUM) Amendment.....	\$5,531.00
Conditional Use, Major, New/Amendment.....	\$10,014.00
Conditional Use, Minor, New/Amendment.....	\$8,484.00
Conditional Use, Minor, Transfer Development Rights (TDR).....	\$1,239.00
Conditional Use, Minor, Transfer Nonresidential Floor Area (TRE).....	\$1,944.00
Conditional Use, Minor, Transfer ROGO Exemption (TRE).....	\$1,740.00
Conditional Use, Minor/Major, Minor Deviation.....	\$1,768.00
Conditional Use, Minor/Major, Major Deviation.....	\$3,500.00
Conditional Use, Minor/Major, Time Extension.....	\$986.00
Department of Administrative Hearings (DOAH) Appeals.....	\$816.00
Development Agreement.....	\$12,900.00
Development of Regional Impact (DRI).....	\$28,876.00
Dock Length Variance.....	\$1,026.00
Front Yard Setback Waiver, Administrative.....	\$1,248.00
Front Yard Setback Waiver, Planning Commission.....	\$1,608.00
Grant of Conservation Easement.....	\$269.00
Habitat Evaluation Index (per hour).....	\$60.00
Home Occupation Special Use Permit.....	\$498.00
Inclusionary Housing Exemption.....	\$900.00
Land Development Code, Text Amendment.....	\$5,041.00
Land Use District Map, Amendment–Nonresidential.....	\$4,929.00
Land Use District Map, Amendment–Residential.....	\$4,131.00

Letter of Current Site Conditions.....	\$936.00
Letter of Development Rights Determination.....	\$2,209.00
Letter of ROGO Exemption.....	\$215.00
Letter of Understanding for LUD Map/FLUM Fee waiver .....	\$250.00
NROGO Application.....	\$774.00
Planning Fee (Miscellaneous-per hour).....	\$50.00
Parking Agreement.....	\$1,013.00
Planning Site Visit.....	\$129.00
Platting, 5 lots or less.....	\$4,017.00
Platting, 6 lots or more.....	\$4,613.00
Pre-application with Letter of Understanding.....	\$689.00
Pre-application with No Letter of Understanding.....	\$296.00
Public Assembly Permit.....	\$149.00
Dog in Restaurant Permit.....	\$150.00
Research, permits and records (per hour).....	\$50.00
Road Abandonment.....	\$1,533.00
ROGO Application.....	\$748.00
ROGO Lot/Parcel Dedication Letter.....	\$236.00
Legislative Time Extension for Development Orders /Permits.....	\$250.00
Special Certificate of Appropriateness.....	\$200.00
Tier Map Amendment–Other than IS/URM Platted Lot.....	\$4,131.00
Tier Map Amendment–IS/URM Platted Lot Only.....	\$1,600.00
Vacation Rental Permit (Initial).....	\$493.00
Vacation Rental (Renewal).....	\$100.00
Vacation Rental Manager License.....	\$106.00
Variance, Planning Commission, Signage.....	\$1,076.00
Variance, Planning Commission, Other than Signage.....	\$1,608.00
Variance, Administrative.....	\$1,248.00
Vested Rights Determination.....	\$2,248.00
Wetlands Delineation (per hour).....	\$60.00

Growth Management applications may be subject to the following additional fees, requirements or applicability:

1. For any application that requires a public hearing(s) and/or surrounding property owner notification, advertising and/or notice fees; \$245 for newspaper advertisement and \$3 per property owner notice.
2. There shall be no application or other fees, except advertising and noticing fees, for affordable housing projects, except that all applicable fees shall be charged for applications for all development approvals required for any development under Sec. 130-161.1 of the Monroe County Code and for applications for variances to setback, landscaping and/or off-street parking regulations associated with an affordable housing development.

3. There shall be no application fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official LUD map and/or the official FLUM, if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.
  
4. Hearing fees: applicant shall pay half the cost of the hourly rate, travel and expenses of any hearing officer. The County is currently charged \$144.00 per hour by Department of Administrative Hearings (DOAH). If the fee charged to the County is increased, the charge will change proportionately. An estimated amount of one-half of the hearing officer costs as determined by the County Attorney shall be deposited by the applicant along with the application fee, and shall be returned to the applicant if unused.
  
5. Base fees listed above include a minimum of (when applicable) two internal staff meetings with applicants; one Development Review Committee meeting, one Planning Commission public hearing; and one Board of County Commission public hearing. If this minimum number of meetings/hearings is exceeded, the following fees shall be charged and paid prior to the private development application proceeding through public hearings:
  - a. Additional internal staff meeting with applicant \$500.00
  - b. Additional Development Review Committee public hearing \$600.00
  - c. Additional Planning Commission public hearing \$700.00
  - d. Additional Board of County Commissioners public hearing \$850.00

The Director of Growth Management or designee shall assure these additional fees are paid prior to hearing scheduling. These fees apply to all applications filed after September 15, 2010.

6. Applicants for Administrative Appeal, who prevail based on County error, as found by the Planning Commission, shall have the entire application fee refunded.
7. Concerning the application fees to amend the tier maps, the lesser application fee of \$1,600.00 is only available for applications to amend the tier designation of a single URM or IS platted lot. It may not be used to amend the designation of more than one parcel.
8. Applicants for any processes listed above that are required to provide transportation studies related to their development impacts shall be required to deposit a fee of \$5,000 into an escrow account to cover the cost of experts hired by the Growth Management Division to review the transportation and other related studies submitted by the applicant as part of the development review process or any text amendment submitted by a private applicant. Any unused funds deposited by the applicant will be returned upon permit approval. Monroe County shall obtain an estimate from the consultant they intend to hire to review the transportation study for accuracy and methodology and if the cost for the review on behalf of Monroe County is higher than the \$5000, applicant shall remit the estimated amount. Any unused funds deposited by the applicant will be returned upon permit approval.

**Section 2.**

Any other fees schedules or provisions of the Monroe County Code inconsistent herewith are hereby repealed.

**Section 3.**

The Clerk of the Board is hereby directed to forward one (1) certified copy of this Resolution to the Division of Growth Management.

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**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 18th day of April, 2012.

Mayor David Rice	<u>Yes</u>
Mayor <i>Pro Tem</i> Kim Wigington	<u>Yes</u>
Commissioner Heather Carruthers	<u>Yes</u>
Commissioner Sylvia Murphy	<u>Yes</u>
Commissioner George Neugent	<u>Yes</u>



**MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**

DANNY L. KOLHAGE, CLERK

*D. C. DeSantis*  
Deputy Clerk

*[Signature]*  
By \_\_\_\_\_  
Mayor David Rice

FILED FOR RECORD  
2012 MAY -3 PM 3:16  
DANNY L. KOLHAGE  
CLERK  
MONROE COUNTY, FL

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
*[Signature]*  
Date: 4-3-12



**File #:** **2012-110**

**Owner's Name:** Renaissance Farms of the Keys LLC

**Applicant:** Renaissance Farms of the Keys LLC

**Agent:** N/A

**Type of Application:** Map Amendment-LUD

**Key:** Key Largo

**RE:** 00519750-000000

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# **Additional Information added to File 2012-110**

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: 7.31.12  
Time: \_\_\_\_\_

Dear Applicant:

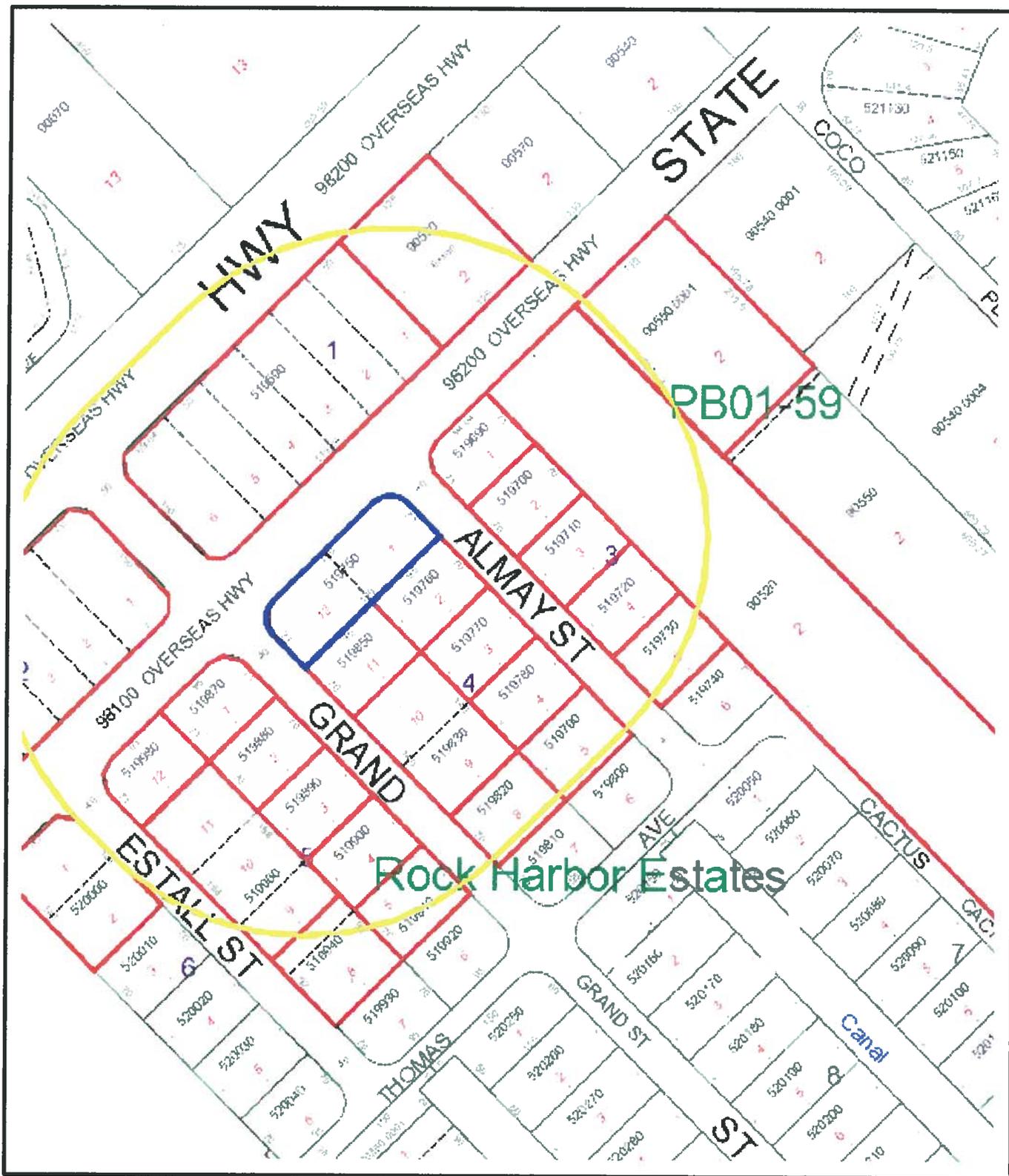
This is to acknowledge submittal of your application for LUD Map Amendment  
Type of application

Renaissance Farms of the Keys LLC to the Monroe County Planning Department.  
Project / Name

Thank you.

A handwritten signature in cursive script that reads 'Paul Creech'.

Planning Staff



# Monroe County, Florida

by GC

Printed: Jul 31, 2012

## MCPA GIS Public Portal

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.



"A WEEKEND AT BERNI'S INC "  
"100 SAN MARCO DR"  
"ISLAMORADA", "FL" "33036"

"BOATS DIRECT LLC "  
"98150 OVERSEAS HWY"  
"KEY LARGO", "FL" "33037-2356"

"DIAZ JULIAN K AND MIRIAM C"  
"4254 SW 163RD PATH"  
"MIAMI", "FL" "33185-5332"

"HUNTER PAUL J "  
"1307 ALMAY STREET"  
"KEY LARGO", "FL" "33037"

"KIRCHNER TIMOTHY JAMES"  
"1104 GRAND ST"  
"KEY LARGO", "FL" "33037"

"RENAISSANCE FARMS OF THE KEYS LLC  
"  
"PO BOX 491"  
"ISLAMORADA", "FL" "33036-0491"

"STUMPO MARK R SR AND LAURIE J"  
"11980 SW 3RD ST"  
"PLANTATION", "FL" "33325-2825"

"WALLIS GEORGE AND CAROLYN"  
"198 DOVE LAKE DR"  
"TAVERNIER", "FL" "33070-2928"

"BARRERO ROLANDO TRUSTEE"  
"PO BOX 440632"  
"MIAMI", "FL" "33144"

"CASH MART INVESTMENTS INC "  
"PO BOX 370213"  
"KEY LARGO", "FL" "33037-0213"

"GILLMOR RICHARD & JUDY "  
"744 KROEGEL AVE"  
"SEBASTIAN", "FL" "32958"

"JOINER MELANIE C AND JEFFRY"  
"1308 ALMAY ST"  
"KEY LARGO", "FL" "33037-4102"

"MOORE EMMA L REV TR 12/21/2007"  
"909 ESTALL ST"  
"KEY LARGO", "FL" "33037-4118"

"SMENDA JOANN"  
"1109 GRAND ST"  
"KEY LARGO", "FL" "33037"

"TEAGUE GLORIA JEAN"  
"PO BOX 623"  
"ISLAMORADA", "FL" "33036"

"WILE MARK AND PATRICIA J"  
"1106 GRAND ST"  
"KEY LARGO", "FL" "33037"

"BARRY DANIEL O JR AND ARCHER A"  
"PO BOX 18769"  
"WEST PALM BEACH", "FL" "33416-8769"

"DANELLA ROBERT G & CAROL "  
"879 ELLEN DR"  
"KEY LARGO", "FL" "33037"

"HARLING DONN N AND SHER A "  
"136 OCEAN SHORES DR"  
"KEY LARGO", "FL" "33037"

"KEY LARGO SERVICE STATION LLC "  
"9701 NW 89TH AVE"  
"MEDLEY", "FL" "33178-1435"

"MUGUERCIA LUIS M"  
"PO BOX 226932"  
"MIAMI", "FL" "33222-6932"

"STEPHENS CRAIG KENDAL"  
"905 ESTALL ST"  
"KEY LARGO", "FL" "33037-4118"

"WALL RANDOLPH D & NANCY N "  
"1208 CACTUS STREET"  
"KEY LARGO", "FL" "33037"

"ZIMMERMAN KAREN"  
"101425 OVERSEAS HWY UNIT 364"  
"KEY LARGO", "FL" "33037-4505"

Use These - Applicants were short 5 labels by GC

**End of Additional File 2012-110**

---

Rec'd  
7/30/12  
BB

REQUEST FOR A LAND USE DISTRICT (LUD) MAP  
AMENDMENT APPLICATION



RECEIVED  
JUL 31 2012  
MONROE CO. PLANNING DEPT

MONROE COUNTY  
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

An application must be deemed complete and in compliance with the Monroe County Code by the Staff prior to the item being scheduled for review

Amendment to Land Use Map District (Residential) Application Fee: \$4,131.00  
Amendment to Land Use District Map (Non-Residential) Application Fee: \$4,929.00

In addition to the above application fees, the following fees also apply to each application:

Advertising Costs: \$245.00  
Surrounding Property Owner Notification: \$3.00 for each property owner required to be noticed  
Technology Fee: \$20.00

Date: 6 / 12 / 12  
Month Day Year

Property Owner:

Agent (if applicable): NA

RENAISSANCE FARMS OF THE KEYS, LLC. ATTN: JOHN KOCOL  
Name Name

PO Box 491 Islamorada, FL 33036  
Mailing Address Mailing Address

305-395-9471  
Daytime Phone Daytime Phone

wdb4907@bellsouth.net  
Email Address Email Address

Legal Description of Property:

(If in metes and bounds, attach legal description on separate sheet)

4 1, 12 ROCK HARBOR estates Key LARGO  
Block Lot Subdivision Key

519750-000000 1638994  
Real Estate (RE) Number Alternate Key Number

98175 OVERSEAS Hwy 98.1 oceanside  
Street Address Approximate Mile Marker

**REQUEST FOR A LAND USE DISTRICT (LUD) MAP  
AMENDMENT APPLICATION**

Current Land Use District Designation(s): Improved Subdivision

Proposed Land Use District Designation(s): Sub-urban Commercial

Current Future Land Use Map Designation(s): Improved Subdivision

Tier Designation(s) \_\_\_\_\_

Total Land Area Affected in acres: ~ .31 acres

Existing Use of the Property (If the property is developed, please describe the existing use of the property, including the number and type of any residential units and the amount and type of any commercial development):

Veterinary Hospital  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In accordance with Sec. 102-158, the BOCC may consider the adoption of an ordinance enacting the proposed change based on one or more of six factors. Please describe how one or more of the following factors shall be met (attach additional sheets if necessary):

1) Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2) Changed assumptions (e.g., regarding demographic trends):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3) Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) New issues:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**REQUEST FOR A LAND USE DISTRICT (LUD) MAP  
AMENDMENT APPLICATION**

5) Recognition of a need for additional detail or comprehensiveness:

THE PROPERTY WAS ZONED BU-2 AND WAS A LAWFULLY  
ESTABLISHED/PERMITTED BUSINESS WHEN FOR SOME  
UNKNOWN REASON, IT WAS RE-ZONED AS "IS" IN 1986.

6) Data updates: THE PROPERTY WAS CONFORMING UNTIL THIS REZONING  
WAS DONE.

THE MAP AMENDMENT WILL RESTORE ITS  
LAWFULLY ESTABLISHED CONFORMITY.

In no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located. Please describe how the map amendment would not result in an adverse community change (attach additional sheets if necessary):

THERE IS NO CHANGE TO THE NEIGHBORHOOD, USE  
OF THE BUILDING, TRAFFIC PATTERNS OR ACTIVITY.  
ALL ASPECTS OF THE USE WILL REMAIN AS IS.

Has a previous Land Use District Map amendment application been submitted for this site within the past two years?

Yes \_\_\_\_\_ Date: \_\_\_\_\_  
No  \_\_\_\_\_

All of the following must be submitted in order to have a complete application submittal:  
(Please check as you attach each required item to the application)

- Complete Land Use District Map amendment application (unaltered and unbound); and
- Correct fee (check or money order to Monroe County Planning & Environmental Resources); and
- Proof of ownership (i.e. Warranty Deed); and
- Current Property Record Card(s) from the Monroe County Property Appraiser; and
- Location map from Monroe County Property Appraiser; and
- Copy of current Land Use District Map (please request from the Planning & Environmental Resources Department prior to application submittal); and
- Copy of current Future Land Use Map (please request from the Planning & Environmental Resources Department prior to application submittal); and
- 300 foot radius map from Monroe County Property Appraiser Office
- List of surrounding property owners from 300 foot radius map
- Photograph(s) of site from adjacent roadway(s); and

**REQUEST FOR A LAND USE DISTRICT (LUD) MAP  
AMENDMENT APPLICATION**

- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – sixteen (16) sets** (at a minimum survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage marked with land use district; and total acreage shown with vegetative habitat); and
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property (two (2) sets).** This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included

**If applicable, the following must be submitted in order to have a complete application submittal:**

- Notarized Agent Authorization Letter** (note: authorization is needed from all owner(s) of the subject property)
- Any other Monroe County documents including Letters of Understanding pertaining to the proposed Land Use District Map amendment**

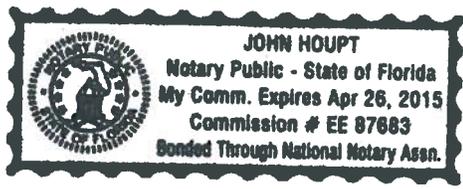
**If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.**

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:  Date: 7/30/12

Sworn before me this 30 day of JULY 2012

  
Notary Public  
My Commission Expires



Please send or deliver the complete application package to:  
Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050.

# 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

*We strive to be caring, professional and fair*

June 1, 2012

John Kocol  
PO Box 491  
Islamorada, FL 33036

**SUBJECT: ADDENDUM TO LETTER OF UNDERSTANDING ISSUED ON APRIL 27, 2010 CONCERNING A PROPOSED VETERINARY CLINIC/ANIMAL HOSPITAL, TO BE LOCATED WITHIN AN EXISTING BUILDING AT 1300 ALMAY STREET, KEY LARGO, MILE MARKER 98.1, HAVING REAL ESTATE NUMBER 00519750.000000**

Mr. Kocol,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On February 1, 2010, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department on Key Largo. Attendees of the meeting included John Kocol (hereafter referred to as "the Applicant") and Joseph Haberman, Principal Planner, Steven Biel, Senior Planner & Barbara Bauman, Planner (hereafter referred to as "Staff").

The Board of County Commissioners passed and adopted Resolution #127-2012 on April 18, 2012. This resolution, adopted after the issuance of the letter of understanding on April 27, 2010, amended the Planning & Environmental Resources Department's fee schedule. Of relevance to your property and the development thereon, the amended fee schedule included the following new provision:

There shall be no application or other fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official [Land Use District (LUD)] map and/or the official [Future Land Use Map (FLUM)], if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would

eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.

You have requested that the Senior Director of Planning & Environmental Resources render such a decision in relation to the subject property and allow you to submit FLUM and LUD amendment applications without the required application fees.

The property has a FLUM designation of Residential Medium (RM), a LUD designation of Improved Subdivision (IS), and a tier designation of Tier 3.

You have requested a FLUM designation of Mixed Use / Commercial (MC) and a LUD designation of either Suburban Commercial (SC) or Mixed Use (MU).

The property was within a RU-1 district (Single-Family Residential) and BU-2 district (Medium Business) prior to 1986 when the property was re-designated IS. It is unknown as to precisely when the designation was amended from RU-1 to BU-2; however according to information within a building permit application, the property was BU-2 when the building was converted to a "dance studio" in 1977.

Regarding the development and use of the existing building on the property:

In 1972, Building Permit #27471 was issued for the construction of a 774 SF one-story, single-family residence (18' x 43') on Lot 1. Although for a smaller residential structure, this was the original building permit for the building.

In 1977, Building Permit #C2714 was issued for a building addition. Although a change of use was not expressly noted, the proposed construction stated the building would be used as a "dance studio". A continued residential use was not indicated. The building plans are somewhat unclear, but it appears the building addition was a 976 SF second story addition (46'6" x 21') located over the existing 774 SF ground level building (18' x 43'). In 1980, Building Permit #C7436 was issued to enclose stairs and overhang resulting in an unspecified amount of new floor area.

In 1985, Building Permit #C16923 was issued for a 1,000 SF elevated building addition (40' x 25') that extended the building onto Lot 12.

In 1986, Building Permit #C19066 was issued to enclose the lower level of the addition approved under Building Permit #C16923, thus resulting in 1,000 SF of additional square footage.

All subsequent permits indicate that the building was being utilized for commercial retail use.

The current regulations pertaining to permitted uses in the IS district do not allow a 3,695 SF commercial retail building. Furthermore, Policy 101.4.3 of the Monroe County Year 2010 Comprehensive Plan, which describes permitted uses in the RM FLUM category, does not state that commercial retail uses are allowed. Therefore, the existing commercial retail use is nonconforming to the current provisions of the Monroe County Code and Comprehensive Plan.

However, as the 3,695 SF building and its commercial retail use were approved and permitted prior to 1986, the existing use is considered a lawful nonconforming use.

Resolution #127-2012 requires the property owner to provide satisfactory evidence that the existing use on the site also existed lawfully in 1992 and was deemed nonconforming by final adoption of the LUD map and/or the existing use on the site existed lawfully in 1997 and was deemed nonconforming by final adoption of the FLUM. Following a review, Staff has determined that the existing use existed lawfully in 1992 and was deemed nonconforming by the final adoption of the LUD map. Staff has also determined that the existing use existed lawfully in 1997 and was deemed nonconforming by the final adoption of the FLUM.

Resolution #127-2012 requires the applicant to apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Following a review, Staff has determined that the proposed FLUM category of MC and proposed LUD designations of SC or MU would eliminate the nonconformity to use. Therefore, the proposed designations are acceptable; however prior to application submittal, you must decide on whether to pursue an amendment to SC or MU. Staff cannot make this decision. In addition, please be aware that Staff is not obligated to recommend approval of the proposed LUD or FLUM designations. Staff is required to review the application on its merit and determine upon a full review that there shall not be an adverse impact to the community and is consistent with the provisions of the Comprehensive Plan and Monroe County Code.

In conclusion, Staff has determined that your proposal qualifies for fee exemptions to the "Comprehensive Plan, Future Land Use Map (FLUM) Amendment" of \$5,531.00 and the "Land Use District Map, Amendment-Nonresidential" fee of \$4,929.00. You may submit a FLUM amendment and/or LUD amendment application without the submittal of the aforementioned application fees. However, you are responsible for all other requirements, including the fees for advertising (\$245.00 per application) and noticing (\$3.00 per each surrounding property per application).

In addition, please note that you are eligible for these fee waivers so long as such waivers are permitted by the fee schedule. If the fee schedule is amended to remove such a provision in the

future, you may not be eligible to submit the application without such required application fees afterwards.

\* \* \* \* \*

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Comprehensive Plan is amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal 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.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely yours,



Mayte Santamaria,  
Assistant Director of Planning  
for  
Townasley Schwab,  
Senior Director of Planning & Environmental Resources

CC: Joseph Haberman, Planning & Development Review Manager  
Michael Roberts, Senior Administrator of Environmental Resources

# 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 Sylvia J. Murphy, Dist. 5  
Mayor Pro Tem Heather Carruthers, Dist. 3  
Mario Di Gennaro, Dist. 4  
George Neugent, Dist. 2  
Kim Wigington, Dist. 1

*We strive to be caring, professional and fair*

April 27, 2010

John Kocol  
PO Box 491  
Islamorada, FL 33036

**SUBJECT: LETTER OF UNDERSTANDING CONCERNING A PROPOSED VETERINARY CLINIC/ANIMAL HOSPITAL, TO BE LOCATED WITHIN AN EXISTING BUILDING AT 1300 ALMAY STREET, KEY LARGO, MILE MARKER 98.1, HAVING REAL ESTATE NUMBER 00519750.000000**

Mr. Kocol,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On February 1, 2010, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department on Key Largo. Attendees of the meeting included John Kocol (hereafter referred to as "the Applicant") and Joseph Haberman, Principal Planner, Steven Biel, Senior Planner & Barbara Bauman, Planner (hereafter referred to as "Staff").

In addition, to further discuss the proposal, on March 15, 2010, a second meeting was held at the office of the Monroe County Planning & Environmental Resources Department in Marathon. Attendees of the meeting included John Kocol and Joseph Haberman.

*Materials presented for review included:*

- (a) Pre-Application Conference Request Form;
- (b) Existing Site Plan by Keys Engineering Inc., dated March 10, 2010;
- (c) Proposed Site Plan by Keys Engineering Inc., dated March 10, 2010;
- (d) Site Plan by the Applicant;
- (e) Monroe County Property Record Cards; and
- (f) Monroe County Land Use District Map and Future Land Use Map

## I. APPLICANT PROPOSAL

The Applicant is proposing to convert the first floor of an existing two-story commercial retail building into a veterinary clinic/animal hospital. The veterinary clinic/animal hospital would be located entirely within the first story of the building, which currently provides space for a dance school/martial arts center. The second story would not be modified and would continue to provide space for the dance school/martial arts center or a similar business in the future. In addition, the Applicant is proposing to establish a fenced area for convalescing and otherwise temporarily boarded animals at the animal hospital, to establish a new off-street parking area and to improve the site as determined necessary by the County.

As stated in the application, the veterinary clinic/animal hospital would be open normal business hours: 8:00am to 5:00pm, Monday through Saturday. However, it would open intermittently at other times to provide emergency services to patients.



Subject Property (outlined in blue) (2009)

## II. SUBJECT PROPERTY DESCRIPTION

1. The property's address is 1300 Almay Street on Key Largo. However, most of its frontage is located along US 1, between Almay Street and Grand Street.
2. The property consists of one parcel of land. Real Estate number (RE) 00519750.000000 is legally described as Block 4, Lots 1 and 12, Rock Harbor Estates subdivision (PB3-187), Key Largo.

3. According to Monroe County's GIS database, in total, the property consists of approximately 13,217 ft<sup>2</sup> (0.30 acres) of land area. Therefore, all calculations included in this letter are based on these records. A sealed boundary survey indicating total land area may be required at the time of application submittal for any development approval of any additional floor area. If the amount of upland area provided on the sealed boundary survey differs, then calculations provided in this letter are subject to change.
4. According to the Monroe County Property Appraiser's records, RE 00519750.000000 is currently being assessed under the property classification (PC) code of 17 (office buildings).

### **III. RELEVANT PRIOR COUNTY ACTIONS**

1. According to the Monroe County Property Appraiser's records, the existing two-story building was built in 1972 and consists of 3,695 ft<sup>2</sup> of floor area.

In 1972, Permit 27471 was issued for the construction of a 774 ft<sup>2</sup> one-story, single-family residence (18' x 43') on Lot 1. Although for a smaller residential structure, this was the original building permit for the building. In 1977, Permit C2714 was issued for a building addition. Although a change of use was not expressly noted, the proposed construction stated the building would be used as a "dance studio". A continued residential use was not indicated. The building plans are somewhat unclear, but it appears the building addition was a 976 ft<sup>2</sup> second story addition (46'6" x 21') located over the existing 774 ft<sup>2</sup> ground level building (18' x 43'). In 1980, Permit C7436 was issued to enclose stairs and overhang resulting in an unspecified amount of new floor area.

In 1985, Permit C16923 was issued for a 1,000 ft<sup>2</sup> elevated building addition (40' x 25') that extended the building onto Lot 12. In 1986, Permit C19066 was issued to enclose the lower level of the addition approved under C16923, thus resulting in 1,000 ft<sup>2</sup> of additional square footage.

2. Staff located building permits for the subject property dating back to 1972. Permit 27471, issued in 1977, states that the building was to be utilized by a residential use at that time. However, the next building permit on file, Permit C2714, issued in 1977, states that the building was to be utilized by a commercial retail use (dance studio) at that time. All subsequent permits indicate that the building was being utilized for commercial retail, many specifically referring to a dance studio.
3. On March 7, 1986, the Board of County Commissioners approved a flood variance to allow the construction of an enclosure below the 100-year flood elevation under the existing building (resulting in the issuance of Permit C19066).

#### IV. REVIEW OF PROPOSAL

The following land development regulations directly affect the proposal; however, there are other land development regulations not referred to nor described in this letter which may govern future development as well:

1. The property has a Land Use District designation of Improved Subdivision (IS), a Future Land Use Map (FLUM) designation of Residential Medium (RM) and a tier designation of Tier 3.
2. References within the building permits files on file indicate that the property was within a RU-1 district (Single-Family Residential) and BU-2 district (Medium Business) prior to 1986 when the property was re-designated IS. It is unknown as to precisely when the designation was amended from RU-1 to BU-2; however according to the building permit application, the property was BU-2 when the building was converted to a "dance studio" in 1977.
3. The veterinary clinic/animal hospital would be located within the first story of the building. The second story would continue to provide space for the dance school/martial arts center. Regarding use, Staff has determined that the existing dance school/martial arts center and the proposed animal hospital would be classified as commercial retail uses. Although neither are traditional commercial retail businesses, the Land Development Code defines commercial retail as a use that sells goods or services at retail.

Depending on trip generation, commercial retail uses are classified as low, medium or high-intensity. A traffic impact analysis has not been submitted which would indicate whether or not the proposed change in business to an animal hospital would affect the site's currently approved intensity. Based on traffic impact analyses for similar developments, Staff anticipates that both the existing and proposed commercial retail uses generate less than 100 average daily trips per 1,000 ft<sup>2</sup> of floor area and thereby would be classified as low or medium-intensity. However to ensure that there is not a prohibited increase in intensity, a comparative level 1 traffic impact analysis will be required prior to Staff conclusively stating such.

4. The commercial retail use of the existing dance school/martial arts center was rendered a nonconforming use following the re-zoning of the property from BU-2 to IS in 1986 and the assignment of the FLUM future land use category of RM in 1997.

In the Monroe County Land Development Code, the current regulations pertaining to permitted uses in the IS district do not allow a 3,695 ft<sup>2</sup> commercial retail building. Furthermore, Policy 101.4.2 of the Monroe County Year 2010 Comprehensive Plan, which pertains to permitted uses in the RM future land use category, does not state that commercial retail uses are permitted. Therefore, the existing commercial retail use is nonconforming to the current Land Development Code and Comprehensive Plan.

However, as the 3,695 ft building and its commercial retail use were approved and permitted prior to 1986, the existing use is considered a lawful nonconforming use and Policy 101.4.3 provides some protection to such lawful uses. Specifically, Policy 101.4.3 states a nonresidential use that was listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996 may develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 land development regulations allowed. In addition to being lawfully established prior to 1986, the existing type of use (commercial retail) and the existing amount of non-residential floor area (3,695 ft<sup>2</sup>) were in existence in 1996.

The existing intensity of the site could not be determined in the absence of a traffic impact report. Furthermore, without knowing the intensity, Staff could not determine the existing density (the floor area ratios are 0.35 for low-intensity, 0.25 for medium-intensity and 0.15 for high-intensity commercial retail uses).

5. In accordance with Policy 101.4.3, a commercial retail use (with businesses associated with this type of use) and the building's floor area may be redeveloped, reestablished and/or substantially improved with a major conditional use permit, subject to the standards and procedures set forth in the Land Development Code. In the event that reestablishment or substantial improvement is carried out, although the building is over 2,500 ft<sup>2</sup> in area and could be classified as high intensity following the submittal of a traffic impact report stating such, the provisions of the Comprehensive Plan currently provided for in Policy 101.4.3, shall take precedent over the requirements for an existing nonconforming commercial retail use in the IS District, currently provided for in MCC §130-94(c)(1), which restricts buildings to 2,500 ft<sup>2</sup> and low/medium intensity.

Conditional uses are those uses which are generally compatible with the other land uses permitted, but require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location. Minor conditional use permit applications are granted or denied by the Planning Director in accordance with MCC §110-69 and major conditional use permit applications are granted or denied by the Planning Commission at a public hearing in accordance with MCC §110-70.

Concerning the Applicant's proposal, a major conditional use permit shall not be required for the change in business and moderate building/site improvements as these improvements would not meet the intent of terms redevelopment, reestablishment or substantial improvement as used in Policy 101.4.3.

6. Policy 101.4.3 allows redevelopment limited to intensity, floor area, density and to the type of use as that existed prior to its redevelopment. The policy does not protect the existing configuration of development on a particular site and does not protect existing nonconformities other than intensity, density and type of use. Furthermore, it does not state

or otherwise provide that a development may be reestablished or substantially improved without coming into compliance with the current comprehensive plan policies, land development regulations and/or building codes.

As the site was lawfully developed prior to adoption of the current regulations, it would be difficult to bring the site into full compliance the land development regulations, especially those relating to bulk regulations and off-street parking, in the event of reestablishment or substantially improvement. Staff requests that the site come into compliance to the greatest extent practical with all applicable comprehensive plan policies, Key Largo Livable CommuniKeys policies and land development regulations as improvements are carried out.

7. Building permits are required for interior renovations to the commercial building, site work and new signage. As both the proposed veterinary clinic/animal hospital and existing dance school/martial arts center are commercial retail uses, Staff shall consider the occupation of the first floor by the veterinary clinic/animal hospital a change in business, not a change in use. Changes in businesses do not require a building permit or other approval from the Growth Management Division. However, as stated a previously, a traffic impact report must be submitted to provided the existing and proposed intensity to determine if the change in business would result in a higher intensity. Increasing changes in intensity do require building permit approval (however, in this case a building permit to increase intensity would be denied per Policy 101.4.3).
8. It has been determined that the commercial retail use and the existing building's floor area were lawfully-established and therefore the use and existing floor area are lawfully nonconforming. However, expansion of the existing commercial retail use is prohibited unless the subject property's land use district designation and FLUM category are amended to designations that allow commercial retail uses of this size and intensity or the text relating to the permitted uses in the IS district and RM FLUM category amended.
9. According to the proposed site plan, the proposed fenced area would be an unenclosed area located behind the existing building in the northeastern corner of the subject property. This secured space would serve as a supervised area for exercising animals. This type of structure is considered an accessory structure and not a component of the principal structure. As defined in MCC §101-1, accessory means a use or structure that is subordinate to and serves a principal use or structure; is subordinate in area, extent and purpose to the principal use or structure served; contributes to the comfort, convenience or necessity of occupants of the principal use or structure served; and is located on the same lot or on contiguous lots under the same ownership and in the same land use district as the principal use or structure. Accessory structures are permitted as-of-right in the IS district. Therefore, a fence may be constructed and would not constitute an expansion of the nonconforming use.
10. The Non-Residential Rate of Growth Ordinance (NROGO) shall not apply to the redevelopment, rehabilitation or replacement of any lawfully-established, nonresidential floor area which does not increase the amount of non-residential floor area greater than that

which existed on the site prior to the redevelopment, rehabilitation or replacement. Therefore, owners of land containing non-residential floor area shall be entitled to one square foot for each such square foot lawfully-established. Administrative Interpretation 03-108 provides the criteria to be used by Staff to determine whether or not non-residential floor area was lawfully-established.

Non-residential floor area is the sum of the gross floor area for a non-residential building or structure as defined in MCC §101-1, any areas used for the provision of food and beverage services and seating whether covered or uncovered, and all covered, unenclosed areas.

Following a review of the building permits on file, as well as the documentation within the applications, Staff has determined that all of the non-residential floor area within the existing 3,695 ft<sup>2</sup> building was lawfully-established. The accumulation of all the floor area approved in Permits 27471 (774 ft<sup>2</sup>), C2714 (976 ft<sup>2</sup>), C7436 (unknown), C16923 (1,000 ft<sup>2</sup>) and C19066 (1,000 ft<sup>2</sup>) is 3,750 ft<sup>2</sup>. However, as the plans for new floor area did not show existing portions of the building in some of the permit applications, Staff could not determine if there was some overlap. Therefore, unless scaled floor plans are submitted, drawn by a licensed architect or engineer, showing 3,750 ft<sup>2</sup> or a higher figure, Staff is utilizing the lesser figure of 3,695 ft<sup>2</sup> provided by the Monroe County Property Appraiser. If the Applicant submits floor plans, Staff will have to compare such plans to the plans in the building permit files to ensure their accuracy.

11. In the IS district, there is a required open space ratio of 0.20. Therefore, at least 20 percent of the site must remain open space.
12. In the IS District, the required non-shoreline setbacks for commercial uses are as follows: Front yard – 25'; Rear yard – 20'; and Side yard – 10'/15' (where 10' is required for one side and 15' is the minimum combined total of both sides).

The property is a triple frontage, corner lot. The site has front yard requirements of 25' along the right-of-way of US 1 to the northwest, Almay Street to the northeast and Grand Street to the southwest. In addition, there is a side yard setback of 10' along the property line to the southeast.

According to the existing site plan, the existing building is partially located 2' into the required 25' setback along Almay Street. As the building was legally established, it is considered a lawfully nonconforming structure. In addition, a concrete walkway and off-street parking is located within the required 25' setbacks along US 1, Almay Street and Grand Street. As these structures were legally established, they are considered lawfully nonconforming structures.

The change in business would not affect the building's existing footprint. However, the modified off-street parking area and new loading zone would be located in the front yard setbacks along all three rights-of-way. The new dumpster would be located in the front yard setback along Grand Street and side yard setback.

At the pre-application conference, Staff informed the Applicant that the proposed modifications to the parking area may require a variance to the setbacks requirements as aerial photography suggested that parking had never existed in the front yard setback along US 1. However, following the conference, Staff reviewed the approved site plans on file. The most recent approved site plan, filed with Permit C16923, shows the parking area 6' from the property line adjacent to US 1, 6' from the property line adjacent to Grand Street and 3' from the property line adjacent to Almay Street. The revised, proposed site plan shows a reconfigured parking area that is 5' from the property line adjacent to US 1, 8' from the property line adjacent to Grand Street and 5' from the property line adjacent to Almay Street.

Staff supports the new reconfigured parking area as it would bring the nonconforming parking area into compliance with several parking lot requirements such as clear site triangles, proper aisle widths, correct parking space dimensions and better access and handicap accessibility, as well as provide a compliant loading zone. If a 6' setback can be provided along US 1, Staff shall not require a setback variance for the parking area improvements. If only 5' can be provided, a setback variance would be required as the nonconformity would be expanded; however in our recommendation on such a variance application to the planning commission, Staff shall strongly consider the fact that the site will be brought into compliance with several access and parking related regulations by approving the setback variance.

The C16923 site plan does not show the location of a dumpster. Therefore, the proposed dumpster must be relocated to an area outside of the required setbacks, unless a setback variance is granted.

13. A stormwater management plan shall be required as a part of any application for the proposed off-street parking areas. This plan shall detail pre and post development water flow and storage on site with supporting calculations.
14. The development is subject to the following off-street parking requirements:

<i>Specific Use</i>	<i>Multiplier</i>	<i>Proposed</i>	<i>Required Spaces</i>
Commercial Retail	3 spaces / 1,000 ft <sup>2</sup>	3,695 ft <sup>2</sup>	11 spaces

The redevelopment requires 11 off-street parking spaces. The proposed site plan shows 12 spaces. As only 11 spaces are required, Staff requests that the Applicant remove the "end" parallel space adjacent to the US 1 property line near Almay Street as this unnecessary space may interfere with access to and from the site. Further, the removal of this space and its replacement with landscaping would bring the site further into compliance with the setback requirements (as outlined previously) and bufferyard requirements (to be outlined later).

All regular parking spaces, with the exception of parallel, must be at least 8.5 feet in width by 18 feet in length and all handicap-accessible parking spaces must be at least 12 feet in width with an access aisle of 5 feet in width. Parallel spaces must be 8.5 feet in width by 25 feet in length.

If there are 1 to 25 total parking spaces in a lot, one (1) accessible parking space, 12 feet in width, is required. Such a space shall be designed and marked for the exclusive use of those individuals who have been issued either a disabled parking permit or license plate. In addition, a 5-foot parking access aisle must be part of an accessible route to the building entrance. The access aisle shall be striped diagonally to designate it as a no-parking zone. Curb ramps must be located outside of the disabled parking spaces and access aisles.

15. All nonresidential uses with 2,500 ft<sup>2</sup> to 49,999 ft<sup>2</sup> of floor area are required to have one (1) loading and unloading space, measuring 11 feet by 55 feet. Loading/unloading spaces shall be located entirely on the same lot as the principal use they serve. These spaces shall not be located on any public right-of-way, parking spaces or parking aisle and shall be as close to the building served as possible.

The Applicant inquired about whether or not the required loading/unloading space length requirement could be reduced from 55' to 45' as the veterinary clinic/animal hospital and dance school/marital arts center do not require any deliveries to be made by a semi-tractor trailer or other large vehicle. There is currently no approved loading/unloading space on the site at all. Further, the existing vehicle maneuverability guidelines could only allow a 55' loading/unloading space, with proper room to reverse, at the expense of further encroachment into the required setback(s) and/or reduced of parking. Therefore, Staff shall allow the reduction as the introduction of an 11' by 45' loading/unloading space would be bring the site into compliance to the greatest extent practical.

16. Since the parking area shall be required to contain six or more parking spaces and is within a IS District, a class "A" landscaping standard will be required. This standard is explained, with accompanying graphics, in MCC §114-100. Although there is vegetation on the site, there appears to not be any parking lot landscaping. Further, the modification of the parking area will result in the removal of existing vegetation. Staff requests that the Applicant bring the site into compliance with this regulation to the greatest extent practical.
17. No structure or land which abuts US 1 shall be developed, used or occupied unless a scenic corridor or bufferyard is provided. In the IS District, the required major street bufferyard is a class "D" bufferyard. The minimum class "D" bufferyard is 20' in width. Widths of 25', 30' and 35' are also optional with reduced planting requirements.

The site is nonconforming to both the minimum width and planting requirements. As previously stated, if a 6' setback can be provided along US 1, a setback variance shall not be required and if only 5' can be provided, a setback variance would be required. In either event, Staff requests that the Applicant bring the site into compliance with this regulation to the greatest extent practical. However, if a setback variance is requested, the Applicant

shall also have to request a variance to the bufferyard requirements (as the nonconformity relating to bufferyard minimum width would be expanded). As a note, the two types of variance requests may be filed on the same application as they are related.

18. Mitigation will be required for qualifying native vegetation removed for development. The number, species and sizes of plants to be mitigated shall be identified in an existing conditions report prepared and submitted by the applicant and approved by the county biologist.
19. There are existing access drives into the site from Almay and Grand Street. The existing drives may be nonconforming to clear site triangles for vehicles entering the side roads from US 1 and distance requirements for access drives from US 1. However, Staff supports the modification to the access points as shown on the proposed site plan as the one-way traffic pattern through the site would result in safer vehicle maneuverability. However, Staff requests that upon implementation of the proposed site plan, signage be installed that clearly directs motorists entering and exiting site.

#### **V. OTHER ISSUES CONCERNING THE PROPOSAL**

1. The Applicant inquired about the possibility of amending the land use district and FLUM designations of the subject property from IS and RM, respectively, to designations that would permit the existing use and thereby render it conforming.

As set forth in the Land Development Code, the purpose of an amendment is not intended to relieve particular hardships, nor to confer special privileges or rights on any person, nor to permit a change in community character, as analyzed in the Monroe County Year 2010 Comprehensive Plan, but only to make necessary adjustments in light of changed conditions. Amendments may be proposed by a person having a contractual interest in property to be affected by a proposed amendment. The Director of Planning shall review and process amendment applications as they are received and pass them on to the Development Review Committee and the Planning Commission for recommendation and final approval by the BOCC.

The BOCC may consider the adoption of an ordinance enacting the proposed change based on one (1) or more of the following factors: (i) Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based; (ii) Changed assumptions (e.g., regarding demographic trends); (iii) Data errors, including errors in mapping, vegetative types and natural features described in the comprehensive plan; (iv) New issues; (v) Recognition of a need for additional detail or comprehensiveness; or (vi) Data updates. However, in no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located.

In an analysis of community needs, the Key Largo Livable CommuniKeys Plan states: "existing uses on parcels that were previously down-zoned are generally non-conforming.

It is appropriate to re-evaluate these parcels and uses on a case-by-case basis and restore the commercial status where appropriate". This analysis is substantiated by Action Item 1.3.2 which directs Staff to "revise the FLUM and Land Use District maps to resolve conflicts and inconsistencies the planning area where appropriate."

However, it should be noted that this language does not guarantee that any map amendments shall be granted as each application must be reviewed on a case-by-case basis and the BOCC makes the final decision on the matter. Further, although Staff discussed the amendment process with the Applicant at the conference, the Department of Planning & Environmental Resources will not provide any recommendation of approval or denial until an application for an amendment is submitted and reviewed by Staff.

2. The Applicant inquired about whether or not the site plan would be in compliance with regulations relating to the Suburban Commercial (SC) district. As the site is designated IS at this time, it would be inappropriate for Staff to comment on whether or not the site would be in compliance with the regulations pertaining to other land use districts. Such comments could be deemed to be an endorsement of a map amendment.
3. The Applicant inquired about ground-mounted and wall-mounted signage. Specifically, the Applicant inquired whether or not a variance would be required to advertise the veterinary clinic/animal hospital.

In the IS district, a nonresidential developed parcel of land shall be allowed one ground-mounted sign, but limited to 32 ft<sup>2</sup> in area per face and eight feet in height. In addition, ground-mounted signage is required to be located at least 5' from any property line. Wall-mounted signage is also permitted, but shall be limited to a total of 32 ft<sup>2</sup>. Staff has determined that a variance to the sign regulations shall only be required if the Applicant requests signage of greater square footage than that allowed or a deviation from the height, setback or other construction requirements.

The Applicant inquired whether or not variances could be granted administratively. There are no administrative variances to the sign regulations. All applications are decided upon by the Planning Commission at a public hearing. The Applicant also inquired about whether or not Staff would recommend approval of such an application. Although Staff discussed the variance process with the Applicant at the conference, the Department of Planning & Environmental Resources will not provide any recommendation of approval or denial until an application for a variance is submitted and reviewed by Staff.

The Applicant inquired about whether or not his facility would qualify for the additional signage permitted for "Hospitals or other emergency facilities" in MCC §142-4(1)(c). In addition to any other signage allowed under the Land Development Code, hospitals or other emergency medical facilities, excluding individual medical offices, shall be allowed one additional illuminated ground- or wall-mounted sign not to exceed 32 ft<sup>2</sup> per face to identify each emergency entrance. Although considered a commercial retail use, the veterinary clinic/animal hospital would qualify and serve as emergency facility. As there is one-way

traffic through the site, Staff shall allow one additional illuminated ground or wall-mounted sign not to exceed 32 ft<sup>2</sup> per face to identify the emergency entrance. Although there are two drives, it is only necessary to designate one drive as an emergency entrance.

The Applicant also inquired about whether or not his facility would qualify for the additional signage permitted in MCC §142-4(3)(a)(5) which states that a school, church, day-care center or other similar use shall be allowed to add an additional 64 ft<sup>2</sup> or 32 ft<sup>2</sup> per face of signage to the ground-mounted or wall-mounted sign for the exclusive use of a changeable copy sign. Although named a dance school, the dance school is a commercial retail use and not a school use as defined in the Monroe County Code. Therefore, this additional signage is not permitted.

The Applicant inquired as to which of the building's frontages is considered the front. The US 1 frontage would be considered the front.

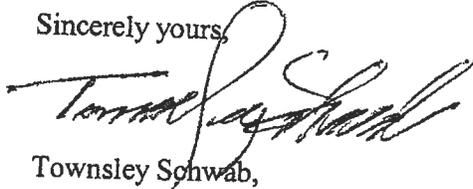
4. The proposed veterinary clinic/animal hospital would introduce animals to the site which could result in more noise than the existing businesses. Although increase noise is not prohibited, in respect to the residential neighboring properties, noise should be mitigated and the noise ordinance must be observed. The Applicant submitted a noise abatement strategy that should mitigate noise acceptably. Further, although not required, Staff suggests that the Applicant install buffering vegetation in the setback between the existing building and the neighboring residential properties.
5. Prior to the issuance of any building permit, proposed development shall be found in compliance by the Monroe County Building Department, the Monroe County Public Works Division and the Monroe County Office of the Fire Marshal. Staff recommends that the Applicant coordinate with these offices prior to application submittal.
6. All development shall be required to meet all standards and construction requirements of the Americans with Disabilities Act (ADA). The site must be brought into compliance with ADA parking and building access requirements upon approval of a new site plan.

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Year 2010 Comprehensive Plan are amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal 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.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Townsley Schwab". The signature is written in a cursive style with a large, looping initial "T".

Townsley Schwab,  
Senior Director Planning & Environmental Resources

# Karl D. Borglum Property Appraiser Monroe County, Florida

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

## Property Record Card - Map portion under construction.

Alternate Key: 1638994 Parcel ID: 00519750-000000

### Ownership Details

**Mailing Address:**

RENAISSANCE FARMS OF THE KEYS LLC  
PO BOX 491  
ISLAMORADA, FL 33036-0491

### Property Details

**PC Code:** 17 - OFFICE BUILDINGS 1 STORY

**Millage Group:** 500K

**Affordable Housing:** No

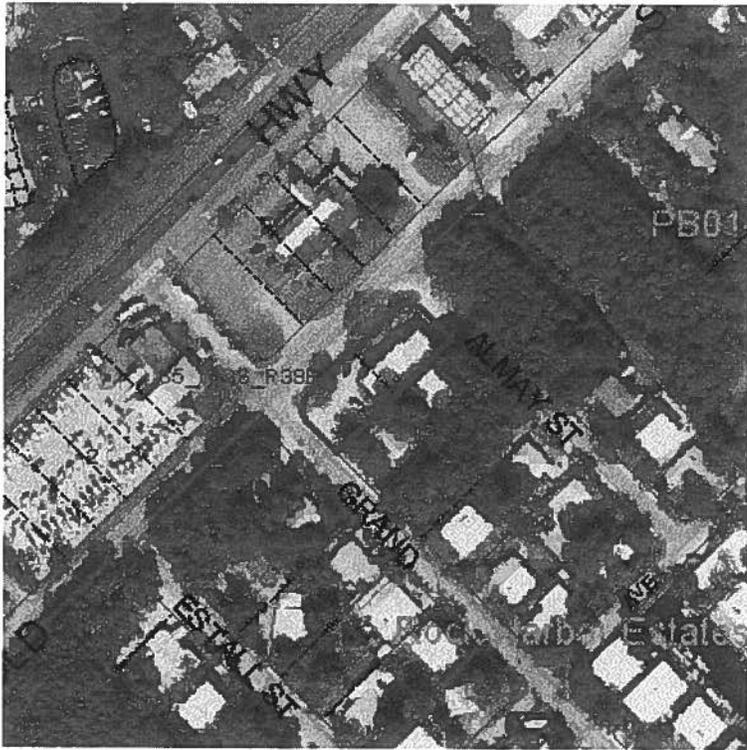
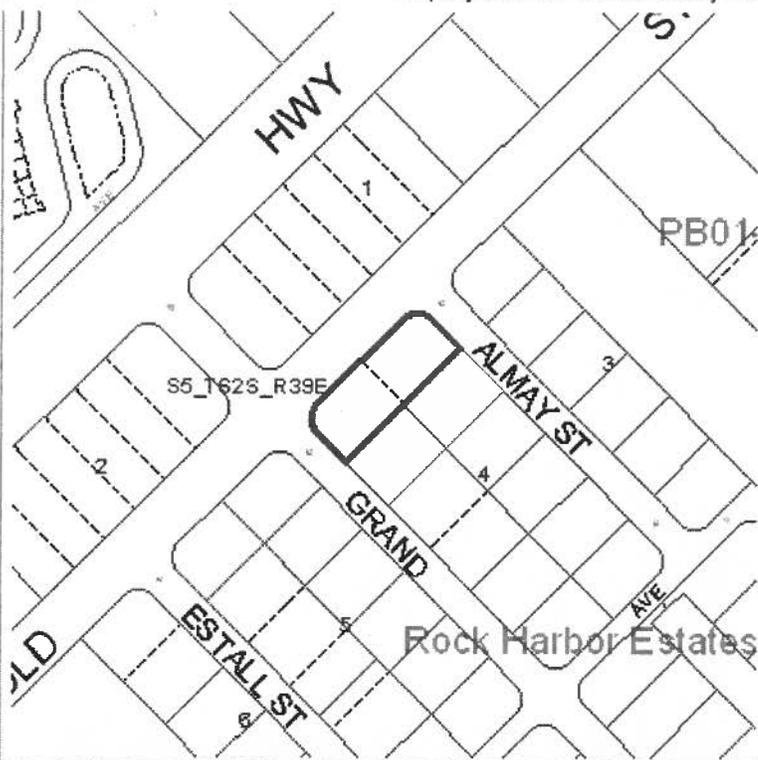
**Section-Township-Range:** 05-62-39

**Property Location:** 98175 OVERSEAS HWY KEY LARGO

**Subdivision:** ROCK HARBOR ESTATE

**Legal** BK 4 LT 1 AND 12 ROCK HARBOR EST PB3-187 KEY LARGO OR247-140/141 OR509-120 OR617-671 OR653-288

**Description:** OR671-672 OR679-521 OR838-608 OR931-89 OR947-2329/AFF OR2472-1206 OR2478-1622



Show Parcel Map that can launch map - Must have Adobe Flash Player 10.3 or higher

### Land Details

Land Use Code	Frontage	Depth	Land Area
100H - COMMERCIAL HIGHWAY	190	71	13,490.00 SF

### Building Summary

Number of Buildings: 1  
 Number of Commercial Buildings: 1



3	FLA	1	1986	1,795
4	OUF	1	1986	18

**Interior Finish:**

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	14215	1 STY STORE-D	100	N	Y
	14217	1 STY STORE-D	100	N	Y

**Exterior Wall:**

Interior Finish Nbr	Type	Area %
4913	C.B.S.	100

**Misc Improvement Details**

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
0	CL2:CH LINK FENCE	252 SF	42	6	2010	2011	1	30
0	AC2:WALL AIR COND	5 UT	0	0	2000	2007	2	20
0	WD2:WOOD DECK	448 SF	16	28	2000	2007	2	40
1	PT3:PATIO	280 SF	0	0	1975	1976	2	50
2	UB2:UTILITY BLDG	96 SF	8	12	1975	1976	3	50
3	CL2:CH LINK FENCE	1,350 SF	225	6	2001	2002	2	30

**Appraiser Notes**

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**Building Permits**

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
10303435	06/25/2010	10/25/2010	1		A/C REPLACEMENT
10303851	08/03/2010	12/30/2010	1		INTERIOR DEMOLITION
10303534	07/13/2010	12/30/2010	1		WINDOWS AND DOORS/REPAIR SPALLING
10304992	09/27/2010	12/30/2010	1		CHAIN LINK FENCE
11305688	12/19/2011		1		INT/EXT. REMODEL/REPAIR

**Parcel Value History**

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll	Total Bldg	Total Misc	Total Land	Total Just	Total	School Exempt	School Taxable
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Year	Value	Improvement Value	Value	(Market) Value	Assessed Value	Value	Value
2011	235,424	9,613	175,370	533,969	533,969	0	533,969
2010	254,448	9,553	269,800	599,721	599,721	0	599,721
2009	266,760	9,902	296,780	712,799	712,799	0	712,799
2008	266,760	10,283	377,720	756,414	756,414	0	756,414
2007	181,975	10,373	161,880	354,228	354,228	0	354,228
2006	193,916	3,777	134,900	332,593	332,593	0	332,593
2005	198,478	3,931	70,823	273,232	273,232	0	273,232
2004	198,474	4,086	70,823	273,383	273,383	0	273,383
2003	198,474	4,265	70,823	273,562	273,562	0	273,562
2002	198,474	4,418	70,823	273,715	273,715	0	273,715
2001	183,009	1,888	60,706	245,603	245,603	0	245,603
2000	183,009	963	60,706	244,678	244,678	0	244,678
1999	183,009	1,000	60,706	244,715	244,715	0	244,715
1998	156,237	1,037	60,706	217,980	217,980	0	217,980
1997	156,237	1,074	60,706	218,017	218,017	0	218,017
1996	142,033	1,111	60,706	203,850	203,850	0	203,850
1995	142,033	1,148	60,706	203,887	203,887	0	203,887
1994	130,197	0	26,980	157,177	157,177	0	157,177
1993	130,197	0	26,980	157,177	157,177	0	157,177
1992	130,197	0	26,980	157,177	157,177	0	157,177
1991	130,197	0	26,980	157,177	157,177	0	157,177
1990	130,197	0	26,980	157,177	157,177	0	157,177
1989	130,197	0	13,490	143,687	143,687	0	143,687
1988	120,139	0	13,490	133,629	133,629	0	133,629
1987	117,590	0	13,490	131,080	131,080	0	131,080
1986	97,607	0	13,490	111,097	111,097	0	111,097
1985	52,510	0	12,950	65,460	65,460	0	65,460
1984	51,285	0	12,950	64,235	64,235	0	64,235
1983	51,285	0	7,508	58,793	58,793	0	58,793
1982	43,661	0	7,508	51,169	51,169	0	51,169

## 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
8/5/2010	2478 / 1622	100	WD	11
6/10/2010	2472 / 1206	480,000	WD	31

2/1/1976

679 / 521

36,000

00

Q

This page has been visited 88,834 times.

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

### MCPA GIS Public Portal

Karl D. Berglund

Legend | Layers

- Expand All
- MCPA GIS Public Portal
- Monroe Overlay
- Subdivisions
- Section Lines
- Parcels
- Shoreline
- Lot Lines
- Hooks Leads
- Easements
- Text Displays
- Condo Sales
- Sales
- Transportation

Print Title | Subtitle | Clear

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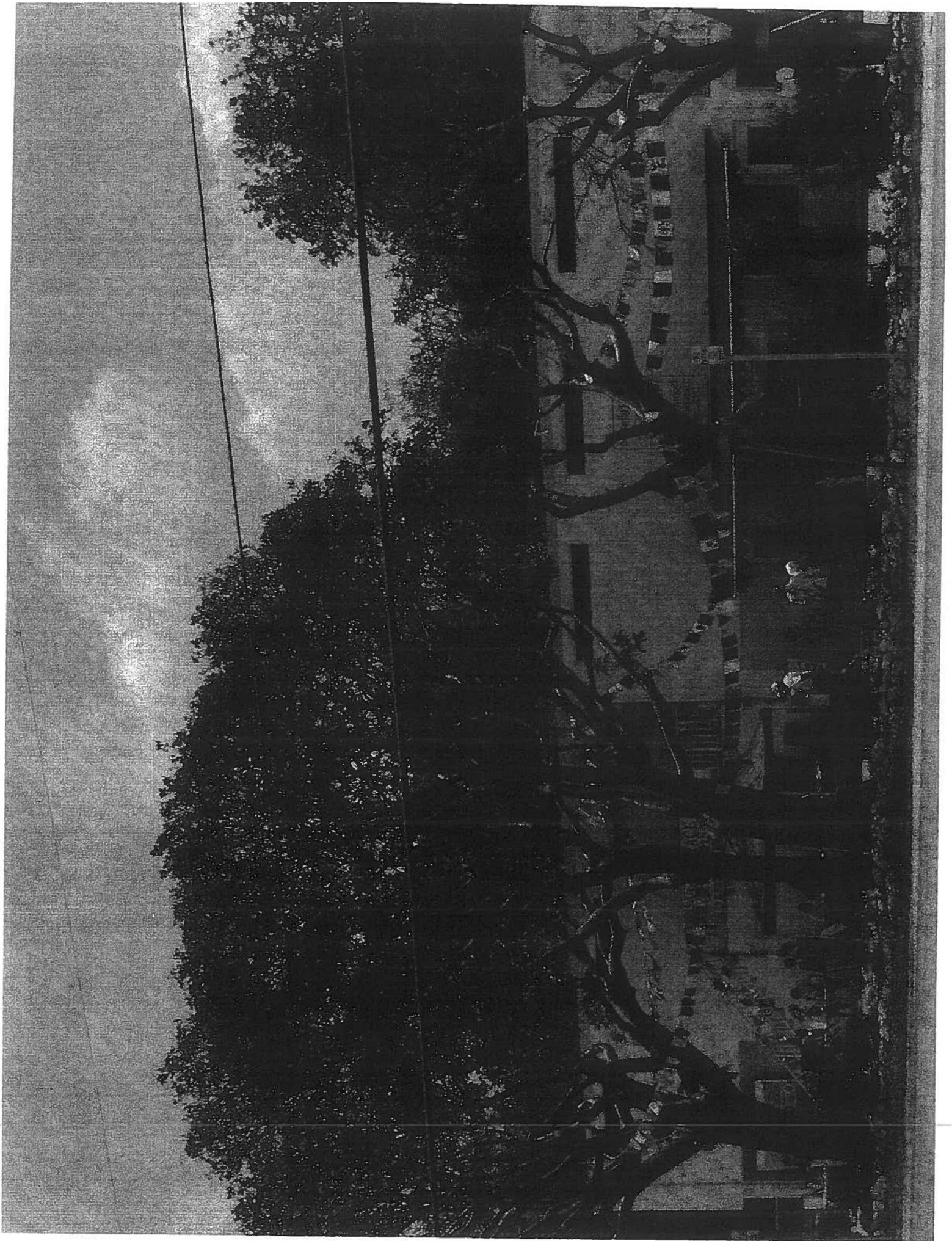
Scale: 1:120  
Latitude: 25.92091  
Longitude: -80.28197

Zoom | Remove highlight

Export results to | T | Delimited

No search results

Search:



Doc# 1801257 08/09/2010 3:36PM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

08/09/2010 3:38PM  
DEED DOC STAMP CL: TRINA \$8.70

Doc# 1801257  
Bkn 2478 Pgn 1622

**WARRANTY DEED**

THIS INDENTURE, Made this 5<sup>th</sup> day of August, 2010, between EXCHANGE #506, LLC, a Idaho Limited Liability Co. whose address is: 580 Jensen Grove Dr., P.O. Box 339, Blackfoot, ID 83221 party of the first part, and RENAISSANCE FARMS OF THE KEYS, LLC, a Florida Limited Liability Co. Whose address is: P.O. Box 491, Islamorada, FL 33036 party of the second part,

WITNESSETH, that the said party/parties of the first part, for and in consideration of the sum of Ten and No/100ths Dollars and other good and valuable consideration, to him/her/them in hand paid by the said party/parties of the second part, the receipt of which is hereby acknowledged, has granted, bargained, and sold to the said party/parties of the second party, his/her/their heirs and assigns forever, the following described land, situate and being in the County of Monroe, State of Florida, to-wit:

Lots 1 and 12, Block 4, ROCK HARBOR ESTATES, according to the Plat thereof as recorded in Plat Book 3, Page 187 of the Public Records of Monroe County, Florida.

PURSUANT TO DOR 12B-4.014(5) THIS IS AN AGENT TO PRINCIPLE TRANSFER AND DEED RECORDING STATE/TAX STAMPS FEES HAVE BEEN PAID.

Subject to conditions, restrictions and reservations of record, zoning ordinances, easements for the public utilities, if any, taxes for the current and subsequent years.

Assessment # 00519750-000000 Alternate Key #1638994

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his/her/their hands and seals the day and year first written above.

Signed, sealed and delivered in the presence of:

Sandy Nelson  
Print Name: Sandy Nelson

Witness as to all  
Curtis S. Chambers  
Print Name: CURTIS S. CHAMBERS  
Witness as to all

EXCHANGE SERVICES, INC., a Idaho Corporation, Member of EXCHANGE #506, LLC, a Idaho Limited Liability Co.

BY: [Signature]  
AMANDA SCHMIDT, Assistant Vice President

(corporate seal)

STATE OF IDAHO  
COUNTY OF Blaine

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of August, 2010, by AMANDA SCHMIDT the Assistant Vice President of EXCHANGE SERVICES, INC., a Idaho Corp, as member of EXCHANGE #506, LLC, a Idaho Limited Liability Co. who is personally known to me or who has produced a Notary Drivers License as identification.

Witness my hand and official seal in the County and State last aforesaid this 5<sup>th</sup> day of August, 2010.



[Signature]  
NOTARY PUBLIC  
Comm Expires: 06/04/2010

THIS INSTRUMENT PREPARED BY:  
DEBI WACHENDORFER  
FLORIDA TITLE OF THE KEYS  
A division of Island Acquisition Title Co.  
85960 OVERSEAS HWY., Ste 1  
P.O. BOX 535  
ISLAMORADA, FL 33036  
10-IS-21/DW

MONROE COUNTY  
OFFICIAL RECORDS

A WEEKEND AT BERNI'S INC  
100 SAN MARCO DR  
ISLAMORADA, FL 33036

HUNTER PAUL J & PATTERSON LESLIE  
M R/S  
1307 ALMAY STREET  
KEY LARGO, FL 33037

STUMPO MARK R SR AND LAURIE J  
11980 SW 3RD ST  
PLANTATION, FL 33325

GILLMOR RICHARD & JUDY  
744 KROEGEL AVE  
SEBASTIAN, FL 33037

WILE MARK AND PATRICIA J  
1106 GRAND ST  
KEY LARGO, FL 33037

WALLIS GEORGE AND CAROLYN  
198 DOVE LAKE DR  
TAVERNIER, FL 33070

BOATS DIRECT LLC  
98150 OVERSEAS HWY  
KEY LARGO, FL 33037

BARRERO ROLANDO TRUSTEE  
PO BOX 440632  
MIAMI, FL 33144

HUNTER PAUL J  
1307 ALMAY STREET  
KEY LARGO, FL 33037, FL 33037

STUMPO MARK R SR AND LAURIE J  
11980 SW 3RD ST  
PLANTATION, FL 33325

HARLING DONN N AND SHER A  
136 OCEAN SHORES DR  
KEY LARGO, FL 33037

KIRCHNER TIMOTHY JAMES  
1104 GRAND ST  
KEY LARGO, FL 33037

MUGUERCIA LUIS M  
PO BOX 226932  
MIAMI, FL 33222

KEY LARGO SERVICE STATION LLC  
9701 NW 89TH AVE  
MEDLEY, FL 33178-1435, FL 33178

DIAZ JULIAN K AND MIRIAM C  
4254 SW 163RD PATH  
MIAMI, FL 331285

JOINER MELANIE C AND JEFFRY  
1308 ALMAY ST  
KEY LARGO, FL 33037

WALL RANDOLPH D & NANCY N  
1208 CACTUS STREET  
KEY LARGO, FL 33037

SMENDA JOANN  
1109 GRAND ST  
KEY LARGO, FL 33037

WALLIS GEORGE AND CAROLYN  
198 DOVE LAKE DR  
TAVERNIER, FL 33070

STEPHENS CRAIG KENDAL  
905 ESTALL ST  
KEY LARGO, FL 33037

BARRY DANIEL O JR AND ARCHER A  
PO BOX 18769  
WEST PALM BEACH, FL 33416

781 IS OSH

LIST of  
surrounding  
property owners  
(300')

Parcel ID 519690  
Name A WEEKEND AT BERNI'S INC  
Street Address 100 SAN MARCO DR  
City, State, Zip ISLAMORADA, FL 33036

Parcel ID 90520  
Name BARRERO ROLANDO TRUSTEE  
Street Address PO BOX 440632  
City, State, Zip MIAMI, FL 33144

Parcel ID 519700  
Name DIAZ JULIAN K AND MIRIAM C  
Street Address 4254 SW 163RD PATH  
City, State, Zip MIAMI, FL 33185-5332

Parcel ID 519710  
Name HUNTER PAUL J & PATTERSON LESLIE M R/S  
Street Address 1307 ALMAY STREET  
City, State, Zip KEY LARGO, FL 33037

Parcel ID 519720  
Name HUNTER PAUL J  
Street Address 1307 ALMAY STREET  
City, State, Zip KEY LARGO, FL 33037

Parcel ID 519790  
Name JOINER MELANIE C AND JEFFRY  
Street Address 1308 ALMAY ST  
City, State, Zip KEY LARGO, FL 33037-4102

Parcel ID 519780  
Name STUMPO MARK R SR AND LAURIE J  
Street Address 11980 SW 3RD ST  
City, State, Zip PLANTATION, FL 33325-2825

Parcel ID 519770  
Name STUMPO MARK R SR AND LAURIE J  
Street Address 11980 SW 3RD ST  
City, State, Zip PLANTATION, FL 33325-2825

Parcel ID 519760  
Name WALL RANDOLPH D & NANCY N  
Street Address 1208 CACTUS STREET  
City, State, Zip KEY LARGO, FL 33037

Parcel ID 519850  
Name GILLMOR RICHARD & JUDY

Street Address 744 KROEGEL AVE  
City, State, Zip SEBASTIAN, FL 32958

Parcel ID 519830  
Name HARLING DONN N AND SHER A  
Street Address 136 OCEAN SHORES DR  
City, State, Zip KEY LARGO, FL 33037

Parcel ID 519820  
Name SMENDA JOANN  
Street Address 1109 GRAND ST  
City, State, Zip KEY LARGO, FL 33037

Parcel ID 519900  
Name WILE MARK AND PATRICIA J  
Street Address 1106 GRAND ST  
City, State, Zip KEY LARGO, FL 33037

Parcel ID 519890  
Name KIRCHNER TIMOTHY JAMES  
Street Address 1104 GRAND ST  
City, State, Zip KEY LARGO, FL 33037

Parcel ID 519880  
Name WALLIS GEORGE AND CAROLYN  
Street Address 198 DOVE LAKE DR  
City, State, Zip TAVERNIER, FL 33070-2928

Parcel ID 519870  
Name WALLIS GEORGE AND CAROLYN  
Street Address 198 DOVE LAKE DR  
City, State, Zip TAVERNIER, FL 33070-2928

Parcel ID 519980  
Name MUGUERCIA LUIS M  
Street Address PO BOX 226932  
City, State, Zip MIAMI, FL 33222-6932

Parcel ID 519960  
Name STEPHENS CRAIG KENDAL  
Street Address 905 ESTALL ST  
City, State, Zip KEY LARGO, FL 33037-4118

Parcel ID 519640  
Name BOATS DIRECT LLC  
Street Address 98150 OVERSEAS HWY  
City, State, Zip KEY LARGO, FL 33037-2356

Parcel ID 90530  
Name KEY LARGO SERVICE STATION LLC  
Street Address 9701 NW 89TH AVE  
City, State, Zip MEDLEY, FL 33178-1435

Parcel ID 519590  
Name BARRY DANIEL O JR AND ARCHER A  
Street Address PO BOX 18769  
City, State, Zip WEST PALM BEACH, FL 33416-8769

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# LAWRENCE FRANK LAND SURVEYING, LLC

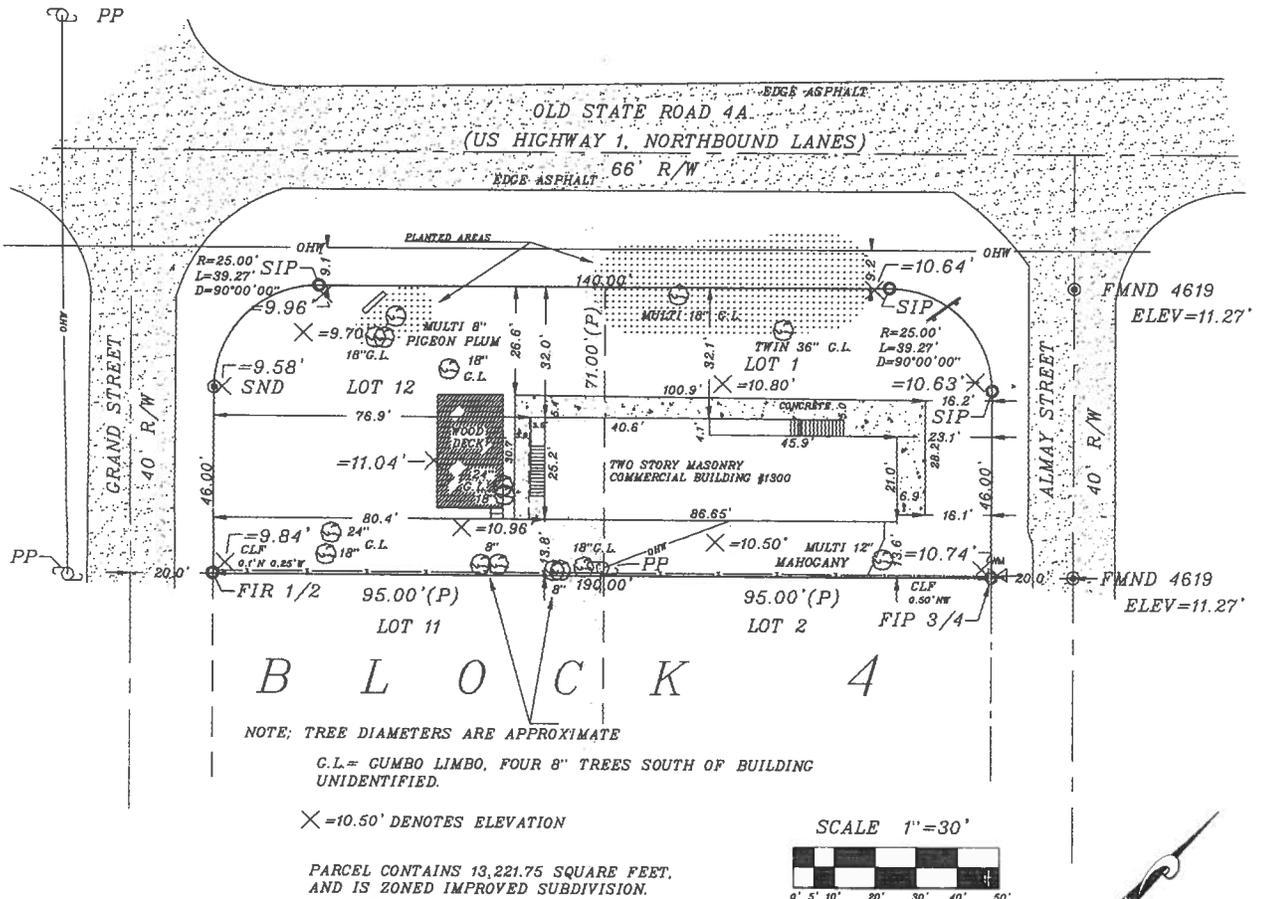
SURVEYORS • LAND PLANNERS  
 83266 OVERSEAS HIGHWAY, SUITE 300, ISLAMORADA, FLORIDA 33036  
 Phone (305) 664-0764 FAX (305) 664-0816  
 CERTIFICATE OF AUTHORIZATION NUMBER LB7698

RECEIVED  
 JUL 31 2012  
 2012 - 110  
 MONROE CO. PLANNING DEPT

CERTIFIED TO:  
 JOHN KOCOL

LEGAL DESCRIPTION:  
 LOTS 1 & 12, BLOCK 4, ROCK  
 HARBOR ESTATES, ACCORDING TO  
 THE PLAT THEREOF, AS RECORDED  
 IN PLAT BOOK 3, PAGE 187 OF THE  
 PUBLIC RECORDS OF MONROE  
 COUNTY, FLORIDA.

JOB No. K10036  
 SEC. 5, TWP. 62 S., RGE. 39 E.  
 MONROE COUNTY, FLORIDA



NOTE: TREE DIAMETERS ARE APPROXIMATE  
 C.L. = CUMBO LIMBO, FOUR 8" TREES SOUTH OF BUILDING UNIDENTIFIED.

X = 10.50' DENOTES ELEVATION

SCALE 1" = 30'



PARCEL CONTAINS 13,221.75 SQUARE FEET,  
 AND IS ZONED IMPROVED SUBDIVISION.

**SURVEYOR'S NOTES:**

- 1.) ALL CORNERS FOUND HAVE NO NUMBER DESIGNATING PREVIOUS SURVEYOR OR COMPANY EXCEPT AS SHOWN.
- 2.) ALL BEARINGS AND DISTANCES ARE MEASURED PER PLAT UNLESS OTHERWISE NOTED.
- 3.) NO UNDERGROUND ENCROACHMENTS, FOUNDATIONS OR UTILITIES HAVE BEEN LOCATED OR SHOWN UNLESS OTHERWISE NOTED.
- 4.) NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN HEREON.
- 5.) ELEVATION DATUM: N.G.V.D. 1929, BENCHMARK: X-275  
 BASIS OF BEARINGS: PLAT ANGLES = 90°00'00", NORTH SCALED FROM PLAT.
- 6.) THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP, COMMUNITY No. 125129, PANEL No. 1004 K, EFFECTIVE DATE 2/18/05, AND THE HEREON DESCRIBED PROPERTY APPEARS TO BE IN ZONE AE, WITH A BASE ELEVATION OF 8' M.S.L.

THE SURVEY DEPICTED HERE IS NOT COVERED  
 BY PROFESSIONAL LIABILITY INSURANCE

**ABBREVIATION LEGEND:**

F.I.R. FOUND IRON ROD, SIZE INDICATED	SEC. SECTION
S.I.P. SET IRON PIPE, 1/2" P.L.S. #4619	TWP. TOWNSHIP
F.I.P. FOUND IRON PIPE, SIZE INDICATED	RGE. RANGE
F.N.O. FOUND NAIL AND DISK	(D) DEED
S.N.D. SET NAIL AND DISK, P.L.S. #4619	(P) PLAT
F.C.M. FOUND CONCRETE MONUMENT	(M) MEASURED
P.R.M. PERMANENT REFERENCE MONUMENT	(C) CALCULATED
P.C.P. PERMANENT CONTROL POINT	CONC. CONCRETE
P.I. POINT OF INTERSECTION	COV. COVERED
P.C. POINT OF CURVE	CLF. CHAIN LINK FENCE
P.O.B. POINT OF BEGINNING	OHW. OVERHEAD WIRE
R/W. RIGHT-OF-WAY	ELEV. ELEVATION
TYP. TYPICAL	WM. WATER METER
PP. POWER POLE	LP. LIGHT POLE

**CERTIFIED FOR BOUNDARY SURVEY**

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

*Lawrence P. Frank*  
 LAWRENCE P. FRANK, P.L.S. #4619 DATE: 03/01/10  
 REVISED: 06/08/12; LOT AREA AND LAND USE DISTRICT.  
 UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

# LAWRENCE FRANK LAND SURVEYING, LLC

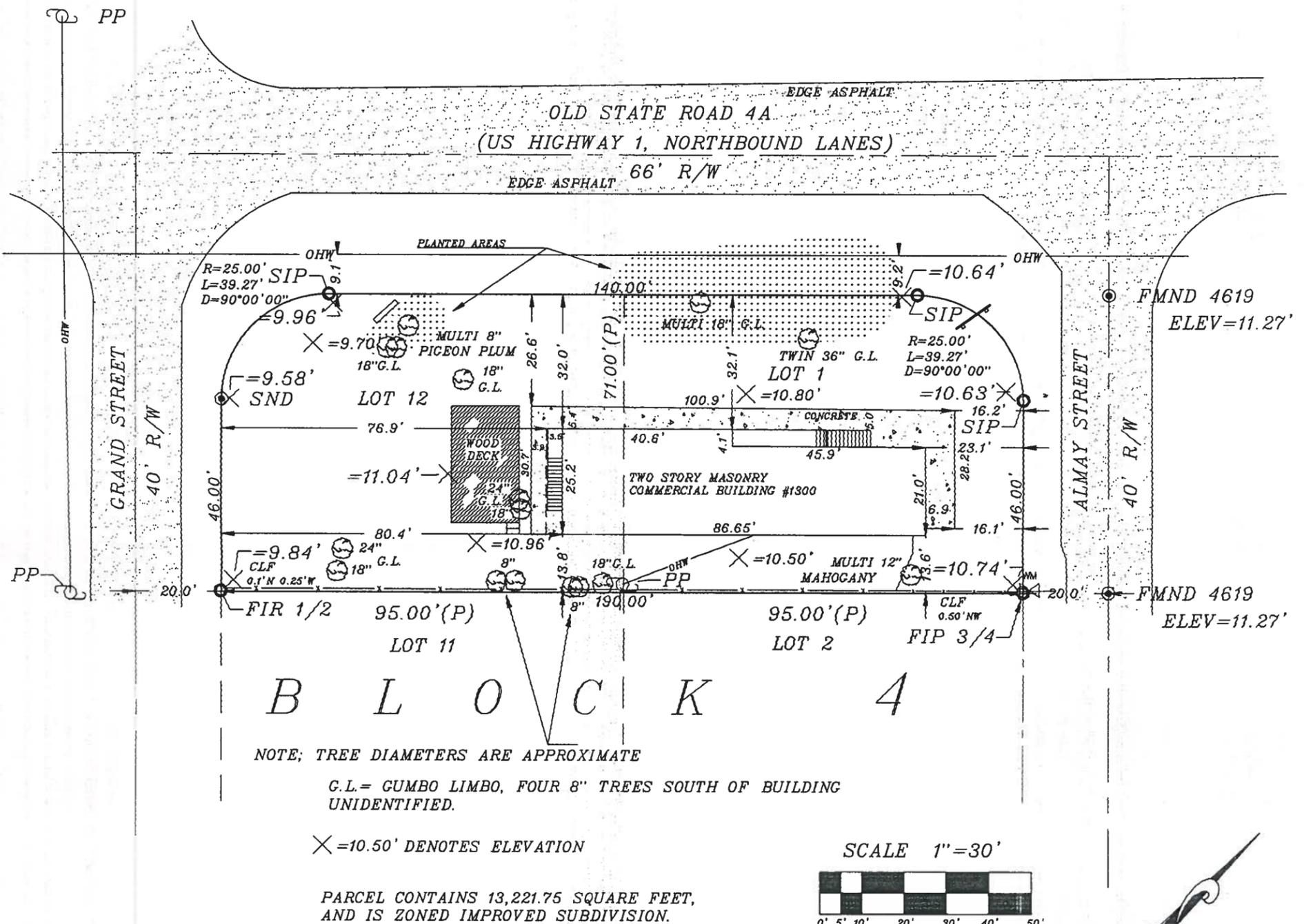
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