

DEVELOPMENT REVIEW COMMITTEE

-
Tuesday, February 26, 2013

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AGENDA

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The Monroe County Development Review Committee will conduct a meeting on Tuesday, February 26, 2013, beginning at 1:00 PM at the Marathon Government Center, Media & Conference Room (1st 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. CONSIDERATION OF A REQUEST BY PARADISE PIT, LLC TO AMEND THE FUTURE LAND USE MAP OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM MIXED USE/COMMERCIAL (MC), RESIDENTIAL LOW (RL), AND RESIDENTIAL CONSERVATION (RC), TO INDUSTRIAL (I), RESIDENTIAL CONSERVATION (RC), AND CONSERVATION (C), FOR PROPERTY LOCATED AT 101075 AND 101101 OVERSEAS HIGHWAY, KEY LARGO, LEGALLY DESCRIBED AS PARCELS OF LAND WITHIN SECTION 27, TOWNSHIP 61 SOUTH, RANGE 39 EAST, ON KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00087100.000500 AND 00087190.000000.

(File 2012-140)

[2012-140 SR DRC 02.26.13-Website.PDF](#)

[2012-140 FILE.PDF](#)

[2012-140 Recvd 10.22.12 Survey.pdf](#)

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 &
Townshley Schwab, Senior Director of Planning & Environmental Resources

Through: Mayté Santamaria, Assistant Director of Planning

From: Emily Schemper, Senior Planner 

Date: February 19, 2013

Subject: **This is a request by Paradise Pit, LLC to amend the Comprehensive Plan Future Land Use Map for two (2) parcels in Key Largo having real estate numbers 00087190.000000 and 00087100.000500.**

Meeting: February 26, 2013

I. REQUEST

Paradise Pit, LLC is requesting an amendment to the Comprehensive Plan Future Land Use Map for two (2) parcels in Key Largo (having real estate numbers 00087190.000000 and 00087100.000500) from Mixed Use/Commercial (MC), Residential Low (RL), and Residential Conservation (RC) to Industrial (I), Residential Conservation (RC), and Conservation (C).

II. BACKGROUND INFORMATION

Paradise Pit Property:

Paradise Pit, LLC, operates a light industrial business at 101075 and 101101 Overseas Highway in Key Largo. The subject property currently has Future Land Use Map (FLUM) designations of Mixed Use/Commercial (MC), Residential Low (RL), and Residential Conservation (RC). The property currently has Land Use District (LUD) designations of Suburban Commercial (SC), Suburban Residential (SR), and Native Area (NA). The current regulations pertaining to permitted uses within these FLUM categories and LUDs do not allow light industrial uses, and the current use is therefore considered nonconforming to the provisions of the current Comprehensive Plan and Land Development Regulations. The applicant is requesting a change to the FLUM designation in order to eliminate the nonconformity.

Historically, the parcel having RE#00087190.000000 and the southwest portion of the parcel having RE#00087100.000500 were within a GU (General Use) zoning district. The remainder of the parcel having RE#00087100.000500 was within RU-5P (Mobile Home Park

Residential), RU-1 (Single Family Residential), and BU-2 (Medium Business) zoning districts.

In 1986, the property was rezoned to its current land use districts (LUDs). The property is primarily within a Suburban Residential (SR) land use district. A very small portion of the parcel having RE#00087100.000500 along US1 is within a Suburban Commercial (SC) district, and an area of approximately 7 acres along the shoreline of both parcels is within a Native Area (NA) district.

With the adoption of the Monroe County 2010 Comprehensive Plan's (Comprehensive Plan) FLUM in 1997, the subject parcels were given their current FLUM designations: Mixed Use/Commercial (MC), Residential Low (RL), and Residential Conservation (RC).

The existing light industrial use is located entirely within the portion of the site designated RL. Policy 101.4.2 of the Comprehensive Plan, which describes the purpose of the RL FLUM category, does not state that industrial uses are allowed; therefore, the existing light industrial use is nonconforming to the current provisions of the Comprehensive Plan.

Industrial Uses & Mining:

Although at one time the site was used for resource extraction (considered a heavy industrial use), there is no evidence that any mining activity currently takes place. Furthermore, Development Order #21-90, signed by the Planning Director in 1990, required the closure and restoration of the quarry on the site.

The applicant states that the existing use of the property is industrial, including equipment maintenance and storage as well as material storage and handling for a local excavation and batch concrete company. According to the Determination of Lawful Use letter dated September 23, 2011 (detailed below), the Planning Department determined that the current land use on the site is a "lawful and nonconforming *light* industrial use." Following a site visit, Planning Department staff determined that "the business on site, known as Paradise Pit, uses the site to mix cement, store equipment associated with the business, temporarily store fill brought from other sites, and carry out office operations associated with the business."

Within the Upper Keys, there is currently no land with an Industrial FLUM designation. According to the July 2011 Monroe County Technical Document, in the Upper Keys, existing industrial land uses (based upon Property Appraiser's PC codes) make up only 40.6 acres, or 0.17% of the total Upper Keys area. Throughout unincorporated Monroe County, existing industrial uses make up only 455.6 acres, or 0.6% of the total land area (Lower Keys 414.8 acres, Middle Keys 0.2 acres and Upper Keys 40.6 acres). Industrial uses include cement, rock and gravel operations, light manufacturing and storage areas, and heavy industrial uses. Again, industrial uses are heavily concentrated in the Lower Keys, with 91 percent distribution.

Lawful Nonconformity:

The current Planning & Environmental Resources Department's fee schedule (adopted October 17, 2012 by Resolution #332-2012) includes a special provision for properties with certain nonconforming uses. The BOCC first adopted this provision as an amendment to the fee schedule on April 18, 2012 by Resolution #127-2012. This resolution amended the Planning & Environmental Resources Department's fee schedule to waive application fees for property owners applying for a LUD map and/or FLUM amendment that eliminates a lawfully

established nonconforming use created with the final adoption of the LUD map and/or FLUM, and which does not create an adverse effect on the community. To be exempt from the FLUM amendment application fee, the property owner must provide satisfactory evidence that the existing use on the site also existed lawfully in 1997 and was deemed nonconforming by final adoption of the FLUM.

On September 23, 2011, a Determination of Lawful Use letter was issued by the Planning Department for the parcel having RE#00087100.000500. As detailed in the letter, the Planning Department determined that the light industrial uses taking place on scarified portions of the site are lawful nonconforming light industrial uses and existed on the site as early as 1990.

On August 1, 2012, the Planning Department issued a Letter of Understanding for the parcel having RE#00087100.000500. This letter re-affirmed the lawful nonconforming status of the light industrial use on scarified portions of the parcel. Furthermore, the Planning Department determined that the light industrial use existed lawfully in 1997, and was therefore deemed nonconforming by the final adoption of the FLUM. The letter also advised that an amendment changing the FLUM category to either Mixed Use/Commercial (MC) or Industrial (I) would eliminate the nonconformity, as either category would allow the existing light industrial uses.

Livable CommuniKeys Plan:

Comprehensive Plan Policy 101.20.1 states: "Monroe County shall develop a series of Community Master Plans". These "CommuniKeys Plans" implement a vision that was developed by the local community. In 2006, the BOCC adopted Policy 101.20.2(5) which incorporated the Key Largo Livable CommuniKeys Master Plan into the Monroe County 2010 Comprehensive Plan. Action Item 1.3.2 within the Key Largo Livable CommuniKeys Master Plan states: "Revise the FLUM and Land Use District Maps to resolve non-conformities in the planning area where appropriate." The proposed FLUM amendment and associated LUD map amendment implement this Action Item of the adopted Key Largo Livable CommuniKeys Master Plan.

III. PROPOSED AMENDMENT

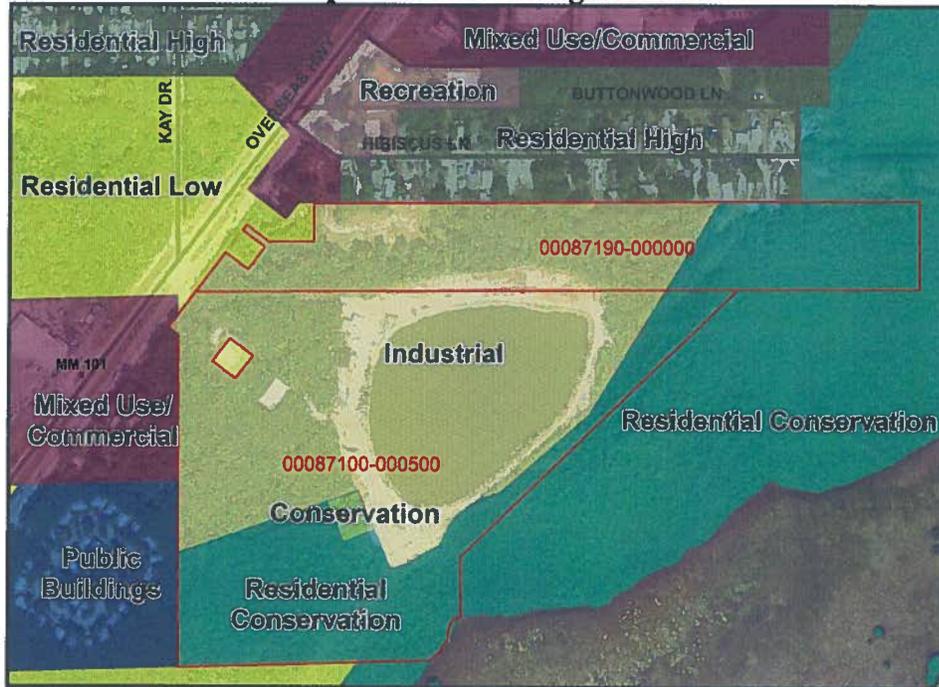
The applicant is requesting an amendment to the Comprehensive Plan Future Land Use Map for two (2) parcels in Key Largo (having real estate numbers 00087190.000000 and 00087100.000500) from Mixed Use/Commercial (MC), Residential Low (RL), and Residential Conservation (RC) to Industrial (I), Residential Conservation (RC), and Conservation (C). Current and Proposed FLUM designations are shown below (subject parcels outlined in red).

Current FLUM designations



(subject parcels outlined in red (2012))

Proposed FLUM designations



(subject parcels outlined in red (2012))

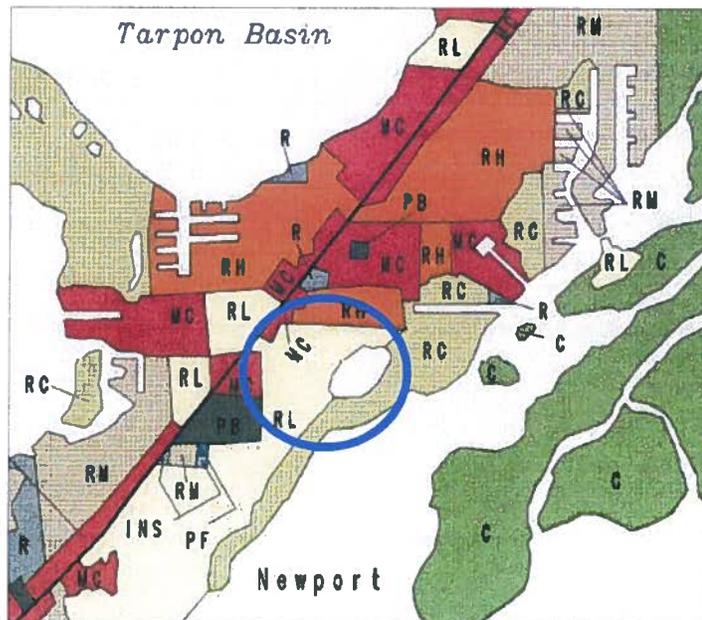
The table above provides an approximation of the development potential for residential, transient, and nonresidential development. Section 130-156(b) of the Land Development Code states: “The density and intensity provisions set out in this section are intended to be applied cumulatively so that no development 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 development shall not exceed the cumulated permitted intensity of the parcel proposed for development.”

As shown in the table, the proposed FLUM amendment would result in a maximum increase in residential development potential of 11 dwelling units. The maximum increase in nonresidential development potential would be 351,332 square feet.

Note - In November 2012, a County amendment creating Policy 101.4.20 to discourage private applications for future land use changes which increase allowable density/intensity became effective. The Paradise Pit, LLC, FLUM application was received on October 22, 2012, prior to the effective date of the discouragement amendment.

B. Compatibility with the Surrounding Area

An excerpt from Map 2 of the Comprehensive Plan Future Land Use Map Series identifies the approximate location of the proposed FLUM amendment (circled in the figure below), and the FLUM designations of the surrounding area.



Parcels surrounding the subject property currently have FLUM designations of Residential High, Mixed Use/Commercial, Public Buildings, Residential Low, and Residential Conservation. Land uses surrounding the subject property include residential uses and vacant land.

Both parcels on the site have tier designations of Tier 1, and existing vegetation includes scarified land on the current light industrial use area (mainly adjacent to the borrow pit), and a mix of buttonwood, hammock, and mangrove on all other areas of property. The portion of

the site covered by hammock is considered potential habitat for Cotton Mouse, Eastern Indigo Snake, Schaus Swallowtail, Tree Cactus, Tree Snail, and Woodrat. Hammock covers a majority of the land surrounding the scarified area containing the existing light industrial use. The proposed FLUM amendment includes designating a large portion of this hammock area as Industrial. Note, the proposed amendment includes giving 0.41 acres of land a Conservation FLUM designation for to protect archeologically and historically significant resources.

C. Concurrency Analysis (Comprehensive Plan Policy 101.1.1)

Traffic Circulation (Policy 301.1.1)

The subject property is located on US 1 in Key Largo. The property is only accessible by US 1. Pursuant to the Comp Plan, the level of service standard for US 1 is LOS of “C.” According to the 2011 US 1 Arterial Travel Time and Delay Study, US 1 overall is operating at a LOS of “C” and the segment in Key Largo (MM 99.5 to MM 106.0) is operating at a LOS of “A.”

Potable Water (Policy 701.1.1)

Florida Keys Aqueduct Authority’s water treatment facility in Florida City has a maximum water treatment design capacity of 29.8 million gallons per day (MGD) and is capable of treating up to 23.8 MGD. There are also two saltwater Reserve Osmosis (RO) plants, located on Stock Island and Marathon, which are able to produce potable water under emergency conditions. The RO desalination plants have design capacities of 2.0 and 1.0 MGD of water, respectively. The annual average daily demand in Monroe County is 16.21 MGD and projections indicate a slight increase to an annual average daily demand to 16.54 MGD. The proposed FLUM amendment could result in a net increase in demand from this site of up to 122,966 gallons per day if developed to its maximum nonresidential intensity.

FLUM	Potable Water Residential LOS Standard (Policy 701.1.1)	Max Potential Residential Development (dwelling units)	Persons/ Household	Total Persons	Total LOS Demand	Net Change
Current: RL/RC/MC	66.50 gal/cap/day (149 gal/du/day)	21	2.24	47.04	3,128 gal/day	+ 1,639 gal/day
Proposed: I/RC/C	66.50 gal/cap/day (149 gal/du/day)	32	2.24	71.68	4,767 gal/day	

FLUM	Potable Water Nonresidential LOS Standard (Policy 701.1.1)	Max Potential Nonresidential Development (square feet)	Total LOS Demand	Net Change
Current: RL/RC/MC	0.35 gal/sq.ft./day	479,159	167,706 gal/day	+122,966 gal/day
Proposed: I/RC/C	0.35 gal/sq.ft./day	830,491	290,672 gal/day	

Solid Waste (Policy 801.1.1)

Monroe County has a contract with Waste Management, authorizing the use of in-state facilities through September 30, 2016; thereby, providing the County with approximately five (5) years of guaranteed capacity. Currently, there is adequate capacity for solid waste generation.

FLUM	Solid Waste Residential LOS Standard Policy 801.1.1	Max Potential Residential Development (dwelling units)	Persons/ household	Total persons	Total LOS Demand	Net Change
Current: RL/RC/MC	5.44lbs/capita/day	21	2.24	47.04	256 lbs/day	+ 390 lbs/day
Proposed: I/RC/C	5.44lbs/capita/day	32	2.24	71.68	390 lbs/day	

Sanitary Sewer (Policy 901.1.1)

The County has adopted water quality treatment standards for wastewater facilities and within the Sanitary Wastewater Treatment Master Plan, Exhibit 3-8, has stated the LOS standard for residential and nonresidential flow is 145 gallons per day per equivalent dwelling unit.

The only building currently on the site is a small office building, which was built without the benefit of a building permit. It does not have a connection to the sanitary sewer at this time. According to the Determination of Lawful Use issued in 2011, this building must be removed under the requirements of the parcel's current FLUM designation and land use district regulations. Other structures on the property are limited to storage containers, car/RV ports, and a lean-to.

The Key Largo Wastewater Treatment District central sewer system is available to these parcels, and any new development would be required to connect to the sewer system. The Key Largo Wastewater Treatment Facility is designed and constructed in accordance with the adopted levels of service treatment standards.

V. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING DEVELOPMENT

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

Objective 101.3: Monroe County shall regulate non-residential development to maintain a balance of land uses to serve the needs of the future population of Monroe County.

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 101.4.7: The principal purpose of the Industrial land use category is to provide for the development of industrial, manufacturing, and warehouse and distribution uses. Other commercial, public, residential, and commercial fishing-related uses are also allowed.

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.

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.

Key Largo Livable CommuniKeys Master Plan

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

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

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;
 5. Transportation facilities;
 6. Federal parks, wildlife refuges, and marine sanctuaries;
 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 8. City electric service and the Florida Keys Electric Co-op; and
 9. Other utilities, as appropriate.
- (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
- (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
- (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
- (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is consistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle.

C. The proposed amendment is consistent with the Part II of Chapter 163, Florida Statute (F.S.). Specifically, the amendment furthers:

Section 163.3161(4), F.S. – It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions

Section 163.3177, F.S.

(6)(a)

2. The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including:
 - a. The amount of land required to accommodate anticipated growth.
 - b. The projected permanent and seasonal population of the area.

- c. The character of undeveloped land.
- d. The availability of water supplies, public facilities, and services.
- e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.
- f. The compatibility of uses on lands adjacent to or closely proximate to military installations.
- g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.
- h. The discouragement of urban sprawl.
- i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.
- j. The need to modify land uses and development patterns within antiquated subdivisions.

(6)(a)4. The amount of land designated for future planned uses shall provide a balance of uses that foster vibrant, viable communities and economic development opportunities and address outdated development patterns, such as antiquated subdivisions. The amount of land designated for future land uses should allow the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business and may not be limited solely by the projected population. The element shall accommodate at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission

(6)(a)8. Future land use map amendments shall be based upon the following analyses:

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

VI. STAFF RECOMMENDATION

Staff recommends approval of the proposed Future Land Use Map amendment from Mixed Use/Commercial (MC), Residential Low (RL), and Residential Conservation (RC) to Industrial (I), Residential Conservation (RC), and Conservation (C) for two (2) parcels, having real estate numbers 00087190.000000 and 00087100.000500, in Key Largo.

VII. PROCESS

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

The Planning Commission shall hold at least one public hearing. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing to consider the transmittal of the proposed comprehensive plan amendment, and considers the staff report,

staff recommendation, and the testimony given at the public hearing. The BOCC may or may not recommend transmittal to the Florida Department of Economic Opportunity (DEO). The amendment is transmitted to DEO, which then reviews the proposal and issues an Objections, Recommendations and Comments (ORC) Report. Upon receipt of the ORC report, the County has 180 days to adopt the amendments, adopt the amendments with changes or not adopt the amendment.

VIII. EXHIBITS

1. Letter of Understanding, dated August 1, 2012, concerning the Paradise Pit LLC property
2. Monroe County Resolution 127-2012
3. Map 2 of the Monroe County Comprehensive Plan Future Land Use Map Series
4. Proposed FLUM amendment for 00087190.000000 and 00087100.000500 in Key Largo

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

August 1, 2012

Emily Burkel
Paradise Pit LLC
743 Largo Road
Key Largo, FL 33037

SUBJECT: LETTER OF UNDERSTANDING CONCERNING THE PARADISE PIT LLC PROPERTY, LOCATED AT 743 LARGO ROAD, KEY LARGO, MILE MARKER 101, LEGALLY DESCRIBED AS A PARCEL OF LAND WITHIN SECTION 27, TOWNSHIP 61, RANGE 39, HAVING REAL ESTATE NUMBER 00087100.000500

Dear Ms. Burkel,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU).

In response to your party's recent discussions with Growth Management Division staff regarding the above-referenced property, this letter is to notify you of our Department's findings regarding two of the matters discussed at our last meeting: 1) whether or not the existing land use district and future land use map designations were assigned in error and b) the number of storage containers lawfully established and thereby lawfully nonconforming.

Land Use District (LUD) and Future Land Use Map (FLUM) Designations:

The Board of County Commissioners passed and adopted Resolution #127-2012 on April 18, 2012. This resolution 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 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.

You have requested that the Senior Director of Planning & Environmental Resources render such a decision in relation to the subject property and, if your party decides to do so, allow you to submit map amendment applications without the required application fees.

For the most part, the property is partially designated as Residential Low (RL) and partially designated as Residential Conservation (RC) on the official FLUM. A small portion in the northwest corner is designated Mixed Use / Commercial (MC). For the most part, the property is partially designated as Suburban Residential (SR) and partially designated as Native Area (NA) on the official LUD map (see attachment). A small portion in the northwest corner is designated Suburban Commercial (SC). The RL boundary is consistent with the SR boundary, the RC boundary is consistent with the NA boundary and the MC boundary is consistent with the SC boundary. The property was partially within a BU-2 district (Medium Business), partially within a RU-1 district (Single Family Residential) and partially within a RU-5P district (Mobile Home Park) prior to 1986 when the property was re-designated SR and NA (see attachment).

The current permitted use regulations for the SR district do not allow industrial uses (Monroe County Code §130-94). Furthermore, Policy 101.4.2 of the Monroe County Comprehensive Plan, which describes permitted uses in the RL FLUM category, does not state that industrial uses are allowed. Therefore, the existing light industrial use is nonconforming to the current provisions of the Monroe County Code and Comprehensive Plan.

Regarding the subject property, on September 23, 2011, the Planning & Environmental Resources Department provided you with a letter stating that the existing light industrial use was lawfully established on the scarified areas of the site and is thereby a lawful nonconforming use. As a note, the existing light industrial use is located entirely within the portion of the property designated SR and RL.

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 light industrial use existed lawfully in 1992 and was deemed nonconforming by the final adoption of the LUD map. Staff has also determined that the existing light industrial use existed lawfully in 1997 and was deemed nonconforming by the final adoption of the FLUM.

Note: This finding does not pertain to any of the areas on the property designated NA and RC. Staff has determined that these areas were appropriately designated. Staff found no evidence that a light industrial use has ever lawfully been in existence in such areas.

Your party has not formally proposed any new LUD and/or FLUM designation. 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 a FLUM category of Mixed Use / Commercial (MC) or Industrial (I) would eliminate the nonconformity to use as the designations allow light industrial uses. The LUD designations of Mixed Use (MU) or Suburban Commercial (SC) under the MC FLUM category and Industrial (I) or Maritime Industries (MI) under the I FLUM category could eliminate the nonconformity to use as the districts allow light industrial uses (however please note that some of the designations require conditional use permit approval for such a use).

Prior to application submittal, you must decide on which FLUM and LUD designations to pursue as staff cannot make this decision. Please be aware that, although staff is interested in finding a resolution to the nonconforming use issue as well, the Planning & Environmental Resources Department is not obligated to recommend approval of a proposed LUD designation and/or FLUM designation unless there is a finding that there would not be any adverse impact to the community. Also, as discussed at our last meeting, your application may also expand the boundaries of the existing NA and RC areas of the site in order reduce the overall impact of converting other areas from SR and RL to designations that allow higher land use intensity.

In conclusion, Staff has determined that your proposal qualifies for application 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.

Storage Containers:

On September 23, 2011, the Planning & Environmental Resources Department provided you with a letter stating that staff could not find any building permits authorizing the existence of the

existing storage/shipping containers on the property. The letter requested that the property owner provide documentation from the Growth Management Division stating that they were in fact approved or the structures would be deemed unlawful and must be removed or converted to road-ready.

Following the discussions at our past meeting, staff determined that the type of storage/shipping containers located on the property did not require a building permit until the adoption of the NROGO on September 19, 2001.

As set forth in Monroe County Code §138-50(1), the redevelopment, rehabilitation or replacement of any lawfully established nonresidential floor area which does not increase the amount of nonresidential floor area greater than that which existed on the site prior to the redevelopment, rehabilitation or replacement is exempt from the NROGO permit allocations system. The planning director shall review available documents to determine if a body of evidence exists to support the existence of nonresidential floor area on or about September 19, 2001, the effective date of the original NROGO. Such evidence shall be documented and submitted to the planning director on a form provided by the planning department. The application shall include, at a minimum, at least two of the following documents: a) Any issued Monroe County building permit(s) supporting the existence of the structure(s) and its use(s) on or about September 19, 2001; b) Documentation from the Monroe County Property Appraiser's Office indicating residential use on or about September 19, 2001; c) Aerial photographs and original dated photographs showing the structure(s) existed on or about September 19, 2001; d. Nonresidential County Directory entries on or about September 19, 2001; e) Rental, occupancy or lease records, on or about September 19, 2001, indicating the number, type and term of the rental or occupancy; f) State and/or county licenses, on or about September 19, 2001, indicating the nonresidential use; g) Documentation from the utility providers indicating the type of service (commercial or residential) provided and the number of meters in existence on or about September 19, 2001; and h) Similar supporting documentation not listed above as determined suitable by the planning director.

There is aerial photography of the site on file for early 2002 and late 2002/early 2003. Upon a detailed review, in the early 2002 photograph, although development and outdoor storage is visible, a storage/shipping container is not clearly visible. In the late 2002/early 2003 photography, eight shipping containers are clearly visible (see attached).

Two documents are required to satisfy Monroe County Code §138-50(1). The late 2002/early 2003 aerial photograph satisfies c) Aerial photographs and original dated photographs showing the structure(s) existed on or about September 19, 2001. However, there is not any other documentation on file in the county's records supporting the storage containers' existence. The Planning & Environmental Resources Director has determined that in this instance an affidavit would satisfy h) Similar supporting documentation not listed above as determined suitable by the planning director. Please provide such an affidavit for the file stating that to the best of the property owner's knowledge at least eight storage shipping containers existed on the property on or about September 19, 2001.

As such, eight of these structures shall be deemed lawfully nonconforming and the equivalent number or less of equal size or smaller shall be permitted to remain in existence as lawful nonconforming structures upon receipt of the aforementioned affidavit. Staff utilized the County's GIS to measure the containers and determined that the containers observed in aerial photography were approximately 40' in length. The standard dimensions of a standard shipping container are 8' x 40' - 320 square feet.

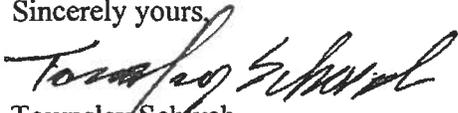
* * * * *

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,



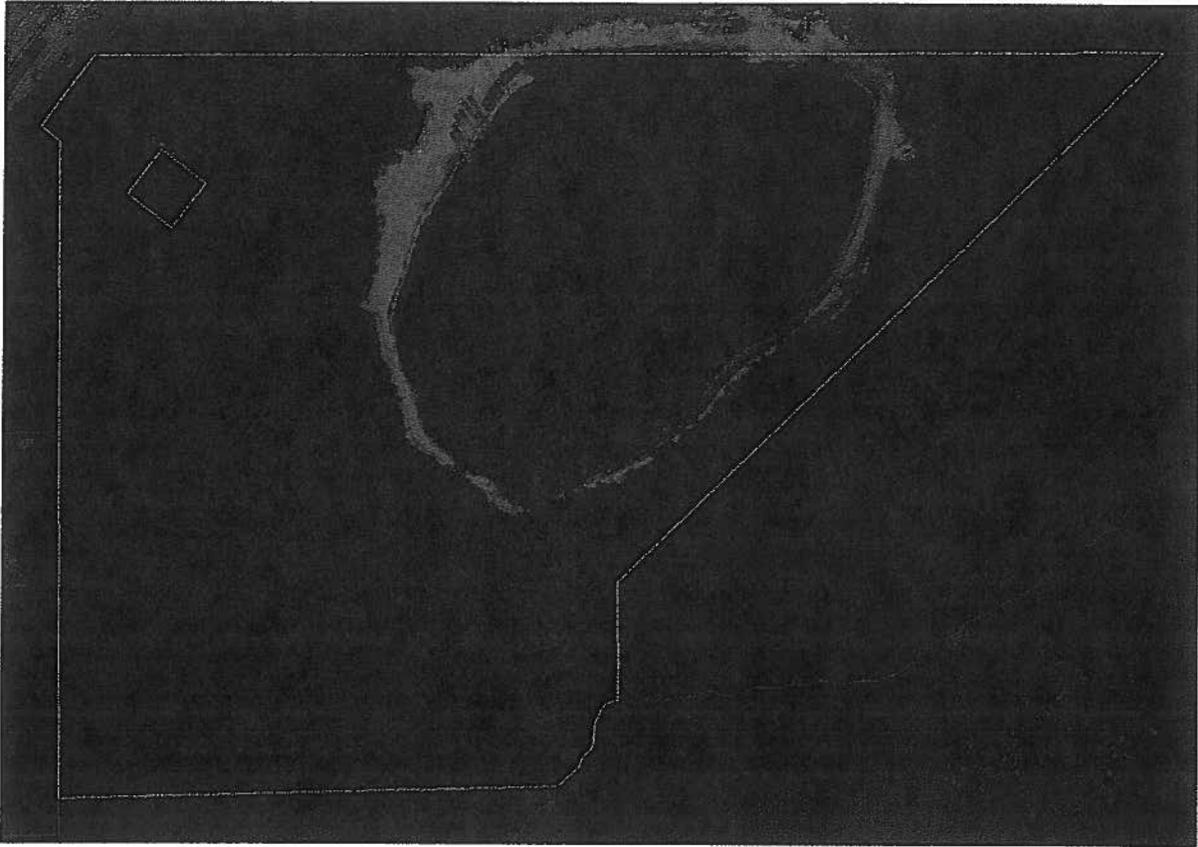
Townsley Schwab,
Senior Director of Planning & Environmental Resources

- CC: Christine Hurley, Director of Growth Management
- Susan Grimsley, Assistant County Attorney
- Mayte Santamaria, Assistant Director of Planning
- Joseph Haberman, Planning & Development Review Manager
- Jerome Smith, Building Official
- Ronda Norman, Director of Code Compliance

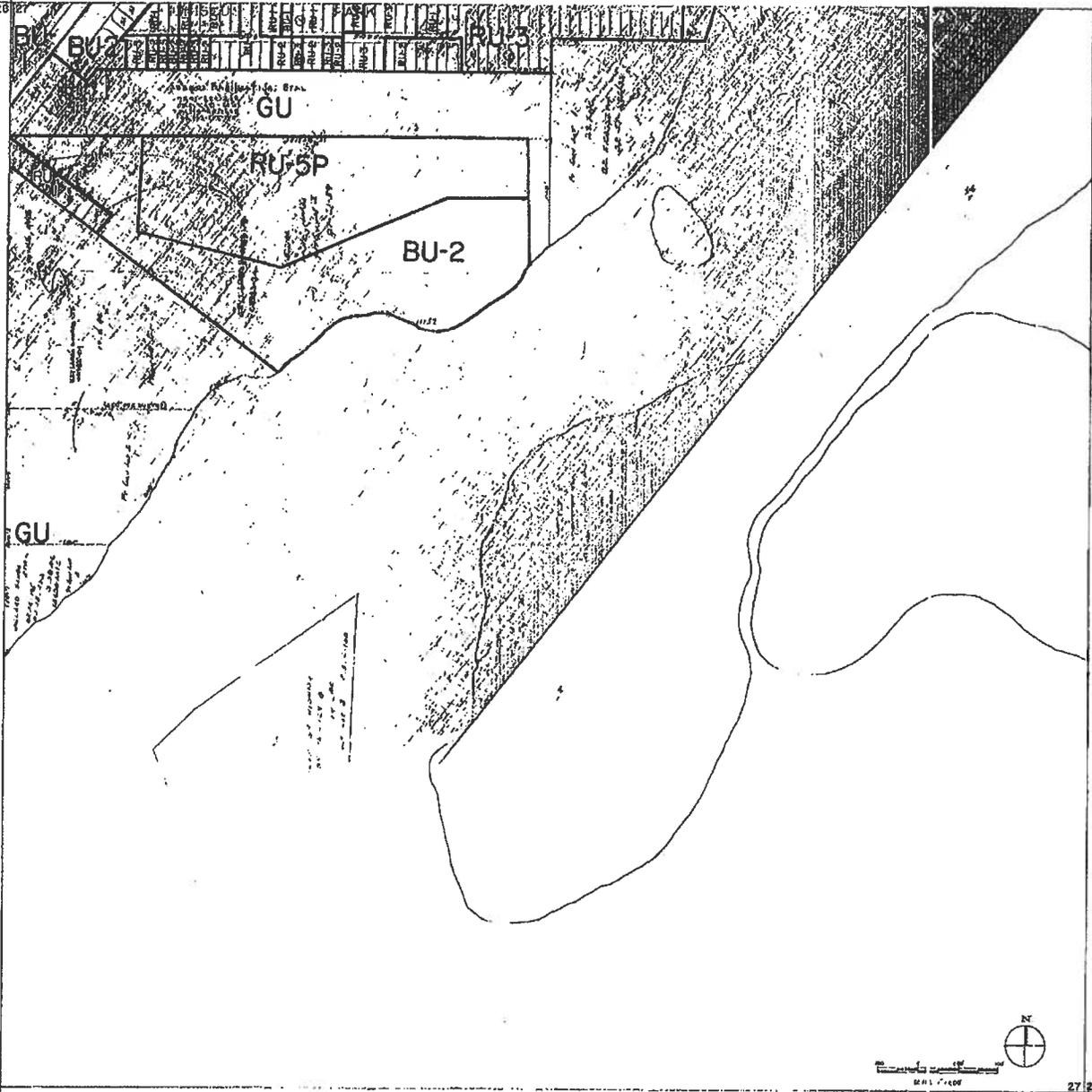
Land Use District Map Overlaid on 2012 Aerial Photograph



Aerial Photograph, dated late 2002/early 2003



21 23
28 27



27 26
34 36
T-61 S R-39 E.



**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.

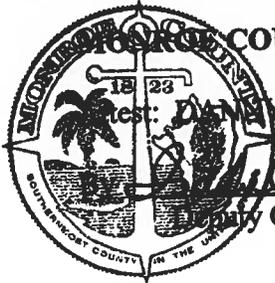
Section 3.

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 Pro Tem 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
County Clerk

David Rice
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
M. J. Gussler
Date: 4-3-12

MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN

FUTURE LAND USE

- RESIDENTIAL**
 - Residential Conservation
 - Residential Low
 - Residential Medium
 - Residential High
- COMMERCIAL**
 - Mixed Use/Commercial
 - Mixed Use/Commercial Fishing
- OTHER**
 - Industrial
 - Agriculture
 - Institutional
 - Education
 - Public Buildings/Grounds
 - Public Facilities
 - Airport District
 - Military
 - Recreational
 - Conservation

- ▲ Incorporated Cities
- ▲ Historic Districts

DISCLAIMER:
 (1) All land use, including improved subdivisions, are recognized as to and affected by the existing condition of the site and.
 (2) That all maps are to be verified by site visit as provided in Section 3.5-227.

SOURCES:
 Wallace Roberts & Todd 1997
 U.S. Fish and Wildlife Service, 1991
 Florida Department of Natural Resources, 1991
 Monroe County Growth Management Districts, 1991

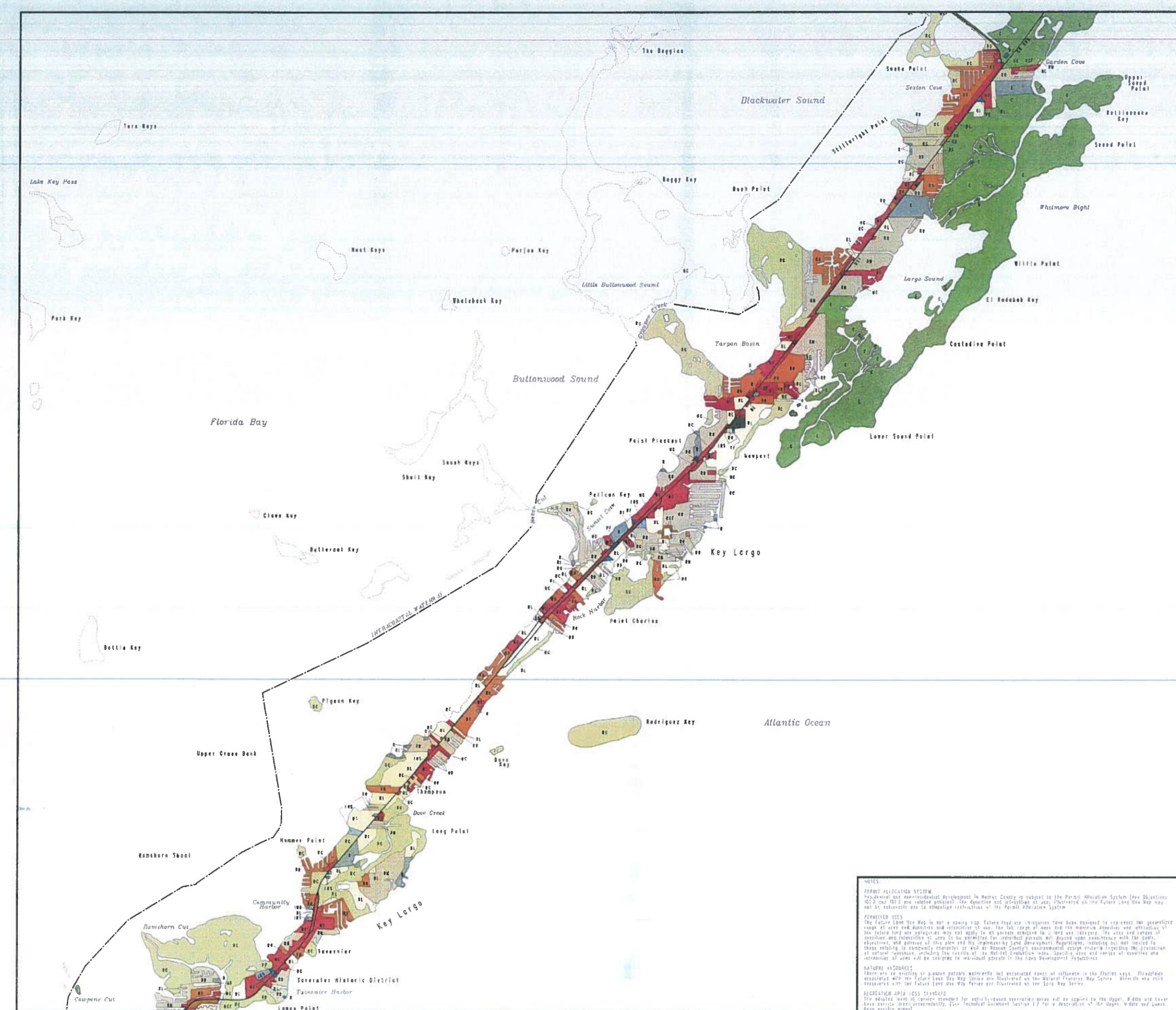
PREPARED BY:
 Monroe County Growth Management Division

Map Scale is 1:24,900
 0 Feet 2000 4000 6000 8000 10,000

ADOPTED JAN. 1997



MAP 2



NOTES:

PERMIT ALLOCATION SYSTEM
 Residential and nonresidential development in Monroe County is subject to the Permit Allocation System (see Ordinance 9027 and 1013 and related policies). The definition and interpretation of uses contained on this Future Land Use Map may not be consistent due to divergent interpretations of the Permit Allocation System.

PERMITTED USES
 The Future Land Use Map is not a zoning map. Future land use categories have been designed to represent the general character of uses and densities and intensities of use. The list of uses and the manner, density, and intensity of use for the future land use categories may not apply to all parcels intended to be used as intended. The area and manner of specific and intensive uses to be permitted for individual parcels will depend upon consistency with the goals, objectives, and policies of the plan and its implementing land development regulations, including but not limited to those relating to community character, as well as Monroe County environmental, resource, and other policies. The designation of certain "prohibited" uses, including the listing of the Major Land Use Categories, Specific Uses and range of densities and intensities of uses will be subject to individual parcels in the land development regulations.

NATURAL RESOURCES
 There are existing or potential natural resources and associated uses of influence in the Florida Keys. Plans/Plans associated with the Future Land Use Map shall be consistent with the Major Land Use Series' objectives and shall be consistent with the Future Land Use Map Series are illustrated on the 2000 Series.

RECREATION AND OPEN SPACE
 The adopted level of service standard for active-based recreation shall be applied to the Upper, Middle and Lower Keys service areas respectively. See Technical Document Section 1.2 for a description of the Upper, Middle and Lower Keys service areas.

File #: **2012-140**

Owner's Name: Paradise Pit, LLC

Applicant: Paradise Pit, LLC

Agent: N/A

Type of Application: FLUM Map Amendment

Key: Key Largo

RE: 00087190-000000
00087100-000500

Additional Information added to File 2012-140

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: 10.23.12
Time: _____

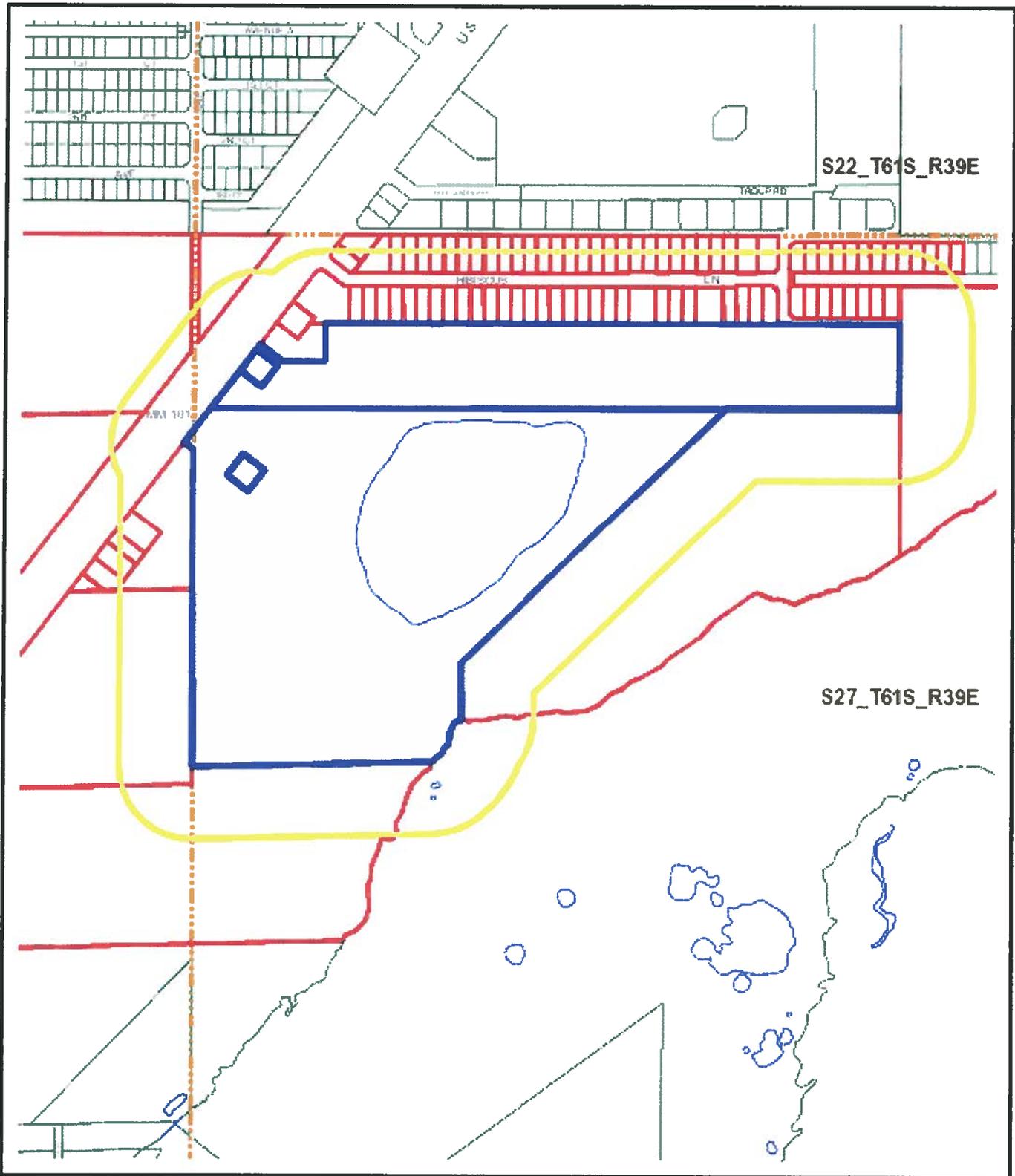
Dear Applicant:

This is to acknowledge submittal of your application for FLUM Map Amendment
Type of application
Paradise Pit LLC to the Monroe County Planning Department.
Project / Name

Thank you.

Gail Creech

Planning Staff



Verified
by G.C.

Monroe County, Florida

MCPA GIS Public Portal

Printed: Oct 24, 2012



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



"MITCHELL ENNIS AND ORA LEE"
"PO BOX 286" ""
"KEY LARGO", "FL" "33037"

~~"MITCHELL ENNIS AND ORA LEE"
"BOX 286" ""
"KEY LARGO", "FL" "33037"~~

"MITCHELL ENOCH AND ORA LEE"
"58 HIBISCUS LN" ""
"KEY LARGO", "FL" "33037-4545"

"MITCHELL ENOCH AND ORA LEE"
"PO BOX 370286" ""
"KEY LARGO", "FL" "33037-0286"

"MITCHELL MICHAEL"
"28 HIBISCUS LN" ""
"KEY LARGO", "FL" "33037"

"MOKHTARI FARAMARZ AND BITA B
H/W"
"12023 DEVILWOOD DR" ""
"POTOMAC", "MD" "20854"

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

"MONROE COUNTY "
"3706 N ROOSEVELT BLVD SUITE 1" ""
"KEY WEST", "FL" "33040"

"MONROE COUNTY FLORIDA "
"1100 SIMONTON ST" ""
"KEY WEST", "FL" "33040"

"MONROE COUNTY HOUSING
AUTHORITY "
"1400 KENNEDY DR" ""
"KEY WEST", "FL" "33040"

"MURRELL PROPERTY MANAGEMENT
LLC"
"8 WILLOW GREEN DR" ""
"COCOA BEACH", "FL" "32931-2017"

"O & E DEVELOPMENT "
"P O BOX 286" ""
"KEY LARGO", "FL" "33037"

"PARADISE PIT LLC "
"743 LARGO RD" ""
"KEY LARGO", "FL" "33037-3014"

"PRICE ESTELLA"
"PO BOX 371916" ""
"KEY LARGO", "FL" "33037-1916"

"REVERSE MORTGAGE SOLUTIONS INC
"
"2727 SPRING CREEK DR" ""
"SPRING", "TX" "77373-6130"

"RILEY ANTHONY W"
"2989 ARMSTRONG DR" ""
"LAKE ORION", "MI" "48360"

"RODRIGUEZ HUMBERTO"
"325 CALUSA ST 388" ""
"KEY LARGO", "FL" "33037-2699"

"S FLORIDA INVESTMENT PROPERTIES
LLC "
"117 W LUCY ST" ""
"HOMESTEAD", "FL" "33034-2240"

"SCOTT DARREN"
"PO BOX 3232" ""
"KEY LARGO", "FL" "33037"

"SCOTT GLENDA JEAN"
"PO BOX 371" ""
"KEY LARGO", "FL" "33037"

"SHADE LEROY"
"PO BOX 370317" ""
"KEY LARGO", "FL" "33037-0317"

"THOMAS LOISE B L/E"
"16 HIBISCUS LN" ""
"KEY LARGO", "FL" "33037"

"TIITF "
"3900 COMMONWEALTH BLVD" ""
"TALLAHASSEE", "FL" "32399-3000"

"TRJ INVESTMENT GROUP LLC "
"5103 ISLEWORTH COUNTRY CLUB DR"
""
"WINDERMERE", "FL" "34786"

"TUCKER VELMA"
"PO BOX 1471" ""
"KEY LARGO", "FL" "33037"

"WEST WILLIE AND IRENE"
"PO BOX 188" ""
"TAVERNIER", "FL" "33070-0188"

"WHITEHEAD ANTHONY LORENCE"
"PO BOX 2991" ""
"KEY LARGO", "FL" "33037"

"WILLIAMS W H AND BARBARA"
"PO BOX 138" ""
"KEY LARGO", "FL" "33037"

"WILLIAMS CLYDE AND DORIS JEAN"
"44 HIBISCUS LN" ""
"KEY LARGO", "FL" "33037"

"WILLIAMS JOHN A AND MARY JANE"
"9 HIBISCUS LN" ""
"KEY LARGO", "FL" "33037-4570"

~~"WILLIAMS W H & BARBARA "
"P O BOX 138" ""
"KEY LARGO", "FL" "33037"~~

"WILLIAMS W H AND BARBARA
WILLIAMS"
"PO BOX 370138" ""
"KEY LARGO", "FL" "33037-0138"

"WOODS ALMALENE"
"PO BOX 281" ""
"TAVERNIER", "FL" "33070"

"WYNN MARY JEAN"
"70 HIBISCUS LN" ""
"KEY LARGO", "FL" "33037-4545"

End of Additional File 2012-140

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



RECEIVED
OCT 22 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 10 / 10 / 12
Month Day Year

Property Owner:

Paradise Pit, LLC

Name

743 Largo Rd, Key Largo, 33037

Mailing Address

305-453-0368

Daytime Phone

larocco743@att.net

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)

See Attached

Block	Lot	Subdivision	Key
00087100-000500 & 00087190-000000		8792468 & 1095761	
Real Estate (RE) Number	Alternate Key Number		
101075 and 101101 Overseas Hwy, Key Largo		MM101	
Street Address	Approximate Mile Marker		

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

Current Future Land Use Map Designation(s): RL and RC

Proposed Future Land Use Map Designation(s): I, RC and C

Current Land Use District Designation(s): SR and NA

Tier Designation(s): One

Total Land Area Affected in acres: 58.42; I=38.14, RC=19.87, C=.41

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):

I includes 9.71 acres for quarry
Industrial Use; Equipment maintenance/storage as well as material
storage and handling for local excavation and batch concrete company.

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:**

Current light industrial uses of the property were in existence
in 1992 and 1997; final adoption of the LUD map and FLUM deemed
the lawfully existing use as non-conforming.

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

4) New issues:

Property use is currently legally non-conforming (see correspondence from County dated 9-23-11 and 8-1-12 respectively) A provision in the Key Largo Community Master Plan strives to resolve non-conformities and resolve conflicts and inconsistencies between the FLUM and LUD maps.

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

6) Data updates:

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):

Current property use has been ongoing since 1972 along with the mining operation which ceased in 1990. FLUM amendment will bring a lawfully nonconforming use into conformity. Industrial zoning is limited to current footprint being used and as used previous. Conservation zoning preserves historical and natural habitat areas.

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

Yes _____ Date: _____
No xx

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**

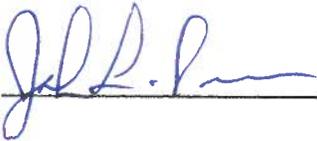
- 300 foot radius map from Monroe County Property Appraiser Office**
- List of surrounding property owners from 300 foot radius map**
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property (two (2) sets). This list should be compiled from the current tax 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: 10.19.12

Sworn before me this 19 day of October 2012



Notary Public
My Commission Expires
 **Aaron L. Burkel**
COMMISSION #EE 032211
EXPIRES: NOV. 19, 2014
WWW.AARONNOTARY.COM

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.

**LEGAL DESCRIPTION OF PROPERTY FOR FUTURE LAND USE MAP(FLUM)
AMENDMENT APPLICATION**

Alternate Key: 8792468 Parcel ID: 00087100-000500

27 61 39 ISLAND OF KEY LARGO PT NW ¼ & PT GOVT LOT 2 (BEING USED AS A BORROW PIT)
OR829-725 OR959-1116 OR1000-712/14 OR1131-156/58 OR1110-313TD OR1142-555/56QC
OR1175-1779/80 RE 87100-000300 COMBINED PER OWNER REQ 9-3-99 OR1802-326/27

Alternate Key: 1095761 Parcel ID: 000871900-000000

27 61 39 ISLAND OF KEY LARGO PT NW1/4 OR41-282/83 OR56-491-493 OR190-257-260 OR403-
755/58 OR1287-991/93 OR1288-889/91 OR2577-1632/34 OR2577-1635/38 OR2577-1650/53

10.50
3150.00

Prepared by and return to:

John P. Maas, Attorney at Law
44 N.E. 16th Street
Homestead, FL 33030

File Number: 10581-02

Parcel Identification No. 8792468

MONROE COUNTY
OFFICIAL RECORDS

FILE #1313588
BK#1802 PG#326

RCD Jul 25 2002 10:45AM
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 3150.00
07/25/2002 PA DEP CLK

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 22nd day of July, 2002 between Keystone Products, Inc, a Florida corporation whose post office address is 1414 N.W. 3 Avenue, Florida City, FL 33034 of the County of Miami-Dade, State of Florida, grantor*, and Paradise Pit, LLC, a Florida limited liability company whose post office address is 743 Largo Road, Key Largo, FL 33037 of the County of Monroe, State of Florida, grantee*.

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Miami-Dade County, Florida, to-wit:

SEE ATTACHED EXHIBIT "A"

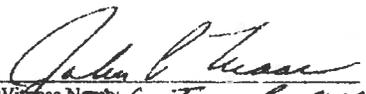
Subject to taxes for 2002 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

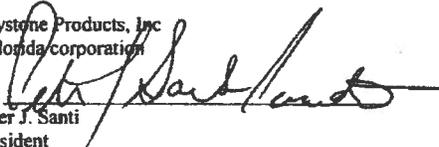
* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Name: JOHN P. MAAS

Witness Name: ANNETTE CHICA

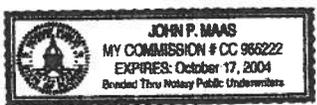
Keystone Products, Inc
a Florida corporation
By: 
Peter J. Santi
President

(Corporate Seal)

State of Florida
County of Miami-Dade

The foregoing instrument was acknowledged before me this 22nd day of July, 2002 by Peter J. Santi, President of Keystone Products, Inc, a Florida corporation, on behalf of the corporation. He/she [] is personally known to me or [X] has produced a driver's license as identification.

[Notary Seal]




Notary Public
Printed Name: JOHN P. MAAS
My Commission Expires: _____

Exhibit A

FILE #1313588
BK#1802 PG#327

A parcel of land located in Section 27, Township 61 South, Range 39 East on Key Largo, Monroe County, Florida, more particularly described as follows:

Commence at the NE 1/4 of the NW 1/4 of Section 27; thence along the North line of said NW 1/4 S 89° 51' 34" W (Bearings refer to Florida D.O.T. R/W Plans Section 90060-2516 Sheet 23 of 34) 2083.76 feet to a point of intersection with the Southeasterly R/W of Old State Road 4A; thence along said R/W line S 37° 22' 34" W - 832.00 feet to a point, said point also being a corner common to lands of James H. Noel and Assad Baraket, Jr., et.al., as shown on the map of survey prepared by Frank H. Uherek, registered Surveyor No. 2401, dated February 9, 1974; said point also being the POINT OF BEGINNING of the following described parcel of land; thence leaving said right of way line run along the division line between Noel and Baraket N 89° 51' 34" E - 1975.00 feet, thence S 48° 05' 27" W - 1350.00 feet; thence S 0° 08' 26" for a distance of 210 feet, more or less to the shoreline of the Atlantic Ocean; thence meander along the shoreline of the Atlantic Ocean Southwesterly a distance of 190.00 feet, more or less to a point; thence S 89° 10' 20" W for a distance of 966.00 feet more or less to a point of intersection with the West line of Section 27; thence run N 0° 05' 34" E - 1181.06 feet; thence N 52° 37' 26" W for a distance of 43.63 feet to a point of intersection with the said Southeasterly Right of Way line of Old State Road 4A; thence along said Right of Way line N 37° 22' 34" E - 140.90 feet to the POINT OF BEGINNING.

Excepting the following described parcel:

The lands of Kathaleen Dean, as recorded in the Monroe County Clerk's Office in Official Records Book 18, at Pages 468 and 469 as follows:

Commence at the Point of Intersection of the Southeasterly boundary of Old State Road 4A with the Westerly boundary of Section 27, Township 61 South, Range 38 East; thence N 37° 22' 34" E (Bearings refer to Florida D.O.T. R/W PLANS Section 90060-2516 Sheet 23 of 34) - 45.37 feet; thence at right angles to Old State Road 4A S 52° 37' 26" E - 200.00 feet to the POINT OF BEGINNING of the following described parcel of land; thence continue S 52° 37' 26" E - 100.00 feet; thence S 37° 22' 34" W - 100.00 feet; thence N 52° 37' 26" W - 100.00 feet; thence N 37° 22' 34" E - 100.00 feet to the POINT OF BEGINNING; together with an Easement 15 feet in width for ingress and egress along the Northerly boundary of said property extending from the Southeasterly boundary of Old State Road 4A. All of the above described land containing 40.83 acres, more or less, lying and being in Monroe County, Florida.

Parcel Identification Number: 8792468

MONROE COUNTY
OFFICIAL RECORDS

Doc# 1889578 06/28/2012 9:37AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

This Document Prepared By and Return to:
Joe Miklas, Esq.
Joe Miklas, P.A.
P.O. Box 366
Islamorada, FL 33036

06/28/2012 9:37AM
DEED DOC STAMP CL: RE \$2,800.00

Doc# 1889578
Bkn 2577 Pgn 1650

Parcel ID Number: 00087190-000000&00087200-000000

Warranty Deed

This Indenture, Made this 22nd day of June, 2012 A.D., Between
Raymond Barkett, a married man, Thomas Barkett, Jr., a single man, Ronald A. Barkett, a
single man and Richard W. Barkett, a married man
of the County of Broward, State of Florida, grantors, and
Paradise PIt, L.L.C., a Florida limited liability company

whose address is: 743 Largo Road, Key Largo, FL 33037

of the County of Monroe, State of Florida, grantee.
Witnesseth that the GRANTORS, for and in consideration of the sum of

DOLLARS,
and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Monroe, State of Florida to wit:

See Legal Description attached hereto as Exhibit "A"

Subject to restrictions, reservations and easements of record, if any, and taxes
subsequent to December 31, 2011.

The property herein conveyed DOES NOT constitute the HOMESTEAD property of the
Grantors. The HOMESTEAD address each Grantor is as follows: As to Raymond Barkett,
561 S. Lake Dasha Dr., Plantation, FL 33324; as to Thomas Barkett, Jr., 2000 SW 4th
Ave., Miami, FL 33129; as to Ronald A. Barkett, 4140 Bugleview Way E., Tallahassee, FL
32311; as to Richard W. Barkett, 9710 Sea Turtle Dr., Plantation, FL 33324.

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

Warranty Deed - Page 2

Parcel ID Number: **00087190-0000008.00087200-000000**

Doc# 1888578
Bk# 2577 Pgt# 1651

In Witness Whereof, the grantors have hereunto set his hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

David Hasselbeck
Printed Name: David Hasselbeck
Witness as to all

Cameron W. Petrie
Printed Name: Cameron W. Petrie
Witness as to all

Raymond Barkett
Raymond Barkett (Seal)
P.O. Address: 561 S. Lake Dasha Dr., Plantation, FL 33324

Thomas Barkett Jr.
Thomas Barkett, Jr. (Seal)
P.O. Address: 3000 SW 4th Ave., Miami, FL 33129

Ronald A. Barkett
Ronald A. Barkett (Seal)
P.O. Address: 4140 Bogleview Way E., Tallahassee, FL 32311

R. W. Barkett
Richard W. Barkett (Seal)
P.O. Address: 9710 Sea Turtle Dr., Plantation, FL 33324

STATE OF Florida
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 15th day of June, 2012 by **Raymond Barkett, Thomas Barkett, Jr., Ronald A. Barkett and Richard W. Barkett**

who are personally known to me or who have produced **Florida driver's license** as identification.

Janet M. Golding
Printed Name: JANET M. GOLDING
Notary Public
My Commission Expires: Oct 8, 2013

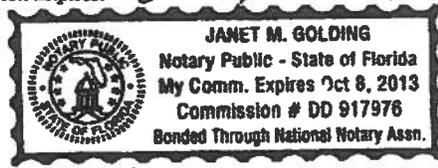


EXHIBIT "A" - LEGAL DESCRIPTION

PARCEL 1

All of the North 645 feet of the North Half (N1/2) of the Northwest Quarter (NW 1/4) of Section 27, Township 61 South, Range 39 East, lying East of the right-of-way of the Florida East Coast Railroad and U.S. Highway No. 1.

EXCEPT THE FOLLOWING:

Commencing at the Northwest corner of Section 27, Township 62 South, Range 39 East, run East 2640 feet, more or less to the waters of the Atlantic Ocean; thence South 330 feet; thence West 2640 feet more or less to the west line of said Section 27; thence North 330 feet to the point of beginning, excepting, however, that part of said description lying west of the right of way of U.S. Highway No. 1.

ALSO LESS AND EXCEPT THE FOLLOWING:

A tract of land in the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 27, Township 61 South, Range 39 East, on Key Largo, Monroe County, Florida, more particularly described as follows:

From the intersection of the North line of Section 27, Township 61 South, Range 39 East and the South Easterly side of Old Highway (which side is 116 feet measured at right angles from the center of the Overseas Highway) run Southwesterly on said Southeasterly side of Old Highway, a distance of 311.54 feet to the point of beginning of the Tract hereinafter described; thence continuing Southwesterly on last described course, a distance of 100 feet; thence Southeasterly at right angles 100 feet; thence Northeasterly at right angles 100 feet; thence Northwesterly at right angles 100 feet to the point of beginning.

ALSO LESS AND EXCEPT THE FOLLOWING:

A tract of land in the North 645 feet of the NW 1/4 of Section 27, Township 61 South, Range 39 East on Key Largo, Monroe County, Florida, more particularly described as follows:

From the intersection of the North line of said Section 27-61-39 and the Southeasterly side of the Old Highway (which side is 116 ft., measured at right angles from the center line of the Overseas Highway) run Southwesterly on said Southeasterly side of the Old Highway a distance of 416 ft., to the point of beginning of the tract hereinafter described: thence continue Southwesterly on last described course a distance of 95.54 ft.; thence at right angles and Southeasterly a distance of 100 ft.; thence East parallel to the North line of the NW 1/4 of said Sec. 27 a distance of 160 ft.; thence North at right angles to the North line of NW 1/4 of Sec. 27 to the North line of the South 315 ft., of the North 645 ft., of the NW 1/4 of Sec. 27; thence West to the Easterly line of the Clarence Alexander tract; thence Southwesterly along the Southeasterly side of the Clarence Alexander tract a distance of 72.3 ft.; thence Northwesterly along the Southwesterly side of the Clarence Alexander tract a distance of 94.19 ft., thence West a distance of 7.32 ft., to the point of beginning.

(Continued on Attached)

Doc# 1889578
Bk# 2577 Pg# 1853

PARCEL 2

A tract of land in the North 645 feet of the NW 1/4 of Section 27, Township 61 South, Range 39 East, on Key Largo, Monroe County, Florida, more particularly described as follows: From the intersection of the North line of said Section 27-61-29 and the Southeasterly side of the old highway (which side is 116 feet, measured at right angles from the center of the Overseas Highway), thence run Southwesterly on the said Southeasterly side of the old highway a distance of 535.39 feet to the point of beginning of the tract hereinafter described; thence continue Southwesterly on last described course a distance of 100 feet; thence Southeasterly at right angles 100 feet; thence Northeasterly at right angles 100 feet; thence Northwesterly at right angles 100 feet to the point of beginning.

**MONROE COUNTY
OFFICIAL RECORDS**

This Document Prepared By and Return to:
Joe Miklas, Esq.
Joe Miklas, P.A.
P.O. Box 366
Islamorada, FL 33036

06/29/2012 9:37AM
DEED DOC STAMP CL: RE \$0.70

Deed 1889568
Bk# 2577 Pg# 1632

Parcel ID Number: 00087190-000000&00087200-000000

Warranty Deed

This Indenture, Made this 22nd day of June, 2012 A.D., Between
Thomas Barkett, Jr., as Trustee of the Thomas Barkett Revocable Trust u/a dated March 29,
1990.

of the County of Miami-Dade, State of Florida, grantor, and
Paradise Pit, LLC, a Florida limited liability company

whose address is: 743 Largo Road, Key Largo, FL 33037

of the County of Monroe, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of
-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Monroe State of Florida to wit:

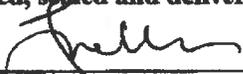
See Legal Description attached hereto as Exhibit "A"

Subject to restrictions, reservations and easements of record, if any, and taxes
subsequent to December 31, 2011.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:



Printed Name: Joe Miklas
Witness



Thomas Barkett, Jr., Trustee (Seal)
P.O. Address: 2000 SW 4th Ave., Miami, FL 33129

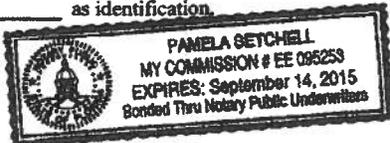


Printed Name: Pamela Setchell
Witness

STATE OF Florida
COUNTY OF Monroe

The foregoing instrument was acknowledged before me this 22 day of June, 2012 by
Thomas Barkett, Jr., Trustee

who is personally known to me or who has produced 
_____ as identification.





Printed Name: Pamela Setchell
Notary Public
My Commission Expires:

EXHIBIT "A" - LEGAL DESCRIPTION

PARCEL 1

All of the North 645 feet of the North Half (N1/2) of the Northwest Quarter (NW 1/4) of Section 27, Township 61 South, Range 39 East, lying East of the right-of-way of the Florida East Coast Railroad and U.S. Highway No. 1.

EXCEPT THE FOLLOWING:

Commencing at the Northwest corner of Section 27, Township 62 South, Range 39 East, run East 2640 feet, more or less to the waters of the Atlantic Ocean; thence South 330 feet; thence West 2640 feet more or less to the west line of said Section 27; thence North 330 feet to the point of beginning, excepting, however, that part of said description lying west of the right of way of U.S. Highway No. 1.

ALSO LESS AND EXCEPT THE FOLLOWING:

A tract of land in the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 27, Township 61 South, Range 39 East, on Key Largo, Monroe County, Florida, more particularly described as follows:

From the intersection of the North line of Section 27, Township 61 South, Range 39 East and the South Easterly side of Old Highway (which side is 116 feet measured at right angles from the center of the Overseas Highway) run Southwesterly on said Southeasterly side of Old Highway, a distance of 311.54 feet to the point of beginning of the Tract hereinafter described; thence continuing Southwesterly on last described course, a distance of 100 feet; thence Southeasterly at right angles 100 feet; thence Northeasterly at right angles 100 feet; thence Northwesterly at right angles 100 feet to the point of beginning.

ALSO LESS AND EXCEPT THE FOLLOWING:

A tract of land in the North 645 feet of the NW 1/4 of Section 27, Township 61 South, Range 39 East on Key Largo, Monroe County, Florida, more particularly described as follows:

From the intersection of the North line of said Section 27-61-39 and the Southeasterly side of the Old Highway (which side is 116 ft., measured at right angles from the center line of the Overseas Highway) run Southwesterly on said Southeasterly side of the Old Highway a distance of 416 ft., to the point of beginning of the tract hereinafter described: thence continue Southwesterly on last described course a distance of 95.54 ft.; thence at right angles and Southeasterly a distance of 100 ft.; thence East parallel to the North line of the NW 1/4 of said Sec. 27 a distance of 160 ft.; thence North at right angles to the North line of NW 1/4 of Sec. 27 to the North line of the South 315 ft., of the North 645 ft., of the NW 1/4 of Sec. 27; thence West to the Easterly line of the Clarence Alexander tract; thence Southwesterly along the Southeasterly side of the Clarence Alexander tract a distance of 72.3 ft.; thence Northwesterly along the Southwesterly side of the Clarence Alexander tract a distance of 94.19 ft., thence West a distance of 7.32 ft., to the point of beginning.

(Continued on Attached)

TB

Doc# 1889368
Bk# 2577 Pgt 1834

PARCEL 2

A tract of land in the North 645 feet of the NW 1/4 of Section 27, Township 61 South, Range 39 East, on Key Largo, Monroe County, Florida, more particularly described as follows: From the intersection of the North line of said Section 27-61-29 and the Southeasterly side of the old highway (which side is 116 feet, measured at right angles from the center of the Overseas Highway), thence run Southwesterly on the said Southeasterly side of the old highway a distance of 535.39 feet to the point of beginning of the tract hereinafter described; thence continue Southwesterly on last described course a distance of 100 feet; thence Southeasterly at right angles 100 feet; thence Northeasterly at right angles 100 feet; thence Northwesterly at right angles 100 feet to the point of beginning.

**MONROE COUNTY
OFFICIAL RECORDS**

TB

Doc# 1889569 06/29/2012 9:37AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

QBE
P3
CSD
MB

This Document Prepared By and Return to:

Joe Miklas, Esq.
Joe Miklas, P.A.
P.O. Box 366
Islamorada, FL 33036

06/29/2012 9:37AM
DEED DOC STAMP CL: RE \$0.70

Doc# 1889569
Bk# 2577 P# 1635

Parcel ID Number: 00087190-000000&00087200-000000

Warranty Deed

This Indenture, Made this 15th day of June, 2012 A.D., Between
Irma Barkett Elder, a single woman, Carmen Barkett Doumar, a single woman, Minerva
Barkett, a single woman and Rosemary Barkett, a single woman
of the County of Miami-Dade, State of Florida, grantors, and
Paradise Pft, LLC, a Florida limited liability company

whose address is: 743 Largo Road, Key Largo, FL 33037

of the County of Monroe, State of Florida, grantee.

Witnesseth that the GRANTORS, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Monroe, State of Florida to wit:

See Legal Description attached hereto as Exhibit "A"

Subject to restrictions, reservations and easements of record, if any, and taxes
subsequent to December 31, 2012.

Warranty Deed - Page 2

QBE
B
GSP
MB

Parcel ID Number: 00087190-000000&00087200-000000

Doc# 1889589
Bk# 2577 Pg# 1636

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Jennifer Thuma
Printed Name: Jennifer Thuma
Witness as to Irma Barkett Elder only

Cheryl L. Connell
Printed Name: CHERYL L. CONNELL
Witness as to Irma Barkett Elder only

Jose Quinones
Printed Name: Jose Quinones
Witness as to balance of grantors

Nelida Estrada
Printed Name: NELIDA ESTRADA
Witness as to balance of grantors

Irma Barkett Elder (Seal)
Irma Barkett Elder
P.O. Address: 560 Pineway Circle, Bloomfield Hills, MI 48302

Carmen Barkett Doumar (Seal)
Carmen Barkett Doumar
P.O. Address: 1160 N. Federal Highway #318
Fort Lauderdale, FL 333304

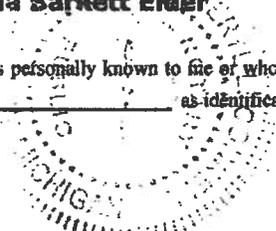
Minerva Barkett (Seal)
Minerva Barkett
P.O. Address: 17860 SW 288th St., Homestead, FL 33030

Rosemary Barkett (Seal)
Rosemary Barkett
P.O. Address: 99 NE 4th St., Suite 1228, Miami, FL 33132

STATE OF Michigan
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 15th day of June, 2012 by Irma Barkett Elder

who is personally known to me or who has produced _____ as identification.



Cheryl L. Connell
Printed Name: CHERYL L. CONNELL
Notary Public
My Commission Expires: _____

STATE OF Florida
COUNTY OF _____

The foregoing instrument was acknowledged before me this 15th day of June, 2012 by Carmen Barkett Doumar, Minerva Barkett and Rosemary Barkett

who are personally known to me or who have produced _____ as identification.



Nelida Estrada
Printed Name: _____
Notary Public
My Commission Expires: _____
NELIDA ESTRADA
2920 S. DIXIE HWY.
HOMESTEAD, FL 33033
305-2-07513

JBE
AB
C.D.
MB

Doc# 188869
Bkn 2577 Pgn 1637

EXHIBIT "A" - LEGAL DESCRIPTION

PARCEL 1

All of the North 645 feet of the North Half (N1/2) of the Northwest Quarter (NW 1/4) of Section 27, Township 61 South, Range 39 East, lying East of the right-of-way of the Florida East Coast Railroad and U.S. Highway No. 1.

EXCEPT THE FOLLOWING:

Commencing at the Northwest corner of Section 27, Township 62 South, Range 39 East, run East 2640 feet, more or less to the waters of the Atlantic Ocean; thence South 330 feet; thence West 2640 feet more or less to the west line of said Section 27; thence North 330 feet to the point of beginning, excepting, however, that part of said description lying west of the right of way of U.S. Highway No. 1.

ALSO LESS AND EXCEPT THE FOLLOWING:

A tract of land in the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 27, Township 61 South, Range 39 East, on Key Largo, Monroe County, Florida, more particularly described as follows:

From the intersection of the North line of Section 27, Township 61 South, Range 39 East and the South Easterly side of Old Highway (which side is 116 feet measured at right angles from the center of the Overseas Highway) run Southwesterly on said Southeasterly side of Old Highway, a distance of 311.54 feet to the point of beginning of the Tract hereinafter described; thence continuing Southwesterly on last described course, a distance of 100 feet; thence Southeasterly at right angles 100 feet; thence Northeasterly at right angles 100 feet; thence Northwesterly at right angles 100 feet to the point of beginning.

ALSO LESS AND EXCEPT THE FOLLOWING:

A tract of land in the North 645 feet of the NW 1/4 of Section 27, Township 61 South, Range 39 East on Key Largo, Monroe County, Florida, more particularly described as follows:

From the intersection of the North line of said Section 27-61-39 and the Southeasterly side of the Old Highway (which side is 116 ft., measured at right angles from the center line of the Overseas Highway) run Southwesterly on said Southeasterly side of the Old Highway a distance of 416 ft., to the point of beginning of the tract hereinafter described: thence continue Southwesterly on last described course a distance of 95.54 ft.; thence at right angles and Southeasterly a distance of 100 ft.; thence East parallel to the North line of the NW 1/4 of said Sec. 27 a distance of 160 ft.; thence North at right angles to the North line of NW 1/4 of Sec. 27 to the North line of the South 315 ft., of the North 645 ft., of the NW 1/4 of Sec. 27; thence West to the Easterly line of the Clarence Alexander tract; thence Southwesterly along the Southeasterly side of the Clarence Alexander tract a distance of 72.3 ft.; thence Northwesterly along the Southwesterly side of the Clarence Alexander tract a distance of 94.19 ft., thence West a distance of 7.32 ft., to the point of beginning.

(Continued on Attached)

JBE
AB
CDD
MB

Doc# 1889569
Bk# 2577 Pg# 1638

PARCEL 2

A tract of land in the North 645 feet of the NW 1/4 of Section 27, Township 61 South, Range 39 East, on Key Largo, Monroe County, Florida, more particularly described as follows: From the intersection of the North line of said Section 27-61-29 and the Southeasterly side of the old highway (which side is 116 feet, measured at right angles from the center of the Overseas Highway), thence run Southwesterly on the said Southeasterly side of the old highway a distance of 535.39 feet to the point of beginning of the tract hereinafter described; thence continue Southwesterly on last described course a distance of 100 feet; thence Southeasterly at right angles 100 feet; thence Northeasterly at right angles 100 feet; thence Northwesterly at right angles 100 feet to the point of beginning.

**MONROE COUNTY
OFFICIAL RECORDS**



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.

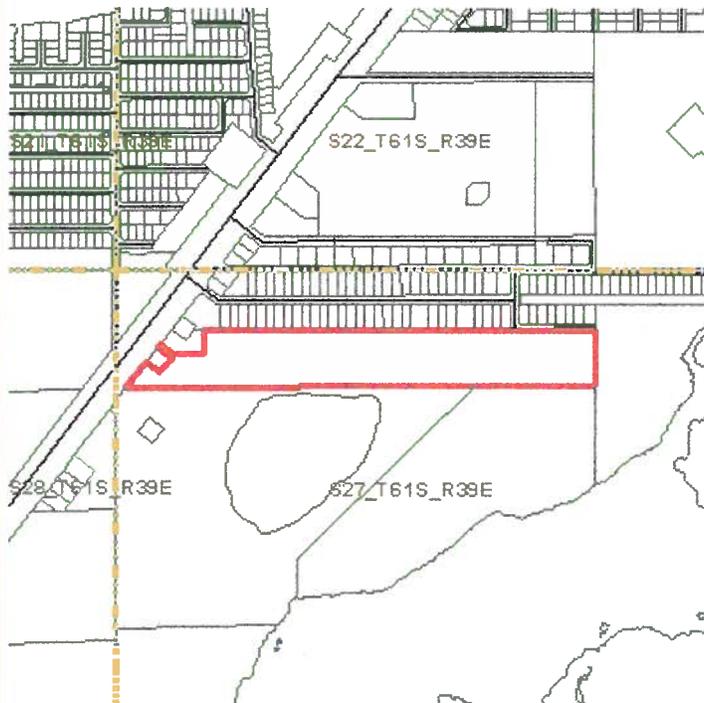
Alternate Key: 1095761 Parcel ID: 00087190-000000

Ownership Details

Mailing Address:
PARADISE PIT LLC
743 LARGO RD
KEY LARGO, FL 33037-3014

Property Details

PC Code: 99 - NON AG ACREAGE 5 AC OR MORE
Millage Group: 500K
Affordable Housing: No
Section-Township-Range: 27-61-39
Property Location: 101101 OVERSEAS HWY KEY LARGO
Legal Description: 27 61 39 ISLAND OF KEY LARGO PT NW1/4 OR41-282/83 OR56-491-493 OR190-257-260 OR403-755/58 OR1287-991/93 OR1288-889/91 OR2577-1632/34 OR2577-1635/38 OR2577-1650/53





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
00HH - HARDWOOD HAMMOCK	0	0	9.23 AC
000T - TRANSITIONAL LANDS	0	0	2.89 AC
000X - ENVIRONMENTALLY SENS	0	0	4.23 AC

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
0	CL2:CH LINK FENCE	8,400 SF	1,400	6	2011	2012	3	30
0	CL2:CH LINK FENCE	120 SF	20	6	2011	2012	3	30

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	11300592	02/16/2011	06/24/2011	1	FENCE	

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2012	0	18,318	26,938	45,256	45,256	0	45,256
2011	0	0	26,938	26,938	26,938	0	26,938

2010	0	0	34,322	34,322	34,322	0	34,322
2009	0	0	51,483	51,483	51,483	0	51,483
2008	0	0	51,483	51,483	51,483	0	51,483
2007	0	0	85.805	85.805	85.805	0	85.805

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.

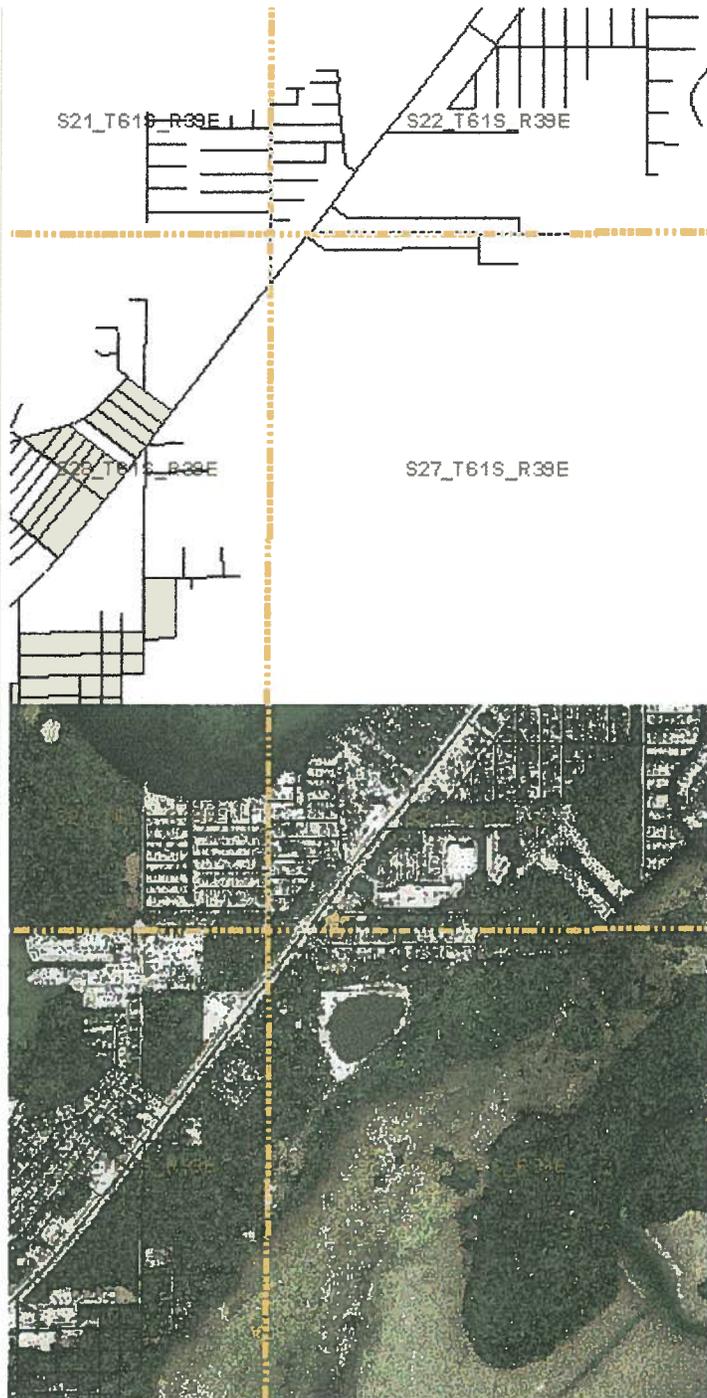
Alternate Key: 8792468 Parcel ID: 00087100-000500

Ownership Details

Mailing Address:
PARADISE PIT LLC
743 LARGO RD
KEY LARGO, FL 33037

Property Details

PC Code: 95 - SUBMERGED LANDS
Millage Group: 500K
Affordable Housing: No
Section-Township-Range: 27-61-39
Property Location: 101075 OVERSEAS HWY KEY LARGO
Legal Description: 27 61 39 ISLAND OF KEY LARGO PT NW 1/4 & PT GOVT LOT 2 (BEING USED AS A BORROW PIT) OR829-725 OR959-1116 OR1000-712/14 OR1131-156/58 OR1110-313TD OR1142-555/56QC OR1175-1779/80 RE 87100-000300 COMBINED PER OWNER REQ 9-3-99 OR1802-326/27



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
000X - ENVIRONMENTALLY SENS	0	0	21.52 AC
000T - TRANSITIONAL LANDS	0	0	8.85 AC
000T - TRANSITIONAL LANDS	0	0	1.35 AC
000X - ENVIRONMENTALLY SENS	0	0	5.57 AC
000X - ENVIRONMENTALLY SENS	0	0	2.82 AC
000X - ENVIRONMENTALLY SENS	0	0	1.96 AC

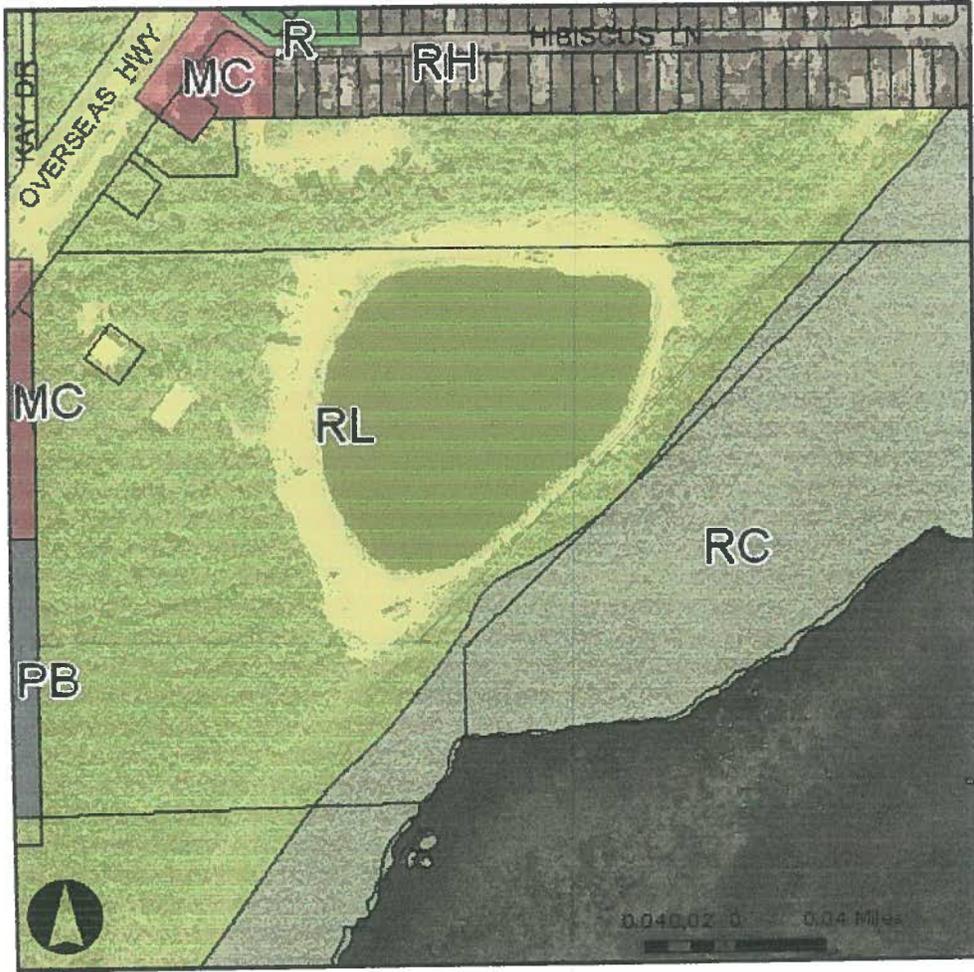
NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
7/22/2002	1802 / 326	450,000	<u>WD</u>	<u>Q</u>
6/1/1991	1175 / 1779	950,000	<u>WD</u>	<u>M</u>

This page has been visited 111,993 times.

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

Map



MileMarker



Roads

Parcels



Future Land Use Map (FLUM)

- A - Agriculture
- AD - Airport District
- C - Conservation

Future Land Use Map (FLUM) (continued)

- E - Education
- I - Industrial
- INS - Institutional
- M - Military
- MC - Mixed Use/Commercial
- MCF - Mixed Use/Commercial
- Fishing**
- MN - Mainland Native
- PB - Public Buildings/Grounds
- PF - Public Facilities

Future Land Use Map (FLUM) (continued)

- R - Recreation
- RC - Residential Conservation
- RH - Residential High
- RL - Residential Low
- RM - Residential Medium
- UNDS -Undesignated

2009 Orthophotography

- Red: Band_1
- Green: Band_2
- Blue: Band_3

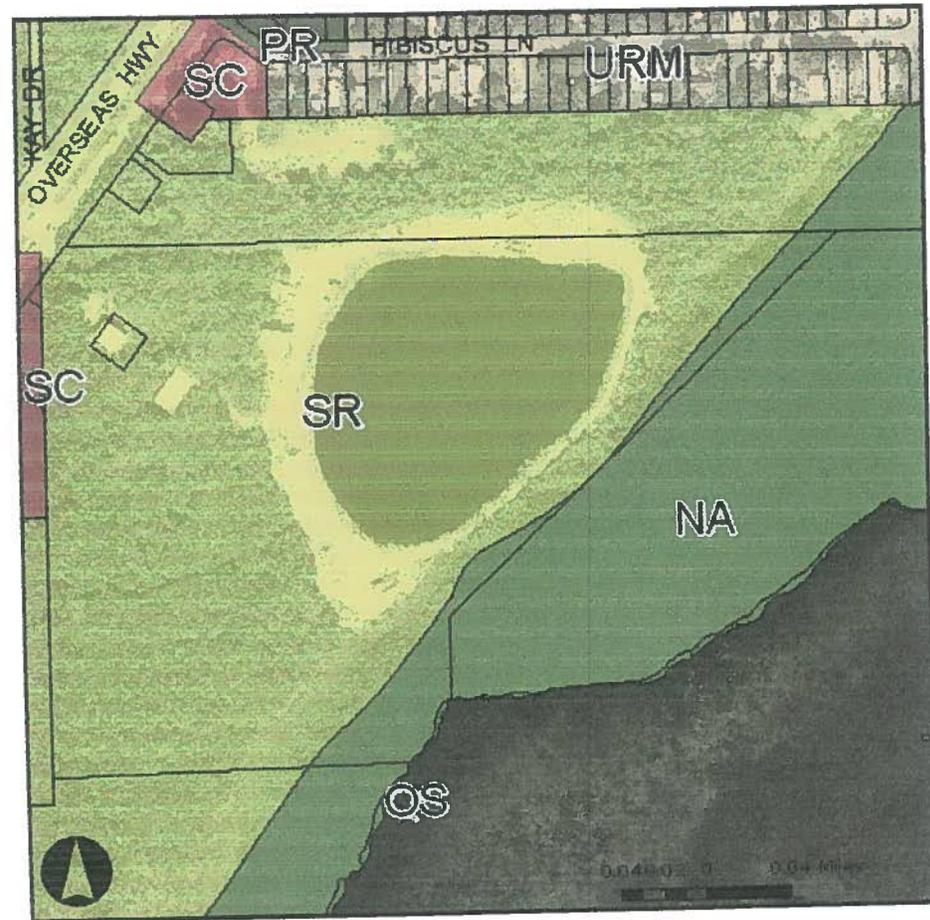
Web Map Application - Disclaimer

This web map application is for Monroe County Growth Management Division Purposes only. The data contained herein is illustrative and may not accurately depict boundaries, parcels, roads, right of ways, or identification information. These maps are to serve as a general reference and information contained herein should always be checked and confirmed by Growth Management Division staff before commencing any decisions based on this information.

MonroeCountySDE_Environmental_Layout_public
 FEMA (Flood Zone): Federal Emergency Management Agency

Map

Map



MileMarker



Roads



Parcels

Zoning

- Airport
- Area of County Critical Concern
- Commercial Fish Areas
- Commercial Fishing Special District
- Commercial Fishing Village
- Conservation District

Zoning (continued)

- Destination Resort
- Incorporated
- Industrial
- Improved Subdivision - /Duplex/Masonry
- Maritime Industries
- Military Facilities
- Mainland Native
- Mixed Use
- Native Area
- Offshore Island
- Park and Refuge
- Resolution 277-1986

Zoning (continued)

- Research Park
- Recreational Vehicle
- Sparsely Settled
- Suburban Commercial
- Suburban Residential -/Limited
- Urban Commercial
- Urban Residential
- Urban Residential Mobile Home
- Urban Residential Mobile Home Limited

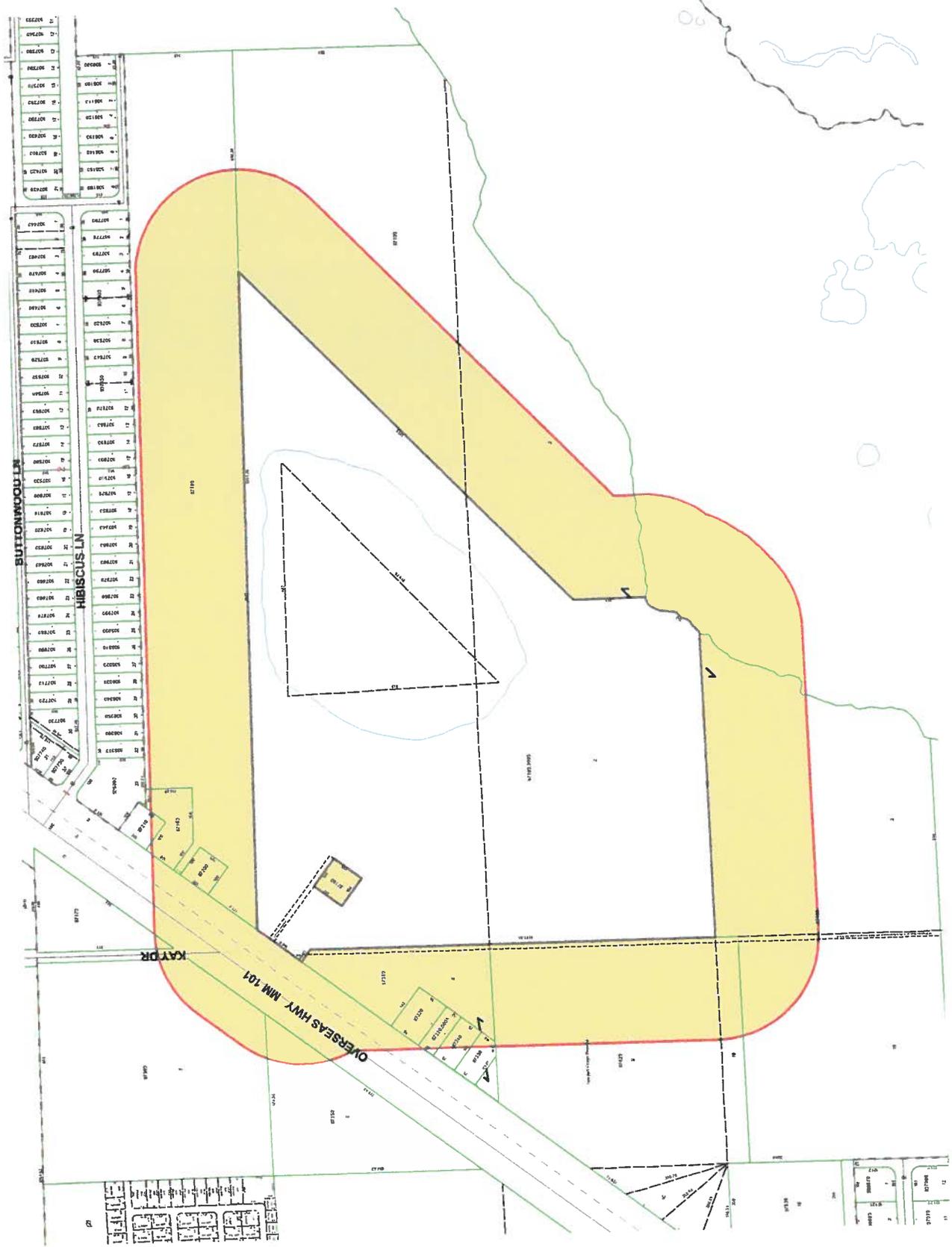
2009 Orthophotography

- Red: Band_1
- Green: Band_2
- Blue: Band_3

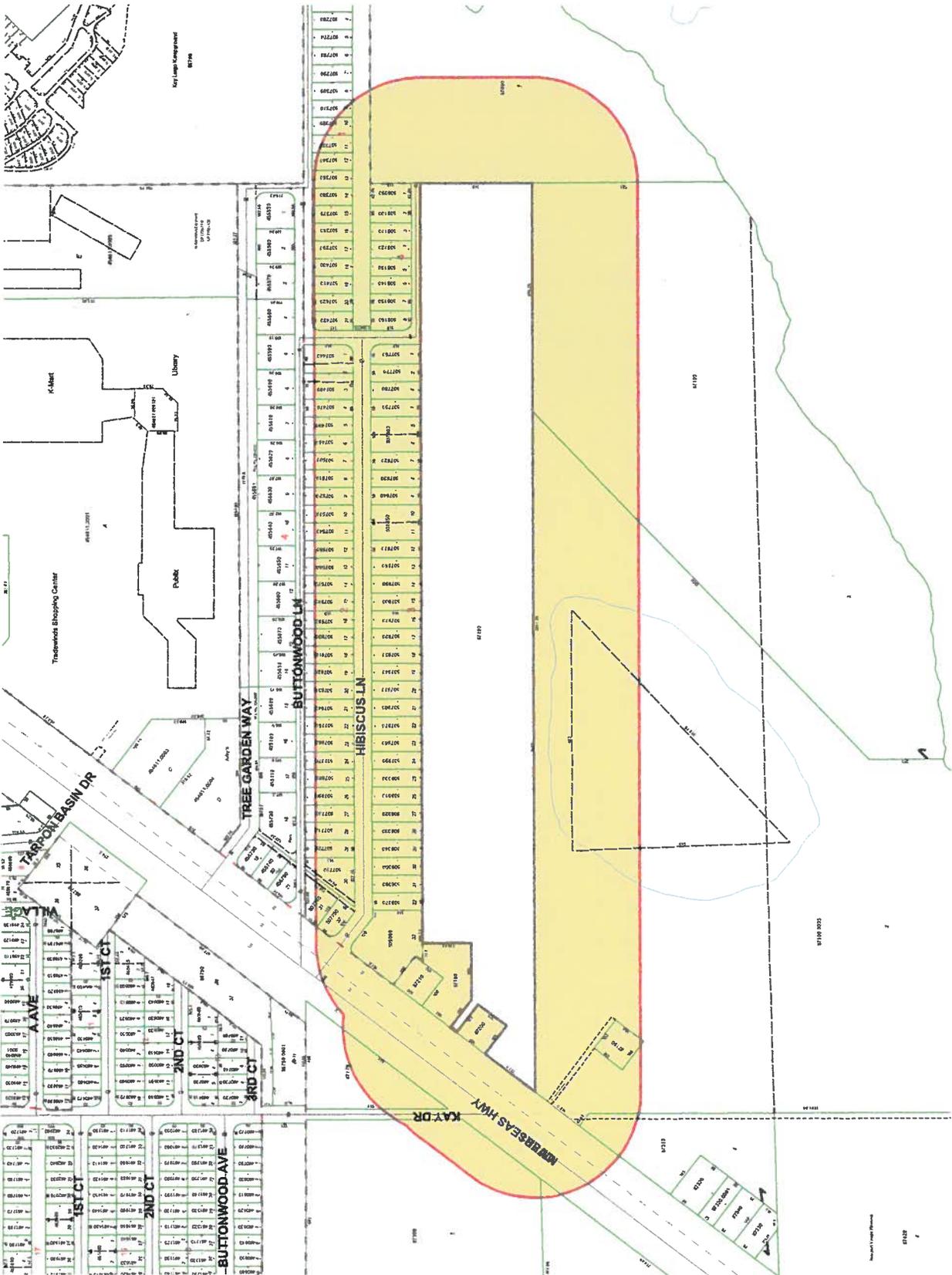
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MonroeCountySDE_Environmental_Layout_public
 FEMA (Flood Zone): Federal Emergency Management Agency



AK: 1095923	Parcel ID: 00087340-000000	Physical Location: 100971 OVERSEAS HWY	KEY LARGO
Legal Description:	28 61 39 KEY LARGO PT LOT 8 MODEL LAND CO. PB1-68	OR28-1/2 OR34-379/380 OR867-1982	
Owners Name:	ATALA FARESH MIGUEL		
Address::	103100 OVERSEAS HWY APT 52	KEY LARGO, FL 33037	
<hr/>			
AK: 1095915	Parcel ID: 00087330-000000	Physical Location: 100961 OVERSEAS HWY	KEY LARGO
Legal Description:	28 61 39 KEY LARGO PT LOT 8 MODEL LAND CO. PB1-68	OR28-1/2 OR34-377/78 OR1157-547F	
Owners Name:	CLARK DORIS L/E		
Address::	P O BOX 64	KEY LARGO, FL 33037	
<hr/>			
AK: 1095974	Parcel ID: 00087420-000000	Physical Location: MM 100.5 OVERSEAS HWY	KEY LARGO
Legal Description:	28 61 39 ISLAND OF KEY LARGO PT LOTS 9 & 10 & 19	MODEL LAND CO PB1-68 G64-242-;	
Owners Name:	MONROE COUNTY HOUSING AUTHORITY		
Address::	1400 KENNEDY DR	KEY WEST, FL 33040	



Map Scale: 1" = 100'

8/1/2022

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 Heather Carruthers, Dist. 3

Mayor Pro Tem David Rice, Dist. 4

Kim Wigington, Dist. 1

George Neugent, Dist. 2

Sylvia J. Murphy, Dist. 5

We strive to be caring, professional and fair

September 23, 2011

Emily Burkel
Paradise Pit LLC
743 Largo Road
Key Largo, FL 33037

SUBJECT: Determination of Lawful Use for a parcel of land within Section 27, Township 61, Range 39, Key Largo, Monroe County, Florida, currently identified and assessed as real estate #00087100.000500

Ms. Burkel:

In response to discussions you have had with the Department of Planning & Environmental Resources regarding the above-referenced property, this letter is to notify you that our Department has found that the current land use taking place on the site is a lawful and nonconforming light industrial use. Following a site visit, staff has determined that the business on site, known as Paradise Pit, uses the site to mix cement, store equipment associated with the business, temporarily store fill brought from other sites, and carry out office operations associated with the business.

The property is partially within a Suburban Residential (SR) district and partially within a Native Area (NA) district. Pursuant to §130-94 and §130-89 of the Monroe County Code, light and heavy industrial uses are not permitted in either district. However, based on Growth Management records (particularly the Planning Department file associated with Development Order #21-90) and other information, staff has found that a light industrial use has existed on the property since as early as 1990.

Development Order #21-90 required the closure and restoration of the quarry on the site, which is considered a heavy industrial use. However, it did not specifically require the termination of additional light industrial activities that were taking place on the scarified portions of the site. Therefore, staff has found that the light industrial use was lawfully in existence at that time and is consequently deemed to be a lawfully established/recognized use. It may only continue to operate in accordance with the nonconforming use provisions of the Monroe County Code and Comprehensive Plan, most notably §102-56 and Policies 101.8.1 and 101.8.7.

Concerning specific structures and activities, the site is currently developed with a silo (to mix concrete), storage containers, outdoor storage areas for fill and equipment, a maintenance/office building, and an undetermined structure that is not visible from the scarified area of the property.

Although our Department found the use is lawfully in existence, staff could not find any building permits on file for any of the existing structures. Further, the Planning Department file associated with Development Order #21-90 does not reference any of the existing structures and the plans within do not show any of the existing structures.

In order to resolve the issue of structures built and development established without valid building permits, please review the following:

✓ Outdoor Storage Areas:

After reviewing aerial photography and the documentation within the file associated with Development Order #21-90, staff has determined that the site has had outdoor storage since the early 1990's.

As defined in §101-1 of the Monroe County Code, *industrial use* means a use devoted to the manufacture, warehousing, assembly, packaging, processing, fabrication, storage or distribution of goods and materials whether new or used or the substantial refinishing, repair and/or rebuilding of vehicles or boats. *Light industrial use* means an industrial use that is not a heavy industrial use and *heavy industrial use* means an industrial use with greater than average potential impacts on the environment and that is characterized by significant impacts on adjacent uses in terms of noise, hazards and odors, such as junkyards, marine railways and dry docks, bulk petroleum storage, resource extraction where more than 20 percent of the use takes place outside of an enclosed building or where exterior storage equals or exceeds building floor area.

The existing outdoor storage areas are used to store equipment associated with the business on the site and fill brought from other sites (which is related to the business on site's services). These existing areas were lawfully established and may continue to be used for light industrial outdoor storage. However, the existing outdoor storage areas may not be expanded as such would constitute an expansion of the nonconforming use. Therefore, outdoor storage shall be limited to existing scarified areas on the site and may not take place in any required shoreline or non-shoreline setback. Further, the outdoor storage areas may not be used for the storage of any items or material that would convert the light industrial use into a heavy industrial use as defined in the preceding paragraph.

Storage Containers:

Staff observed several storage/shipping containers on the site, some of which are being used as a de-facto fence. Unless road ready (i.e. on wheels in a form compliant to Department of Transportation regulations and prepared for immediately removal), storage/shipping containers are considered a form of shed. A building permit is required for any enclosed floor area on a nonresidential property.

Staff researched the building permits on file for the property and found no building permits approving or otherwise recognizing any storage/shipping containers on the site. Therefore, unless the property owner can provide documentation from the Growth Management Division stating that they were in fact approved, these structures are unlawful and must be removed or converted to road-ready.

Please note that a permanent storage/shipping container, or any other shed for that matter, cannot be permitted. As light industrial uses are not permitted in the SR and NA districts, there are no floor area ratios (FAR's) assigned. Therefore, approval of any floor area would constitute an expansion of nonconforming use which is directly prohibited by the Monroe County Code and Comprehensive Plan.

If the storage containers are converted to road ready, they may only be stored in an existing outdoor storage area described in this letter. They may not be stored in any setback or used as fencing. In addition, there is some evidence that some of the existing storage/shipping containers have been located on the neighboring property to the north (RE #00087190.000000). Development on the neighboring property is not authorized and any such structure encroaching onto this property must be removed immediately.

Silo:

Staff observed a silo on the site.

Staff researched the building permits on file for the property and found no building permits approving or otherwise recognizing a silo on the site. However, Building Permit Application #103-0461 was submitted on February 2, 2010 for tie-downs for the silo, identified as portable cement silo. This application has not been approved as of the date of this letter.

Based on the information in Building Permit Application #103-0461, the silo does not have any floor area as defined in the Monroe County Code. Therefore, if it is located within an existing outdoor storage area described in this letter, the Planning & Environmental Resources Department staff may approve the building permit once violations associated with other unpermitted structures are resolved.

Maintenance/Office Building:

Staff observed a maintenance/office building on the site. As this is a permanent structure, it requires a building permit.

Staff researched the building permits on file for the property and found no building permits approving or otherwise recognizing a maintenance/office building on the site. Therefore, unless the property owner can provide documentation from the Growth Management Division stating that it was in fact approved, this structure is unlawful and must be removed.

Please note that a permanent building for the existing purpose cannot be permitted. As light industrial uses are not permitted in the SR and NA districts, there are no floor area ratios (FAR's) assigned. Therefore, approval of any floor area would constitute an expansion of nonconforming use which is directly prohibited by the Monroe County Code and Comprehensive Plan.

Undetermined Structure:

There is a structure that is not visible from the scarified area of the property, but visible form aerial photography. Please provide information as to the nature and use of the structure in order to determine if the structure is allowed under Monroe County Code.

The decisions made within this letter are based only on information on file with the Monroe County Growth Management Division and Monroe County Property Appraiser's Office. Within 30 days, please provide any other supporting documentation you may have in order to determine the status of the aforementioned unlawful structures. Planning & Environmental Resources Department staff will review any such documentation provided to determine if decisions made in this letter need to be modified.

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,



Townsley Schwab, Senior Director of Planning & Environmental Resources

Cc: Ronda Norman
Steven Biel
Randy Wall, P.O. Box 206, Key Largo, FL 33037
Franklin D. Greenman, 5800 Overseas Highway, 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

August 1, 2012

Emily Burkel
Paradise Pit LLC
743 Largo Road
Key Largo, FL 33037

SUBJECT: LETTER OF UNDERSTANDING CONCERNING THE PARADISE PIT LLC PROPERTY, LOCATED AT 743 LARGO ROAD, KEY LARGO, MILE MARKER 101, LEGALLY DESCRIBED AS A PARCEL OF LAND WITHIN SECTION 27, TOWNSHIP 61, RANGE 39, HAVING REAL ESTATE NUMBER 00087100.000500

Dear Ms. Burkel,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU).

In response to your party's recent discussions with Growth Management Division staff regarding the above-referenced property, this letter is to notify you of our Department's findings regarding two of the matters discussed at our last meeting: 1) whether or not the existing land use district and future land use map designations were assigned in error and b) the number of storage containers lawfully established and thereby lawfully nonconforming.

Land Use District (LUD) and Future Land Use Map (FLUM) Designations:

The Board of County Commissioners passed and adopted Resolution #127-2012 on April 18, 2012. This resolution 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 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.

You have requested that the Senior Director of Planning & Environmental Resources render such a decision in relation to the subject property and, if your party decides to do so, allow you to submit map amendment applications without the required application fees.

For the most part, the property is partially designated as Residential Low (RL) and partially designated as Residential Conservation (RC) on the official FLUM. A small portion in the northwest corner is designated Mixed Use / Commercial (MC). For the most part, the property is partially designated as Suburban Residential (SR) and partially designated as Native Area (NA) on the official LUD map (see attachment). A small portion in the northwest corner is designated Suburban Commercial (SC). The RL boundary is consistent with the SR boundary, the RC boundary is consistent with the NA boundary and the MC boundary is consistent with the SC boundary. The property was partially within a BU-2 district (Medium Business), partially within a RU-1 district (Single Family Residential) and partially within a RU-5P district (Mobile Home Park) prior to 1986 when the property was re-designated SR and NA (see attachment).

The current permitted use regulations for the SR district do not allow industrial uses (Monroe County Code §130-94). Furthermore, Policy 101.4.2 of the Monroe County Comprehensive Plan, which describes permitted uses in the RL FLUM category, does not state that industrial uses are allowed. Therefore, the existing light industrial use is nonconforming to the current provisions of the Monroe County Code and Comprehensive Plan.

Regarding the subject property, on September 23, 2011, the Planning & Environmental Resources Department provided you with a letter stating that the existing light industrial use was lawfully established on the scarified areas of the site and is thereby a lawful nonconforming use. As a note, the existing light industrial use is located entirely within the portion of the property designated SR and RL.

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 light industrial use existed lawfully in 1992 and was deemed nonconforming by the final adoption of the LUD map. Staff has also determined that the existing light industrial use existed lawfully in 1997 and was deemed nonconforming by the final adoption of the FLUM.

Note: This finding does not pertain to any of the areas on the property designated NA and RC. Staff has determined that these areas were appropriately designated. Staff found no evidence that a light industrial use has ever lawfully been in existence in such areas.

Your party has not formally proposed any new LUD and/or FLUM designation. 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 a FLUM category of Mixed Use / Commercial (MC) or Industrial (I) would eliminate the nonconformity to use as the designations allow light industrial uses. The LUD designations of Mixed Use (MU) or Suburban Commercial (SC) under the MC FLUM category and Industrial (I) or Maritime Industries (MI) under the I FLUM category could eliminate the nonconformity to use as the districts allow light industrial uses (however please note that some of the designations require conditional use permit approval for such a use).

Prior to application submittal, you must decide on which FLUM and LUD designations to pursue as staff cannot make this decision. Please be aware that, although staff is interested in finding a resolution to the nonconforming use issue as well, the Planning & Environmental Resources Department is not obligated to recommend approval of a proposed LUD designation and/or FLUM designation unless there is a finding that there would not be any adverse impact to the community. Also, as discussed at our last meeting, your application may also expand the boundaries of the existing NA and RC areas of the site in order reduce the overall impact of converting other areas from SR and RL to designations that allow higher land use intensity.

In conclusion, Staff has determined that your proposal qualifies for application 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.

Storage Containers:

On September 23, 2011, the Planning & Environmental Resources Department provided you with a letter stating that staff could not find any building permits authorizing the existence of the

existing storage/shipping containers on the property. The letter requested that the property owner provide documentation from the Growth Management Division stating that they were in fact approved or the structures would be deemed unlawful and must be removed or converted to road-ready.

Following the discussions at our past meeting, staff determined that the type of storage/shipping containers located on the property did not require a building permit until the adoption of the NROGO on September 19, 2001.

As set forth in Monroe County Code §138-50(1), the redevelopment, rehabilitation or replacement of any lawfully established nonresidential floor area which does not increase the amount of nonresidential floor area greater than that which existed on the site prior to the redevelopment, rehabilitation or replacement is exempt from the NROGO permit allocations system. The planning director shall review available documents to determine if a body of evidence exists to support the existence of nonresidential floor area on or about September 19, 2001, the effective date of the original NROGO. Such evidence shall be documented and submitted to the planning director on a form provided by the planning department. The application shall include, at a minimum, at least two of the following documents: a) Any issued Monroe County building permit(s) supporting the existence of the structure(s) and its use(s) on or about September 19, 2001; b) Documentation from the Monroe County Property Appraiser's Office indicating residential use on or about September 19, 2001; c) Aerial photographs and original dated photographs showing the structure(s) existed on or about September 19, 2001; d. Nonresidential County Directory entries on or about September 19, 2001; e) Rental, occupancy or lease records, on or about September 19, 2001, indicating the number, type and term of the rental or occupancy; f) State and/or county licenses, on or about September 19, 2001, indicating the nonresidential use; g) Documentation from the utility providers indicating the type of service (commercial or residential) provided and the number of meters in existence on or about September 19, 2001; and h) Similar supporting documentation not listed above as determined suitable by the planning director.

There is aerial photography of the site on file for early 2002 and late 2002/early 2003. Upon a detailed review, in the early 2002 photograph, although development and outdoor storage is visible, a storage/shipping container is not clearly visible. In the late 2002/early 2003 photography, eight shipping containers are clearly visible (see attached).

Two documents are required to satisfy Monroe County Code §138-50(1). The late 2002/early 2003 aerial photograph satisfies c) Aerial photographs and original dated photographs showing the structure(s) existed on or about September 19, 2001. However, there is not any other documentation on file in the county's records supporting the storage containers' existence. The Planning & Environmental Resources Director has determined that in this instance an affidavit would satisfy h) Similar supporting documentation not listed above as determined suitable by the planning director. Please provide such an affidavit for the file stating that to the best of the property owner's knowledge at least eight storage shipping containers existed on the property on or about September 19, 2001.

As such, eight of these structures shall be deemed lawfully nonconforming and the equivalent number or less of equal size or smaller shall be permitted to remain in existence as lawful nonconforming structures upon receipt of the aforementioned affidavit. Staff utilized the County's GIS to measure the containers and determined that the containers observed in aerial photography were approximately 40' in length. The standard dimensions of a standard shipping container are 8' x 40' - 320 square feet.

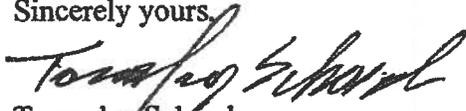
* * * * *

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.

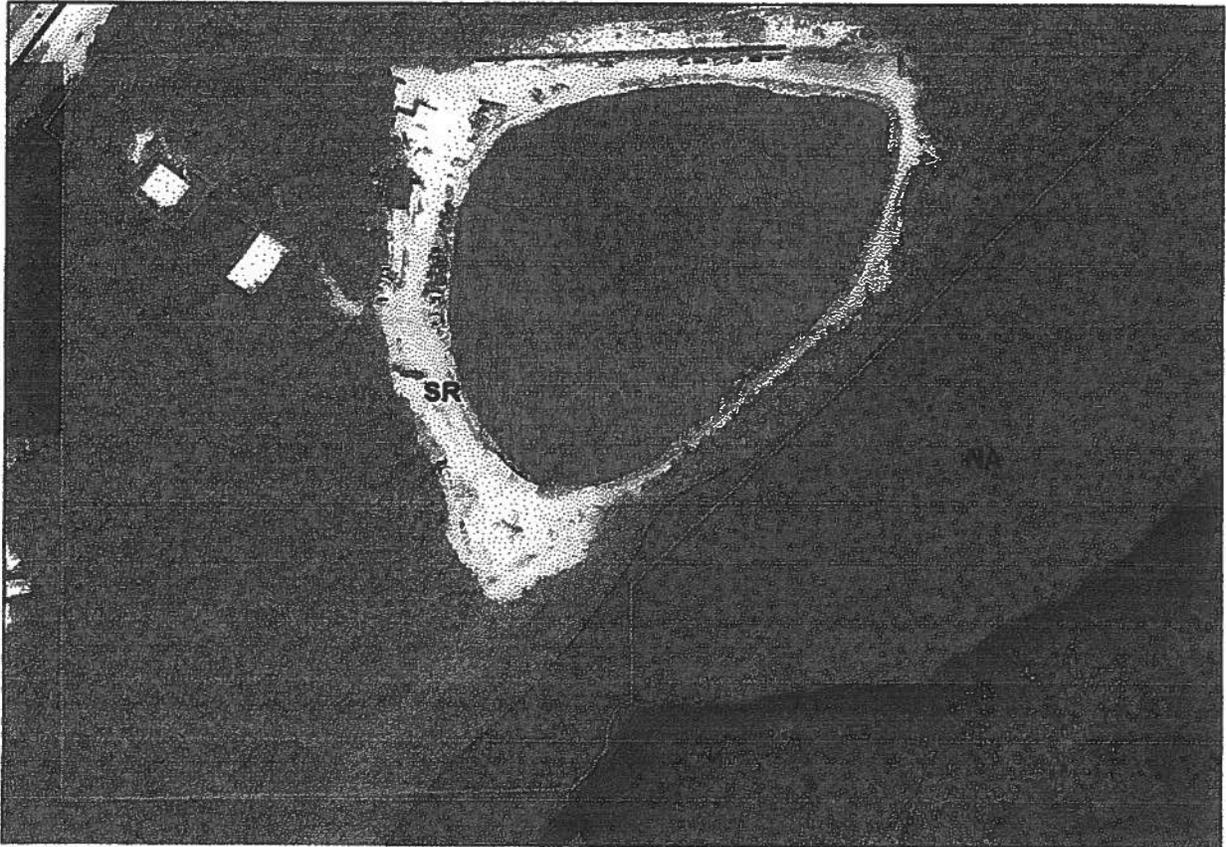
Sincerely yours,



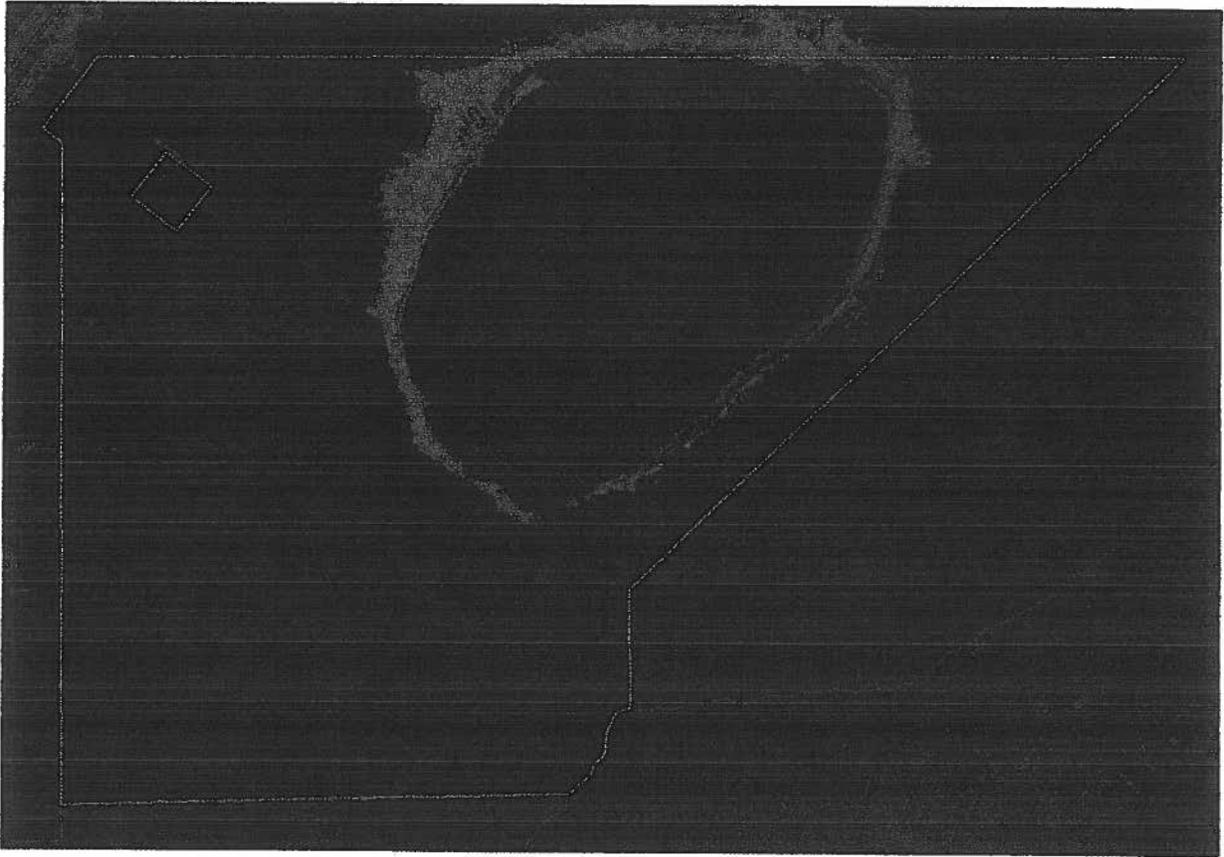
Townsley Schwab,
Senior Director of Planning & Environmental Resources

- CC: Christine Hurley, Director of Growth Management
Susan Grimsley, Assistant County Attorney
Mayte Santamaria, Assistant Director of Planning
Joseph Haberman, Planning & Development Review Manager
Jerome Smith, Building Official
Ronda Norman, Director of Code Compliance

Land Use District Map Overlaid on 2012 Aerial Photograph



Aerial Photograph, dated late 2002/early 2003



Key Largo Community Master Plan

✓ ***Action Item 1.3.1:*** Continue to use the FLUM and Land Use District Maps to regulate development of individual parcels with respect to density, intensity, bulk regulations, and all other land development regulation. This will protect the existing conformance status of most uses and promote orderly development consistent with the Comprehensive Plan.

✗ ✓ ***Action Item 1.3.2:*** Revise the FLUM and Land Use District Maps to resolve non-conformities in the planning area where appropriate.

✗ ✓ ***Action Item 1.3.3:*** Revise the FLUM and Land Use District Maps to resolve conflicts and inconsistencies between the FLUM and Land Use District Maps.

✓ ***Action Item 1.3.4:*** Revise the FLUM map to identify Church properties as Institutional on the FLUM map.

✓ ***Action Item 1.3.5:*** Revise the FLUM map to identify educational facilities and designate the properties as Educational on the FLUM map.

✓ ***Action Item 1.3.6:*** Adopt the revised FLUM and Land Use District Map for the planning area.

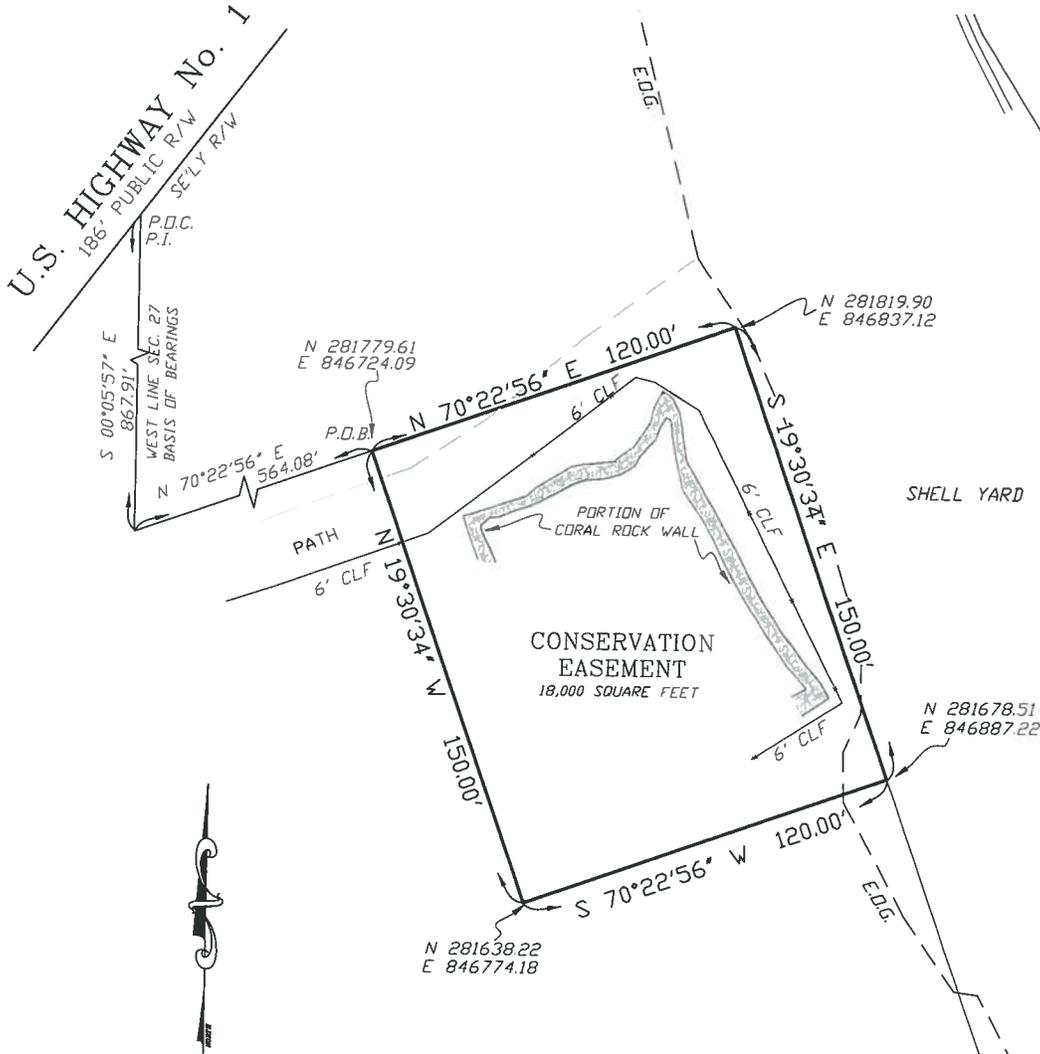
✓ ***Action Item 1.3.7:*** Evaluate future FLUM change and Land Use District Map change requests for nonconforming uses, proposed changes in use, vacant parcels and other requests, based mainly on comprehensive planning principles and the following community-goal related criteria:

- a. Promote infill, design flexibility and transfer of density to Community Centers.
- b. Preserve commercial conformance status within sections along US-1 predominated by existing commercial businesses and disturbed lands.
- c. Encourage sun-setting of intensive commercial uses within sections along US-1 predominated by natural habitat or native-dominated landscape, relatively sparse development and relatively few businesses.
- d. Preserve commercial use status for existing waterfront uses that support the tourist-based and working waterfront-based economy.
- e. Give consideration to whether the property provides a unique or outstanding opportunity for enhancement of design, connectivity and other community goals, especially along the US-1 corridor.

✓ **Strategy 1.4**

Designate the Community Center and focal areas as identified by the Key Largo community during the master planning process. Adopt these areas as regulatory overlays of the Land Use District Map.

SKETCH AND DESCRIPTION HISTORICAL SITE CONSERVATION EASEMENT



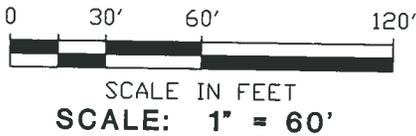
DESCRIPTION:

CONSERVATION EASEMENT:

A PARCEL OF LAND LYING IN SECTION 27, TOWNSHIP 61 SOUTH, RANGE 39 EAST, KEY LARGO, MONROE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 27 AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1; THENCE S.00°05'57"E., ALONG WEST LINE OF SAID SECTION 27, A DISTANCE OF 867.91 FEET; THENCE N.70°22'56"E., A DISTANCE OF 564.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.70°22'56"E., A DISTANCE OF 120.00 FEET; THENCE S.19°30'34"E., A DISTANCE OF 150.00 FEET; THENCE S.70°22'56"W., A DISTANCE OF 120.00 FEET; THENCE N.19°30'34"W., A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 18,000 SQUARE FEET MORE OR LESS.



LEGEND	
CLF	- CHAIN LINK FENCE
POC	- POINT OF COMMENCEMENT
POB	- POINT OF BEGINNING
R/W	- RIGHT-OF-WAY
MCPA	- MONROE COUNTY PROPERTY APPRAISER
EOG	- EDGE OF GRAVEL
P.I.	- POINT OF INTERSECTION

SURVEYORS NOTES

- COORDINATES SHOWN HEREON REFER TO FLORIDA STATE PLANE COORDINATE SYSTEM FLORIDA EAST ZONE, NORTH AMERICAN DATUM 83 (2007)ADJUSTMENT
- THIS IS NOT A BOUNDARY SURVEY.
- UNLESS IT BEARS THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS PLOT IS FOR INFORMATIONAL PURPOSES ONLY AND NOT VALID.
- FIELD SURVEY OF HISTORIC SITE LIMITED TO ACCESSIBLE AREAS. ADDITIONAL FEATURES EXIST THAT WERE NOT FIELD SURVEYED
- LAST DATE OF FIELD SURVEY: 9-20-12

Prospect Surveying, LLC
Certificate of Authorization No. LB 7921

BRENT JOSEPH MURKETTLE
FLORIDA LICENSE - LS 6794

Attachment 2

Project: Larocco Quarry

Section 27, Township 61S, Range 39E

Owner: Paradise Pit LLC

Location: 101075 Overseas Highway, Key Largo, FL 33037

Date: September 26, 2012



Prospect Surveying, LLC

Surveying • Planning • GIS

1452 51ST STREET GULF MARATHON, FL 33050

WWW.PROSPECTSURVEYING.COM

305.587.4235

LB # 7921

