DEVELOPMENT REVIEW COMMITTEE

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Tuesday, August 27, 2013

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AGENDA

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The Monroe County Development Review Committee will conduct a meeting on Tuesday, August 27, 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
Barbara Bauman, Planner
Tim Finn, Planner
Matt Coyle, Planner
Gail Creech, Planning Commission Coordinator

CHANGES TO THE AGENDA

MINUTES FOR APPROVAL

MEETING

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New Items:

1. Keys Ahead, Inc., Florida International University (FIU), 103355 Overseas Highway, Key Largo, Mile Marker 103.3: A request for a minor conditional use permit to allow the redevelopment of an existing building for office and school uses. The subject property is legally described as Lots 14, 15, 16, Block 12, Largo Sound Park (PB3-111), Key Largo, Monroe County, Florida, having real estate number 00472790.000000.
(File 2013-091)
2013-091 SR DRC 08.27.13.PDF
2013-091 FILE.PDF
2013-091 COMBINED Plans Recvd 7.19.13.pdf

2. Square Grouper Bar & Grill, 22658 Overseas Highway, Cudjoe Key, Mile Marker 22.6: A request for an amendment to a minor conditional use permit to allow the expansion of commercial retail in the form of a restaurant into previously approved commercial retail space in the form of retail sales within an existing building. The subject property is legally described as Block 8, Lots 22 and 23, Cutthroat Harbor Estates (PB4-165), Cudjoe Key, Monroe County, Florida, having real estate numbers 00178500.000000 and 00178490.000000.
(File 2013-078)
2013-078 SR DRC 08.27.13.PDF
2013-078 FILE.PDF
2013-078 Recvd 06.18.13 Site Plans.PDF
2013-078 COMBINED Plans Recvd 08.05.13.pdf
2013-078 COMBINED Plans Recvd 08.14.13.pdf

3. CONSIDERATION OF AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING POLICY 101.2.6 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN EXTENDING THE MORATORIUM ON TRANSIENT UNIT ALLOCATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR THE TRANSMITTAL TO THE FLORIDA STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION IN THE MONROE COUNTY 2010 COMPREHENSIVE PLAN.
(File 2013-086)
2013-086 SR DRC 08.27.13.PDF

4. CONSIDERATION OF AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTON 138-23 OF THE MONROE COUNTY CODE, EXTENDING THE MORATORIUM ON TRANSIENT UNIT ALLOCATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR THE TRANSMITTAL TO THE FLORIDA STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION IN THE MONROE COUNTY CODE.
(File 2013-090)
2013-090 SR DRC 08.27.13.PDF

5. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTIONS 114-1, STANDARDS, AND 114-2, ADEQUATE FACILITIES AND DEVELOPMENT REVIEW PROCEDURES, CLARIFYING AND AMENDING THE LEVEL OF SERVICE STANDARDS, ADDING A SANITARY SEWER LEVEL OF SERVICE; AND AMENDING THE SCHEDULE FOR THE PUBLIC FACILITIES ASSESSMENT REPORT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.
(File 2013-099)
2013-099 SR DRC 08.27.13.pdf

6. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 122-2(b)3 GENERAL PROVISIONS, BASIS FOR ESTABLISHING SPECIAL FLOOD HAZARD MAPS, SPECIES ASSESSMENT GUIDES (SAGS); PROVIDING A NEW DATE FOR REVISED SPECIES ASSESSMENT GUIDES (SAGS) FOR PERMIT REFERRAL PROCESS DETERMINATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.
(File 2013-102)
2013-102 SR DRC 08.27.13.pdf

7. CONSIDERATION OF A RESOLUTION TRANSMITTING TO THE STATE LAND PLANNING AGENCY AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO CREATE GOAL 106, OBJECTIVE 106.1, POLICY 106.1.1, AND POLICY 106.1.2 RELATING TO THE TIER SYSTEM, AS REQUIRED BY ADMINISTRATION COMMISSION RULE 28-20.140, FLORIDA ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH SECRETARY OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.
(File 2013-107)
2013-107 SR DRC 08.27.13.PDF

8. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 130-83, IMPROVED SUBDIVISION DISTRICT (IS), SECTION 130-98, URBAN RESIDENTIAL, SECTION 130-99, URBAN RESIDENTIAL-MOBILE HOME DISTRICT (URM), SECTION 130-100, URBAN RESIDENTIAL MOBILE HOME-LIMITED DISTRICT (URM-L), AND SECTION 130-164, MAXIMUM NONRESIDENTIAL LAND USE INTENSITIES AND DISTRICT OPEN SPACE; PROVIDING CONSISTENCY BETWEEN LAND DEVELOPMENT REGULATIONS IN THE LAND DEVELOPMENT CODE AND POLICIES IN THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.
(File 29106)
29106 SR DRC 08.27.13.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

To: The Development Review Committee &
Townsley Schwab, Senior Director of Planning & Environmental Resources

From: Timothy Finn, Planner TF
Michael Roberts, Senior Administrator of Environmental Resources

Date: August 23, 2013

Subject: *Request for a Minor Conditional Use Permit to allow the redevelopment of an existing building for office and school uses at approximate mile marker 103 at 103355 Overseas Highway, Key Largo, having Real Estate #00472790.000000 (File #2013-091)*

Meeting: August 27, 2013

I REQUEST

The applicant is requesting approval of a minor conditional use permit to allow an existing nonresidential office building to be used in part for research and classroom activities by Florida International University (FIU). The remainder of the building would continue to be used for office activities by Keys Ahead, Inc. and FIU.

Subject Property with Land Use District Overlaid (Aerial dated 2012)

Location:

Address: 103355 Overseas Highway (US 1), southeast corner of the US 1 / Snapper Avenue intersection, at approximate mile marker 103 on the Atlantic Ocean side of US 1.

Legal Description: Block 12, Lots 14, 15 and 16, Largo Sound Park (PB3-111), Key Largo, Monroe County, Florida

Real Estate (RE) Number: 00472790.000000

Applicant:

Property Owner: Keys Ahead, Inc.

Agent: Susan Hammaker, Keys Ahead, Inc. and James Brush, P.E., Industry and Environmental Engineers

II RELEVANT PRIOR COUNTY ACTIONS:

In 1979, the Building Department issued Building Permit #C-5619, approving the construction of a 1,500 SF building on Lot 16 and related site improvements. The use of the building was described as a store. A certificate of occupancy for the building addition was issued on May 17, 1979.

In 1983, the Building Department issued Building Permit #C-12362, approving the construction of a 1,500 SF building addition on Lot 15 and related site improvements. The use of the building was described as a store. A certificate of occupancy for the building addition was issued on June 3, 1983.

In 1987, the Building Department issued Building Permit C-18855, approving the construction of a building addition on Lot 14 and related site improvements. The application and plans for the building permit are not on file to confirm the approved size and use of the building addition. A certificate of occupancy for the building addition was issued on August 18, 1987.

In 2001, the Building Department issued Building Permit #013-4095, approving interior renovations of a 4,320 SF nonresidential building. The use of the building was described as a real estate office.

In addition, several other building permits have been issued for miscellaneous improvements to the site and building.

On May 21, 2013, a letter of understanding concerning the proposal was issued to the applicant.

III BACKGROUND INFORMATION:

A. Size of Site: 15,446 SF (0.35 acres)
B. Land Use District: Improved Subdivision - Masonry (IS-M)
C. Future Land Use Map (FLUM) Designation: Residential Medium (RM)

D. Tier Designation: Tier 3
E. Flood Zone: X
F. Existing Use: Office
G. Existing Vegetation / Habitat: Scarified
H. Community Character of Immediate Vicinity: Commercial and office along the US 1 corridor and single family residential to the south, southeast, east and northeast of the property

IV REVIEW OF APPLICATION:

MCC §110-67 provides the standards which are applicable to all conditional uses. When considering applications for a conditional use permit, the Development Review Committee and Director of Planning & Environmental Resources shall consider the extent to which:

A. The conditional use is consistent with the purposes, goals, objectives and standards of the comprehensive plan and the land development regulations:

The proposed use is consistent with the purposes, goals, objectives and standards of the comprehensive plan and the land development regulations.

Policies from the Monroe County Year 2010 Comprehensive Plan that directly pertain to the proposed use include:

> Policy 101.4.3: The principal purpose of the Residential Medium, (RM) category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each such platted lot or parcel which existed at the time of plan adoption. However, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is more restricted. Lands within this land use category shall not be further subdivided.
>
> Policy 105.1.4: Monroe County shall prepare redevelopment standards and amend the Land Development Regulations to address the large number of non-conforming commercial structures that are noncompliant as to on-site parking, construction and shoreline setbacks, stormwater management, landscaping and buffers. By identifying the existing character and constraints of the different island communities, regulations

can be adopted that provide incentives for redevelopment and permit the continuance of businesses while moving towards an integrated streetscape.

Approved goals, strategies and action items from the Key Largo Livable CommuniKeys Master Plan that directly pertain to the proposed use include:

Goal 1: Direct future growth to lands that are most suitable for development and encourage preservation of environmentally sensitive lands.

Strategy 1.3: Continue to utilize the Land Use District Map and supporting FLUM to regulate land use type, density and intensity on individual parcels within the planning area.

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 nonconformities in the planning area where appropriate.

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.

Goal 6: Encourage redevelopment and infill development that supports and enhances the tourist-based economy of the planning area.

Strategy 6.1: Retain existing desirable businesses that support the economic tourist base of the community.

Action Item 6.1.2: Review the existing land development regulations pertaining to density, intensity and site design layout and nonconforming uses/structures and coordinate and update these to encourage the retention of businesses that support the tourist-based economy and the design standards of the community including increased infill and mobility in Community Centers.

B. *The conditional use is consistent with the community character of the immediate vicinity:*

The existing nonresidential office building has existed on the property since the 1980s. There are several buildings with office and retail uses in the immediate vicinity, particularly along the US 1 corridor in Key Largo. Many buildings in the vicinity are larger in mass than the existing building, including the Pink Plaza Shopping Center which is located across US 1. As such, the building, which would not been enlarged, is in context with the other nonresidential buildings in the area.

The neighborhood to the south, southeast, east and northeast of the property (Largo Sound Park) consists of single family dwelling units. The existing office building is located on US 1 and acts as a buffer between the residential neighborhood and the highway. It is not anticipated that the addition of the proposed school within part of the existing office building will have an adverse effect on this residential neighborhood. Furthermore, there are is an area of landscaping along the southeast rear property line that is a vegetative buffer between these single family dwelling units and the existing office building. Therefore, the proposed development would be consistent with the community character of the immediate vicinity.

C. *The design of the proposed development minimizes adverse effects, including visual impacts, on adjacent properties*:

The applicant is not proposing to construct any new buildings, only redevelopment of the existing building to facilitate office and school uses. In any event, staff shall request that the applicant utilize architectural features that provide visual interest and break up the mass of the structure and that similar and consistent design, materials, and colors be utilized for the existing structure, including signage, in order to make the development more cohesive with the Key Largo community. In addition, as part of the development, it shall be required that additional trees and landscaping elements be introduced to the site. Therefore, the proposed development minimizes adverse effects, including visual impacts, on adjacent properties.

D. *The proposed use will have an adverse impact on the value of surrounding properties:*

There is an existing office building, approved for office use, on the property. Converting part of this existing building to a school will not have any negative impacts to any properties in the immediate area. The applicant is proposing to add landscaping, facade improvements, stormwater improvements, and parking lot improvements to the property which will increase the aesthetics of the building and the property. Therefore, it is not

anticipated that the proposed development will have an adverse impact on the value of the surrounding properties.

E. The adequacy of public facilities and services:

1. Roadways:

   Localized Impacts & Access Management: If applicable to their respective jurisdiction, access to and from the development shall be approved by the Public Works Division and the Florida Department of Transportation (FDOT) and in compliance with the Land Development Code.

   Level of Service (LOS): A traffic impact report shall be approved.

2. Stormwater: The site plan submitted with the application includes stormwater retention calculations; however the retention facilities are not clearly depicted. A stormwater management plan will be required at time of building permit application.

3. Sewer: As part of the building permit process, the applicant shall coordinate with Key Largo Wastewater Treatment District to determine compliance with all applicable regulations.

4. Water: As part of the building permit process, the applicant shall coordinate with the Florida Keys Aqueduct Authority with all applicable regulations.

5. Refuse Disposal: The applicant shall coordinate with Monroe County Solid Waste Management to determine compliance with all applicable regulations.

6. Emergency Management: As part of the building permit process, the applicant shall coordinate with the Office of the Fire Marshal to determine compliance with the Florida Fire Prevention Code and the life safety requirements within the Florida Building Code.

F. The applicant has the financial and technical capacity to complete the development as proposed:

Staff has no evidence to support or disprove the applicant's financial and technical capacity.

G. The development will adversely affect a known archaeological, historical, or cultural resource:

The proposed redevelopment will not adversely affect a known archaeological, historical, or cultural resource.

H. Public access to public beaches and other waterfront areas is preserved as part of the proposed development:

The property is land-locked. Therefore, the proposed redevelopment will not have an adverse impact on public access to a waterfront area.

I. The project complies with all additional standards imposed on it by the Land Development Regulations:

1. Residential Rate of Growth Ordinance (ROGO) (§138-19 – §138-28): *Not applicable.*

2. Non-Residential Rate of Growth Ordinance (NROGO) (§138-47 – §138-56): *In compliance.*

   Staff has determined that the existing building consists of 4,320 SF of non-residential floor area. All of this floor area was lawfully-established and therefore is exempt from the NROGO permit allocation system. The applicant is not proposing any modifications to the existing buildings existing floor area.

3. Purpose of the IS-M District (§130-34): *In compliance (lawfully nonconforming).*

   The purpose is to accommodate the legally vested residential development rights of the owners of lots in subdivisions that were lawfully established and improved prior to the adoption of the Land Development Code. For the purpose of this section, improved lots are those that are served by a dedicated and accepted existing road of porous or nonporous material, that have a Florida Keys Aqueduct Authority approved potable water supply, and that have sufficient uplands to accommodate the proposed use in accordance with the required setbacks. This district is not intended to be used for new land use districts of this classification within the county.

   Note: While the proposed development is not mentioned as a type of use in the aforementioned purpose, the school use is listed as a permitted use in the IS-M district and the nonconforming office use is consistent with the purpose of the RM future land use category per CP Policy 101.4.3.

4. Permitted Uses (§130-83): *In compliance following receipt of required minor conditional use permit (lawfully nonconforming).*

   The remodeled building includes offices for FIU and Keys Ahead Inc. (office use), laboratories/research areas for FIU (school and office use), and a classroom for FIU (school use).

   Concerning the office component, pursuant to MCC §130-83, in the IS and IS-M district, withstanding compliance with other regulations, office uses of only less than 2,500 SF of floor area are permitted. However, the existing building consists of 4,320

SF of floor area, a total greater than 2,500 SF. Therefore, the existing building, and office use thereof, is nonconforming to MCC §130-83.

The site data on the proposed site plan states that 960 SF of office space would be converted to a classroom and 1,590 SF of office space would be converted to laboratory space (2,550 SF total). The remaining 1,770 SF would continue to be used as office space, albeit remodeled.

Concerning the school component, pursuant to MCC §130-83, in the IS and IS-M district, withstanding compliance with other regulations, schools may be permitted with a minor conditional use permit.

Since the existing building was permitted to be an office building, its office use is considered a lawful nonconforming use. Therefore, the property owner can continue to utilize part of the building as office. Continued use as an office is subject to the provisions of MCC §102-56, which concerns nonconforming uses. In general, normal maintenance and repair to permit continuation of the nonconforming use may be performed. However, the nonconforming use shall not be extended, so as to prevent: 1) enlargement of nonconforming use by additions to the structure in which it is located; or 2) occupancy of additional lands. In addition, where a nonconforming use is discontinued or abandoned for six consecutive months, then such use may not be reestablished or resumed, and any subsequent use must conform to the provisions of the Land Development Code. Note: although the building has been vacant of a tenant/occupant for some time, the use of the building was never modified and the building was actively marketed as an available office building; therefore the office use was never discontinued or abandoned.

Converting part of the existing building to a school would be permitted if a minor conditional use permit is granted. However, it should be noted, that any portion of the building converted to a school may not be converted back to a nonconforming office use as a school is a conforming use.

Note: As the property is designated IS-M/RM and there has never been any residential development thereon, the property owner also has the right to request a map amendment to modify the land use district and FLUM designations to amended designations that eliminate the nonconformity.

5. Residential Density and Maximum Floor Area Ratio (§130-157, §130-162 & §130-164): *In compliance (lawfully nonconforming, compliance to the greatest practical).*

Land Use	*Floor Area Ratio (FAR)*	*Size of Site*	*Maximum Allowed*	*Amount of Floor Area*	*Potential Used*
Office	0.25 FAR	15,446 SF	3,861 SF	4,320 SF	112%

Note: Schools are a permitted use; however a specific FAR is not provided and the 0.25 FAR is not consistent with the 0.00 FAR provided for the RM FLUM category

As office, the square footage of the building is nonconforming to the 0.25 maximum FAR available for office buildings in the IS district. Therefore, the existing building, and office use thereof, is nonconforming to MCC §130-164.

In addition, pursuant to Monroe County Comprehensive Plan Policy 101.4.21, for the RM FLUM category, there is a maximum FAR of 0.00. Therefore, the existing building, and office use thereof, is nonconforming to Policy 101.4.21.

MCC §102-56, which concerns nonconforming uses. In general, normal maintenance and repair to permit continuation of the nonconforming use may be performed. However, the nonconforming use shall not be extended. This application would not result in the enlargement of the nonconformity (office use). In fact, the nonconformity would be lessened as some of the floor area would be converted to a conforming use (school use).

6. Required Open Space (§118-9, §118-12, §130-157, §130-162 & §130-164): *In compliance.*

   In the IS-M district, there is a required open space ratio of at least 0.20 or 20 percent. Therefore, at least 3,090 SF of the total land area must be open space.

   The proposed site plan indicates that 11,225 SF of impervious coverage would be established; therefore the remaining area, 4,221 SF, would be pervious area/open space.

7. Minimum Yards (§130-186): *In compliance (lawfully nonconforming, compliance to the greatest practical).*

   The required non-shoreline setbacks in the IS-M district are as follows: Front yard – 25'; Rear yard – 20'; and Side yard – 10'/15' (where 10' is required for one side and 15' is the minimum combined total of both sides).

   There is a front yard setback requirement of 25' along the right-of-way of US 1, a 25' front yard setback requirement along the right-of-way of Snapper Avenue, a 5' side yard setback requirement along the southwestern property line, and a 20' rear yard setback along the southeaster property line.

   Existing development on the site is nonconforming to all of the aforementioned setbacks. The building is nonconforming to the Snapper Avenue front yard setback (10.57' v. 25'), the southwestern side yard setback (0.00' v. 5'), and the southeastern rear yard setback (19.66' v. 20'). Paving for other purpose other than ingress and egress is nonconforming to the US 1 front yard setback (0' v. 25'), the Snapper Avenue front yard setback (14' v. 25'), and the southwestern side yard setback (0.00' v. 5').

The existing building footprint would not be modified and the parking lot area would not be expanded. The site would be brought closer to compliance with the setback requirements in some areas. The proposed site plan implies that some areas of existing asphalt would be removed to accommodate new bufferyards and other landscaping areas (however, the proposed site plan will have to be revised as the existing asphalt boundaries were shown with the bufferyards/landscaping areas overlaid).

8. Maximum Height (§130-187): *In compliance*

   The building elevations submitted show the building at 10'3".

9. Surface Water Management Criteria (§114-3): *Full compliance to be determined by prior to issuance of a building permit.*

   The plans submitted, dated July 13, 2013, include retention calculations that appear to comply with MCC Chapter 114-3. However the plans do not clearly depict the retention areas or proposed grading and staff cannot confirm that the stormwater treatment requirements are met. Upon submittal to the Building Department, please provide stormwater criteria, retention areas and grading on the plans and confirm that the dry pre-treatment ponds provide a minimum of ½ inch pretreatment (approximately 1,158 cubic feet of storage) prior to discharge to the drainage wells (MCC §114-3(f)(2)3). Please note that in accordance with MCC §114-3(f)(2)4 the disturbed area includes the entire parcel (15,446 SF).

10. Wastewater Treatment Criteria (§114-5): *Compliance to be determined by Key Largo Wastewater Treatment District prior to the issuance of a building permit.*

11. Fencing (§114-20): *Not applicable.*

12. Floodplain Management (§122-1 – §122-6): *Full compliance to be determined upon submittal to Building Department.*

    The site is designated within a Zone X flood zone on the Federal Emergency Management Agency (FEMA)'s flood insurance rate maps. All renovations must be carried out to floodplain management standards that meet those for flood protection.

13. Energy Conservation Standards (§114-45): *Full compliance to be determined upon submittal to Building Department.*

    The development proposal includes the provision of a bicycle rack, installation of native plants in required landscaping, which will reduce the requirements for water and maintenance; the installation of several shade trees, which will provide shade for parking areas; and the provision of structural shading.

14. Potable Water Conservation Standards (§114-46): *Compliance to be determined upon submittal to Building Department.*

15. Environmental Design Criteria and Mitigation Standards (§118-6, §118-7 & §118-8): *In compliance.*

    The subject parcel is scarified and contains no native habitat. The application does not include removal of any native trees and provides for additional landscaping.

16. Required Parking (§9.5-114-67): *Compliance to be determined.*

    The square footage for the existing building is 4,320 SF. Using the 3 space / 1,000 SF office parking standard; the development would require 13 spaces. Thirteen spaces are provided. However, the proposed parking would be based on a combination of school and office uses.

    The land development regulations do not provide a parking standard for a school use. Parking for the floor area utilized as classrooms should be based on the actual need based on the number of potential occupants.

    The site plan shows that there will be 25 –person occupancy for the 960 SF classroom. Additional information is required to accurately calculate the required amount of parking. With the limited information provided, staff must utilize the most restrictive parking standard, one parking space per occupant. Based on 25 occupants, there will be 25 parking spaces required for the 960 SF classroom in addition to the parking required for the remaining 3.360 SF of floor area dedicated to offices and laboratory/research areas. Using the 3 space / 1,000 SF parking standard, these areas require an additional 10 parking spaces, establishing a total parking requirement of 35 parking spaces.

    The proposed site plan shows only 13 parking spaces. This restrictive application of the parking requirements results in the site plan being nonconforming to the off-street parking standards and cannot be permitted. Currently 13 are required and 13 are provided. As proposed, 35 are required and 13 are provided.

    Prior to the issuance of any development order approving this minor conditional use permit, the applicant must:

    - Apply for and receive a variance to the off-street parking standards by the Planning Commission to reduce the parking requirement from 35 to 13 in accordance with MCC §102-187 (provided the standards in MCC §102-186(f) are met);
    - Reduce the number of classroom occupants to a number which would result in compliance;
    - Since the school/classroom specific use does not fall within one of the categories in MCC §114-67(c), the applicant may submit a report from a qualified traffic engineer showing the parking space requirements based on

the most current edition of the Institute of Transportation Engineer's Parking Generation Manual, or other appropriate documentation (provided the county's traffic consult approves the report and the total amount of required parking is reduced to 13);

- Enter into a parking agreement with a neighboring nonresidential property owner within 300' of the subject property (provided the standards in MCC §114-67(h) are met and the overall total amount of required parking for the subject development and development on the other site is met);
- Redesign the site plan to show the required amount of parking, which may include other contiguous properties if brought under current ownership; or
- An approved combination of the above.

Note: The property owner is negotiating for the purchase of the neighboring parcels Block 12, Lot 17 (RE 00472800.000000) and Block 12, Lot 18 (RE 00472810.000000). It is indicated on the site plan that this purchase should have been complete by July 30, 2013. As of the date of this report, staff has not received any documentation of this purchase. The addition of these parcels under common ownership would provide area for additional parking spaces.

The proposal includes 90 degree parking spaces. All regular parking spaces at these angles must be at least 8'6" in width by 18' in length. If there are 1 to 25 total parking spaces in a lot, at least one accessible parking space is required of at least 12' in width by 18' in length. In addition, parking access aisles must be part of an accessible route to the building entrance. The access aisle shall be striped diagonally to designate it as a no-parking zone. Curb ramps must be located outside of the disabled parking spaces and access aisles.

The site plan notes that regular parking spaces are 8'6" in width by 18' in length (however, the site plan was not provided at a workable scale for staff to confirm).

90 degree parking spaces are required to have direct and unrestricted access to a 24' aisle (for vehicles to safely back up).

The site plan indicates a distance of less than 24'; however, the site plan was not printed at a workable scale for staff to confirm. This application would not correct the nonconformity, but would also not result in an enlargement thereof.

17. Required Loading and Unloading Spaces (§114-69): *In compliance (lawfully nonconforming).*

All non-residential uses with 2,500 SF to 19,999 SF of floor area are required to have a loading/unloading space, measuring 11' by 55'. A loading zone is shown on the site plan; however in a nonconforming location (in the parking aisle, blocking part of a US 1 access drive and six parking space spaces). This existing loading space is considered lawfully nonconforming and as the plan does not involve modification to the parking area, it does not need to be brought into compliance at this time.

18. Required Landscaping (§114-99 – §114-105): *Compliance to be determined.*

Since the parking area is to contain six or more spaces and is within a IS-M district, a class "A" landscaping standard is required. The class "A" standard requires 1,500 SF of planting area, including 5 canopy trees, 1 understory tree and 12 shrubs, for each 24 parking spaces provided. The plans submitted show 13 total parking spaces; therefore 750 SF of landscaping consisting of 3 canopy trees, 1 understory tree and 6 shrubs is required for the project. The proposed site plan includes two new landscaping areas of indeterminate size, which appear to be less than that required (however, the site plan was not printed at a workable scale for staff to confirm). Notes on the site plan indicate the requirements for the plantings, but do not indicate the planting that would actually take place. Further, the landscaped areas are overlaid on areas identified as asphalt and it is unclear as to whether the applicant is showing the requirement (maintaining asphalt and showing where landscaping requirements for reference) or the intent (to remove the asphalt and install the landscaping areas). Prior to issuance of a development order, a landscape plan shall be required.

19. Required Bufferyards (§114-124 – §114-130): *Compliance to be determined.*

A class "D" major street buffer is required along the US 1 frontage. The site plan shows approximately 150 LF of frontage. The minimum class "D" bufferyard is 20' in width. Widths of 25', 30' and 35' are also optional with reduced planting requirements. The site plan depicts a class "D" buffer; however the area shown as a Class D buffer does not meet the minimum width requirements (20') for this bufferyard. The proposed site plan includes two new bufferyard areas along US 1 of indeterminate size, which appear to be less than that required (however, the site plan was not printed at a workable scale for staff to confirm). Notes on the site plan indicate the requirements for the plantings, but do not indicate the planting that would actually take place. Further, the bufferyard areas are overlaid on areas identified as asphalt and it is unclear as to whether the applicant is showing the requirement (maintaining asphalt and showing where bufferyard requirements for reference) or the intent (to remove the asphalt and install the bufferyard areas). Prior to issuance of a development order, a landscape plan shall be required.

20. Outdoor Lighting (§114-159 – §114-162): *Full compliance to be determined upon submittal to Building Department.*

21. Signs (§142-1 – §142-7): *Full compliance to be determined upon submittal to Building Department.*

22. Access Standards (§114-195 – §114-201): *Compliance to be determined.*

There are two existing access drives to the site, both to and from US 1. The existing access drives from US 1 are nonconforming in that their separation is less than the minimum standard of at least 400' from each other and Snapper Avenue. The

proposed site plan indicates that the southernmost access drive will be removed and replaced with a bufferyard. Removing this access drive will result in safer vehicular access and bring the property into compliance to the greatest extent practical. However, as mentioned previously, the bufferyard areas are overlaid on areas identified as asphalt and it is unclear as to whether the applicant is showing the requirement (maintaining asphalt and showing where bufferyard requirements for reference) or the intent (to remove the asphalt and install the bufferyard areas). Prior to issuance of a development order, a landscape plan shall be required.

23. Chapter 533, Florida Statues: *Full compliance to be determined upon submittal to Building Department.*

    All standards and requirements of the American with Disabilities Act (ADA) must be met.

24. Other Issues:

    The traffic impact report submitted with the application indicates that the proposed use is projected to generate 27 daily vehicle trips. The classification used was Commercial/Retail and Research Facility, from the ITE Trip Generation Manuel (9th Edition). Based on documentation in the application this land use classification is not entirely consistent with the submitted proposal. There are offices proposed (i.e. by Keys Ahead, Inc.) that are not related to the research facility. The traffic impact report must be revised to use either a single classification that encapsulates the entire scope of the development or, based on allocated floor area, a combination of classifications (i.e. Single Tenant Office Building and Research and Development Center).

V RECOMMENDED ACTION:

Staff recommends approval with the following conditions:

A. The 960 SF being converted to a conforming school use may not be converted back to a nonconforming office use unless the regulations or land use district map are amended in fashion that would allow such a conversion at that point in the future.

B. Prior to the issuance of any development order approving this minor conditional use permit, the applicant shall revise the site plan to:
    a. Present the site plan at a scale of 1'=20' and, if necessary to do so, provide the site plan on a format of greater than 11' x 17', such as 24' x 36' (the current proposed site plan is presented at a scale not on an engineer's ruler);
    b. Show only the final development plan, not a combination of existing and proposed development (i.e. the current proposed site plans shows existing asphalt boundaries with the bufferyards/landscaping areas overlaid);
    c. Remove reference to the subject building as "Commercial" and include reference the subject building as "Office/School";

d. Remove reference to possible purchase of Block 12, Lots 17 and 18 ("Purchase Before Closing date of July 30, 2013");
e. Remove all references to adjacent property ownership as depicted on the site plan and within the notes;
f. Revise legend to not show vegetation types or show vegetation types on the site plan;
g. Revise stormwater calculations in note section to meet requirements or remove calculations and submit as part of a separate stormwater management plan;
h. Remove reference to proposed future applications in note section that are not being considered as part of this application:
    i. "Future: Amend LUD/FLUM from RM to School; Proposed Zoning change to Monroe County Commercial";
    ii. "Apply for setback variance";
    iii. "Apply for Off Site Parking Variance";
    iv. "Off Site parking spaces achieved by Adjacent Property Purchase Block 12, Lots 17 & 18"; and
    v. "Apply Landscape Variance.
i. Revise landscaping information on site plan and in note section to meet requirements or remove and submit as part of a separate landscape plan; and
j. Revise scope of project to include offices for Keys Ahead, Inc.

C. Prior to the issuance of any development order approving this minor conditional use permit, the applicant shall provide an independent landscape plan or revise the site plan to:
    a. Present the site plan at a scale of 1'=20' and, if necessary to do so, provide the site plan on a format of greater than 11' x 17', such as 24' x 36' (the current proposed site plan is presented at a scale not on an engineer's ruler);
    b. Show only the final development plan, not a combination of existing and proposed development (i.e. the current proposed site plans shows existing asphalt boundaries with the bufferyards/landscaping areas overlaid);
    c. Show existing and proposed planting types and locations for parking lot landscaped areas;
    d. Show existing and proposed planting types and locations for parking lot bufferyard areas;
    e. Clearly depict all grassy or otherwise landscaped areas; and
    f. Revise note section to include reference to required and provided (the current proposed site plan only states what is required).

D. Prior to the issuance of a development order approving this minor conditional use permit, the applicant shall revise the traffic impact report and must be revised to use either a single classification that encapsulates the entire scope of the development or, based on allocated floor area, a combination of classifications (i.e. Single Tenant Office Building and Research and Development Center.

E. Prior to the issuance of any development order approving this minor conditional use permit, the applicant shall:

- Apply for and receive a variance to the off-street parking standards by the Planning Commission to reduce the parking requirement from 35 to 13 in accordance with MCC §102-187 (provided the standards in MCC §102-186(f) are met);
- Reduce the number of classroom occupants to a number which would result in compliance;
- Since the school/classroom specific use does not fall within one of the categories in MCC §114-67(c), the applicant may submit a report from a qualified traffic engineer showing the parking space requirements based on the most current edition of the Institute of Transportation Engineer's Parking Generation Manual, or other appropriate documentation (provided the county's traffic consultant approves the report and the total amount of required parking is reduced to 13);
- Enter into a parking agreement with a neighboring nonresidential property owner within 300' of the subject property (provided the standards in MCC §114-67(h) are met and the overall total amount of required parking for the subject development and development on the other site is met);
- Redesign the site plan to show the required amount of parking, which may include other contiguous properties if brought under current ownership; or
- An approved combination of the above.

F. Prior to the issuance of a building permit(s), if necessary, the proposed work and structures shall be found in compliance by the Monroe County Building Department, Floodplain Administrator, Office of the Fire Marshal and Project Management Department.

G. Prior to the issuance of a building permit, the applicant shall revise site plans to provide stormwater criteria, retention areas and grading on the plans and confirm that the dry pre-treatment ponds provide a minimum of ½ inch pretreatment (approximately 1,158 cubic feet of storage) prior to discharge to the drainage wells.

H. Prior to the issuance of a building permit, Planning Department staff shall review the application(s) to ensure that the structures are visually compatible with the surrounding uses. Similar and consistent design, materials and colors shall be utilized. Architectural details that provide visual interest and break up the structural mass shall be required components of the building.

VI PLANS REVIEWED:

a. Floor Plan (Sheet A2.1.1) by James Ronald Brush P.E., dated June 25, 2013 and sealed July 17, 2013.
b. Street Elevations (Sheet A3.1.1) by James Ronald Brush, P.E. dated June 25, 2013 and sealed July 17, 2013.

c. Boundary Survey by Eddie A. Martinez, Professional Surveyor, signed and sealed June 24, 2013.
d. Survey by David S. Massey, P.S.M., dated February 7, 2013
e. Site Plan & Notes (Sheet C-1) by James Ronald Brush, P.E. dated June 20, 2013 and sealed July 13, 2013.
f. Survey by Kevin P. Scriggs, P.S.M., received July 19, 2013.

File #: **2013-091**

Owner's Name: Keys Ahead Inc.

Applicant: Keys Ahead Inc.

Agent: N/A

Type of Application: Minor

Key: Key Largo

RE: 00472790-000000

Additional Information added to File 2013-091

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

We strive to be caring, professional and fair

Date: 7.19.13
Time: 11:20 AM

Dear Applicant:

This is to acknowledge submittal of your application for Request for a Minor Conditional Use Permit (Type of application)

Keys Ahead, Inc. (Project / Name) to the Monroe County Planning Department.

Thank you.

Cassi Scanlon

Planning Staff

ADAMCZAK ROSS ALAN
N2740 LIND LN
WAUPACA, WI 54961

BLOODWORTH HAROLD ROSS JR
3 SNAPPER AVE
KEY LARGO, FL 33037

CAPITAL BANK NA
599 9TH ST N STE 101
NAPLES, FL 34102-5624

CASH TY A AND SHERYL L
11 SE MARLIN AVE
KEY LARGO, FL 33037

CASTILLO GUILLERMO
8 TRANSYLVANIA AVE
KEY LARGO, FL 33037-4718

CLIFTON FAMILY REV TR 2/26/2003
457 STONEWOOD LN
MAITLAND, FL 32751-3236

CONCH 103275 LLC
PO BOX 6006
KEY WEST, FL 33041

CONCHBEACH MANAGEMENT LLC
PO BOX 6006
KEY WEST, FL 33041-6006

CULLEN JOHN F
16 SE MARLIN AVE
KEY LARGO, FL 33037-4714

DOT/ST.OF FL
TALLAHASSEE, FL 32399

DWARES CURTIS AND JULIANN
26 SNAPPER AVE
KEY LARGO, FL 33037

FORRER VENTURES CAPITAL LLC
300 OCEAN DR APT 6
KEY LARGO, FL 33037

GUARDIAN ANGEL MNGMNT EMP
PROFIT SHARING PLAN 401K
268 SAINT THOMAS AVE
KEY LARGO, FL 33037-4321

HANDTE EDWIN R AND ELLEN
103365 OVERSEAS HWY
KEY LARGO, FL 33037

HANDTE EDWIN R AND JANICE E
103365 OVERSEAS HWY
KEY LARGO, FL 33037-4762

HARTLEY MICHAEL D
16 TRANSYLVANIA AVE
KEY LARGO, FL 33037-4718

HOROWITZ CRAIG C AND MELAINE R
PO BOX 373206
KEY LARGO, FL 33037-8206

HUTCHISON KAREN L AND DAVID G
PO BOX 371262
KEY LARGO, FL 33037-1262

JOHNSON MICHAEL AND SAWONG
PO BOX 371339
KEY LARGO, FL 33037-1339

KEYS AHEAD INC
PO BOX 370854
KEY LARGO, FL 33037-0854

LOCUST CENTER LTD
303 LOCUST STE 150
DES MOINES, IA 50309

MAIER GEORGE J AND PATRICIA A
20 S EXUMA RD
KEY LARGO, FL 33037-5006

MCFEES KEYS DISEASE LLC
620 SW 17TH ST
BOCA RATON, FL 33486

MCGILL JOHN
5 SNAPPER AVE
KEY LARGO, FL 33037

MELERIC INVESTMENTS INC
103301 OVERSEAS HWY
KEY LARGO, FL 33037

PARKER SCOTT
6 SE MARLIN AVE
KEY LARGO, FL 33037

PEREZ NIVIA
PO BOX 832987
MIAMI, FL 33283

PUKLO WALTER E
1 SE MARLIN AVE
KEY LARGO, FL 33037-2914

RICE PAIGE SANDS
15 SE MARLIN AVE
KEY LARGO, FL 33037-4713

SILVESTRI JOSEPH AND JEANETTE
7 SE MARLIN AVE
KEY LARGO, FL 33037-4713

Verified by GC 7.19.13

WALL ERIC W
3 JEWFISH AVE
KEY LARGO, FL 33037

WHEATON MARDELLA
504 SOUND DR
KEY LARGO, FL 33037

End of Additional File 2013-091

ORIGINAL

KEYS AHEAD, INC.
PO Box 37854
Key Largo, Florida 33037

Keys Ahead INC
Never Stop Learning

RECEIVED
JUL 1 9 2013
MONROE CO. PLANNING DEPT

REQUEST FOR MINOR CONDITIONAL USE PERMIT APPLICATION

* * * *

Keys Ahead, Inc- FIU Building Remodeling/Renovation

July 17, 2013

Prepared for:

APPLICANT:
Keys Ahead , Inc.
c/o Susan F Hammaker, Chair
P.O. Box 37854
Key Largo, FL 33037

Prepared By:

Industry and Environment
Engineers/Consultants
103650 Overseas Highway, #46
Key Largo, FL 33037

Seal:

JAMES RONALD BRUSH
LICENSE
No. 48504
STATE OF
FLORIDA
PROFESSIONAL ENGINEER

7-17-13

JAMES RONALD BRUSH, P.E.
LICENSED PROFESSIONAL ENGINEER
STATE OF FLORIDA NO. 48504

103650 Overseas Highway, #46
Key Largo, FL 33037
Phone: 305-395-8032

Industry and Environment Engineers

July 17, 2013

Mayte Santamaria. Assistant Director of Planning
Monroe County Planning & Environmental Resources Department
Marathon Government Center
2798 Oversea Highway, Suite 400
Marathon, FL 33050

Subject: Request for Minor Conditional Use Permit Application-Keys Ahead, Inc.- FIU Building Remodeling/Renovation on a Parcel of Land Located at 103355 Overseas Highway (US 1) Key Largo and Having Real Estate Number 0047290.000000

Dear Ms Santamaria:

On behalf of Keys Ahead Inc., please find enclosed Request for Minor Conditional Use Permit Application with supporting attachments in response to the May 21, 2013 Letter of Understanding(LOU) from Monroe County Growth Management. Six (6) sets of the Application and Supporting documents are enclosed. Also, attached are a check for $ 8,484.00 application fee and a check for $362.00 advertising and mailing fee for 39 surrounding properties.

This application pertains to the existing building currently zoned as IS-M (improved subdivision-masonry) with FLUM designation RM. In accord with Mr. Joseph Haberman June 24, 2013 email and subsequent phone conversation, the application is requesting the new zoning district "Commercial C" be applied. The application and the Site Plan also propose to combine/aggregate the adjacent lot (Block 12 Lots 17 &18) on the southwest side. The real estate purchase and transfer is underway.

Please contact us if you should have questions or require additional information.

Sincerely,

INDUSTRY & ENVIRONMENT
Engineers/ Consultants

James R. Brush, P.E.
Florida License Number 48504

cc: Susan F. Hammaker, Chair- Keys Ahead, Inc.

Keys Ahead Inc./ FIU Building
103355 Overseas Highway
Key Largo, Florida 33037
REQUEST FOR MINOR CONDITIONAL USE PERMIT APPLICATION

TABLE OF CONTENTS

SECTION DESCRIPTION

		PAGE NO.
A.	**REQUEST FOR MINOR CONDITIONAL USE PERMIT APPLICATION MONROE COUNTY FORM Revised June 2012**	**1 of 4**
B.	**LETTER OF UNDERSTANDING (LOU) CONCERNING A PARCEL OF LAND LOCATED AT 103355 OVERSEAS HIGHWAY (US1), KEY LARGO AND HAVING REAL ESTATE NUMBER 0047290.000000 dated May 21, 2013**	**1 of 13**

ATTACHMENTS .....

	Description
Attachment 1	Proof of Ownership (Warranty Deed)
Attachment 2	Current Property Record Card from Monroe County Property Appraiser
Attachment 3	Photograph(s) of Site from Adjacent Roadway
Attachment 4	Written Description of Project
Attachment 5	Signed and Sealed Boundary Survey
Attachment 6	Signed and Sealed Site Plan- Two Sheets
Attachment 7	Landscape Plan- (Shown on the Site Plan)
Attachment 8	Stormwater/Surface Water Management Plan (Shown on the Site Plan)
Attachment 9	Stormwater Drainage Elevation Survey and FEMA Elevation Certificate
Attachment 10	Building Floor Plan for Remodeling/Renovation of Existing Building
Attachment 11	Building Elevations
Attachment 12	Name and Address Labels of All Property Owners within 300 foot Radius of the

	Property
Attachment 13	Radius Report from Monroe County Property Appraiser supporting the Required Labels
Attachment 14	Proof of Coordination
Attachment 15	Adjacent Property Block 12 Lots 17 & 18 Information being Purchased

APPLICATION

MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

RECEIVED
JUL 19 2013
MONROE CO. PLANNING DEPT

Request for a Minor Conditional Use Permit

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

Minor Conditional Use Permit Application Fee: $8,484.00

In addition to the application fee, the following fees also apply:
Advertising Costs: $245.00
Surrounding Property Owner Notification: $3.00 for each property owner required to be noticed
Traffic Study Review: $5,000.00

Date of Submittal: July / 17/ 2013
MonthDay Year

Applicant/Agent Authorized to Act for the Property Owner:

Keys Ahead. Inc. — Susan F Hammaker .Chair
Applicant (Name of Person, Business or Organization) — Name of Person Submitting this Application

PO Box 37854 Key Largo, FL 33037
Mailing Address (Street, City, State and Zip Code)

305- 747-6060 — goodwaterpeople@gmail.com
Daytime Phone — Email Address

Property Owner:

Keys Ahead, Inc — Susan F Hammaker .Chair
(Name/Entity) — Contact Person

PO Box 37854 Key Largo, FL 33037
Mailing Address (Street, City, State and Zip Code)

305- 747-6060 — goodwaterpeople@gmail.com
Daytime Phone — Email Address

Legal Description of Property:
(If in metes and bounds, attach legal description on separate sheet)

12 — Lots 14,15,16 — Largo Sound Park — Key Largo
Block — Lot — Subdivision — Key

1579947 — 00472790-0000
Real Estate (RE) Number — Alternate Key Number

103355 Overseas Highway — MM 103.3
Street Address (Street, City, State, Zip Code) — Approximate Mile Marker

APPLICATION

Land Use District Designation of Property: **IS-M & FLUM/LUD= RM; Tier III**

Present Land Use of Property: **Business Offices**

Proposed Land Use of Property: **Offices, Classroom, Marine Science Laboratory**

Amend from Residential to school & "Commercial C"

Total Area of Property: **15,446 SQ FT**

Total Upland Area within Property: **NA**

If non-residential or commercial floor area is proposed, please provide:

One (1) Total number of non-residential buildings

4,320 Total non-residential floor area in square feet

If residential dwelling units are proposed, please provide:

NA Total number of residential buildings

NA Total number of permanent, market-rate units

NA Total number of permanent, affordable units

NA Total number of transient units (hotel, recreational vehicle and/or campground)

Has a previous application been submitted for this site within the past two years? Yes ___ No X

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

- ☑ Correct fee (check or money order to Monroe County Planning & Environmental Resources)
- ☑ Proof of ownership (i.e. Warranty Deed)
- ☑ Current property record card(s) from the Monroe County Property Appraiser
- ☑ Photograph(s) of site from adjacent roadway
- ☑ Written description of project
- ☑ Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – 6 sets (at a minimum, survey should include elevations; all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage; and total acreage by habitat)
- ☑ Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect– 6 sets (drawn to a scale of 1:10 or 1:20). At a minimum, the site plan should include the following:
  - ☐ Date, north point and graphic scale
  - ☐ Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes
  - ☐ All attributes from the boundary survey
  - ☐ Future Land Use Map (FLUM) designation(s) of the site
  - ☐ Land Use (Zoning) District designation(s) of site
  - ☐ Tier designation(s) of the site
  - ☐ Flood zones pursuant to the Flood Insurance Rate Map

- ☐ Setback lines as required by the Land Development Code
- ☐ Locations and dimensions of all existing and proposed structures, including all paved areas and clear site triangles
- ☐ Size and type of buffer yards and parking lot landscaping areas, including the species and number of plants (*unless a separate landscape plan showing such is submitted*)
- ☐ Extent and area of wetlands, open space preservation areas and conservation easements **NA**
- ☐ Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any potential species that may use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service) (unless a separate landscape plan showing such is submitted) **NA**
- ☐ Location of fire hydrants or fire wells
- ☐ The location of public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (with wastewater system provider) or on-site system proposed to meet required County and State of Florida wastewater treatment standards
- ☐ A table providing the total land area of the site, the total buildable area of the site, the type and square footage of all nonresidential land uses, the type and number of all residential dwelling units, the amounts of impervious and pervious areas, and calculations for land use intensity, open space ratio, and off-street parking

☑ Landscape Plan by a Florida registered landscape architect – 6 sets (may be shown on the site plan; however, if a separate plan, drawn to a scale of 1:10 or 1:20). At a minimum, the landscaping plan should include the following:

- ☐ Date, north point and graphic scale
- ☐ Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes
- ☐ Locations and dimensions of all existing and proposed structures, including all paved areas
- ☐ Open space preservation areas
- ☐ Existing natural features
- ☐ Size and type of buffer yards including the species, size and number of plants
- ☐ Parking lot landscaping including the species, size and number of plants
- ☐ Specimen trees, or threatened and endangered plants to be retained and those to be relocated or replaced
- ☐ Transplantation plan (if required)

☑ Stormwater/ Surface Water Management Plan – 6 sets (including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas)

☑ Building Floor Plans for all proposed structures and for any existing structures to be redeveloped – 6 sets (drawn at an appropriate standard architectural scale)

☑ Building Elevations for all proposed structures and for any existing structures to be modified – 6 sets (with the elevations of the following features referenced to NGVD: existing grade; finished grade; finished floor elevations (lowest supporting beam for V-zone development); roofline; and highest point of the structure)

☐ Traffic Study, prepared by a licensed traffic engineer **Noted on Site Plan**

☐ Transportation fee of $5,000 to cover the cost of experts hired by the Growth Management Division to review the traffic study (any unused funds deposited will be returned upon permit approval) NA

☐ Construction Management Plan, stating how impacts on near shore water and surrounding property will be managed (i.e. construction barriers, hay bales, flagging) **NA**

☑ Typed name and address mailing labels of all property owners within a 300 foot radius of the property. 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

APPLICATION

☑ Radius report from Monroe County Property Appraiser supporting the required labels

☑ Proof of Coordination are required from the following:

- ☐ Florida Keys Aqueduct Authority (FKAA)
- ☐ Florida Keys Electric Cooperative (FKEC) or Keys Energy Services
- ☐ Monroe County Office of the Fire Marshal
- ☐ Monroe County Solid Waste Management
- ☐ Florida Department of Health if wastewater flows are less than or equal to 5,000 gallons per day or Florida Department of Environmental Protection if wastewater flows exceed 5,000 gallons per day

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

☐ Notarized Agent Authorization

☐ Vegetation Survey or Habitat Evaluation Index

☐ Construction Phasing Plan

☐ Additional Proof of Coordination may be required for your project, please contact with the Planning & Environmental Resources Department to identify other agencies expected to review the project. Other agencies may include, but are not limited to:

- ☐ Key West Resort Utilities
- ☐ Key Largo Wastewater Treatment District (KLWTD)
- ☐ South Florida Water Management District (SFWMD)
- ☐ Florida Department of Transportation (FDOT)
- ☐ Florida Department of Environmental Protection (FDEP)
- ☐ Florida Department of State, Division of Historic Resources
- ☐ Florida Game and Freshwater Fish Commission (FGFFC)
- ☐ U.S. Army Corps of Engineers (ACOE)
- ☐ U.S. Fish and Wildlife Service (USFW)

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

* * * * * * *

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

Signature of Applicant: _____ **Date:** 7/15/13

Signature of Adjacent Property Owner: _____ **Date:** 7/5/13

Block 12 Lots 17 & 18 - Property Purchase by Applicant Contingent upon closing date before July 30, 2013

Sworn before me this 15th day of July 2013

CAROLYN R. HENRY
Notary Public - State of Florida
My Comm. Expires Feb 12, 2016
Commission # EE 168637

Carolyn R. Henry
Notary Public
My Commission Expires

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

County of Monroe
Growth Management Division

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

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

May 21, 2013

Keys Ahead, Inc.
Susan Hammaker
PO Box 370854
Key Largo, FL 33037

SUBJECT: LETTER OF UNDERSTANDING CONCERNING A PARCEL OF LAND LOCATED AT 103355 OVERSEAS HIGHWAY (US 1), KEY LARGO AND HAVING REAL ESTATE NUMBER 0047290.000000

Ms. Hammaker,

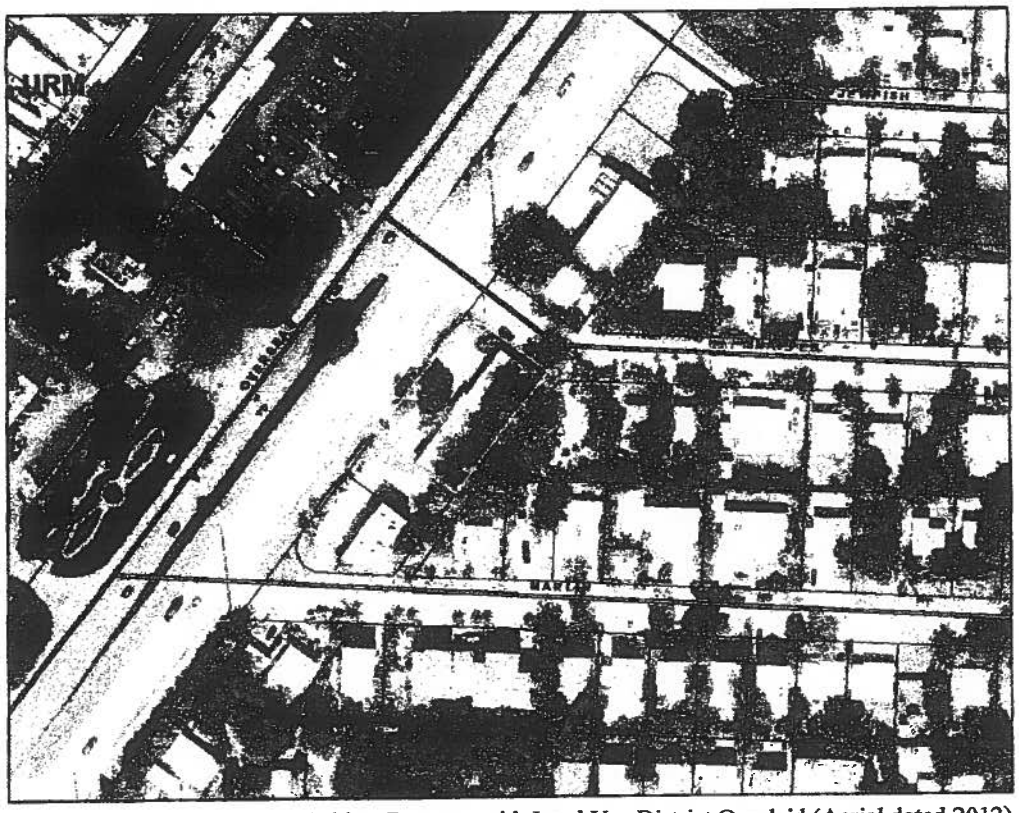
Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On March 21, 2013, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department in Marathon. Attendees of the meeting included James Fourqurean and Susan Hammaker (hereafter referred to as "the Applicant") and Michael Roberts, Senior Administrator of Environmental Resources, and Joseph Haberman, Planning & Development Review Manager (hereafter referred to as "Staff").

Materials presented for review included:

(a) Pre-Application Conference Request Form;
(b) Monroe County Property Record Card;
(c) Monroe County Land Use District Map and Future Land Use Map;
(d) Building floor plan by unknown and not dated; and
(e) Boundary Survey by Massey-Richards Surveying & Mapping, LLC, dated February 7, 2013.

I. APPLICANT PROPOSAL

The subject property is currently developed with a 4,320 SF nonresidential building. The Applicant is proposing to use the building for research activities by Florida International University. The remodeled building would include laboratories, offices and classrooms.



Subject Property with Land Use District Overlaid (Aerial dated 2012)

II. SUBJECT PROPERTY DESCRIPTION

1. The subject property is located along the Overseas Highway (US 1) on Key Largo, at the southeast corner of the US 1 / Snapper Avenue intersection, at approximate mile marker 103 on the Atlantic Ocean side of US 1. According to the Property Appraiser's records, the address of the existing building is 103355 US 1.

2. The subject property is legally described as Block 12, Lots 14, 15 and 16, Largo Sound Park (PB3-1111), Key Largo, Monroe County, Florida and assessed under real estate (RE) number 00472790.000000.

   Note: Lot 14 was formerly assessed under RE number 00472770.000000 and Lot 15 was formerly assessed under RE number 00472780.000000. Lots 14 and 15 were combined with Lot 16 and RE number 00472790.000000 for the 2008 tax roll.

3. According to the Monroe County Property Appraiser's records, the parcel identified as RE 00472790.000000 consists of 15,446 SF (0.35 acres) of land area.

   Calculations included in this letter are based on the Property Appraiser's records, which may be inaccurate. A boundary survey was not submitted for review. A sealed boundary survey indicating the total amount of upland area may be required at the time of application submittal for any development approval affecting open space or land use intensity. If the

amount of upland area provided on the boundary survey differs from the Property Appraiser's records, then calculations provided in this letter are subject to change.

III. RELEVANT PRIOR COUNTY ACTIONS

1. In 1979, the Monroe County Building Department issued Building Permit #C-5619, approving the construction of a 1,500 SF building on Lot 16 and related site improvements. The use of the building was described as a store. A certificate of occupancy for the building addition was issued on May 17, 1979.

2. In 1983, the Building Department issued Building Permit #C-12362, approving the construction of a 1,500 SF building addition on Lot 15 and related site improvements. The use of the building was described as a store. A certificate of occupancy for the building addition was issued on June 3, 1983.

3. In 1987, the Building Department issued Building Permit C-18855, approving the construction of a building addition on Lot 14 and related site improvements. The application and plans for the building permit are not on file to confirm the approved size and use of the building addition. A certificate of occupancy for the building addition was issued on August 18, 1987.

4. In 2001, the Building Department issued Building Permit #013-4095, approving interior renovations of a 4,320 SF nonresidential building. The use of the building was described as a real estate office.

5. In addition to the aforementioned building permits, several other building permits have been issued for minor improvements to the building and property:

Permit Number	*Date Issued*	*RE# Filed Under*	*Description*
C-5611	02-15-1979	00472790	Land clearing
C-17404	07-15-1985	00472790	Install electric meter
C-22595	10-16-1987	00472790	Install wall-mounted awning
883-0774	08-05-1988	00472770	Install wall-mounted sign to building
923-5930	04-02-1992	00472770	Install wall-mounted awning to building
933-12448	12-28-1993	00472790	Re-roof building
943-2841	11-16-1994	00472770	Paint interior and exterior of building
943-2882	11-18-1994	00472770	Repaint and repair existing wall-mounted sign
953-1277	06-26-1995	00472790	Install new ground-mounted sign
963-1356	05-09-1996	00472790	Repair A/C
963-2771	09-19-1996	00472790	Repair A/C
993-1895	08-25-1999	00472790	Repair awning
003-1213	06-26-2000	00472790	Reface existing wall-mounted signs
103-0998	02-26-2010	00472790	Install wastewater connection
133-0747	02-27-2013	00472790	Remove and trim trees
133-0803	03-08-2013	00472790	Re-roof building
133-0891	04-30-2013	00472790	Remodel interior of building
133-1213	05-01-2013	00472790	Reface existing ground and wall-mounted signs

IV. REVIEW

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

1. For the purposes of development, the subject property, which consists of three lots, is aggregated. Pursuant to MCC §130-166, any development that has or is a part of a common plan or theme of development or use, including, but not limited to, an overall plan of development, common or shared amenities, utilities or facilities, shall be aggregated for the purpose of determining permitted or authorized development and compliance with each and every standard of MCC Chapter 130 and for the purpose of determining the appropriate form of development review.

2. In 1986, a revised series of zoning maps, entitled the Official Land Use District Map, were adopted for all areas of the unincorporated county. On the Official Land Use District Map, the subject property is within an Improved Subdivision (IS) land use (zoning) district. Pursuant to Amended Rule 9J-14.006 F.A.C., in 1989, the Official Land Use District Map was amended and the subject property was re-designated within an Improved Subdivision – Masonry (IS-M) district.

   In 1993, a series of future land use maps associated with the comprehensive plan, entitled the Future Land Use Map (FLUM), were adopted for all areas of the unincorporated county. On the FLUM, the subject property is within a Residential Medium (RM) future land use category area.

3. The subject property has a tier designation of Tier III.

4. Concerning the historic use of the building on the subject property, references in building permit files indicate that the existing building, which was constructed in three phases beginning in 1979, was initially used as a commercial retail store. It was converted to an office in the early 1990s and has been used as such to date.

5. The Applicant's proposal involves using the building for research activities by Florida International University. The remodeled building would include laboratories, offices and classrooms.

   Concerning the office component, pursuant to MCC §130-83, in the IS and IS-M district, withstanding compliance with other regulations, office uses of only less than 2,500 SF of floor area are permitted. However, the existing building consists of 4,320 SF of floor area, a total greater than 2,500 SF. Therefore, the existing building, and office use thereof, is nonconforming to MCC §130-83.

Concerning the school component, pursuant to MCC §130-83, in the IS and IS-M district, withstanding compliance with other regulations, schools may be permitted with a minor conditional use permit.

Since the existing building was clearly permitted to be an office, its office use is considered a lawful nonconforming use. Therefore, the property owner can continue to utilize all or part of the building as office. However, continued use as an office is subject to the provisions of MCC §102-56, which concerns nonconforming uses. In general, normal maintenance and repair to permit continuation of the nonconforming use may be performed. However, the nonconforming use shall not be extended, so as to prevent: 1) enlargement of nonconforming use by additions to the structure in which it is located; or 2) occupancy of additional lands. In addition, where a nonconforming use is discontinued or abandoned for six consecutive months, then such use may not be reestablished or resumed, and any subsequent use must conform to the provisions of the Land Development Code.

Converting part of the existing building to a school would be permitted if a minor conditional use permit is granted. However, it should be noted, that any portion of the building converted to a school may not be converted back to a nonconforming office use as a school is a conforming use.

Note: As the property is designated IS-M/RM and there has never been any residential development thereon, the property owner also has the right to request a map amendment to modify the land use district and FLUM designations to amended designations that eliminate the nonconformity. This process is described in more detail in Section V of this letter.

6. A minor conditional use permit will be required prior to the issuance of any building permits related to a school, such as classrooms. Minor conditional use permit applications are approved, approved with conditions or denied by the planning director following a public meeting of the Development Review Committee.

   Pursuant to MCC §110-67, when considering applications for a minor conditional use permit, the planning director shall consider the extent to which 1) the conditional use is consistent with the purposes, goals, objectives and standards of the Comprehensive Plan and the MCC; 2) the conditional use is consistent with the community character of the immediate vicinity of the parcel proposed for development; 3) the design of the proposed development minimizes adverse effects, including visual impacts, or the proposed use on adjacent properties; 4) the proposed use will have an adverse effect on the value of surrounding properties; 5) the adequacy of public facilities and services, including, but not limited to, roadways, park facilities, police and fire protection, hospital and Medicare services, disaster preparedness program, drainage systems, refuse disposal, water and sewers, judged according to standards from and specifically modified by the public facilities capital improvements adopted in the annual report required by the Land Development Code; 6) the applicant for conditional use approval has the financial and technical capacity to complete the development as proposed and has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development; 7) the development will

adversely affect a known archaeological, historical or cultural resource; 8) public access to public beaches and other waterfront areas is preserved as a part of the proposed development; and 9) the proposed use complies with all additional standards imposed on it by the particular provision of the Land Development Code authorizing such use and by all other applicable requirements of the MCC.

Note: If the property owner successfully receives a map amendment prior to applying for any school use, a conditional use permit may or may not be necessary. Its approval shall be dependent on the regulations associated with the amended land use district. See Section V of this letter.

7. Maximum nonresidential land use intensities are provided in MCC §130-164. In the IS district, the following applies:

Land Use	*Floor Area Ratio (FAR)*	*Size of Site*	*Maximum Allowed*	*Building Floor Area*	*Potential Used*
Office	0.25 FAR	15,446 SF	3,861 SF	4,320 SF	112%

Note: Schools are a permitted use; however a specific FAR is not provided.

As office, the square footage of the building is nonconforming to the 0.25 maximum FAR available for office buildings in the IS district. Therefore, the existing building, and office use thereof, is nonconforming to MCC §130-164.

In addition, pursuant to Monroe County Comprehensive Plan Policy 101.4.21, for the RM FLUM category, there is a maximum FAR of 0.00. Therefore, the existing building, and office use thereof, is nonconforming to Policy 101.4.21.

With an approved minor conditional use permit, the Applicant may convert all or part of the nonconforming office building to a school. However, under the current land use district and FLUM designation, the total floor area of the existing building may not be expanded.

8. In the IS district, there is a required open space ratio of at least 0.20 or 20 percent. Therefore, of the 15,446 SF of total land area, at least 3,090 SF must be pervious open space.

The boundary survey submitted with the application does not provide enough information to fully determine if the proposed development is in compliance with the open space requirements. If nonconforming, as part of any conditional use permit application or building permit application affecting open space, Staff shall request that the site be brought into compliance to the greatest extent practical.

9. The required non-shoreline setbacks in the IS district are as follows: Front yard – 25'; Rear yard – 20'; and Side yard – 10'/15' (where 10' is required for one side and 15' is the minimum combined total of both sides).

There is a front yard setback requirement of 25' along the right-of-way of US 1, a 25' front yard setback requirement along the right-of-way of Snapper Avenue, a 5' side yard setback

requirement along the southwestern property line, and a 20' rear yard setback along the southeaster property line.

Using the boundary survey submitted with the application, Staff has determined that development on the site is nonconforming to all of the aforementioned setbacks. The building is nonconforming to the Snapper Avenue front yard setback (10.57' v. 25'), the southwestern side yard setback (0.00' v. 5'), and the southeastern rear yard setback (19.66' v. 20'). Paving for other purpose other than ingress and egress is nonconforming to the US 1 front yard setback (0' v. 25'), the Snapper Avenue front yard setback (14' v. 25'), and the southwestern side yard setback (0.00' v. 5').

As part of any conditional use permit application or building permit application affecting open space, Staff shall request that the paving be brought into compliance to the greatest extent practical (the Applicant is not proposing any modification to the building footprint).

10. The development would be subject to the following off-street parking requirements:

Specific Use	*Multiplier*	*Proposed*	*Required Spaces*
Office	3 space / 1,000 SF	4,320 SF	13 spaces

The land development regulations do not provide a parking standard for a school use. As part of any conditional use permit application for the school use, the Applicant must provide an exact total of the floor area to be used for classrooms and the maximum number of occupants (students and educators) for each classroom. Parking for the floor area not utilized as classrooms shall be calculated using the 3 space/1,000 SF standard. Parking for the floor area utilized as classrooms shall be based on the actual need based on the number of potential occupants.

If there are 1 to 25 total parking spaces in a lot, at least one accessible parking space is required. Such spaces shall be designed and marked for exclusive use of those individuals who have a severe physical disability and have permanent or temporary mobility problems who have been issued either a disabled parking permit or a license plate. In addition, parking access aisles must be part of an accessible route to the building entrance. The access aisle shall be striped diagonally to designate it as a no-parking zone. Curb ramps must be located outside of the disabled parking spaces and access aisles.

All regular parking spaces, with the exception of parallel, must be at least 8'6" in width by 18' in length. Parallel parking spaces must be 8'6" in width by 25' in length. Handicap-accessible parking spaces must be at least 12' in width with an access aisle of 5' in width. Further, each required parking space shall have direct and unrestricted access to an aisle of the following minimum width:

Parking Pattern	*One Way Aisle Width*	*Two Way Aisle Width*
0 degrees	12'	24'
30/45 degrees	15'	24'
60 degrees	18'	24'
75 degrees	22'	24'
90 degrees	24'	24'

Parking spaces are not shown on the boundary survey submitted with the application. If nonconforming, as part of any conditional use permit application or building permit application affecting parking, Staff shall request that the site be brought into compliance to the greatest extent practical and, if necessary, that the Applicant submit and obtain an off-street parking variance.

A bicycle rack is not shown on the boundary survey submitted with the application. A bicycle rack shall be provided by all nonresidential development within 200' of an existing or programmed state or county bikeway. The minimum layout for a bicycle parking area shall be a 2'-wide by 6'-long stall with a minimum aisle width of 5'. The bicycle parking area shall be located within 50' of a public entrance to the principal structure and shall not interfere with pedestrian or vehicular traffic.

11. All non-residential uses with 2,500 SF to 19,999 SF of floor area are required to have a loading/unloading space, measuring 11' by 55'.

    A loading zone is not shown on the boundary survey submitted with the application. If nonconforming, as part of any conditional use permit application or building permit application affecting parking, Staff shall request that the site be brought into compliance to the greatest extent practical.

12. Since the parking area is to contain six or more spaces and is within an IS district, a class "A" landscaping standard is required. Class "A" landscaping is described/illustrated in MCC §114-100.

    A landscape plan was not provided to determine compliance. If nonconforming, as part of any conditional use permit application or building permit application affecting the parking area, Staff shall request that the site be brought into compliance to the greatest extent practical and, if necessary, that the Applicant submit and obtain a variance.

13. A major street bufferyard is required along the US 1 right-of-way. In the IS district, the required major street bufferyard is a class "D" bufferyard. The minimum class "D" bufferyard is 20' in width. Widths of 25', 30' and 35' are also optional with reduced planting requirements. A class "C" bufferyard is described/illustrated in MCC §114-128.

    A landscape plan was not provided to determine compliance. If nonconforming, as part of any conditional use permit application or building permit application affecting the parking area, Staff shall request that the site be brought into compliance to the greatest extent practical and, if necessary, that the Applicant submit and obtain a variance.

14. There are clearing limits for new development, 40 percent of upland native vegetation or 3,000 SF, whichever is greater, may be cleared; however, the maximum amount of clearing shall be no more than 7,500 SF of upland native vegetative area.

Mitigation will be required for qualifying native vegetation removed for development. The number, species and sizes of plants to be mitigated shall be identified in an existing conditions report prepared and submitted by the Applicant and approved by the County Biologist.

15. In accordance with MCC §118-7(1), to the maximum extent practicable, development shall be sited so as to preserve all listed threatened, endangered, commercially exploited, and regionally important native plant species and all native trees with a diameter at breast height (DBH) of greater than 4".

16. There are two existing access drive to the site, both to/from US 1.

    The existing access drives from US 1 are nonconforming in that their separation is less than the minimum standard of at least 400' from Snapper Avenue. No use fronting on US 1 shall receive a permit for a change of use, expansion or reconstruction unless it is brought into conformance by provision of combined drives or parallel access. Therefore, as part of a conditional use permit application, Staff reserves the right to request that the site's direct access to and from US 1 be modified to be in compliance with the current regulations. However, although the proposed access configuration would continue to be nonconforming, Staff is supportive of the removal of one of the access drives to/from US 1 in that such an action would make the site safer and bring it more into conformity. Note: There is also a variance procedure to retain and improve nonconforming access drives.

17. A stormwater management plan shall be required as a part of any conditional use permit or building permit application that involves modifications to the site. This plan shall detail pre and post development water flow and storage on site with supporting calculations. Pursuant to MCC §114-3(e), water management areas shall be legally reserved to and maintained by the operational entity and be dedicated on the plat, deed restriction, or easements. Any change in the use of the property must comply with this regulation and any other requirements of the Comprehensive Plan and the Land Development Code. Stormwater management areas shall be connected to a public road or other location from which operation and maintenance means of access are legally and physically available to the operational entity, in accordance with county land development regulations governing subdivision of land. As provided in MCC §114-3 (g), it is the responsibility of the applicant to provide a stormwater management plan for the development that contains sufficient information for the planning director to evaluate the environmental and stormwater discharge characteristics of the affected areas, the potential and predicted impacts of the proposed activity on community waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, calculations, explanations, and citations to supporting references, and any additional information deemed necessary by the planning director. The stormwater management plan must be sealed by an engineer registered in the state with experience in stormwater management and drainage design.

18. No structure or building shall be developed that exceeds a maximum height of 35'. Height means the vertical distance between grade and the highest part of any structure, including mechanical equipment, but excluding chimneys; spires and/or steeples on structures used for institutional and/or public uses only; radio and/or television antenna, flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antenna and/or collocations as permitted in MCC Chapter 146. However, in no event shall any of the exclusions enumerated in this section be construed to permit any habitable or usable space to exceed the applicable height limitations.

    The Applicant has not proposed any modifications to the exterior of the building.

19. A traffic study was not submitted. The projected trip generation and level of service of US 1 directly affect whether or not the redevelopment may be permitted or prohibited. The County's traffic consultant shall review the traffic impact analysis as part of a conditional use permit application to determine to what extent the redevelopment will affect the level of service along US 1. According to the 2012 US 1 Arterial Travel Time and Delay Study, Segment 23 of US 1 had an "A" level of service.

20. No building permit shall be issued by the county for impact-producing development unless the applicant has paid the applicable impact fees. Therefore, for redevelopment that increases the amount of dwelling units and/or non-residential floor area above that existing on the site prior to redevelopment, an impact fee(s) will be assessed.

V. OTHER ISSUES CONCERNING THE PROPOSAL

1. Any development on Key Largo shall be consistent with all goals, strategies and action items of the Key Largo Livable CommuniKeys Plan. A copy of this plan will be provided upon request.

2. The Applicant inquired about the possibility of a successful road abandonment of the unnamed alley behind the subject property that connects Snapper Avenue and Marlin Avenue. Staff cannot make any recommendations related to a future application. The Applicant can submit a road abandonment petition and it will be processed in accordance with MCC §19-1:

    Sec. 19-1. Abandonment of rights-of-way.

    (a) No dedicated and accepted right-of-way in the county shall be abandoned where:
        (1) The right-of-way terminates on a body of open water; or
        (2) The right-of-way provides access to the public to land on open water; or
        (3) The abandonment would preclude a way for the public to maintain access to the water.

    (b) In all other cases of abandonment, no right-of-way shall be abandoned unless there is an agreement to do so by all affected property owners. For purposes of this subsection, an affected property owner is the owner of property which, if the right-of-way is abandoned, will:
        (1) Have access that is currently used by that property owner eliminated;
        (2) Have the only platted access eliminated;
        (3) Have the paved area adjacent to that property increased for turn-around purposes; or
        (4) Be increased in size.

(c) *A road may be abandoned only at the terminal portion of the road and in its full width unless* the abandonment will comply with the County Code requirements for road, turn-around, and fire-rescue access and one of the following circumstances exists:

(1) An adjacent lot owner has on the platted right-of-way or within a setback a substantial structure which predates the Special Session Law 59-1578 pertaining to maps, plats and right-of-way. The term "substantial structure" specifically does not include wood or metal fences, sheds or tiki huts or other items not listed which are accessory structures.

(2) The abandonment is requested by a county department or governmental agency for a public purpose.

(d) The board of county commissioners considers these a restriction on the rights of individuals who desire to abandon properties in accordance with F.S. § 336.09.

3. Prior to the issuance of any building permit, if such review is required, all proposed development shall be found in compliance by the Monroe County Building Department and the Monroe County Office of the Fire Marshal. Staff recommends that the Applicant coordinate with these offices prior to application submittal. The Planning & Environmental Resources Department does not review for compliance with the Florida Building Code.

4. The site is designated partially within an X flood zone on the Federal Emergency Management Agency (FEMA)'s flood insurance rate maps. All new or substantially improved structures must be built to floodplain management standards that meet those for flood protection.

5. The Board of County Commissioners passed and adopted a Planning & Environmental Resources Department's fee schedule (currently Resolution #332-2012). Of relevance to your property and the development thereon, the fee schedule currently includes the following provision:

> There shall be no application or other fees, except advertising and noticing fees, for property owners who apply for a map amendment to the official [Land Use District (LUD)] map and/or the official [Future Land Use Map (FLUM)], if the property owner can provide satisfactory evidence that a currently existing use on the site that also existed lawfully in 1992 was deemed nonconforming by final adoption of the LUD map and/or a currently existing use on the site that also existed lawfully on the site in 1997 was deemed nonconforming by final adoption of the FLUM. To qualify for the fee exemption, the applicant must apply for a LUD and/or FLUM designation(s) that would eliminate the non-conforming use created with adoption of the existing designation(s) and not create an adverse impact to the community. Prior to submittal of a map amendment application, the applicant must provide the evidence supporting the change and application for a fee exemption with the proposed LUD map/FLUM designations to the Monroe County Planning & Environmental Resources Department as part of an application for a Letter of Understanding. Following a review, the Director of Planning & Environmental Resources shall determine if the information and evidence is sufficient, and whether the proposed LUD map and/or FLUM designations are acceptable for the fee waiver, and approve or deny the fee

exemption request. This fee waiver Letter of Understanding shall not obligate the staff to recommend approval or denial of the proposed LUD or FLUM Category.

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

The property has a LUD designation of IS-M a FLUM designation of RM and a tier designation of Tier 3. The property was within a BU-1 district (Light Business) prior to 1986 when the property was re-designated IS-M.

As detailed earlier in this letter, as the building and its office use were approved and permitted prior to the adoption of the Land Development Code in 1986, the final adoption of the LUD Map in 1992 and the adoption of the Comprehensive Plan in 1996, the existing use is considered a lawful nonconforming use.

Resolution #332-2012 requires the property owner to provide satisfactory evidence that the existing use on the site also existed lawfully in 1992 and was deemed nonconforming by final adoption of the LUD map and/or the existing use on the site existed lawfully in 1997 and was deemed nonconforming by final adoption of the FLUM. Following a review, Staff has determined that the existing use existed lawfully in 1992 and was deemed nonconforming by the final adoption of the LUD map. Staff has also determined that the existing use existed lawfully in 1997 and was deemed nonconforming by the final adoption of the FLUM.

Resolution #332-2012 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. You have not proposed any new LUD/FLUM as of the date of this letter. Concerning any new proposed designations please note that staff cannot make this decision. In addition, please be aware that Staff is not obligated to recommend approval of the proposed LUD or FLUM designations. Staff is required to review the application on its merit and determine upon a full review that there shall not be an adverse impact to the community and is consistent with the provisions of the Comprehensive Plan and Monroe County Code.

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

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

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

* * * * * * *

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

You may appeal decisions made in this letter. The appeal must be filed with the County Administrator, 1100 Simonton Street, Gato Building, Key West, FL 33040, within thirty (30) calendar days from the date of this letter. In addition, please submit a copy of your application to Planning Commission Coordinator, Monroe County Planning & Environmental Resources Department, 2798 Overseas Highway, Suite 410, Marathon, FL 33050.

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

Sincerely yours,

Mayte Santamaria, Assistant Director of Planning

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

ATTACHMENT 1

Proof of Ownership (Warranty Deed)

Prepared by and Return to:
Patricia Gessel, PL
97151 Overseas Highway
#2
Key Largo, Florida 33037

Parcel ID Number: 00472790-000000 AK#1579947

Warranty Deed

This Indenture, Made this 22nd day of February, 2013 A.D., **Between**
D & B Overseas, LLC, a Florida limited liability company

of the County of Monroe, State of Florida, **grantor,** and
Keys Ahead Inc, A Florida non profit corporation

whose address is: P.O. Box 370854, 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:

Lots 14, 15, and 16, Block 12, LARGO SOUND PARK, according to the plat thereof, as recorded in Plat Book 3, Page 111, of the Public Records of Monroe County, Florida

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

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 its hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

D & B Overseas, LLC, a Florida limited liability company

Printed Name: Patricia Gessel
Witness as to Both

By: _____ (Seal)
David Thompson, MGRM
P.O. Address: P.O. Box 628, Key Largo, FL 33037

Rachel Lockhart
Printed Name: Rachel Lockhart

By: _____ (Seal)
Barry Newman, MGRM

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----------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:

Lots 14, 15, and 16, Block 12, LARGO SOUND PARK, according to the plat thereof, as recorded in Plat Book 3, Page 111, of the Public Records of Monroe County, Florida

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

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 its hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

D & B Overseas, LLC, a Florida limited liability company

Printed Name: Patricia Gessel
Witness as to Both

By: _____ (Seal)
David Thompson, MGRM
P.O. Address: **P.O. Box 628, Key Largo, FL 33037**

Printed Name: Rachel Lockhart
Witness as to Both

By: _____ (Seal)
Barry Neumann, MGRM
P.O. Address: P.O. Box 628, Key Largo, FL 33037

STATE OF Florida
COUNTY OF Monroe

The foregoing instrument was acknowledged before me this day of February, 2013 by David Thompson, MGRM and Barry Neumann, MGRM of D & B Overseas, LLC, a Florida limited liability company

who are personally known to me or who have produced their Florida driver's licenses as identification. + Georgia D.L

NOTARY PUBLIC STATE OF FLORIDA
RACHEL J. LOCKHART
MY COMMISSION # DD 988896
EXPIRES: June 25, 2014
Bonded Thru Budget Notary Services

Rachel J. Lockhart
Notary Public
My Commission Expires 06/25/14

KEY13110

rjl

ATTACHMENT 2

Current Property Record Card from Monroe County Property Appraiser

Scott P. Russell, CFA
Property Appraiser
Monroe County, Florida

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

Property Record Card -

Maps are now launching the new map application version.

Website tested on IE8, IE9, & Firefox. Requires Adobe Flash 10.3 or higher

Alternate Key: 1579947 Parcel ID: 00472790-000000

Ownership Details

Mailing Address:
KEYS AHEAD INC
PO BOX 370854
KEY LARGO, FL 33037-0854

Property Details

PC Code:	17 - OFFICE BUILDINGS 1 STORY
Millage Group:	500K
Affordable Housing:	No
Section-Township-Range:	14-61-39
Property Location:	103355 OVERSEAS HWY KEY LARGO
Subdivision:	LARGO SOUND PARK
Legal Description:	BK 12 LTS 14-15-16 LARGO SOUND PARK KEY LARGO PB3-111 OR428-999 OR569-8 OR602-701 OR773-321 OR811-723 OR863-2018-AFF OR863-2020 OR929-1186R/S OR932-1962R/S OR1554-984/85Q/C OR2605-2391/92 OR2614-2129

Click Map Image to open interactive viewer

Land Details

Land Use Code	Frontage	Depth	Land Area
100H - COMMERCIAL HIGHWAY	154	100	15,446.00 SF

Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 1
Total Living Area: 4320
Year Built: 1979

Building 1 Details

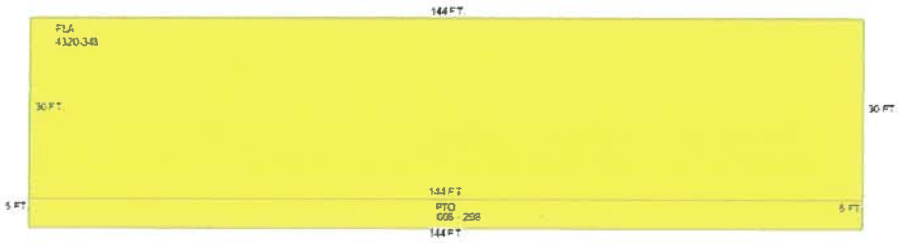
Building Type		Condition	F	Quality Grade	300
Effective Age	17	Perimeter	348	Depreciation %	23
Year Built	1979	Special Arch	0	Grnd Floor Area	4,320
Functional Obs	0	Economic Obs	0		

Inclusions:

Roof Type		Roof Cover		Foundation	
Heat 1		Heat 2		Bedrooms	0
Heat Src 1		Heat Src 2			

Extra Features:

2 Fix Bath	0	Vacuum	0
3 Fix Bath	0	Garbage Disposal	0
4 Fix Bath	0	Compactor	0
5 Fix Bath	0	Security	0
6 Fix Bath	0	Intercom	0
7 Fix Bath	0	Fireplaces	0
Extra Fix	6	Dishwasher	0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
0	PTO		1	1987					698
1	FLA		1	1987					4,320

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	13676	OFF BLDG-1 STY-B	100	N	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
4688	C.B.S.	100

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	AP2:ASPHALT PAVING	5,760 SF	144	40	1978	1979	2	25

Appraiser Notes

LT 14 (RE00472770-000000 AK 1579921) & LT 15 (RE00472780-000000 AK1579939) HAVE NOW BEEN COMBINED WITH THIS PARCEL FOR ASSESSMENT PURPOSES, DONE FOR THE 2008 TAX ROLL 1/1/2008MKD
2004/6/24 SCHWARTZ PROPERTY SALES/BETTER HOMES AND GARDENS TCF

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	1330891	04/30/2013		1		REMODEL/REPAIR COMM INTERIOR
	13301822	06/03/2013		1		REPLACEMENT WINDOWS/DOORS
	1304095	12/17/2001	12/31/2002	1		INTERIOR RENOVATIONS

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	338,028	4,608	123,568	591,203	591,203	0	591,203
2011	338,028	4,608	200,798	591,734	591,734	0	591,734
2010	338,028	4,608	308,920	666,929	666,929	0	666,929
2009	355,588	4,608	339,812	783,749	783,749	0	783,749
2008	355,588	4,608	431,200	815,776	815,776	0	815,776
2007	288,143	4,608	75,000	367,751	367,751	0	367,751
2006	288,452	4,608	46,250	339,310	339,310	0	339,310
2005	288,452	4,608	46,250	339,310	339,310	0	339,310
2004	294,586	4,608	46,250	345,444	345,444	0	345,444
2003	294,586	4,608	46,250	345,444	345,444	0	345,444
2002	294,586	4,608	46,250	345,444	345,444	0	345,444
2001	294,586	4,608	15,000	314,194	314,194	0	314,194
2000	294,586	2,534	10,000	307,120	307,120	0	307,120
1999	294,586	2,534	10,000	307,120	307,120	0	307,120
1998	214,836	2,534	10,000	227,370	227,370	0	227,370
1997	214,836	2,534	10,000	227,370	227,370	0	227,370
1996	195,306	2,534	10,000	207,840	207,840	0	207,840
1995	195,306	2,534	10,000	207,840	207,840	0	207,840
1994	141,060	2,534	13,750	157,344	157,344	0	157,344
1993	141,060	2,788	13,750	157,598	157,598	0	157,598
1992	141,060	3,041	13,750	157,851	157,851	0	157,851
1991	141,060	3,295	13,750	158,105	158,105	0	158,105
1990	141,060	3,548	13,750	158,358	158,358	0	158,358
1989	141,060	3,802	13,750	158,612	158,612	0	158,612

1988	130,042	2,580	13,750	146,372	146,372	0	146,372
1987	95,832	2,094	13,000	110,926	110,926	0	110,926
1986	96,078	2,218	13,000	111,296	111,296	0	111,296
1985	93,045	2,341	7,500	102,886	102,886	0	102,886
1984	91,407	2,464	12,000	105,871	105,871	0	105,871
1983	45,606	926	11,113	57,645	57,645	0	57,645
1982	35,725	926	11,113	47,764	47,764	0	47,764

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
2/22/2013	2614 / 2129	560,000	WD	17
12/21/2012	2605 / 2391	442,000	WD	38
12/1/1984	929 / 1186	1	WD	M
9/1/1982	863 / 2020	65,000	WD	Q
8/1/1978	773 / 321	10,500	00	Q

This page has been visited 75,464 times.

Monroe County Monroe County Property Appraiser
Scott P. Russell, CFA
P.O. Box 1176 Key West, FL 33041-1176

ATTACHMENT 3

Photograph(s) of Site from Adjacent Roadway

ATTACHMENT 4

WRITTEN DESCRIPTION OF PROJECT

SCOPE OF PROJECT

The existing property is currently developed with a 4,320 SQ FT non-residential building. The project proposes to remodel/renovate the existing building to use for marine science/research activities, educational, and administration by Keys Ahead, Inc., by Florida International (FIU) and Monroe County Community College (FKCC). The remodeled/renovated building will include a water-quality-environmental marine science laboratory, administrative offices, and an open classroom for research assistants and students.

Zoning change from IS- M and FLUM of RM residential to the new "Commercial C" zoning is proposed.

ATTACHMENT 5

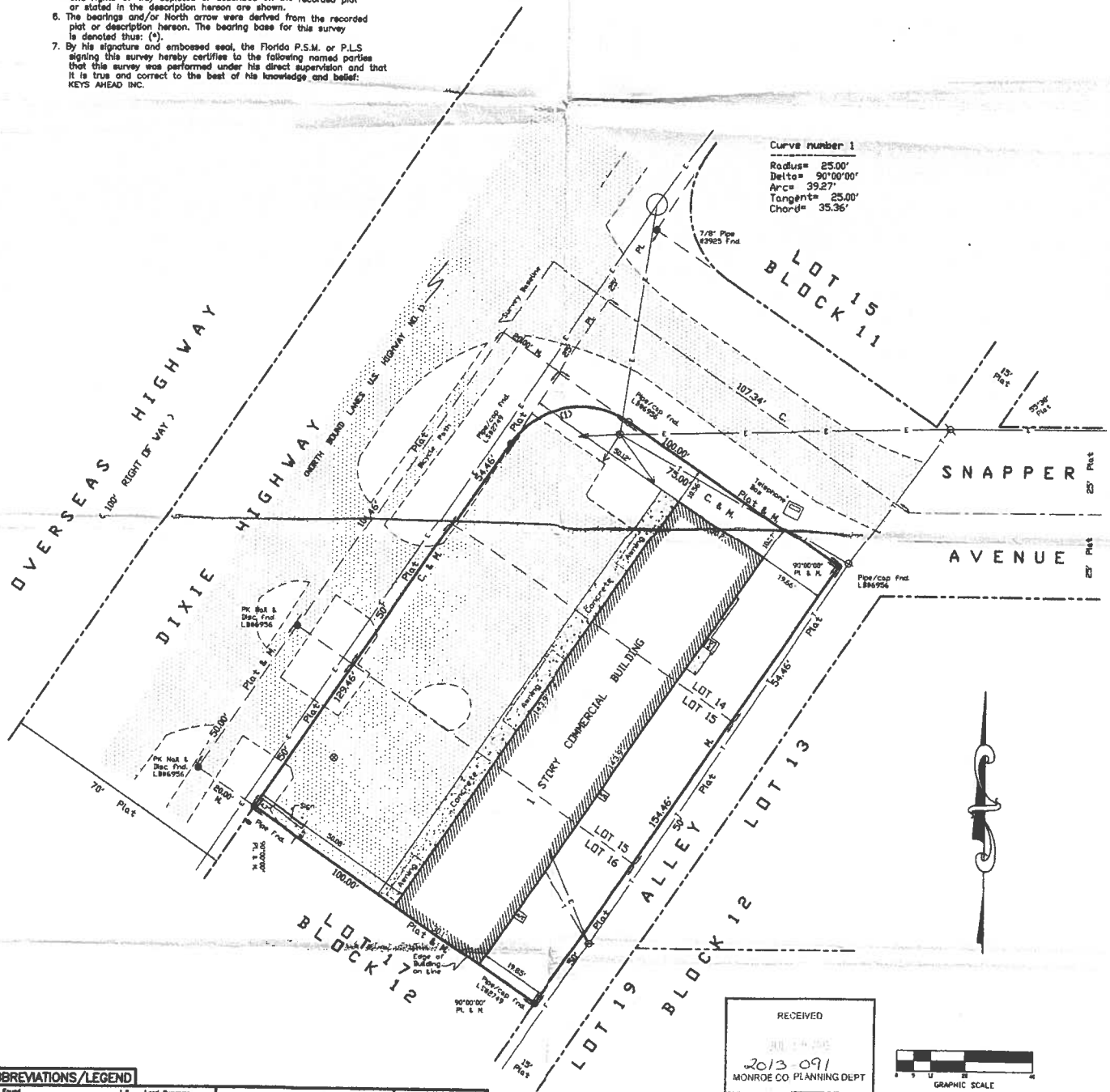
Signed and Sealed Boundary Survey

SURVEY NOTES

1. This sketch of survey represents a perimeter boundary survey with existing above ground improvements located. Underground utilities or structures were not located.
2. This residence has a physical address of: 103355 Overseas Hwy., Key Largo, Fl. 33037
3. This parcel is in N.F.I.P., flood zone X , El. N/A as shown on F.E.M.A. map panel #12087C0769 , revised 2/18/05, and/or is depicted hereon if parcel is in more than one zone.
4. No encroachments or notorious evidence of occupation and/or use of the described parcel for right-of-ways, ingress and egress were noted by this survey unless shown hereon.
5. The description was furnished by the client. Only easements and rights-of-way depicted or described on the recorded plat or stated in the description hereon are shown.
6. The bearings and/or North arrow were derived from the recorded plat or description hereon. The bearing base for this survey is denoted thus: (*).
7. By his signature and embossed seal, the Florida P.S.M. or P.L.S signing this survey hereby certifies to the following named parties that this survey was performed under his direct supervision and that it is true and correct to the best of his knowledge and belief: KEYS AHEAD INC.

DESCRIPTION:

Lots 14, 15 and 16, Block 12, LARGO SOUND PARK, according to the Plat thereof, as recorded in Plat Book 3, at Page 111 of the Public Records of Monroe County, Florida.



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2013-091
MONROE CO PLANNING DEPT

GRAPHIC SCALE

ABBREVIATIONS/LEGEND

Fnd. – Found
R. – Record
C. – Calculated
Fr. – Wood frame
Fin./Fr. – Finished floor
El. – Elevation
CB – Concrete block
Bale. – Balcony
Fnc. – fence
Res. – residence
PK – PARKER KALON FASTENER
MAG. – Magnetic Nail
N.I.S. – not in service
LPGT – liquid petroleum gas tank
U.G.E. – Underground Electric
U.G.T. – Underground telephone
Vol. – Buried volcanitve
Rad./N.R. – Radial/Non-Radial
N.S.E.W – North, South, East, West
P.O.C. – Point of Commencement
P.O.B. – Point of Beginning
P.C.P. – Permanent Control Point
P.C.C. – Point of Compound Curve
P.R.C. – Point of Reverse Curvature
P.C./P.T. – Point of Curvature/ Tangency
P.R.M. – Permanent Reference Monument
NGVD – National Geodetic Vertical Datum
NAVD – North American Vertical Datum
A.M.H.W. – Approxmt Mean High Water Line
L.S. – Land Surveyor
L.B. – Licensed Business
D. – Deed
Pl. – Plat
M. – Measured
conc. – Concrete
cor. – corner
FP – fence post
A/C – air conditioner
Cond. – Conduit
F.S. – frame shed
M.S. – metal shed
P.S. – plastic shed
C.B.S. – conc. block shed
Add. – addition
Pl. – planter
R.O.W. – right of way
W.F.T. – wood fish table
C.F.T. – conc. fish table
T.R. – telephone riser
L.P. – light/lamp pole
G.A. – guy anchor

Nail / PK Nail Found
Nail/Pk Nail LB #7882 set
Pipe Found
Pipe/Cap LB #7882 set
Rebar Found
Wood Utility Pole
Overhead electric lines
Overhead telephone lines
Overhead cable television
Chainlink fence
Wood fence
Plastic fence
Metal fence
Water Meter
Water valve
Rock
Concrete Bath Dam

Note: All pipes set are 7/8" (outside diameter) with cap stamped LB #7882
All PK nail/NAIL nail or SCM spikes set are with disc stamped LB #7882
Unless otherwise indicated, all pipes found are 7/8" (outside diameter)
Unless indicated points have No Identification

MASSEY-RICHARDS SURVEYING & MAPPING, LLC
88888 OVERSEAS HWY. / P.O. BOX 619, TAVERNIER, FL. 33070
PHONE: (305)853-0066 / FAX: (305)853-0233

Florida Certificate of Authorization No. LB 7882

Sketch of Survey for: Keys Ahead, Inc.	Drawing No. 11525
Section 14 , Township 61 South, Range 39 East	Scale: 1" = 20'
Key Largo Monroe County, Florida	Drawn By: AMR
Date of Field Survey: 2/7/13	Fieldbook: 168

I hereby certify that the survey hereon was performed under my direct supervision and is true and correct to the best of my knowledge and belief.

David S. Massey, P.S.M. # 5125

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

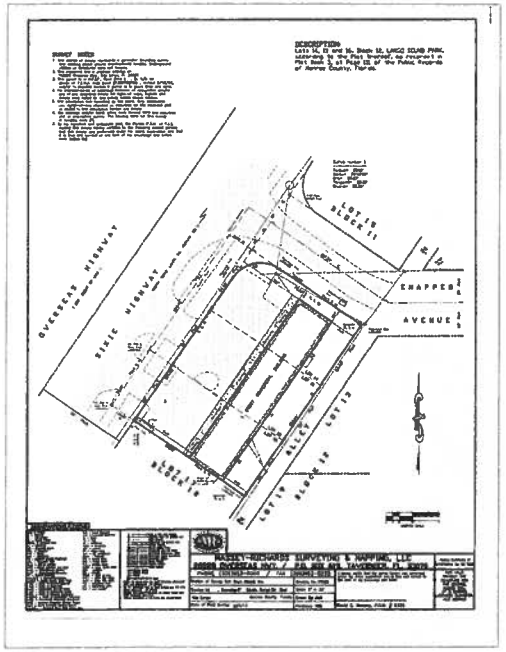
ATTACHMENT 6

Signed and Sealed Site Plan- Two Sheets

6 FRONT VIEW OF 103355 OVERSEAS HIGHWAY

4 AERIAL VIEW
SCALE: NTS

2 APPRAISER'S MAP
SCALE: NTS



5 COPY OF SURVEY
SCALE: NTS

SCOPE OF PROJECT
The existing property is currently developed with a 4,320 SF nonresidential Building.
The project proposes to use the building for marine science research activities by Florida International University (FIU) and Monroe County Community College.
The remodeled building will include a water-quality-environmental marine science laboratory, administration offices, and an open classroom for research assistants and students.

Proposed Zoning Change from IS-M FLUM:RM to "Commercial C".

PROJECT DESCRIPTION

103355 OVERSEAS HIGHWAY
KEY LARGO, FL

PARCEL ID: 00472790000000
LEGAL DESCRIPTION: BK 12 LTS 14-15-16 LARGO SOUND PARK KEY LARGO PB3
ZONING: IS-M
FLUM: RM
DEVELOPED LAND
HEIGHT: 16

BUILDING OCCUPANCY CLASSIFICATION
GROUP B BUSINESS
RESERCH LABORATORY OCCUPANCY: B Business
Schools, Colleges. and Universities Section 443 FBC 2010
EDUCATIONAL GROUP E Section 305 FBC 2010
State Requirements for Educational Facilities Section 423 FBC 2010
and the Florida Fire Protection Code as adopted by State Fire Marshall

3 ZONING MAP
SCALE: NTS

1 AREA MAP
SCALE: NTS

Note: Fire Hydrant (FH) located near Jewfish Ave; 350FT hose laying length

INDUSTRY & ENVIRONMENT
ENGINEERS/CONSULTANTS
103355 Overseas Highway #4B
KEY LARGO, FL 33037
Tel/Fax: (305) 370-6072
Certificate of Authorization #8284

Revisions:

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2013-091
MONROE CO. PLANNING DEPT

Minor Conditional Use Permit Application
Keys Ahead, Inc.
Parcel ID 00472790000000
103355 Overseas Highway
Key Largo, FL 33037

THOMAS RONALD BRUSH
LICENSE No. 48504
STATE OF FLORIDA
PROFESSIONAL ENGINEER
7-17-13

Title:
AREA PLANS

Sheet Number:
A1.1.1

Date: 25 JUNE 2013

ARCH D
24x36

DESCRIPTION:
Lots 14, 15 and 16, Block 12, LARGO SOUND PARK, according to the Plat thereof, as recorded in Plat Book 3, at Page 111 of the Public Records of Monroe County, Florida.

ZONING
ZONE: IS-M – (FLUM: RM Tier 3)
Future: Amend LUD/FLUM from RM to School; Proposed Zoning change to to Monroe County "Commercial C"

SETBACKS	REQUIRED	EXISTING
FRONT US 1	25 FT	0 FT
FRONT Snapper	25 FT	14 FT
Side Yard SW	5 FT	0 FT
Rear Yard SE	20 FT	19.66 FT
FRONT Bldg NE	25 FT	10.57 FT

Apply for Setback Variance

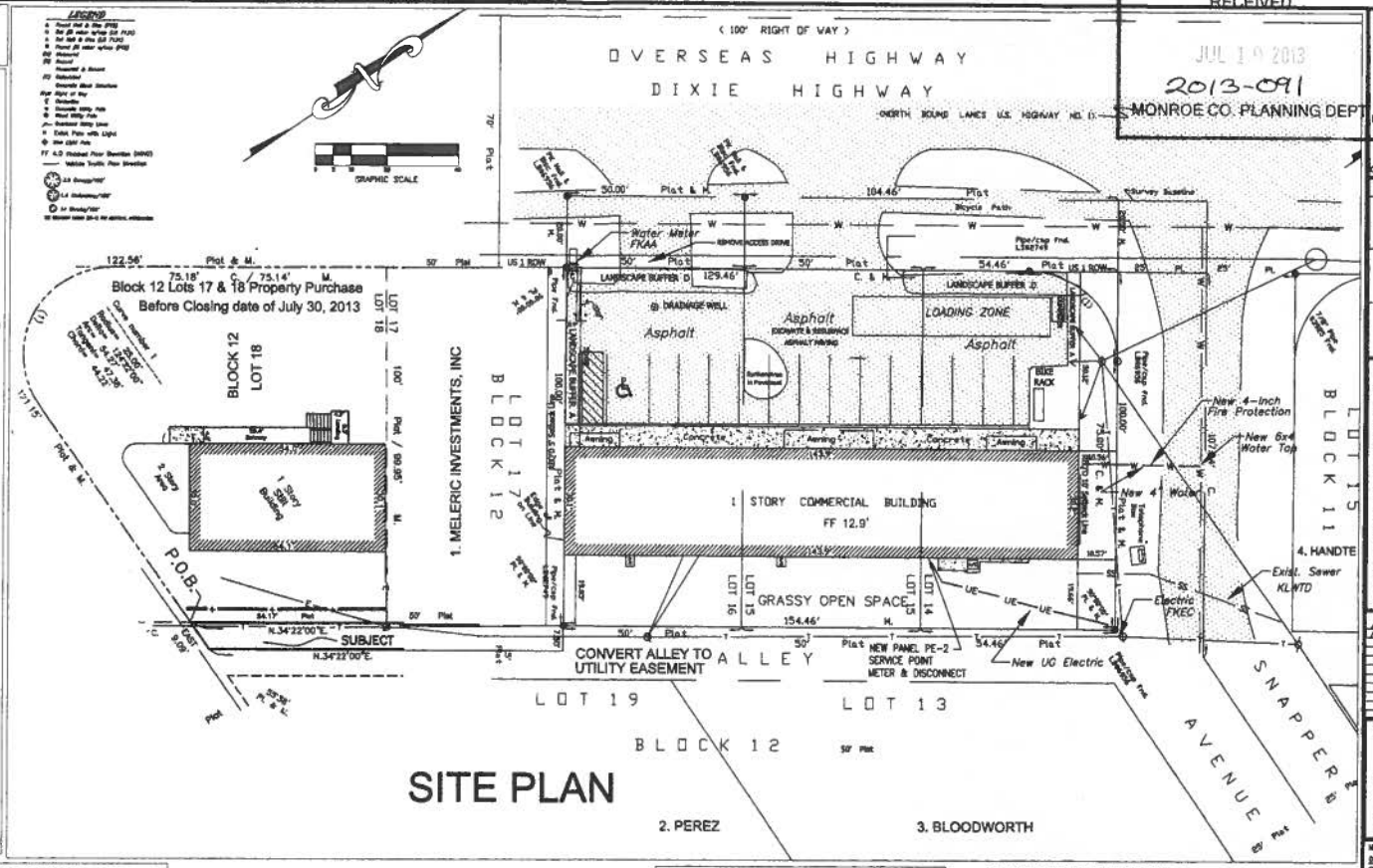
LOT CALCULATIONS

LOT SIZE: 15,446 SQ FT		
BLDG COVERAGE	28%	4345 SF
IMPERV. SURFACE	72%	11,225
OPEN SPACE	27%	4222 is adequate
LANDSCAPE AREA	10%	1427
OPEN SPACE AREA RATIO		0.20 or 20%
OPEN SPACE REQ'D: AT LEAST 3090 SF		

LAND USE
Floor Area Ratio Calculations Existing
Property: 15,446 SF Office Floor: 4320 SF

Calculations:	FAR	Max.
Office:	0.25	3,861 SF
Office:	–	2500 SF
Proposed: Use:		
Office Admin.:		1,770 SF
Open Classroom:		960 SF
Laboratory–Marine Science:		1,590 SF
Total Floor Area:		4,320 SF

Parking Calculations Per Sec. 9.5-325(1)
Peak Weekday 9:00 AM to 4:00 PM
Office : 3350 SF @ 3 spaces/1000 SF=10
(Laboratory Area Parking included above)
Classroom Area Parking based on number of occupants estimated = 25
TOTAL= 35
Total spaces available: 12
Apply Off Site Parking Variance
Off Site parking spaces achieved by Adjacent Property Purchase
Block 12 Lots 17 & 18
Perpendicular spaces are 8'-6" x 18'
Parallel spaces are 8'-6" x 25'
Loading Zones are 11' x 55'
Flood zone= X ; FIRM PANEL NO. 12087C0769

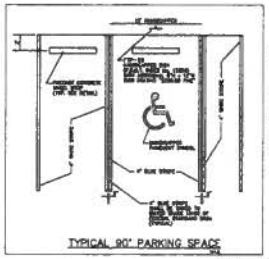


SITE PLAN

STORMWATER RETENTION CALCULATION SUMMARY

LOT AREA:	15,446 Sq.Ft.
PERVIOUS AREA (GRASS)	4,222 Sq. Ft.
IMPERVIOUS AREA	11,225 Sq. Ft.
% IMPERVIOUS:	72 %
RAINFALL= 2.5 X % IMPERVIOUS/ OR 1":	1.8"
IMPERVIOUS AREA: (In Square Feet)	4320 Roof
NO DISTURBED AREA & NO NEW NEW IMPERVIOUS	854 Sidewalk
PRE VS. POST DEVELOPMENT POST IS LESS	6051 Paving
TOTAL IMPERVIOUS AREA:	11,225 Sq Ft
CUBIC FT. REQUIRED= (IMPERVIOUS AREA X RAINFALL) /12	1683
CUBIC FT. SUPPLIED= S.F. OF RETENTION AREA X AVG. DEPTH IN FEET	
Square Feet of retention area	4338
Square Feet of grassy swale area	2636
Average depth of retention area in feet	0.25
CUBIC FT. SUPPLIED= 6974 SF X 0.25=	1743 CUBIC FT

Retention is Adequate as per MCC 114.3; Discharge to exfiltration well



TYPICAL SITE LIGHTING

Fixture Power:
20,500 Initial Lumens
MAXIMUM ILLUMINATION
Not to Exceed 1.5 Footcandles At The Property Line For Cut Off Lights, Max Height of 35' Above Grade.
Lighting Location Plan to be Turned In With Building Permit Application.
Match Exist. Light Types at Locations Shown

Notes:
1. Nearest FKAA Fire Hydrant Hose Laying Length = 350 FT
2. Traffic Impact Analysis by Monroe County Traffic Consultant
3. 2012 US 1 Arterial Travel Time and Delay Study, SEG 23-"A"
4. Aquisition of Adjacent Property Block 12 Lots 17 & 18 Provides additional entrance drive greater than 400 FT from Snapper Avenue

LANDSCAPE PLAN:
Landscaping Per Sec. 9.5-379 Supp. NO.33 MC Land Development Regulations

BUFFER D

PLANT MATERIAL/ 100'	BUFFERYARD WIDTH
6.5 Canopy	20'
3.5 Understory	20'
28 Shrubs	20'

BUFFER C

PLANT MATERIAL/ 100'	BUFFERYARD WIDTH
5 Canopy	10'
2 Understory	10'
20 Shrubs	10'

BUFFER A

PLANT MATERIAL/ 100'	BUFFERYARD WIDTH
2 Canopy	5'
– Understory	5'
15 Shrubs	5'

Apply Landscape Variance

Note: Landscape Contractor To Submit Shop Dwg W/ Plant Schedule Showing Proposed Sizes And Spacing For Owner's Approval.

ADJACENT PROPERTY OWNERS
1. MELERIC INVESTMENTS, INC.
103301 Overseas Highway
Key Largo, FL 33037
2. PEREZ NIVIA
PO Box 832987
Miami, FL 33283
3. BLOODWORTH HAROLD ROSS
3 Snapper Ave
Key Largo, FL 33037
4. HANDTE EDWIN R AND JANICE E
103365 Overseas Highway
Key Largo, FL 33037

SCOPE OF PROJECT
The existing property is currently developed with a 4,320 SF nonresidential building. The project proposes to use the building for research activities by Florida International University (FIU). The remodeled building will include a water quality-environmental marine science laboratory, offices, and a classroom for research assistant/students.

PROPERTY OWNER:
KEY'S AHEAD, INC.
PO BOX 370854
KEY LARGO, FL 33037

APPLICANT:
KEY'S AHEAD, INC.
PO BOX 370854
KEY LARGO, FL 33037

AGENT:
Susan F. Hammaker, Chair
KEY'S AHEAD, INC.
PO BOX 370854
KEY LARGO, FL 33037
Phone: 305-747-6060

PROJECT ENGINEER:
Mr. JAMES R. BRUSH, P.E.
103650 O/S Hwy., #46
KeyLargo, FL 33037
PHONE: (305) 305-6032

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INDUSTRY & ENVIRONMENT ENGINEERS/ CONSULTANTS
103650 O/S Hwy. #46
KEY LARGO, FL 33037
TELEPHONE (305) 305-6032
Certificate of Authorization # 8384

CONSULTANTS

KEY'S AHEAD, INC./FIU RESEARCH FACILITY
MINOR CONDITIONAL USE PERMIT APPLICATION
103365 OVERSEAS HIGHWAY KEY LARGO

REVISIONS	DATE:
A	

SEAL: JAMES R. BRUSH, LICENSED PROFESSIONAL ENGINEER, STATE OF FLORIDA, No. 48504

7-13-13

JRB PROJECT NO.: 013-067-13
CHECKED BY:
AM
DRAWN BY:
YMH
ISSUE:
PERMIT REVIEW
DATE:
3/25/13
SHEET INDEX

SITE PLAN & NOTES

SHEET NUMBER
C-1

ATTACHMENT 7

Landscape Plan- (Shown on the Site Plan)

ATTACHMENT 8

Stormwater/Surface Water Management Plan

(Shown on the Site Plan)

ATTACHMENT 9

Stormwater Drainage Elevation Survey

BOUNDARY SURVEY

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2013-091
MONROE CO. PLANNING DEPT

SYMBOL LEGEND:

- LIGHT POLE
- TYPICAL STATION
- UTILITY POLE
- MAIL BOX
- ELECTRIC BOX
- TRAFFIC SIGNAL BOX
- FIRE HYDRANT
- STORM SEWER/CATCH BASIN
- WATER METER
- SIGN
- TELEPHONE BOX
- WATER VALVE
- 7.8/-1.8 ELEVATIONS
- TRAFFIC LANE FLOW
- CENTER LINE
- MONUMENT LINE
- DIAMETER

ABBREVIATIONS:

A	ARC
ABV	ABOVE
AC	ACRES
ACCS	ACCESS
ADJ	ADJACENT
AGG	AGGREGATE
ALUM	ALUMINUM
ANG	ANGLE
APPR	APPROXIMATE
ASPH	ASPHALT
BC	BEGIN CURVE
BCR	BEGIN CURVE RADIUS
BLDG	BUILDING
BM	BEARING
BOW	BOTTOM OF WALL
C	CHORD
CB	CHORD BEARING
CBS	CONCRETE BLOCK STRUCTURE
CC	CENTER CURVE
CCR	CENTER CURVE RADIUS
CD	CHORD DISTANCE
CH	CHORD
CHB	CHORD BEARING
CL	CENTER LINE
CLF	CHAIN LINK FENCE
CM	CONCRETE MONUMENT
CMP	CORRUGATED METAL PIPE
CONC	CONCRETE
CP	CONCRETE PAVEMENT
CPP	CORRUGATED PLASTIC PIPE
D	DELTA
DE	DRAINAGE EASEMENT
DIA	DIAMETER
DIST	DISTANCE
E	EAST
EC	END CURVE
EL	ELEVATION
ELEC	ELECTRIC
EOA	EDGE OF ASPHALT
EOB	EDGE OF BRIDGE
EOC	EDGE OF CONCRETE
EOP	EDGE OF PAVEMENT
EOW	EDGE OF WATER
EOWL	EDGE OF WETLAND
EP	EDGE OF PAVEMENT
FD	FOUND
FDC	FIRE DEPARTMENT CONNECTION
FF	FINISH FLOOR
FH	FIRE HYDRANT
FL	FLOW LINE
FND	FOUND
FNL	FINAL
FOC	FIBER OPTIC CABLE
FOM	FIBER OPTIC MARKER
FPL	FIBER OPTIC LINE
GB	GRADE BREAK
GM	GAS METER
GV	GAS VALVE
HC	HANDICAP
HDPE	HIGH DENSITY POLYETHYLENE PIPE
HP	HIGH POINT
HT	HEIGHT
IP	IRON PIPE
IPF	IRON PIPE FOUND
IPS	IRON PIPE SET
IR	IRON ROD
IRF	IRON ROD FOUND
IRS	IRON ROD SET
L	LENGTH
LA	LANDSCAPE
LB	LICENSED BUSINESS
LF	LINEAR FEET
LP	LIGHT POLE
LS	LICENSED SURVEYOR
LT	LEFT
MB	MAIL BOX
MBR	MAIL BOX RURAL
MH	MANHOLE
MHW	MEAN HIGH WATER
MLW	MEAN LOW WATER
MON	MONUMENT
N	NORTH
NAD	NORTH AMERICAN DATUM
NGVD	NATIONAL GEODETIC VERTICAL DATUM
NT	NOT TO SCALE
OH	OVERHEAD
OHW	OVERHEAD WIRES
PB	PLAT BOOK
PC	POINT OF CURVE
PCC	POINT OF COMPOUND CURVATURE
PCP	PERMANENT CONTROL POINT
PG	PAGE
PI	POINT OF INTERSECTION
PK	PARKER KALON NAIL
PL	PROPERTY LINE
PLS	PROFESSIONAL LAND SURVEYOR
PLSM	PROFESSIONAL LAND SURVEYOR AND MAPPER
PM	PARKING METER
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PP	POWER POLE
PRC	POINT OF REVERSE CURVATURE
PT	POINT OF TANGENCY
PVC	POLYVINYL CHLORIDE PIPE
R	RADIUS
RB	REBAR
RCP	REINFORCED CONCRETE PIPE
RD	ROOF DRAIN
RE	RIGHT OF WAY
RGE	RANGE
RR	RAILROAD
S	SOUTH
SB	SOUTHBOUND
SCR	SCREW
SF	SQUARE FEET
SIGN	SIGNAL
SL	SOLID LINE
SP	SPOT
SPK	SPIKE
SR	SOUTHBOUND
SS	SANITARY SEWER
SSMH	SANITARY SEWER MANHOLE
STA	STATION
TB	TELEPHONE BOX
TBM	TEMPORARY BENCH MARK
TC	TOP OF CURB
TEL	TELEPHONE
TELP	TELEPHONE POLE
TF	TOP OF FOUNDATION
TOB	TOP OF BANK
TOC	TOP OF CONCRETE
TOP	TOP OF PAVEMENT
TOW	TOP OF WALL
TP	TOP OF PAVEMENT
TRANS	TRANSFORMER
TS	TRAFFIC SIGNAL
TSB	TRAFFIC SIGNAL BOX
TSP	TRAFFIC SIGNAL POLE
TV	TELEVISION
TW	TOP OF WALL
UE	UTILITY EASEMENT
UG	UNDERGROUND
UGT	UNDERGROUND TELEPHONE
UP	UTILITY POLE
VC	VERTICAL CURVE
VCP	VITRIFIED CLAY PIPE
VERT	VERTICAL
W	WEST
WB	WESTBOUND
WF	WOOD FENCE
WM	WATER METER
WV	WATER VALVE

FLOOD INFORMATION:

COMMUNITY NUMBER	:125129
PANEL NUMBER	:12087C0769
SUFFIX	:L
DATE OF FIRM	:02-05-2006
FIRM ZONE	:X
BASE FLOOD ELEVATION	:N/A
DATE FIELD WORK	:06-30-2013
DATE DRAFTED	:06-23-2013
DATE SIGNED AND SEALED	:06-24-2013
SURVEYED FIELD SURVEY	:N/A

SURVEYOR'S NOTES:

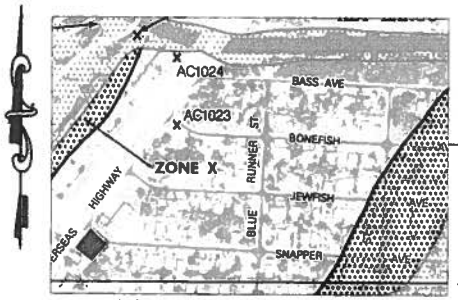
1. EXAMINATION OF THE ABSTRACT OF THE TITLE WILL HAVE TO BE MADE TO DETERMINE RECORD INSTRUMENTS IF ANY, AFFECTING THE PROPERTY.
2. LOCATION AND INDENTIFICATION OF UNDERGROUND ENCROACHMENTS OR UTILITIES ON AND/OR ADJACENT TO THE PROPERTY WERE NOT SECURED AS SUCH INFORMATION WAS NOT REQUESTED
3. NO SEARCH OF PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE FOR ACCURACY AND OR OWNERSHIP.
4. THIS CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED, IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS, OR FREEDOM FROM ENCUMBRANCES. "TITLE" ABSTRACT NOT REVIEWED.
5. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY
6. THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF ENTITIES NAMED HEREON AND THE CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTY.
7. DIMENSIONS, BEARINGS OR ANGLES INDICATED HEREIN ARE MEASURED AND ARE THE SAME AS PLAT VALUES UNLESS OTHERWISE INDICATED BEARINGS ARE BASED ON SHOWN PLAT VALUES OF ARC OR AS REFERRED VALUE.
8. ALL RIGHTS OF WAYS SHOWN ARE PUBLIC UNLESS OTHERWISE NOTED
9. UTILITY FACILITIES WITHIN UTILITY EASEMENTS NOT NOTED AS VIOLATIONS, SIDEWALKS OR PORTIONS THEREOF WITHIN ROADWAYS NOT NOTED AS VIOLATIONS OR ENCROACHMENTS.
10. R/W LINES DEPICTED HEREON ARE REFERENCED TO THE PLATS OF PUBLIC RECORD LISTED BELOW; NO ADDITIONAL INFORMATION WAS PROVIDED TO THIS OFFICE REGARDING CHANGES IN RIGHTS OF WAY, DEDICATIONS, LOT LINES/PROPERTY LINES,DOORS ETC.
11. THIS DRAWING IS PROPERTY OF ZURWELLE-WHITTAKER,INC AND CANNOT BE REPRODUCED WITHOUT WRITTEN CONSENT
12. THE ELEVATION INFORMATION SHOWN HEREON (IF ANY) IS RELATIVE TO THE NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D.), OF 1929, UNLESS OTHERWISE NOTED
13. BENCHMARK USED: FOOT FIRE BURN/365.3 , ELEVATION 26.12' NGVD 1929
14. COORDINATES SHOWN ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1983/NAD 2007 NSRS ADJUSTMENT.
15. COORDINATE CONVERSIONS (IF ANY) HAVE BEEN CONVERTED USING CORPSCON VERSION 6.0.1, FROM U.S. ARMY CORPS OF ENGINEERS ALEXANDRIA,VIRGINIA.
16. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
17. ACCURACY OF HORIZONTAL CONTROL: (FOR EXPECTED USE OF LAND AS DEFINED IN (5-17)) THE FIELD MEASUREMENTS VERIFIED IN CALCULATIONS OF A CLOSED GEOMETRIC FIGURE BASED UPON FIELD INFORMATION TAKEN IN THE FIELD BY TOTAL STATION AND OR GPS/GPRS.

RELATIVE DISTANCE ACCURACY FOR THIS SURVEY IS MORE OR LESS.

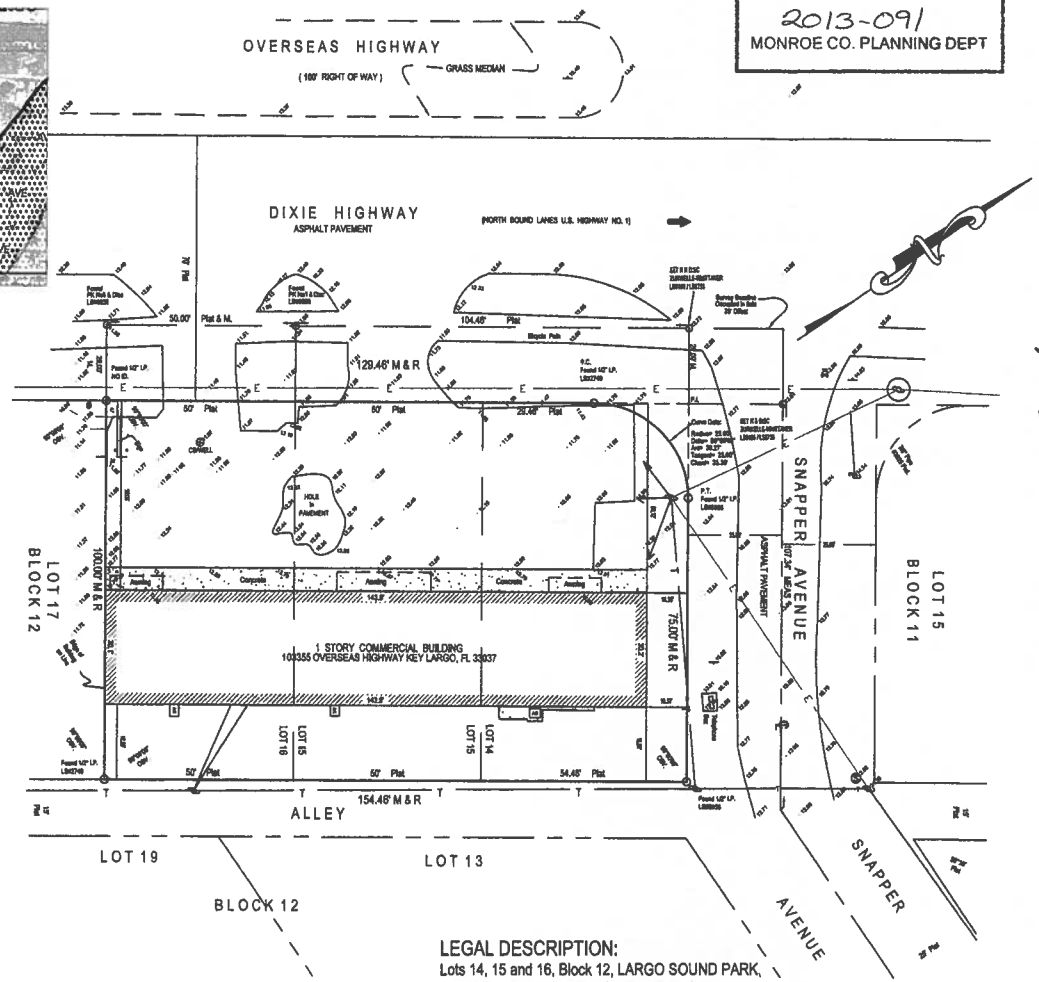
X COMMERCIAL/HIGH RISE	LINEAR: 1 FOOT IN 10,000 FEET
__ SUBURBAN	LINEAR: 1 FOOT IN 7,500 FEET
__ RURAL	LINEAR: 1 FOOT IN 5,000 FEET

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED "**BOUNDARY SURVEY**" WAS PREPARED UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THE SURVEY MEETS MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 61G17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027.



LOCATION MAP N.T.S.



LEGAL DESCRIPTION:
Lots 14, 15 and 16, Block 12, LARGO SOUND PARK, according to the Plat thereof, as recorded in Plat Book 3, at Page 111 of the Public Records of Monroe County, Florida.

ZURWELLE-WHITTAKER, INC. ESTAB. 1926
CONSULTING ENGINEERS AND SURVEYORS
P140 WEST 65th ST., SUITE 207, HIALEAH, FL 33012 PH: (305) 824-4998 FAX: (305) 824-4999
CERTIFICATE OF AUTHORIZATION NO. LB0003769 EB 0000061 EMAIL: ZURWELLE-WHITTAKER@AOL.COM
MEMBERS, FLORIDA LAND SURVEYOR'S COUNCIL, FLORIDA SURVEYING AND MAPPING SOCIETY

EDDIE A. MARTINEZ
PROFESSIONAL SURVEYOR AND MAPPER NO. LS 5146
STATE OF FLORIDA

06-24-2013

PROJECT:
KEYS AHEAD, INC.
103355 OVERSEAS HWY
KEY LARGO, FL 33037

JOB No.	N/A
FIELD BOOK	J.C.CARENDA
SCALE	1"=30'
DRAWN	JAR
REVISED	ERM
REVISIONS	
SHEET No.	1 OF 1

U.S. DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
National Flood Insurance Program

ELEVATION CERTIFICATE

Important: Read the instructions on pages 1–9.

OMB No. 1660-0008
Expiration Date: July 31, 2015

SECTION A – PROPERTY INFORMATION

FOR INSURANCE COMPANY USE
Policy Number:
Company NAIC Number:

A1. Building Owner's Name KEYS AHEAD, INC.

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
103355 OVERSEAS HWY

City KEY LARGO State FL ZIP Code 33037

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)
LOTS 14, 15 & 16, BLOCK 12, LARGO SOUND PARK

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) NON-RESIDENTIAL

A5. Latitude/Longitude: Lat. N.25.13512 Long. W.80.40401 Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number 1A

A8. For a building with a crawlspace or enclosure(s):
a) Square footage of crawlspace or enclosure(s) NA sq ft
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade NA
c) Total net area of flood openings in A8.b NA sq in
d) Engineered flood openings? ☐ Yes ☐ No

A9. For a building with an attached garage:
a) Square footage of attached garage NA sq ft
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade NA
c) Total net area of flood openings in A9.b NA sq in
d) Engineered flood openings? ☐ Yes ☐ No

SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number	B2. County Name	B3. State
UNINCORPORATED AREAS 125129	MONROE	FL

B4. Map/Panel Number	B5. Suffix	B6. FIRM Index Date	B7. FIRM Panel Effective/Revised Date	B8. Flood Zone(s)	B9. Base Flood Elevation(s) (Zone AO, use base flood depth)
12087C0769	K	2/18/05	2/18/05	X	N/A

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9.
☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other/Source: _____

B11. Indicate elevation datum used for BFE in Item B9: ☒ NGVD 1929 ☐ NAVD 1988 ☐ Other/Source: _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No
Designation Date: _____ ☐ CBRS ☐ OPA

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.
Benchmark Utilized: AZI2 Vertical Datum: NGVD 1929
Indicate elevation datum used for the elevations in items a) through h) below. ☒ NGVD 1929 ☐ NAVD 1988 ☐ Other/Source: _____
Datum used for building elevations must be the same as that used for the BFE.

		Check the measurement used.	
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	12.9	☒ feet	☐ meters
b) Top of the next higher floor	N.A	☐ feet	☐ meters
c) Bottom of the lowest horizontal structural member (V Zones only)	N.A	☐ feet	☐ meters
d) Attached garage (top of slab)	N.A	☐ feet	☐ meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	12.4	☒ feet	☐ meters
f) Lowest adjacent (finished) grade next to building (LAG)	12.0	☒ feet	☐ meters
g) Highest adjacent (finished) grade next to building (HAG)	12.4	☒ feet	☐ meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	12.0	☒ feet	☐ meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. *I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.*

☒ Check here if comments are provided on back of form.
☒ Check here if attachments.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No

PLACE SEAL HERE

Certifier's Name DAVID S. MASSEY License Number PSM#5125
Title MGR. Company Name MASSEY-RICHARDS SURVEYING & MAPPING
Address P.O. BOX 619 City TAVERNIER State FL ZIP Code 33070
Signature Date 2/7/13 Telephone 305-853-0066

IMPORTANT: In these spaces, copy the corresponding information from Section A.	FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 103355 OVERSEAS HWY.	Policy Number:
City KEY LARGO State FL ZIP Code 33037	Company NAIC Number:

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments C2e = A/C UNIT ON CONC. PAD

Signature Date 2/7/13

SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____.____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____.____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.

E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 8–9 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____.____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E3. Attached garage (top of slab) is _____.____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is _____.____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner's or Owner's Authorized Representative's Name

Address City State ZIP Code

Signature Date Telephone

Comments

☐ Check here if attachments.

SECTION G – COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

G3. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate Of Compliance/Occupancy Issued

G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _____.____ ☐ feet ☐ meters Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site: _____.____ ☐ feet ☐ meters Datum _____

G10. Community's design flood elevation: _____.____ ☐ feet ☐ meters Datum _____

Local Official's Name Title

Community Name Telephone

Signature Date

Comments (11525)

☐ Check here if attachments.

Building Photographs

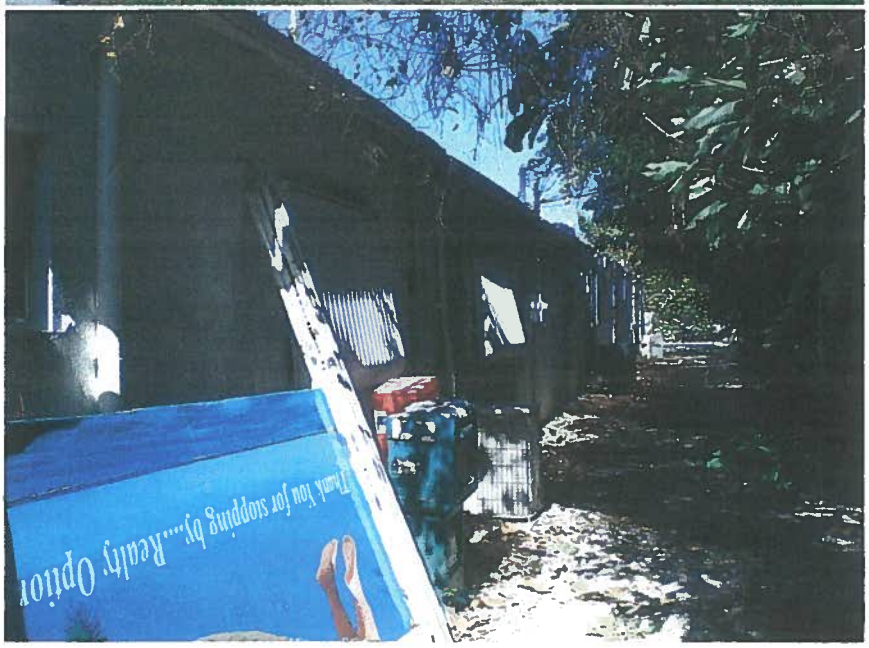
See Instructions for Item A6.

IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 103355 OVERSEAS HWY	FOR INSURANCE COMPANY USE Policy Number:
City KEY LARGO State FL ZIP Code 33037	Company NAIC Number:

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.

FRONT VIEW 2/7/13



REAR VIEW 2/7/13

ATTACHMENT 10

Building Floor Plan for Remodeling/Renovation of Existing Building

GENERAL NOTES

SCOPE OF PROJECT

1. THE SCOPE OF THIS PROJECT IS TO REMODEL/RENOVATE THE EXISTING STRUCTURE AT 103355 OVERSEAS HIGHWAY, KEY LARGO INTO NEW OFFICE SPACES. MINOR DEMOLITION IS REQUIRED.
2. THERE WILL BE NEW CEILINGS, ELECTRIC, AC DUCTS AND VENTS, AND FLOORING.
3. DOORS WILL BE REUSED WHERE POSSIBLE. FOR LABORATORY AREA PROVIDE NEW FIRE RATED DOORS.
4. BATH FIXTURES WILL REMAIN OR REPLACED AS DIRECTED BY THE OWNER/ENGINEER.
5. EXISTING ELECTRIC PANELS TO BE USED.
6. EXISTING AC TO BE USED.

REMODELING /RENOVATION NOTES

SCOPE OF REMODELING/RENOVATION

1. THE DRAWINGS ARE INTENDED AS A GENERAL GUIDE TO THE REMODELING/RENOVATION REQUIRED FOR THE PROJECT. REMODELING IS NOT SHOWN IN COMPLETE DETAIL AND IT SHALL BE THE RESPONSIBILITY OF THE REMODELING CONTRACTOR(S) TO REMOVE EXISTING CONSTRUCTION AS REQUIRED TO ACCOMPLISH THE NEW DESIGN INTENT AND / OR WORK SHOWN OR REASONABLY IMPLIED FOR THE CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL REFER TO THE WORK SHOWN ON ALL OTHER DRAWINGS IN THE SET FOR THE EXTENT OF REMODELING/RENOVATION REQUIRED TO PERFORM WORK INTENT.
2. REMOVE ALL PARTITION WALLS AS SHOWN.
3. REMOVE ALL ELECTRIC RUNS IN REMOVED WALLS BACK TO JUNCTION BOX.
4. CLEAR AND CAP ALL DRAINS AND WATER SUPPLY LINES.
5. ENSURE PROPER SUPPORT IN ANY AREAS WHERE WALLS APPEAR TO BE STRUCTURAL AND BEARING. IF IN QUESTION, STOP WORK AND CONTACT THE ENGINEER AT ONCE.
6. CLEAR FLOOR TO LEVEL SURFACE AND PREP FOR NEW FLOORING.
7. ENSURE ALL WINDOW OPENINGS ARE COVERED AND BUILDING IS SECURE WHEN NOT BEING WORKED.

ELECTRICAL NOTES

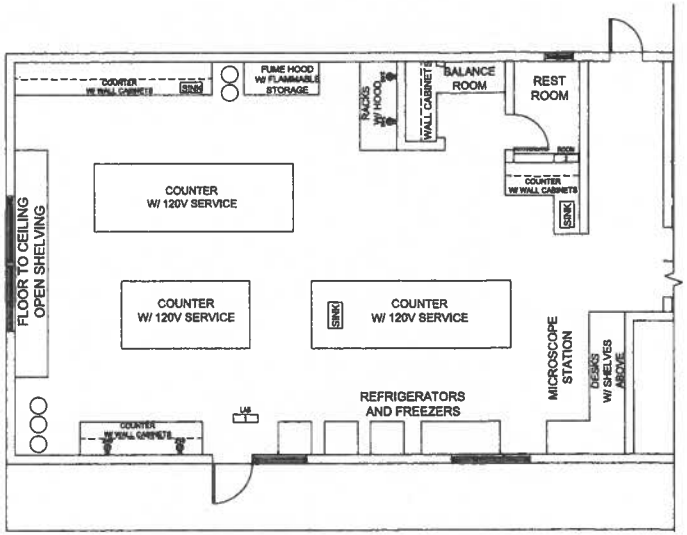
1. EXISTING ELECTRICAL SERVICE TO BE RELOCATED AS SHOWN ON SITE PLAN. THREE FKEC METERED SERVICE- 200 AMP, 100 AMP & 200 AMP DISCONNECTS AS PER FKEC; MAIN PANEL SIZE, SERVICE ENTRY DRAWING, ELECTRICAL LOAD CALCULATIONS AS PER FKEC PERMIT AND MONROE COUNTY ELECTRICAL BUILDING PERMIT ISSUED TO CONTRACTOR.
2. CONTRACTOR PROVIDE ALL LABOR AND MATERIALS FOR ELECTRICAL ROUGHINS.
3. ALL ELECTRICAL WORK SHALL CONFORM TO ALL STATE AND LOCAL CODES.
4. PROVIDE ALL JUNCTION BOXES, RECEPTACLES,SWITCHES, DISCONNECT SWITCHES , ETC. AND MAKE ALL ELECTRICAL CONNECTIONS TO EQUIPMENT, DEVICES, PANELS, AND LIGHTING.
5. DETERMINE THE ELECTRICAL REQUIREMENTS FOR EQUIPMENT MARKED IN THE EQUIPMENT AND DEVICE LIST.

FIRE PROTECTION FOR LABORATORY AREA- NOTES

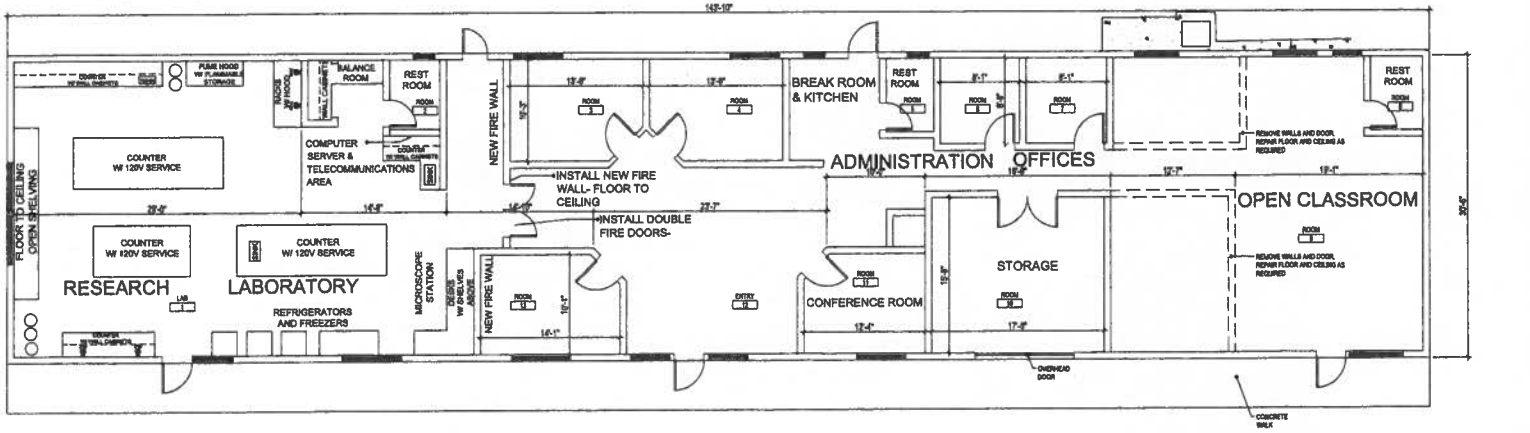
1. ALL WORK PERFORMED SHALL COMPLY WITH FBC 2010, NFPA CODES 13, 14, 15, 24, 45 & 231C AND LOCAL CODES.
2. THE CONTRACTOR SHALL PAY INSPECTION FEES, BUILDING PERMIT FEES, AND COSTS INCIDENTAL TO THE COMPLETION AND TESTING OF THE WORK.
3. THE CONTRACTOR SHALL INSTALL WET PIPE FIRE PROTECTION SPRINKLER SYSTEM AS PER NFPA 13-2010 "Standard for Installation of Sprinkler Systems" ORDINARY HAZARD GROUP I- SECTION 21.9 "Laboratories Using Chemicals". THE SYSTEM SHALL BE ORDINARY HAZRAD GROUP I SIZED AS 0.10 GPM/1500 SQ. FT. FIGURE 3 AREA/DENSITY CURVE.
4. ALL SPRINKLER HEADS SHALL BE QRS WOOD WEDGEABLE GRINNELL OR APPROVED EQUAL.
5. SPRINKLER SYSTEM PIPE SHALL BE NEW CONFORMING TO ASTM SPECIFICATIONS AND SHALL BEAR ASTM STANDARD MARKED ON EACH LENGTH OF PIPE.
   A. ABOVE GROUND FOR SIZES ABOVE 2" PIPE SHALL BE STEEL, SCHEDULE 40, BLACK, IN ACCORDANCE WITH ASTM A53.
   B. FOR SIZES UNDER 2", PIPE SHALL BE BLACK STEEL, SCHEDULE 40, IN ACCORDANCE WITH ASTM A-53.
6. SPRINKLER HEADS SHALL BE 1/2" ORIFICE WITH DISCHARGE COEFICIANT "K"= 5.6 AND RATED FOR 175 PSI MAX SERVICE PRESSURE QRS HEADS WOOD WEDGES UL/FM APPROVED.
7. ALL FIRE PROTECTION PIPING SHALL BE PAINTED WITH RED (OSHA) FBC.
8. SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST ISSUE OF NFPA 13,14, 15, & 24. ALL CALCULATIONS, SHOP DRAWINGS,REFERENCED DIAGRAMS, PERFORMANCE CURVES, AND DATA UTILIZED TO LAYOUT AND IDENTIFY SYSTEM SHALL BE SUBMITTED TO ENGINEER AND TO MONROE COUNTY BUILDING DEPT/FIRE MARSHALL FOR FINAL ACCEPTANCE . DESIGN DENSITY SHALL BE 0.10 GPM/1500 SQ. FT.
9. HANG ALL PIPE USING SPLIT RING HANGARS AND RISER CLAMPS, SUPPORT FROM GALVANIZED HANGAR RODS FROM BEAM CLAMPS OR PRESET INSERT ONLY.
10. TEST 100% OF PIPING SYSTEM AT 200 PSI PRESSURE FOR A PERIOD OF 2 HOURS WITHOUT PRESSURE LOSS.
11. HYDROSTATIC TEST PRESSURE SHALL BE MEASURED AT LOW POINT OF SYSTEM OR ZONE BEING TESTED.
12. LABORATORY CHEMICALS, TYPES AND QUANTITIES ON SITE SHALL BE BELOW THE THRESHOLD QUANTITIES AS SET FORTH IN THE FBC 2010 TABLES 307.1(1) , 307.1(2), IN SECTION 415, IN THE FLORIDA FIRE PREVENTION CODE AND NFPA 13 HAZARD CLASSIFICATION 21.9 LABORATORIES USING CHEMICALS.

PLUMBING NOTES

1. CONTRACTOR TO PROVIDE ALL LABOR MATERIAL FOR PLUMBING ROUGH-INS.
2. ALL PLUMBING WORK SHALL CONFORM TO ALL STATE AND LOCAL CODES.
3. PROVIDE ALL NECESSARY SHUT OFF VALVES, TRAPS, BACKFLOW PREVENTION DEVICES, FITTINGS, VALVES, SOLENOIDS, ETC. IN ACCORDANCE WITH ALL STATE AND LOCAL CODES.
4. MAKE ALL PLUMBING CONNECTIONS TO LAB SINKS AND EQUIPMENT AND INTERCONNECT ALL COMPONENTS AS PER MANUFACTURER SPECIFICATIONS.



2 LAB FLOOR PLAN AND LAYOUT
SCALE: 1/4" = 1'-0"
GRAPHIC SCALE: 1/4" = 1'-0"



1 FLOOR PLAN
SCALE: 3/16" = 1'-0"
GRAPHIC SCALE: 3/16" = 1'-0"

INDUSTRY & ENVIRONMENT
ENGINEERS/CONSULTANTS
103650 Overseas Highway, #48
KEY LARGO, FL 33037
Telephone (305) 395-8032
Certification of Authorization #6384

Revisions:

RECEIVED
JUL 1 1 2013
MONROE CO. PLANNING DEPT

2013-091

Minor Conditional Use Permit Application
Keys Ahead, Inc.
Parcel ID 00472790000000
103355 Overseas Highway
Key Largo, FL 33037

DONALD BRUSH
No. 48504
STATE OF FLORIDA
PROFESSIONAL ENGINEER

Title: FLOOR PLAN

Sheet Number: A2.1.1

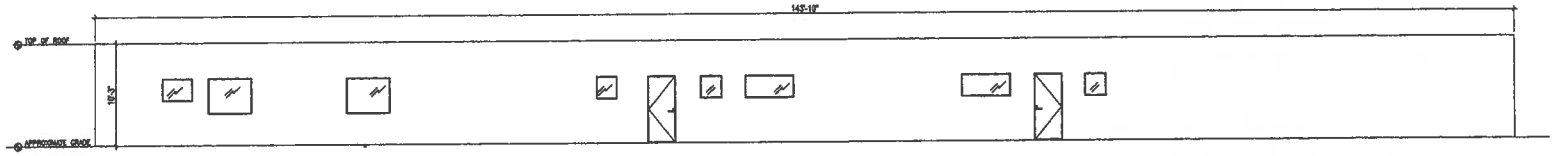
Date: 25 JUNE 2013

ARCH D
24x36

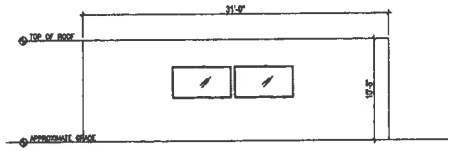
ATTACHMENT 11

Building Elevations

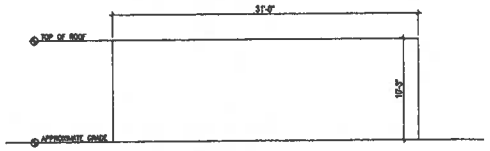
RECEIVED
JUL 2 0 2013
2013-091
MONROE CO. PLANNING DEPT



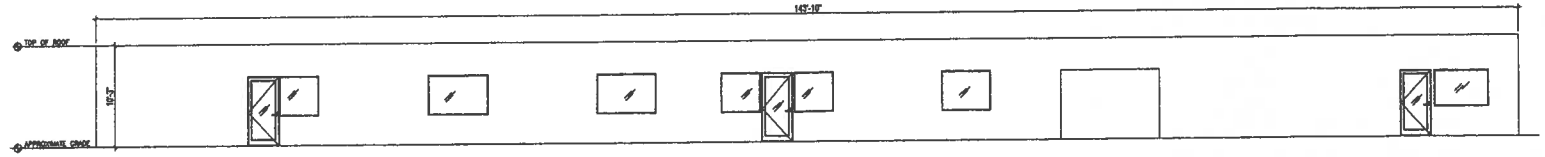
4 REAR ELEVATION
SCALE: 3/16" = 1'-0"
GRAPHIC SCALE: 3/16" = 1'-0"



2 LEFT ELEVATION
SCALE: 3/16" = 1'-0"
GRAPHIC SCALE: 3/16" = 1'-0"



3 RIGHT ELEVATION
SCALE: 3/16" = 1'-0"
GRAPHIC SCALE: 3/16" = 1'-0"



1 FRONT ELEVATION
SCALE: 3/16" = 1'-0"
GRAPHIC SCALE: 3/16" = 1'-0"

INDUSTRY & ENVIRONMENT
ENGINEERS/CONSULTANTS
103850 Overseas Highway, #46
KEY LARGO, FL 33037
Telephone (305) 395-8032
Certification of Authorization #8384

Revisions:

Minor Conditional Use Permit Application
Keys Ahead, Inc.
Parcel ID 00472790000000
103355 Overseas Highway
Key Largo, FL 33037

PROFESSIONAL ENGINEER
No. 46504
STATE OF FLORIDA
7-17-13

Title:
STREET ELEVATIONS

Sheet Number:
A3.1.1

Date: 25 JUNE 2013

ARCH D
24x36

ATTACHMENT 12

Name and Address Labels of All Property Owners within 300 foot Radius of the Property

MAIER GEORGE J AND PATRICIA A
20 S EXUMA RD
KEY LARGO, FL 33037-5006

HANDTE EDWIN R AND ELLEN
103365 OVERSEAS HWY
KEY LARGO, FL 33037

PUKLO WALTER E
1 SE MARLIN AVE
KEY LARGO, FL 33037-2914

MELERIC INVESTMENTS INC.
103301 OVERSEAS HIGHWAY
KEY LARGO, FL 33037-4759

CASH TY A AND SHERYL L
11 SE MARLIN AVE
KEY LARGO, FL 33037

WALL ERIC W
JEWFISH AVE
KEY LARGO, FL 33037

FORRER VENTURE CAPITAL LLC
300 OCEAN DR -APT 6
KEY LARGO, FL 33037

DWARES CURTIS AND JULIANN
26 SNAPPER AVE
KEY LARGO, FL 33037

DOT/ST. OF FLORIDA
(STATE ROAD DEPARTMENT)
TALLAHASSEE, FL 32399

HARTLEY MICHAEL D
16 TRANSYLVANIA AVE
KEY LARGO, FL 33037-4718

JOHNSON MICHAEL AND SAWONG
PO BOX 371339
KEY LARGO, FL 33037-1339

CONCH 103275 LLC
PO BOX 6006
KEY WEST, FL 33041

HUTCHISON KAREN L AND DAVID G
PO BOX 371262
KEY LARGO, FL 33037-1262

CASTILLO GUILLERMO
8 TRANSYLVANIA AVE
KEY LARGO, FL 33037-4718

LOCUST CENTER LTD
303 LOCUST STE 150
DES MOINES,IA 50309

CULLEN JOHN F
16 SE MARLIN AVE
KEY LARGO, FL 33037-4714

PARKER SCOTT
6 SE MARLIN AVE
KEY LARGO, FL 33037

KEYS AHEAD INC
PO BOX 370854
KEY LARGO, FL 33037-0854

BLOODWORTH HAROLD ROSS JR
3 SNAPPER AVE
KEY LARGO, FL 33037

~~PARKER SCOTT~~
~~6 SE MARLIN AVE~~
~~KEY LARGO, FL 33037~~

ADAMCZAK ROSS ALAN
N2740 LIND LN
WAUPACA, WI 54961

GUARDIAN ANGEL MNGMNT EMP
PROFIT SHARING PLAN 401K
268 SAINT THOMAS AVE
KEY LARGO, FL 33037-4321

SPREITZER JAMES E
PO BOX 6006
KEY WEST, FL 33041

~~MELERIC INVESTMENTS INC.~~
~~103301 OVERSEAS HIGHWAY~~
~~KEY LARGO, FL 33037-4759~~

~~BLOODWORTH HAROLD ROSS JR~~
~~3 SNAPPER AVE~~
~~KEY LARGO, FL 33037~~

CONCHBEACH MANAGEMENT LLC
PO BOX 6006
KEY WEST, FL 33041-6006

CLIFTON FAMILY REV TR 2/26/2003
C/O CLIFTON DANIEL F
457 STONEWOOD LN
MAITLAND, FL 32751-3236

MCFEES KEYS DISEASE LLC
620 SW 17TH ST
BOCA RATON, FL 33486

SILVESTRI JOSEPH R
ANDJEANETTE
7 SE MARLIN AVE
KEY LARGO, FL 33037-4713

HANDTE EDWIN R AND ELLEN
103365 OVERSEAS HWY
KEY LARGO, FL 33037

WHEATON MARDELLA
504 SOUND DR
KEY LARGO, FL 33037

MCGILL JOHN
5 SNAPPER AVE
KEY LARGO, FL 33037

CAPITAL BANK NA C/O THRUSH DONNA M
599 9TH ST N STE 101
NAPLES, FL 34102-5624

NAPLES, FL 34102-5624

HOROWITZ CRAIG C AND MELAINE R
PO BOX 373206
KEY LARGO, FL 33037-8206

RICE PAIGE SANDS
15 SE MARLIN AVE
KEY LARGO, FL 33037-4713

LOCUST CENTER LTD
303 LOCUST
STE 150
DES MOINES, IA 50309

HUTCHISON KAREN L AND DAVID G
PO BOX 371262
KEY LARGO, FL 33037-1262

PEREZ NIVIA
PO BOX 832987
MIAMI, FL 33283

SILVESTRI JOSEPH AND JEANETTE
7 SE MARLIN AVE
KEY LARGO, FL 33037-4713

ATTACHMENT 13

Radius Report from Monroe County Property Appraiser supporting the Required Labels

Monroe County Property Appraiser - Radius Report

AK: 8659482 **Parcel ID:** 00470140-000100 **Physical Location:** 8 TRANSYLVANIA AVE KEY LARGO
Legal Description: BK 19 LT 25, 26, 27 AND 28 LARGO SOUND PARK FIRST ADDITION PB3-139 KEY LARGO OR
Owners Name: CASTILLO GUILLERMO
Address:: 8 TRANSYLVANIA AVE KEY LARGO, FL 33037-4718

AK: 1579998 **Parcel ID:** 00472840-000000 **Physical Location:** 6 S MARLIN AVE KEY LARGO
Legal Description: BK 12 LT 21 LARGO SOUND PARK PB3-111 KEY LARGO OR 384-32 OR781-1530 OR812-676 OR1(
Owners Name: PARKER SCOTT A
Address:: 6 SE MARLIN AVE KEY LARGO, FL 33037

AK: 1579980 **Parcel ID:** 00472830-000000 **Physical Location:** VACANT LAND KEY LARGO
Legal Description: BK 12 LT 20 LARGO SOUND PARK PB3-111 KEY LARGO OR3 84-32 OR781-1530 OR797-2052 OR7
Owners Name: PARKER SCOTT
Address:: 6 SE MARLIN AVE KEY LARGO, FL 33037

AK: 1577286 **Parcel ID:** 00470090-000000 **Physical Location:** 4 TRANSYLVANIA AVE KEY LARGO
Legal Description: BK 19 LTS 23 & 24 LARGO SOUND PARK FIRST ADDITION PB3-139 KEY LARGO OR466-47/48 (
Owners Name: SPREITZER JAMES E
Address:: PO BOX 6006 KEY WEST, FL 33041

AK: 1577251 **Parcel ID:** 00470060-000000 **Physical Location:** VACANT LOT OVERSEAS HWY KEY LARGO
Legal Description: LARGO SOUND PARK FIRST ADDITION PB3-139 KEY LARGO BK 19 LT 20 AND ADJ ALLEY RES #
Owners Name: CONCHBEACH MANAGEMENT LLC
Address:: PO BOX 6006 KEY WEST, FL 33041-6006

AK: 1577189 **Parcel ID:** 00470000-000000 **Physical Location:** 7 SE MARLIN AVE KEY LARGO
Legal Description: BK 19 LT 14, 15 , 16 AND ELY 14.70FT LT 17 LARGO S OUND PARK FIRST ADDITION PB3-1
Owners Name: SILVESTRI JOSEPH R AND JEANETTE
Address:: 7 SE MARLIN AVE KEY LARGO, FL 33037-4713

AK: 1577227 **Parcel ID:** 00470030-000000 **Physical Location:** 1 MARLIN AVE KEY LARGO
Legal Description: BK 19 PT LT 17 (LESS ELY 14.70FT) LARGO SOUND PARK FIRST ADDITION PB3-139 KEY LAR(
Owners Name: PUKLO WALTER E
Address:: 1 SE MARLIN AVE KEY LARGO, FL 33037-2914

AK: 1579611 **Parcel ID:** 00472450-000000 **Physical Location:** 3 JEWFISH AVE KEY LARGO
Legal Description: BK 11 LTS 9 AND 10 LARGO SOUND PARK KEY LARGO PB3 -111 OR419-877 OR533-581 OR1034-
Owners Name: WALL ERIC W
Address:: 3 JEWFISH AVE KEY LARGO, FL 33037

AK: 1094526 **Parcel ID:** 00083000-000000 **Physical Location:** VACANT LAND KEY LARGO
Legal Description: 14 61 39 ISLAND OF KEY LARGO PT LOTS4-10-15-16-20 -21-30-3 1-32-40 G6-42
Owners Name: DOT/ST.OF FL (STATE ROAD DEPARTMENT)
Address:: TALLAHASSEE, FL 32399

AK: 1577235 **Parcel ID:** 00470040-000000 **Physical Location:** 103275 OVERSEAS HWY KEY LARGO
Legal Description: BK 19 LTS 18 & 19 LARGO SOUND PARK FIRST ADDITION PB3-139 KEY LARGO OR466-47/48 (
Owners Name: CONCH 103275 LLC
Address:: PO BOX 6006 KEY WEST, FL 33041

AK: 1573621 **Parcel ID:** 00468472-009700 **Physical Location:** 103400 OVERSEAS HWY KEY LARGO
Legal Description: CROSS KEY WATERWAY ESTATES SECTION TWO PB6-60 KEY LARGO NE 702.67 FT OF TRACT A
Owners Name: LOCUST CENTER LTD
Address:: 303 LOCUST STE 150 DES MOINES, IA 50309

AK: 1579947 **Parcel ID:** 00472790-000000 **Physical Location:** 103355 OVERSEAS HWY KEY LARGO
Legal Description: BK 12 LTS 14-15-16 LARGO SOUND PARK KEY LARGO PB3 -111 OR428-999 OR569-8 OR602-701
Owners Name: KEYS AHEAD INC
Address:: PO BOX 370854 KEY LARGO, FL 33037-0854

AK: 1579726 **Parcel ID:** 00472560-000000 **Physical Location:** 20 SNAPPER AVE KEY LARGO
Legal Description: BK 11 LT 20 LARGO SOUND PARK OR593-22 OR793-1711 O R831-1582 OR902-1474 OR1103-217
Owners Name: ADAMCZAK ROSS ALAN
Address:: N2740 LIND LN WAUPACA, WI 54961

AK: 1579700 Parcel ID: 00472540-000000 Physical Location: 6 SNAPPER KEY LARGO
Legal Description: BK 11 LT 18 LARGO SOUND PARK PB3-111 KEY LARGO OR5 93-22 OR793-1711 OR1196-2132/35D
Owners Name: MAIER GEORGE J AND PATRICIA A
Address:: 20 S EXUMA RD KEY LARGO, FL 33037-5006

AK: 1579955 Parcel ID: 00472800-000000 Physical Location: 103301 OVERSEAS HWY KEY LARGO
Legal Description: BK 12 LT 17 LARGO SOUND PARK PB3-111 KEY LARGO OR6 8-230-231 OR801-773/74D/C/AFF OR
Owners Name: MELERIC INVESTMENTS INC
Address:: 103301 OVERSEAS HWY KEY LARGO, FL 33037-4759

AK: 1579653 Parcel ID: 00472490-000000 Physical Location: 103375 OVERSEAS KEY LARGO
Legal Description: BK 11 LOTS 13 & 14 LARGO SOUND PARK PB3-111 KEY LA RGO OR165-538/539 OR785-996 OF
Owners Name: FORRER VENTURES CAPITAL LLC
Address:: 300 OCEAN DR APT 6 KEY LARGO, FL 33037

AK: 1577341 Parcel ID: 00470170-000000 Physical Location: 16 TRANSYLVANIA AVE KEY LARGO
Legal Description: BK 19 LT 30 LARGO SOUND PARK PB3-139 FIRST ADDITIO N-KEY LARGO OR59-199/200 OR466
Owners Name: HARTLEY MICHAEL D
Address:: 16 TRANSYLVANIA AVE KEY LARGO, FL 33037-4718

AK: 1579645 Parcel ID: 00472480-000000 Physical Location: VACANT LAND KEY LARGO
Legal Description: BK 11 LT 12 LARGO SOUND PARK PB3-111 KEY LARGO OR4 19-877 OR1787-1482 OR2446-1745/4
Owners Name: HUTCHISON KAREN L AND DAVID G
Address:: PO BOX 371262 KEY LARGO, FL 33037-1262

AK: 1580023 Parcel ID: 00472890-000000 Physical Location: 16 MARLIN AVE KEY LARGO
Legal Description: BK 12 LT 26 LARGO SOUND PARK PB3-111 KEY LARGO O R528-359 OR661-300 OR722-218/19
Owners Name: CULLEN JOHN F
Address:: 16 SE MARLIN AVE KEY LARGO, FL 33037-4714

AK: 1579912 Parcel ID: 00472760-000000 Physical Location: VACANT LAND KEY LARGO
Legal Description: BK 12 LT 13 LARGO SOUND PARK PB3-111 KEY LARGO OR4 28-999 OR1518-1195 OR2247-1344Q/
Owners Name: BLOODWORTH HAROLD ROSS
Address:: 3 SNAPPER AVE KEY LARGO, FL 33037

AK: 1579874 Parcel ID: 00472710-000000 Physical Location: 11 SNAPPER AVE KEY LARGO
Legal Description: BK 12 LT 8 LARGO SOUND PARK PB3-111 OR527-992 OR62 9-337/338D/C OR629-339L/E OR966-
Owners Name: GUARDIAN ANGEL MNGMNT EMP PROFIT SHARING PLAN 401K
Address:: 268 SAINT THOMAS AVE KEY LARGO, FL 33037-4321

AK: 1579904 Parcel ID: 00472750-000000 Physical Location: 3 SNAPPER AVE KEY LARGO
Legal Description: BK 12 LT 12 LARGO SOUND PARK KEY LARGO OR269-555-5 56 OR753-502D/C OR930-1424/1434V
Owners Name: BLOODWORTH HAROLD ROSS JR
Address:: 3 SNAPPER AVE KEY LARGO, FL 33037

AK: 1577332 Parcel ID: 00470160-000000 Physical Location: 14 TRANSYLVANIA AVE KEY LARGO
Legal Description: BK 19 LT 29 LARGO SOUND PARK PB3-139 FIRST ADDITIO N-KEY LARGO OR476-918/919 OR8
Owners Name: MCFEES KEYS DISEASE LLC
Address:: 620 SW 17TH ST BOCA RATON, FL 33486

AK: 1579688 Parcel ID: 00472520-000000 Physical Location: 4 SNAPPER KEY LARGO
Legal Description: LARGO SOUND PARK PB3-111 KEY LARGO LOTS 16-17 BK 11 OR428-999 OR1460-20
Owners Name: HANDTE EDWIN R AND ELLEN
Address:: 103365 OVERSEAS HWY KEY LARGO, FL 33037

AK: 1577162 Parcel ID: 00469980-000000 Physical Location: 11 MARLIN AVE KEY LARGO
Legal Description: BK 19 LT 12 LARGO SOUND PARK PB3-139 FIRST ADDITIO N KEY LARGO OR542-163 OR1098-
Owners Name: CASH TY A AND SHERYL L
Address:: 11 SE MARLIN AVE KEY LARGO, FL 33037

AK: 1579882 Parcel ID: 00472720-000000 Physical Location: 26 SNAPPER AVE KEY LARGO
Legal Description: LARGO SOUND PARK KEY LARGO PB3-111 LOTS 9 & 10 BLK 12 OR448-229 OR706-265 OR820-20
Owners Name: DWARES CURTIS AND JULIANN
Address:: 26 SNAPPER AVE KEY LARGO, FL 33037

AK: 1577154 Parcel ID: 00469970-000000 Physical Location: 13 MARLIN AVE KEY LARGO
Legal Description: BK 19 LT 11 LARGO SOUND PARK PB3-139 FIRST ADDITIO N-KEY LARGO OR542-163 OR1098-1
Owners Name: JOHNSON MICHAEL AND SAWONG
Address:: PO BOX 371339 KEY LARGO, FL 33037-1339

AK: 1579963 **Parcel ID:** 00472810-000000 **Physical Location:** 103301 OVERSEAS HWY KEY LARGO
Legal Description: BK 12 LOT 18 LARGO SOUND PARK PB3-111 KEY LARGO OR 68-230/31 OR535-515 OR801-773/74[
Owners Name: MELERIC INVESTMENTS INC
Address:: 103301 OVERSEAS HWY KEY LARGO, FL 33037

AK: 1577171 **Parcel ID:** 00469990-000000 **Physical Location:** 9 MARLIN AVE KEY LARGO
Legal Description: BK 19 LT 13 LARGO SOUND PARK PB3-139 FIRST ADDITIO N-KEY LARGO OR485-245/246 OR53
Owners Name: CLIFTON FAMILY REV TR 2/26/2003 C/O CLIFTON DANIEL F
Address:: 457 STONEWOOD LN MAITLAND, FL 32751-3236

AK: 1579670 **Parcel ID:** 00472510-000000 **Physical Location:** 103365 OVERSEAS HWY KEY LARGO
Legal Description: BK 11 LT 15 LARGO SOUND PARK PB3-111 KEY LARGO OR5 33-958 OR817-1301 OR817-1302 OR
Owners Name: HANDTE EDWIN R AND JANICE E
Address:: 103365 OVERSEAS HWY KEY LARGO, FL 33037-4762

AK: 1579718 **Parcel ID:** 00472550-000000 **Physical Location:** 8 SNAPPER AVE KEY LARGO
Legal Description: BK 11 LT 19 LARGO SOUND PARK KEY LARGO OR593-22 OR793-1711 OR993-1131 OR1213-13
Owners Name: WHEATON MARDELLA
Address:: 504 SOUND DR KEY LARGO, FL 33037

AK: 1579891 **Parcel ID:** 00472740-000000 **Physical Location:** 5 SNAPPER AVE KEY LARGO
Legal Description: BK 12 LT 11 LARGO SOUND PARK KEY LARGO PB3-111 OR4 57-889/890 OR753-465 OR804-1846 (
Owners Name: MCGILL JOHN
Address:: 5 SNAPPER AVE KEY LARGO, FL 33037

AK: 8648812 **Parcel ID:** 00468472-009710 **Physical Location:** 103300 OVERSEAS HWY KEY LARGO
Legal Description: CROSS KEY WATERWAYS ESTATES SEC 2 PB6-60 KEY LARGO NE 250' OF SW 700' TRACT A & ADJ
Owners Name: CAPITAL BANK NA C/O THRUSH DONNA M
Address:: 599 9TH ST N STE 101 NAPLES, FL 34102-5624

AK: 8666373 **Parcel ID:** 00472720-000100 **Physical Location:** 14 MARLIN AVE KEY LARGO
Legal Description: BK 12 LT 24 AND 25 LARGO SOUND PARK PB3-111 KEY LA RGO OR921-865 OR1067-318/19Q/C
Owners Name: HOROWITZ CRAIG C AND MELAINE R
Address:: PO BOX 373206 KEY LARGO, FL 33037-8206

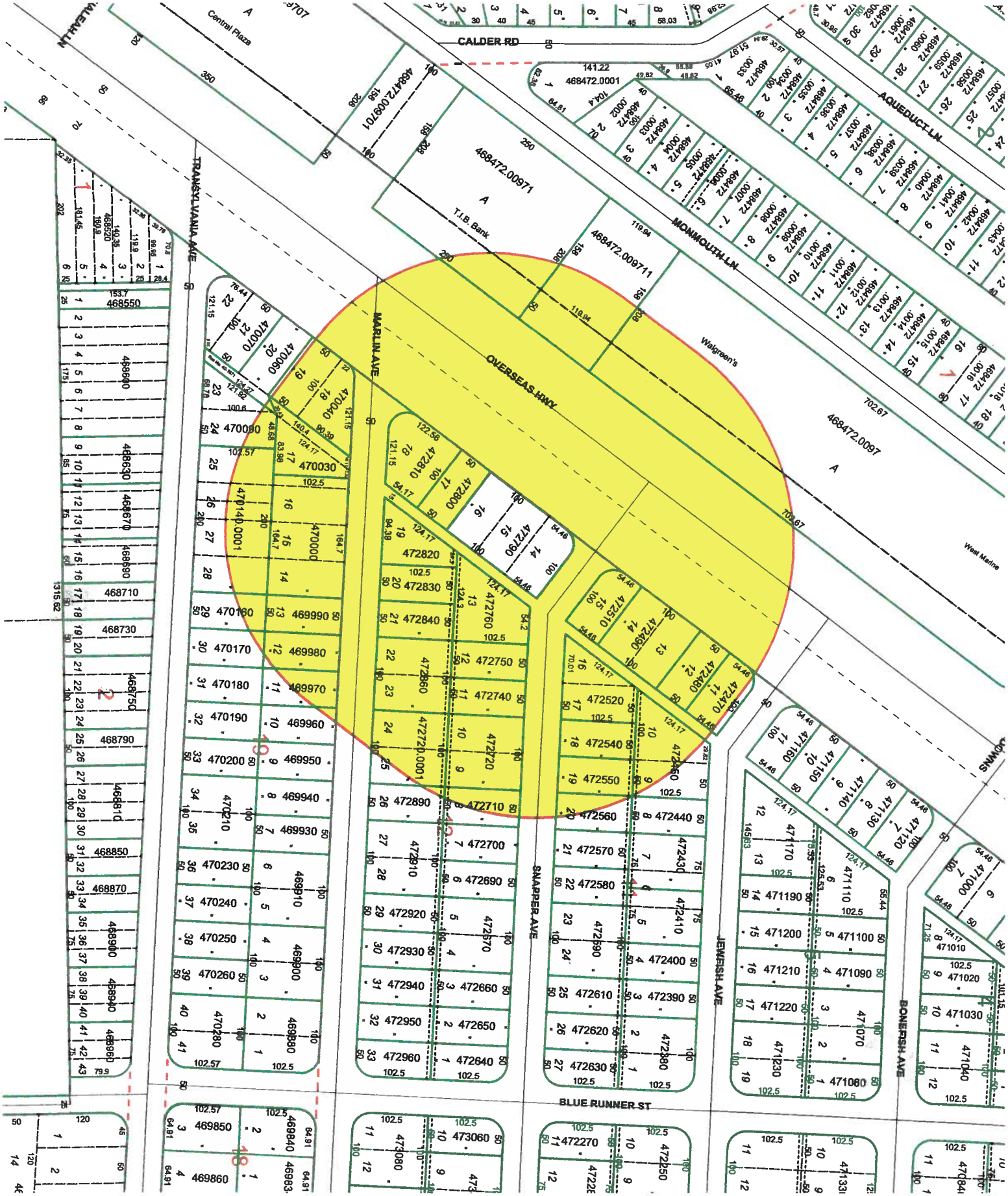
AK: 1577146 **Parcel ID:** 00469960-000000 **Physical Location:** 15 MARLIN AVE KEY LARGO
Legal Description: BK 19 LT 10 LARGO SOUND PARK PB3-139 FIRST ADDITIO N KEY LARGO OR536-29 OR553-986
Owners Name: RICE PAIGE SANDS
Address:: 15 SE MARLIN AVE KEY LARGO, FL 33037-4713

AK: 9090904 **Parcel ID:** 00468472-009711 **Physical Location:** OVERSEAS HWY KEY LARGO
Legal Description: CROSS KEY WATERWAYS ESTATES SECTION TWO KEY LARGO PB6-60 NE'LY 120' OF SW 820' TRAC
Owners Name: LOCUST CENTER LTD
Address:: 303 LOCUST STE 150 DES MOINES, IA 50309

AK: 1579637 **Parcel ID:** 00472470-000000 **Physical Location:** VACANT LAND KEY LARGO
Legal Description: BK 11 LT 11 LARGO SOUND PARK PB3-111 KEY LARGO OR4 19-877 OR1787-1482 OR2446-1745/4
Owners Name: HUTCHISON KAREN L AND DAVID G
Address:: PO BOX 371262 KEY LARGO, FL 33037-1262

AK: 1579971 **Parcel ID:** 00472820-000000 **Physical Location:** 2 S MARLIN AVE KEY LARGO
Legal Description: BK 12 LT 19 LARGO SOUND PARK PB3-111 KEY LARGO OR5 42-182 OR828-889 OR865-566 OR90
Owners Name: PEREZ NIVIA
Address:: PO BOX 832987 MIAMI, FL 33283

AK: 1580015 **Parcel ID:** 00472860-000000 **Physical Location:** 10 SE MARLIN AVE KEY LARGO
Legal Description: BK 12 LTS 22-23 LARGO SOUND PARK PB3-111 KEY LARGO OR417-819 OR994-2415 OR1616-1
Owners Name: SILVESTRI JOSEPH AND JEANETTE
Address:: 7 SE MARLIN AVE KEY LARGO, FL 33037-4713


CALDER RD
AQUEDUCT LN
MONMOUTH LN
OVERSEAS HWY
MARLIN AVE
TRANSYLVANIA AVE
SNAPPER AVE
JEWFISH AVE
BONEFISH AVE
BLUE RUNNER ST
Walgreen's
T.I.B. Bank
Central Plaza
West Marine
468472.0097
468472.00971
468472.00711
468472.0001
468472.009701

103355 Overseas Highway

FIU- Keys Ahead Building AK 472790

MONROE COUNTY PROPERTY
APPRAISER OFFICE

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

1:2,306

Date: 7/2/2013

ATTACHMENT 14

Proof of Coordination

Proof of Coordination

FKEC

FLORIDA KEYS ELECTRIC COOPERATIVE ASSOCIATION, INC. – FKEC

91630 OVERSEAS HIGHWAY, P.O. BOX 377, TAVERNIER, FL 33070-0377 PHONE (305) 852-2431 FAX: (305) 852-4794

July 11, 2013

Jim Brush, PE
jimmyb@msn.com

Re: Letter of Coordination – 103355 Overseas Hwy
The existing building is being renovated into a marine science research facility with laboratory and classrooms for Florida International University (FIU), Monroe County Community College (FKCC) and the NOAA Aquarius undersea lab.

Dear Mr. Brush,

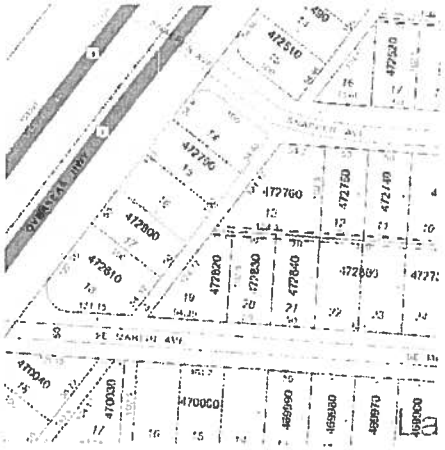
The facilities and operations of Florida Keys Electric Cooperative Association, Inc. (FKEC) are designed to accommodate normal electrical load growth, providing sufficient energy is available from our mainland supplier. FKEC anticipates no significant problems in providing power to the property referenced above.

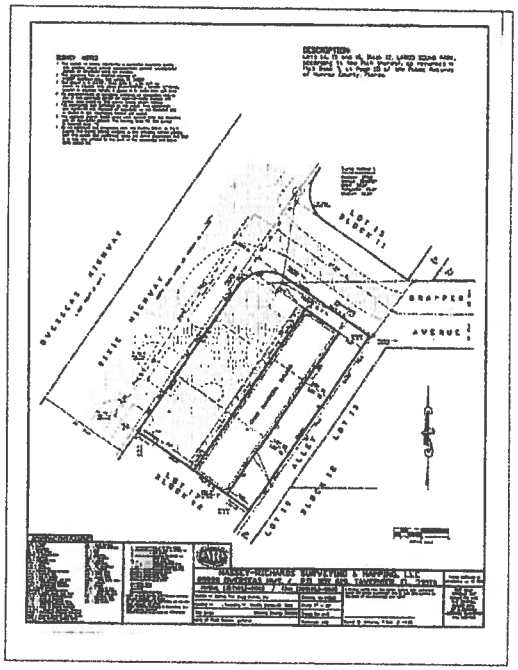
Easements may be required.

When preliminary electrical and site plans are available, please arrange to meet with FKEC Engineering staff to review and plan the project.

Sincerely,

Keith Kropf, PE
Director of Engineering



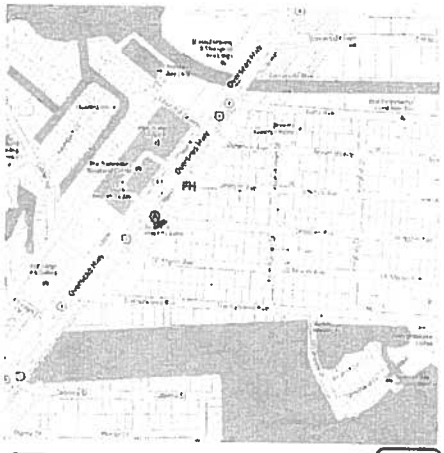


SCOPE OF PROJECT

The existing property is currently developed with a 4,320 SF nonresidential building.
The project proposes to use the building for marine science research activities by Florida International University (FIU) and Monroe County Community College.
The remodeled building will include a water-quality-environmental marine science laboratory, administration offices, and an open classroom for research assistants and students.

Proposed Zoning Change from IS-M FLUM/RM to "Commercial C".

BUILDING OCCUPANCY CLASSIFICATION
GROUP B BUSINESS
RESERCH LABORATORY OCCUPANCY: B Business
Schools, Colleges, and Universities Section 443 FBC 2010
EDUCATIONAL GROUP E Section 305 FBC 2010
State Requirements for Educational Facilities Section 423 FBC 2010
and the Florida Fire Protection Code as adopted by State Fire Marshall



Note: Fire Hydrant (FH) located near Jewfish Ave; 350FT hose laying length

INDUSTRY & ENVIRONMENT
ENGINEERS/CONSULTANTS
103850 Overseas Highway, 5-48
KEY LARGO, FL 33037
Telephone (305) 289-0332
Certification of Authorization #3364

Minor Conditional Use Permit Application

Keys Ahead, Inc.
Parcel ID 00472790000000
103355 Overseas Highway
Key Largo, FL 33037

AREA PLANS

A1.1.1

DESCRIPTION:
Lots 14, 15 and 16, Block 12, LARGO SOUND PARK, according to the Plat thereof, as recorded in Plat Book 3, at Page 111 of the Public Records of Monroe County, Florida.

ZONING
ZONE: IS-M - (FLUM: RM Tier 3)
Future: Amend LUD/FLUM from RM to School; Proposed Zoning change to to Monroe County "Commercial C"

SETBACKS	REQUIRED	EXISTING
FRONT US 1	25 FT	0 FT
FRONT Snapper	25 FT	14 FT
Side Yard SW	5 FT	0 FT
Rear Yard SE	20 FT	19.66 FT
FRONT Bldg NE	25 FT	10.57 FT

Apply for Setback Variance

LOT CALCULATIONS

LOT SIZE: 15,446 SQ FT		
BLDG COVERAGE	28%	4345 SF
IMPERV. SURFACE	72%	11,225
OPEN SPACE	27%	4222 is adequate
LANDSCAPE AREA	10%	1427
OPEN SPACE AREA RATIO 0.20 or 20%		
OPEN SPACE REQ'D: AT LEAST 3090 SF		

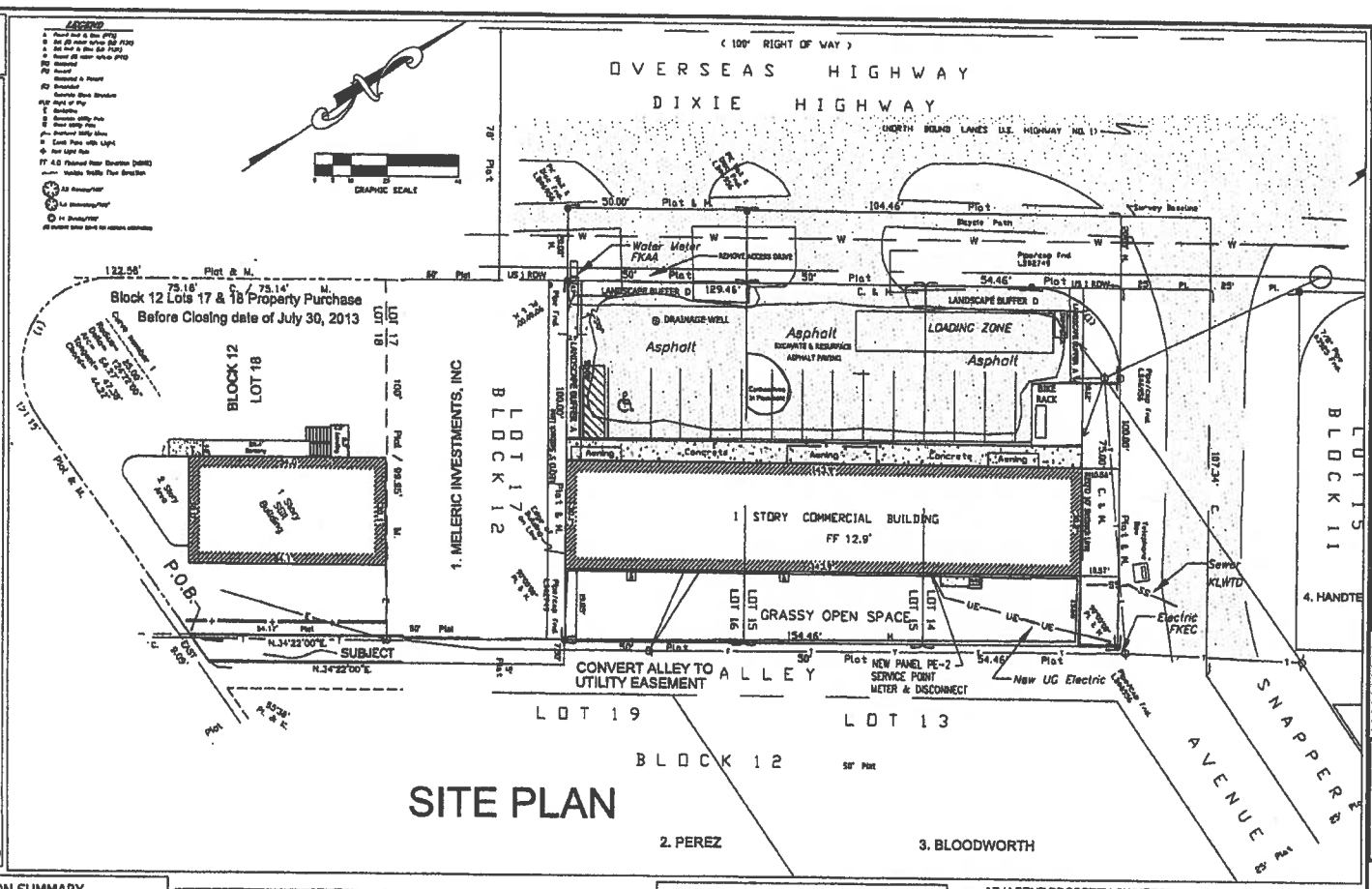
LAND USE
Floor Area Ratio Calculations Existing
Property: 15,446 SF Office Floor: 4320 SF

Calculations:	FAR	Max.
Office:	0.25	3,861 SF
Office:	-	2500 SF
Proposed Use:		
Office Admin.:		1,770 SF
Open Classroom:		980 SF
Laboratory-Marine Science:		1,590 SF
Total Floor Area:		4,320 SF

Parking Calculations Per Sec. 9.5-325(1)
Peak Weekday 9:00 AM to 4:00 PM

Office : 3350 SF @ 3 spaces/1000 SF=10
(Laboratory Area Parking included above)

Classroom Area Parking based on number of occupants estimated = 25
TOTAL= 35
Total spaces available: 12
Apply Off Site Parking Variance
Off Site parking spaces achieved by Adjacent Property Purchase
Block 12 Lots 17 & 18
Perpendicular spaces are 8'-6" x 18'
Parallel spaces are 8'-6" x 25'
Loading Zones are 11' x 55'
Flood zone= X ; FIRM PANEL NO. 12087C0769

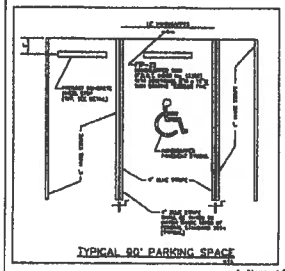


SITE PLAN

STORMWATER RETENTION CALCULATION SUMMARY

LOT AREA:	15,446 Sq.Ft.
PERVIOUS AREA (GRASS)	4,222 Sq. Ft.
IMPERVIOUS AREA	11,225 Sq. Ft.
% IMPERVIOUS:	72 %
RAINFALL= 2.5 X % IMPERVIOUS/ OR 1":	1.8"
IMPERVIOUS AREA: (In Square Feet)	4320 Roof
NO DISTIRBED AREA & NO NEW NEW IMPERVIOUS BS4 Sidewalk	
PRE VS. POST DEVELOPMENT POST IS LESS	6051 Paving
TOTAL IMPERVIOUS AREA:	11,225 Sq Ft
CUBIC FT. REQUIRED= (IMPERVIOUS AREA X RAINFALL) /12	1683
CUBIC FT. SUPPLIED= S.F. OF RETENTION AREA X AVG. DEPTH IN FEET	
Square Feet of retention area	4338
Square Feet of grassy swale area	2636
Average depth of retention area in feet	0.25
CUBIC FT. SUPPLIED= 6974 SF X 0.25=	1743 CUBIC FT

Retention is Adequate as per MCC 114.3; Discharge to exfiltration well



TYPICAL SITE LIGHTING

Fixture Power:
20,500 Initial Lumens

MAXIMUM ILLUMINATION
Not to Exceed 1.3 Footcandles At The Property Line For Cut Off Lights, Max Height of 15' Above Grade.
Lighting Location Plan to be Turned In With Building Permit Application.
Match Exist. Light Types at Locations Shown

Notes:
1. Nearest FKAA Fire Hydrant Hose Laying Length = 350 FT
2. Traffic Impact Analysis by Monroe County Traffic Consultant
3. 2012 US 1 Arterial Travel Time and Delay Study, SEG 23-"A"
4. Aquisition of Adjacent Property Block 12 Lots 17 & 18 Provides additional entrance drive greater than 400 FT from Snapper Avenue

LANDSCAPE PLAN:
Landscaping Per Sec. 9.5-370 Supp. NO.33 MC Land Development Regulations

BUFFER D	
PLANT MATERIAL/ 100'	BUFFERYARD WIDTH
6.5 Canopy	20'
3.5 Understory	20'
20 Shrubs	20'
BUFFER C	
PLANT MATERIAL/ 100'	BUFFERYARD WIDTH
5 Canopy	10'
2 Understory	10'
20 Shrubs	10'
BUFFER A	
PLANT MATERIAL/ 100'	BUFFERYARD WIDTH
2 Canopy	5'
- Understory	5'
15 Shrubs	5'

Apply Landscape Variance

Note: Landscape Contractor To Submit Shop Drwg W/ Plant Schedule Showing Proposed Sizes And Spacing For Owner's Approval.

ADJACENT PROPERTY OWNERS

1. MELERIC INVESTMENTS, INC.
103301 Overseas Highway
Key Largo, FL 33037
2. PEREZ NIVIA
PO Box 832987
Miami, FL 33283
3. BLOODWORTH HAROLD ROSS
3 Snapper Ave
Key Largo, FL 33037
4. HANDTE EDWIN R AND JANICE E
103355 Overseas Highway
Key Largo, FL 33037

SCOPE OF PROJECT

The existing property is currently developed with a 4,320 SF nonresidential building. The project proposes to use the building for research activities by Florida International University (FIU). The remodeled building will include a water quality-environmental marine science laboratory, offices, and a classroom for research assistant/students.

PROPERTY OWNER:

KEY'S AHEAD, INC.
PO BOX 370854
KEY LARGO, FL 33037

APPLICANT:

KEY'S AHEAD, INC.
PO BOX 370854
KEY LARGO, FL 33037

AGENT:

Susan F. Hammaker, Chair
KEY'S AHEAD, INC.
PO BOX 370854
KEY LARGO, FL 33037
Phone: 305-747-6060

PROJECT ENGINEER:

Mr. JAMES R. BRUSH, P.E.
103650 O/S Hwy., #46-
KeyLargo, FL 33037
PHONE: (305) 305-8032

INDUSTRY & ENVIRONMENT
ENGINEERS/ CONSULTANTS
103850 O/S Hwy, #46
KEY LARGO, FL 33037
TELEPHONE (305) 305-8032
CertificateS of Authorization # 8384

CONSULTANTS

KEY'S AHEAD, INC./FIU RESEARCH FACILITY
MINOR CONDITIONAL USE PERMIT
APPLICATION
103355 OVERSEAS HIGHWAY KEY LARGO

REVISIONS	DATE:

SEAL

JAMES RONALD BRUSH, P.E.
LICENSED ENGINEER
STATE OF FLORIDA No. 46384

IIE PROJECT NO.
8124-07-13
CHECKED BY:
AM
DRAWN BY:
YWH
ISSUE:
PERMIT REVIEW
DATE:
SCALE:
SHEET INDEX:

SITE PLAN & NOTES

SHEET NUMBER
C-1

GENERAL NOTES

SCOPE OF PROJECT

1. THE SCOPE OF THIS PROJECT IS TO REMODEL/RENOVATE THE EXISTING STRUCTURE AT 103355 OVERSEAS HIGHWAY, KEY LARGO INTO NEW OFFICE SPACES. MINOR DEMOLITION IS REQUIRED.
2. THERE WILL BE NEW CEILINGS, ELECTRIC, AC DUCTS AND VENTS, AND FLOORING.
3. DOORS WILL BE REUSED WHERE POSSIBLE. FOR LABORATORY AREA PROVIDE NEW FIRE RATED DOORS.
4. BATH FIXTURES WILL REMAIN OR REPLACED AS DIRECTED BY THE OWNER/ENGINEER.
5. EXISTING ELECTRIC PANELS TO BE USED.
6. EXISTING AC TO BE USED.

REMODELING/RENOVATION NOTES

SCOPE OF REMODELING/RENOVATION

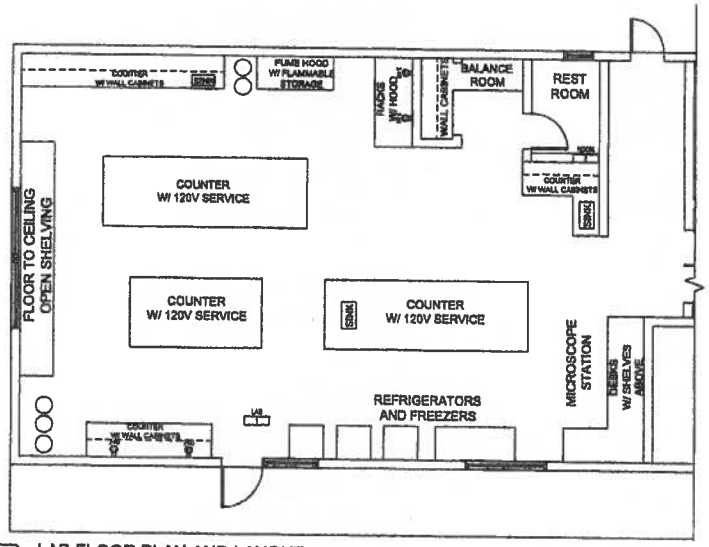
1. THE DRAWINGS ARE INTENDED AS A GENERAL GUIDE TO THE REMODELING/RENOVATION REQUIRED FOR THE PROJECT. REMODELING IS NOT SHOWN IN COMPLETE DETAIL AND IT SHALL BE THE RESPONSIBILITY OF THE REMODELING CONTRACTOR(S) TO REMOVE EXISTING CONSTRUCTION AS REQUIRED TO ACCOMPLISH THE NEW DESIGN INTENT AND / OR WORK SHOWN OR REASONABLY IMPLIED FOR THE CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL REFER TO THE WORK SHOWN ON ALL OTHER DRAWINGS IN THE SET FOR THE EXTENT OF REMODELING/RENOVATION REQUIRED TO PERFORM WORK INTENT.
2. REMOVE ALL PARTITION WALLS AS SHOWN.
3. REMOVE ALL ELECTRIC RUNS IN REMOVED WALLS BACK TO JUNCTION BOX.
4. CLEAR AND CAP ALL DRAINS AND WATER SUPPLY LINES.
5. ENSURE PROPER SUPPORT IN ANY AREAS WHERE WALLS APPEAR TO BE STRUCTURAL AND BEARING. IF IN QUESTION, STOP WORK AND CONTACT THE ENGINEER AT ONCE.
6. CLEAR FLOOR TO LEVEL SURFACE AND PREP FOR NEW FLOORING.
7. ENSURE ALL WINDOW OPENINGS ARE COVERED AND BUILDING IS SECURE WHEN NOT BEING WORKED.

FIRE PROTECTION FOR LABORATORY AREA- NOTES

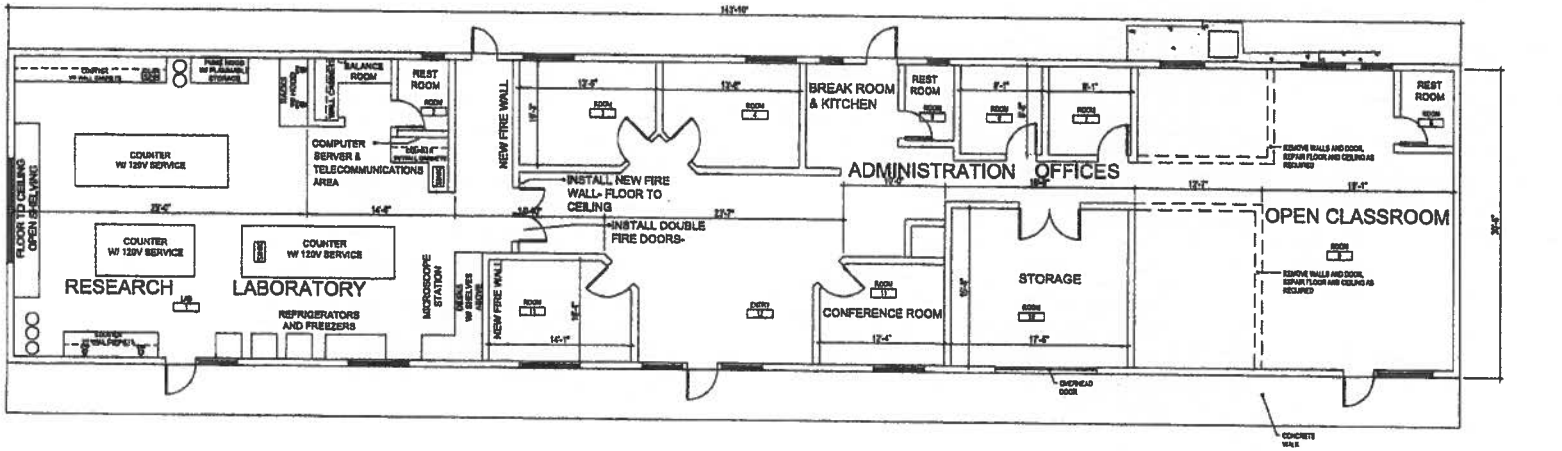
1. ALL WORK PERFORMED SHALL COMPLY WITH FBC 2010, NFPA CODES 13, 14, 15, 24, 45 & 231C AND LOCAL CODES.
2. THE CONTRACTOR SHALL PAY INSPECTION FEES, BUILDING PERMIT FEES, AND COSTS INCIDENTAL TO THE COMPLETION AND TESTING OF THE WORK.
3. THE CONTRACTOR SHALL INSTALL WET PIPE FIRE PROTECTION SPRINKLER SYSTEM AS PER NFPA 13-2010 "Standard for Installation of Sprinkler Systems" ORDINARY HAZARD GROUP I- SECTION 21.8 "Laboratories Using Chemicals". THE SYSTEM SHALL BE ORDINARY HAZRAD GROUP I SIZED AS 0.10 GPM/1500 SQ. FT. FIGURE 3 AREA/DENSITY CURVE.
4. ALL SPRINKLER HEADS SHALL BE GRS WOOD WEDGEABLE GRINNELL OR APPROVED EQUAL.
5. SPRINKLER SYSTEM PIPE SHALL BE NEW CONFORMING TO ASTM SPECIFICATIONS AND SHALL BEAR ASTM STANDARD MARKED ON EACH LENGTH OF PIPE.
   A. ABOVE GROUND FOR SIZES ABOVE 2" PIPE SHALL BE STEEL, SCHEDULE 40, BLACK, IN ACCORDANCE WITH ASTM A53.
   B. FOR SIZES UNDER 2", PIPE SHALL BE BLACK STEEL, SCHEDULE 40, IN ACCORDANCE WITH ASTM A-53.
6. SPRINKLER HEADS SHALL BE 1/2" ORIFICE WITH DISCHARGE COEFICIANT "K"= 5.6 AND RATED FOR 175 PSI MAX SERVICE PRESSURE GRS HEADS WOOD WEDGES UL/FM APPROVED.
7. ALL FIRE PROTECTION PIPING SHALL BE PAINTED WITH RED (OSHA) FSC.
8. SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST ISSUE OF NFPA 13,14, 15, & 24. ALL CALCULATIONS, SHOP DRAWINGS,REFERENCED DIAGRAMS, PERFORMANCE CURVES, AND DATA UTILIZED TO LAYOUT AND IDENTIFY SYSTEM SHALL BE SUBMITTED TO ENGINEER AND TO MONROE COUNTY BUILDING DEPT/FIRE MARSHALL FOR FINAL ACCEPTANCE. DESIGN DENSITY SHALL BE 0.10 GPM/1500 SQ. FT.
9. HANG ALL PIPE USING SPLIT RING HANGARS AND RISER CLAMPS, SUPPORT FROM GALVANIZED HANGAR RODS FROM BEAM CLAMPS OR PRESET INSERT ONLY.
10. TEST 100% OF PIPING SYSTEM AT 2000 PSI PRESSURE FOR A PERIOD OF 2 HOURS WITHOUT PRESSURE LOSS.
11. HYDROSTATIC TEST PRESSURE SHALL BE MEASURED AT LOW POINT OF SYSTEM OR ZONE BEING TESTED.

ELECTRICAL NOTES

1. EXISTING ELECTRICAL SERVICE TO BE RELOCATED AS SHOWN ON SITE PLAN. THREE FKEC METERED SERVICE- 200 AMP, 100 AMP & 200 AMP DISCONNECTS AS PER FKEC; MAIN PANEL SIZE, SERVICE ENTRY DRAWING, ELECTRICAL LOAD CALCULATIONS AS PER FKEC PERMIT AND MONROE COUNTY ELECTRICAL BUILDING PERMIT ISSUED TO CONTRACTOR.
2. CONTRACTOR PROVIDE ALL LABOR AND MATERIALS FOR ELECTRICAL ROUGHINS.
3. ALL ELECTRICAL WORK SHALL CONFORM TO ALL STATE AND LOCAL CODES.
4. PROVIDE ALL JUNCTION BOXES, RECEPTACLES,SWITCHES, DISCONNECT SWITCHES, ETC. AND MAKE ALL ELECTRICAL CONNECTIONS TO EQUIPMENT, DEVICES, PANELS, AND LIGHTING.
5. DETERMINE THE ELECTRICAL REQUIREMENTS FOR EQUIPMENT MARKED IN THE EQUIPMENT AND DEVICE LIST.



2 LAB FLOOR PLAN AND LAYOUT
SCALE: 1/4" = 1'-0"
GRAPHIC SCALE: 1/4" = 1'-0"



1 FLOOR PLAN
SCALE: 3/16" = 1'-0"

INDUSTRY & ENVIRONMENT
ENGINEERS/CONSULTANTS
103450 Overseas Highway, #4
KEY LARGO, FL 33037
Telephone (305) 295-8032
Certification of Authorization #8384

Revisions:

Minor Conditional Use Permit Application
Keys Ahead, Inc.
Parcel ID 00472790000000
103355 Overseas Highway
Key Largo, FL 33037

Title: FLOOR PLAN

Sheet Number: A2.1.1

Date: 26 JUNE 2013

ARCH D
24x36

Proof of Coordination

FKAA

Florida Keys Aqueduct Authority
1100 Kennedy Drive
Key West, Florida 33040
Telephone (305) 296-2454
www.fkaa.com

J. Robert Dean
Chairman
District 3

Antoinette M. Appe
Vice-Chairman
District 4

Brian L. Barroso
Secretary/Treasure
District 1

Melva G. Wagner
District 2

David C. Ritz
District 5

Kirk C. Zuelch
Executive Director

July 16, 2013

Keys Ahead, Inc.
C/O Susan F Hammaker
PO Box 370854
Key Largo, FL 33037

RE: Keys Ahead Inc.-103355 Overseas Highway, Key Largo
Renovation-Marine Science Research Building
RE#:00472790-000000
Location #: 028383-5/8" Meter

Dear Ms. Hammaker,

This letter will serve as proof of coordination of the above referenced project with the Florida Keys Aqueduct Authority.

There are 12" water main located on Overseas Highway and 6" water main on Snapper Avenue in front of the proposed site which appears adequate to serve this project.

A complete set of Civil and Architectural plans will be required to determine meter requirements and system development charges.

Should you have any questions or require any further information please feel free to call me.

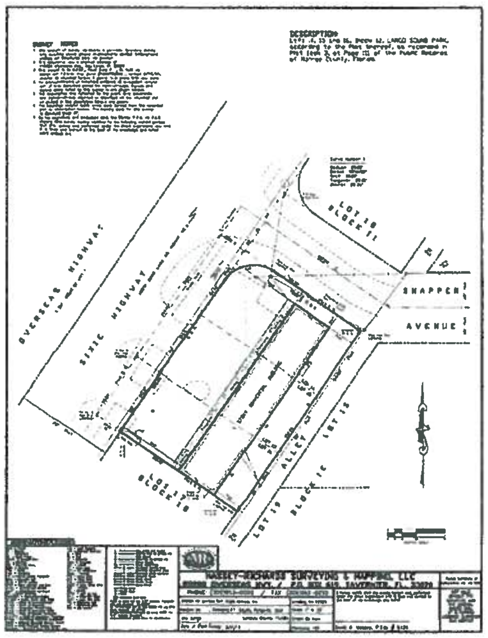
Sincerely,
Florida Keys Aqueduct Authority

Marnie L. Walterson
Distribution Design Supervisor

CC Sue Reich, Customer Service Manager Tavernier
Yusi Bonachea, Customer Service Manager Marathon
Christie Martin, Customer Service Manager Key West

JEWFISH AVE
Walgreen's
OVERSEAS HWY
SNAPPER AVE
MARLIN AVE
702.67
158
208
119.94
54.46
100
50
70.01
54.2
124.17
102.5
124.3
122.56
121.15
54.17
94.39
164.7
140.4
90.39
83.98
48.68
200
102.57
76.44
121.92
100.6

6 FRONT VIEW OF 103355 OVERSEAS HIGHWAY
SCALE: NTS



5 COPY OF SURVEY
SCALE: NTS

4 AERIAL VIEW
SCALE: NTS

NORTH

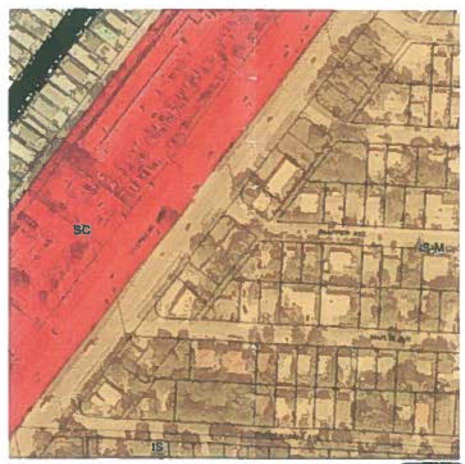
SCOPE OF PROJECT
The existing property is currently developed with a 4,320 SF nonresidential Building.
The project proposes to use the building for marine science research activities by Florida International University (FIU) and Monroe County Community College.
The remodeled building will include a water-quality-environmental marine science laboratory, administration offices, and an open classroom for research assistants and students.

Proposed Zoning Change from IS-M FLUM:RM to "Commercial C".

PROJECT DESCRIPTION

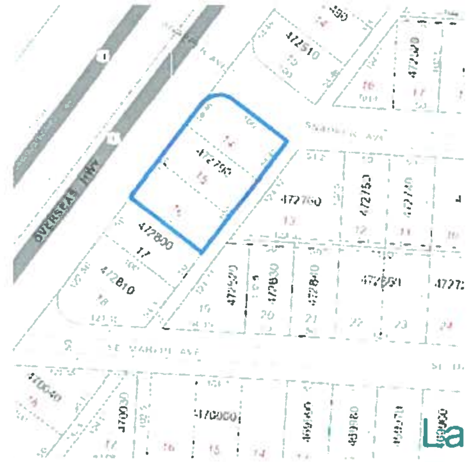
103355 OVERSEAS HIGHWAY
KEY LARGO, FL

PARCEL ID: 00472790000000
LEGAL DESCRIPTION: BK 12 LTS 14-15-16 LARGO SOUND PARK KEY LARGO PB3
ZONING: IS-M
FLUM: RM
DEVELOPED LAND
TIER: III



3 ZONING MAP
SCALE: NTS

NORTH



2 APPRAISER'S MAP
SCALE: NTS

NORTH

BUILDING OCCUPANCY CLASSIFICATION
GROUP B BUSINESS
RESERCH LABORATORY OCCUPANCY: B Business
Schools, Colleges, and Universities Section 443 FBC 2010
EDUCATIONAL GROUP E Section 305 FBC 2010
State Requirements for Educational Facilities Section 423 FBC 2010
and the Florida Fire Protection Code as adopted by State Fire Marshall

1 AREA MAP
SCALE: NTS

NORTH

Note: Fire Hydrant (FH) located near Jewish Ave; 350FT hose laying length

Minor Conditional Use Permit Application
Keys Ahead, Inc.
Parcel ID 00472790000000
103355 Overseas Highway
Key Largo, FL 33037

INDUSTRY & ENVIRONMENT
ENGINEERS/CONSULTANTS
103850 Overseas Highway, #48
KEY LARGO, FL 33037
Telephone (305) 395-8032
Certification of Authorization #8384

Revisions:

Title:
AREA PLANS

Sheet Number:
A1.1.1
Date: 25 JUNE 2013

Proof of Coordination

Monroe County Solid Waste Management
Via Franchise Agreement
With
Keys Sanitary Service

"RATES FOR SERVICES DISCLOSURE STATEMENT"

Franchise Name: Keys Sanitary Service As of: 9/15/13

Customer Name: Keys Ahead, Inc
Mailing Address: PO Box 37854
Key Largo, Fl 33037

Service Address: 103355 Overseas Hwy
Key Largo, Fl 33037

Customer Phone #: 305-747-6060

Item Decription: 1 YD 1X	#1	Item Description:	#2
Cost of Collection of Solid Waste	$ 45.95	Cost of Collection of Solid Waste	$
Cost of Disposal of Solid Waste	$ 38.38	Cost of Disposal of Solid Waste	$
Cost of Container Maint. for Solid Waste	$	Cost of Container Maint. for Solid Waste	$
Itemized Charges for Special Services	$	Itemized Charges for Special Services	$
TOTAL----------	$ 84.32	**TOTAL**----------	$
Item Description:	**#3**	**Item Description:**	**#4**
Cost of Collection of Solid Waste	$	Cost of Collection of Solid Waste	$
Cost of Disposal of Solid Waste	$	Cost of Disposal of Solid Waste	$
Cost of Container Maint. for Solid Waste	$	Cost of Container Maint. for Solid Waste	$
Itemized Charges for Special Services	$	Itemized Charges for Special Services	$
TOTAL----------	$	**TOTAL**----------	$
Item Description:	**#5**	**Item Description:**	**#6**
Cost of Collection of Solid Waste	$	Cost of Collection of Solid Waste	$
Cost of Disposal of Solid Waste	$	Cost of Disposal of Solid Waste	$
Cost of Container Maint. for Solid Waste	$	Cost of Container Maint. for Solid Waste	$
Itemized Charges for Special Services	$	Itemized Charges for Special Services	$
TOTAL----------	$	**TOTAL**----------	$

Total Cost of Collection of Solid Waste: $ 45.95
Total Cost of Disposal of Solid Waste: $ 38.38
Total Cost of Container Maint. for Solid Waste: $
Total Itemized Charges for Special Services: $

TOTAL: $ 84.32

THESE SERVICES ARE PROVIDED UNDER A FRANCHISE AGREEMENT REGULATED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY. SHOULD YOU HAVE ANY QUESTIONS RELATING TO THESE RATES, PLEASE CALL SOLID WASTE MANAGEMENT, CUSTOMER SERVICE (305) 292-4536.

ACCOUNT # 326614

X	**NEW ACCOUNT**		**ACCOUNT CHANGE**	**ACCOUNT CLOSED**

Proof of Coordination

Monroe County Office of the Fire Marshall

ATTACHMENT 15

Adjacent Property Block 12 Lots 17 & 18 Information being Purchased

Scott P. Russell, CFA
Property Appraiser
Monroe County, Florida

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

Property Record Card -
Maps are now launching the new map application version.

Alternate Key: 1579955 Parcel ID: 00472800-000000

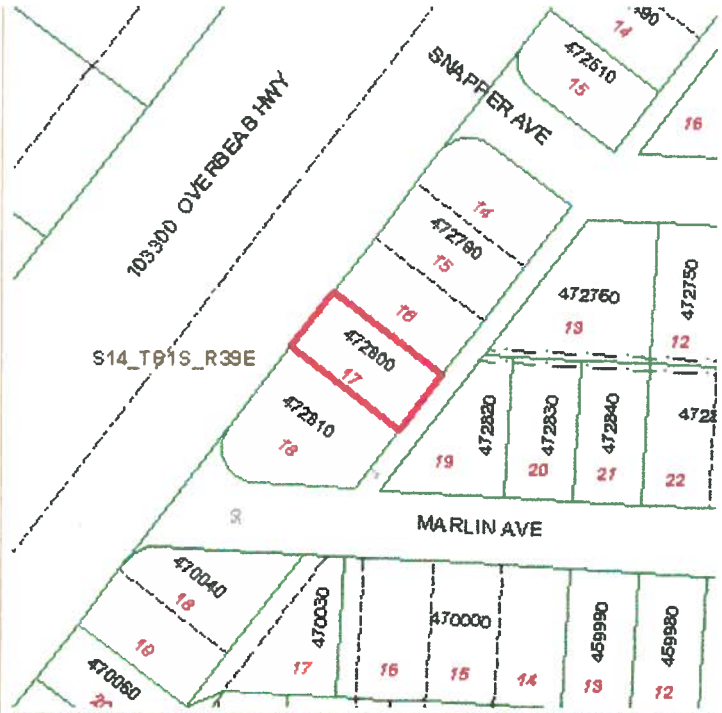
Ownership Details

Mailing Address:
MELERIC INVESTMENTS INC
103301 OVERSEAS HWY
KEY LARGO, FL 33037-4759

Property Details

PC Code:	10 - VACANT COMMERCIAL
Millage Group:	500K
Affordable Housing:	No
Section-Township-Range:	14-61-39
Property Location:	103301 OVERSEAS HWY KEY LARGO
Subdivision:	LARGO SOUND PARK
Legal Description:	BK 12 LT 17 LARGO SOUND PARK PB3-111 KEY LARGO OR68-230-231 OR801-773/74D/C/AFF OR1172-139 OR1540-2290DC OR1540-2291/92AFF OR1540-2293/94TR OR1563-1185 OR1784-353Q/C OR2175-586Q/C

Click Map Image to open interactive viewer



Land Details

Land Use Code	Frontage	Depth	Land Area
100H - COMMERCIAL HIGHWAY	50	100	5,000.00 SF

Appraiser Notes

M.C. BAIL BONDS; MARLIN TITLE CORP. LAW OFFICES; T-MOBILE; WESTERN UNION CHECK CASHING
REACTIVATED PARCEL PER 2175-586 THIS PARCEL WAS ASSESSED UNDER RE 00472810-000000 FROM 1999 TO 2005.
COMBINED W/RE 472810 PER OWNER REQ 9-7-99 CW

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	0	40,000	40,000	40,000	0	40,000
2011	0	0	65,000	65,000	65,000	0	65,000
2010	0	0	100,000	100,000	100,000	0	100,000
2009	0	0	110,000	110,000	110,000	0	110,000
2008	0	0	140,000	140,000	140,000	0	140,000
2007	154,910	320	75,000	75,000	75,000	0	75,000
2006	66,154	0	46,250	112,404	112,404	0	112,404
1998	0	0	10,000	10,000	10,000	0	10,000
1997	0	0	10,000	10,000	10,000	0	10,000
1996	0	0	10,000	10,000	10,000	0	10,000
1995	0	0	10,000	10,000	10,000	0	10,000
1994	0	0	13,750	13,750	13,750	0	13,750
1993	0	0	11,900	11,900	11,900	0	11,900
1992	0	0	11,900	11,900	11,900	0	11,900
1991	0	0	13,750	13,750	13,750	0	13,750
1990	0	0	13,750	13,750	13,750	0	13,750
1989	0	0	13,750	13,750	13,750	0	13,750
1988	0	0	13,750	13,750	13,750	0	13,750
1987	0	0	13,000	13,000	13,000	0	13,000
1986	0	0	13,000	13,000	13,000	0	13,000
1985	0	0	7,500	7,500	7,500	0	7,500
1984	0	0	12,000	12,000	12,000	0	12,000
1983	0	0	11,113	11,113	11,113	0	11,113
1982	0	0	11,113	11,113	11,113	0	11,113

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
2/22/1999	1563 / 1185	18,000	WD	Q

This page has been visited 61,518 times.

Monroe County Monroe County Property Appraiser
Scott P. Russell, CFA
P.O. Box 1176 Key West, FL 33041-1176

Scott P. Russell, CFA
Property Appraiser
Monroe County, Florida

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

Property Record Card -

Maps are now launching the new map application version.

Website tested on IE8, IE9, & Firefox. Requires Adobe Flash 10.3 or higher

Alternate Key: 1579963 Parcel ID: 00472810-000000

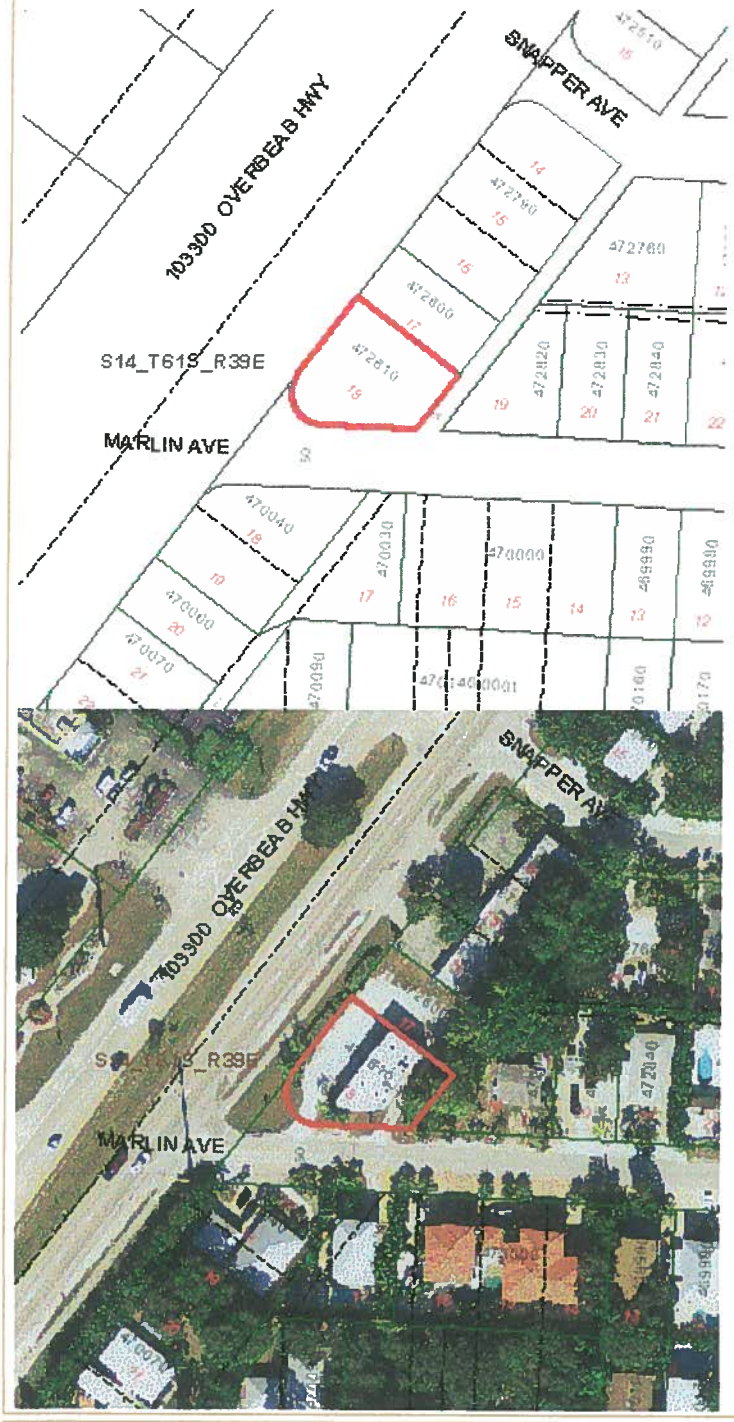
Ownership Details

Mailing Address:
MELERIC INVESTMENTS INC
103301 OVERSEAS HWY
KEY LARGO, FL 33037

Property Details

PC Code:	17 - OFFICE BUILDINGS 1 STORY
Millage Group:	500K
Affordable Housing:	No
Section-Township-Range:	14-61-39
Property Location:	103301 OVERSEAS HWY KEY LARGO
Subdivision:	LARGO SOUND PARK
Legal Description:	BK 12 LOT 18 LARGO SOUND PARK PB3-111 KEY LARGO OR68-230/31 OR535-515 OR801-773/74DC/AFF OR860-1713 OR1034-1939D/C OR1103-2464 OR1147-505 OR1172-139 OR1361-74T/C OR1442-2076/77 OR1540-2290D/C OR1540-2291/92AFF OR1540-2293/94 OR1563-1185 OR1784-353

Click Map Image to open interactive viewer



Land Details

Land Use Code	Frontage	Depth	Land Area
100H - COMMERCIAL HIGHWAY	0	0	8,837.00 SF

Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 1
Total Living Area: 2393
Year Built: 1984

Building 1 Details

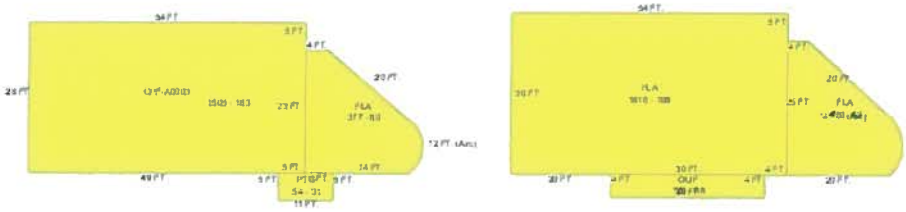
Building Type		Condition	A	Quality Grade	300
Effective Age	22	Perimeter	330	Depreciation %	26
Year Built	1984	Special Arch	0	Grnd Floor Area	2,393
Functional Obs	0	Economic Obs	0		

Inclusions:

Roof Type		Roof Cover		Foundation	
Heat 1		Heat 2		Bedrooms	0
Heat Src 1		Heat Src 2			

Extra Features:

2 Fix Bath	0	Vacuum	0
3 Fix Bath	0	Garbage Disposal	0
4 Fix Bath	0	Compactor	0
5 Fix Bath	0	Security	0
6 Fix Bath	0	Intercom	0
7 Fix Bath	0	Fireplaces	0
Extra Fix	4	Dishwasher	0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
0	CPF		1	1984					1,505
0	FLA		1	1984					400
0	PTO		1	1984					54
0	FLA	5:C.B.S.	1	1984					377
0	FLA	5:C.B.S.	1	1984					1,616
0	OUF	5:C.B.S.	1	1984					129

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		OFFICE BLD-1 STORY	100	N	Y
		1 STORY STORES	100	N	Y
		OFFICE BLD-1 STORY	100	N	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
4689	C.B.S.	100

Appraiser Notes

6/29/06; CHECK CASHING ,MARLIN TITLE, & BAIL BONDS
RE 472800 COMBINED PER OWNER REQ 9-7-99
2004/6/25 3 UNITS SUITE A -MARLIN TITLE SUITE B- F.A.I. LEGAL SERVICES LOWER UNIT- FLORIDA KEYS CELLULAR TCF 2002/8/26 SB, TPP: 8898258 - Z BONDSMAN 8928295 - MARLIN TITLE 8927953 - FLORIDA KEYS CELLULAR 8999222 - HERMID MERCY LAW OFFICES 8787626 - FL AGENCY OF INVEST. CO 9037491 - VFS LOAN RESIDUAL HOLDING LLC (LEASED EQ @ FL AGENCY OF)
SPLIT OUT LT 17 FROM PARCEL NOW WITH REACTVATED PARCEL #00472800-000000

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
1	0032691	06/13/2000	03/10/2008	1	Commercial	ROOFING
	302858	06/21/2000	01/01/2001	1		REPLACE A/C

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	211,537	0	70,696	389,255	389,255	0	389,255
2011	220,113	0	114,881	401,330	401,330	0	401,330
2010	220,113	0	176,740	446,384	446,384	0	446,384
2009	220,113	0	194,414	547,528	547,528	0	547,528
2008	220,113	0	247,800	613,120	613,120	0	613,120
2007	119,920	0	132,750	252,670	252,670	0	252,670
2006	98,498	0	81,863	180,361	180,361	0	180,361
2005	151,478	0	128,113	279,591	279,591	0	279,591
2004	151,473	0	128,113	279,586	279,586	0	279,586
2003	151,473	0	128,113	279,586	279,586	0	279,586
2002	151,473	0	128,113	279,586	279,586	0	279,586
2001	188,850	0	41,550	230,400	230,400	0	230,400
2000	188,850	0	27,700	216,550	216,550	0	216,550
1999	188,850	0	27,700	216,550	216,550	0	216,550
1998	146,321	0	17,700	164,021	164,021	0	164,021
1997	146,321	0	17,700	164,021	164,021	0	164,021

1996	133,019	0	17,700	150,719	150,719	0	150,719
1995	127,324	0	17,700	145,024	145,024	0	145,024
1994	127,324	0	24,338	151,662	151,662	0	151,662
1993	127,324	0	24,338	151,662	151,662	0	151,662
1992	127,324	0	24,338	151,662	151,662	0	151,662
1991	127,324	0	24,338	151,662	151,662	0	151,662
1990	117,530	0	24,338	141,868	141,868	0	141,868
1989	117,530	0	24,338	141,868	141,868	0	141,868
1988	113,442	0	24,338	137,780	137,780	0	137,780
1987	111,492	0	23,010	134,502	134,502	0	134,502
1986	111,821	0	23,010	134,831	134,831	0	134,831
1985	109,488	0	13,275	122,763	122,763	0	122,763
1984	0	0	21,240	21,240	21,240	0	21,240
1983	0	0	20,790	20,790	20,790	0	20,790
1982	0	0	19,688	19,688	19,688	0	19,688

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
6/1/1995	1361 / 0074	177,600	WD	Q
10/1/1990	1147 / 505	200,000	WD	Q
8/1/1989	1103 / 2464	100,000	WD	U
7/1/1982	860 / 1713	27,000	WD	Q
2/1/1973	535 / 515	10,000	00	Q

This page has been visited 75,674 times.

Monroe County Monroe County Property Appraiser
Scott P. Russell, CFA
P.O. Box 1176 Key West, FL 33041-1176

DESCRIPTION: (prepared by undersigned Surveyor)
The Northwesterly one-half the Alley (15 feet wide) lying Southeasterly of and adjacent to Lots 17 and 18, Block 12, Largo Sound Park, according to the Plat thereof, as recorded in Plat Book 3 at Page 111 of the Public records of Monroe County, Florida, said portion of alley being more particularly described as follows:
Begin at the Southeast corner of said Lot 18, Block 12, Largo Sound Park, said point being on the Northwesterly line of said Alley: thence N.34°22'00"E., along said Northwesterly line of Alley, and along the Southeasterly line of said Lots 17 and 18, Block 12, for a distance of 104.17 feet to the Northeast corner of said Lot 17, Block 12; thence S.55°38'00"E., for a distance of 7.50 feet to a point on the centerline of said Alley; thence S.34°22'00"W., along said centerline, for a distance of 99.05 feet, to a point on the North right of way line of Marlin Avenue, as shown on said plat of Largo Sound Park; thence "West", along said North right of way line, for a distance of 9.09 feet, to the Point of Beginning of the parcel herein described.

Parcel contains 758 square feet, more or less.

NOTES:

1) This sketch was prepared for the specific purpose of showing a graphic depiction of the parcel of lands described hereon. The description hereon was prepared by the undersigned Surveyor in accordance with the instructions of the client and/or the clients agent(s). This sketch in no way certifies ownership of the parcel described, which is subject to opinion of title.
2) The bearings and North arrow shown hereon are relative to the centerline of Marlin Avenue being an assumed bearing of "East".
3) Survey data for Lots 17 and 18, Block 12, as shown hereon, are relative to survey prepared by David S. Massey, P.L.S., dated 5-24-00, drawing No. 3655.

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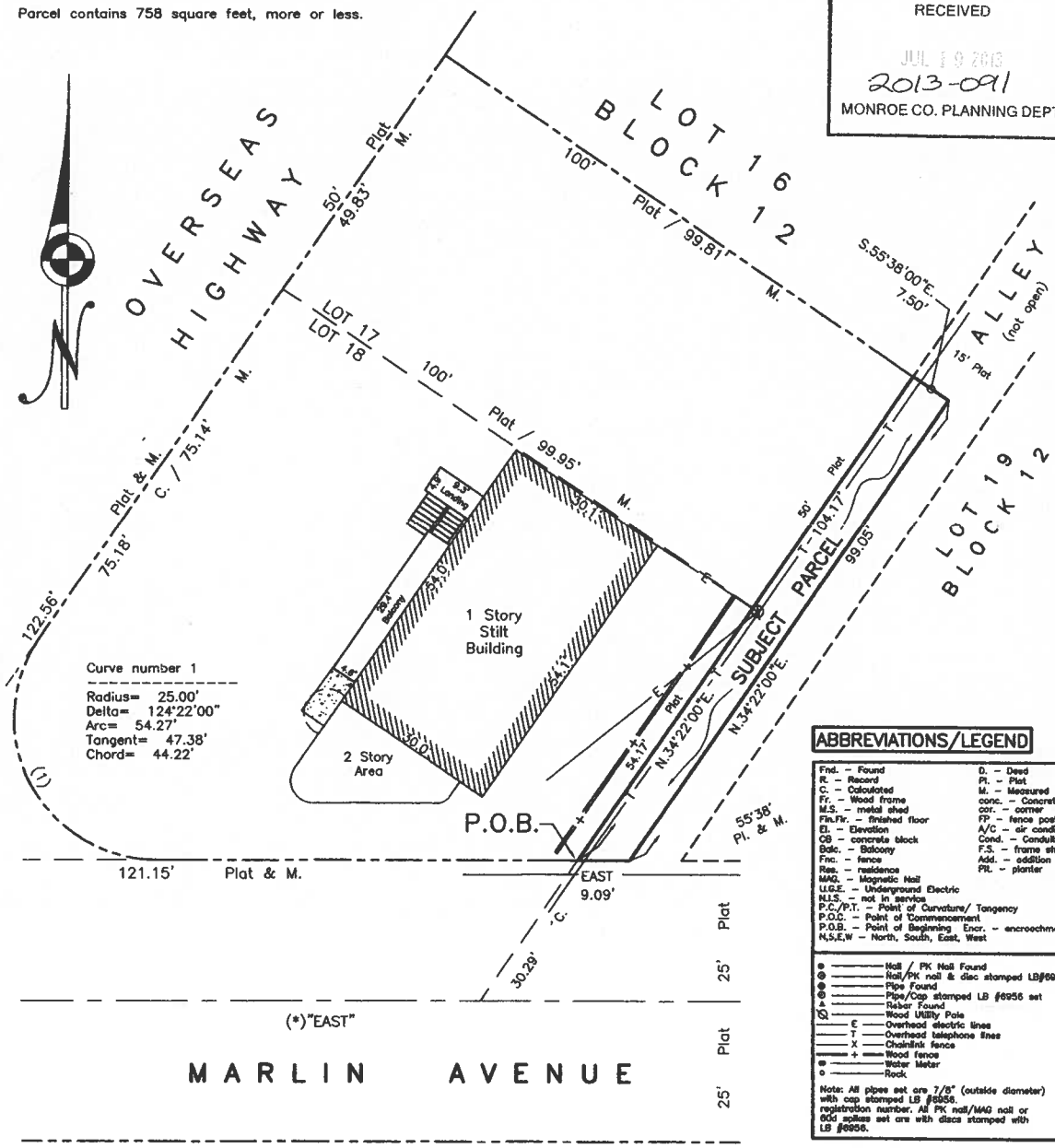
JUL 19 2013
2013-091
MONROE CO. PLANNING DEPT



ABBREVIATIONS/LEGEND

Fnd. – Found	D. – Deed
R. – Record	Pl. – Plat
C. – Calculated	M. – Measured
Fr. – Wood frame	conc. – Concrete
M.S. – metal shed	cor. – corner
Fin.Flr. – finished floor	FP – fence post
El. – Elevation	A/C – air conditioner
CB – concrete block	Cond. – Conduit
Balc. – Balcony	F.S. – frame shed
Fnc. – fence	Add. – addition
Res. – residence	Pltr. – planter
MAG. – Magnetic Nail	
U.G.E. – Underground Electric	
N.I.S. – not in service	
P.C./P.T. – Point of Curvature/ Tangency	
P.O.C. – Point of Commencement	
P.O.B. – Point of Beginning Encr. – encroachment	
N,S,E,W – North, South, East, West	

● ——— Nail / PK Nail Found
◉ ——— Nail/PK nail & disc stamped LB#6956 set
◉ ——— Pipe Found
◎ ——— Pipe/Cap stamped LB #6956 set
▲ ——— Rebar Found
Ⓢ ——— Wood Utility Pole
——— E ——— Overhead electric lines
——— T ——— Overhead telephone lines
——— X ——— Chainlink fence
——— + ——— Wood fence
⊗ ——— Water Meter
○ ——— Rock

Note: All pipes set are 7/8" (outside diameter) with cap stamped LB #6956, registration number. All PK nail/MAG nail or 60d spikes set are with discs stamped with LB #6956.

DAVID MASSEY LAND SURVEYING, INC.	Phone: (305)853-0066 / Fax: (305)853-0233 88888 Overseas Highway / P.O. Box 619, Tavernier, Fl. 33070
Client: Albert & Lisa Vigil	Florida Certificate of Authorization No. LB 6956
Section 14 , Township 61 South, Range 39 East	I hereby certify that the survey hereon was performed under my direct supervision and is true and correct to the best of my knowledge and belief. This survey meets the requirements of Ch. 61G17 of the Florida Administrative Code, Minimum Technical Standards for Florida Surveyors and Mappers, pursuant to Ch. 472.027, F.S.
Key Largo Monroe County, Florida	
Surveyed: n.a. Fieldbook No. n.a.	
Drawing No. 3936 Drawn By: KPS Scale: 1"=20'	Kevin P. Spriggs, P.S.M. # 5149

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

ELEVATION CERTIFICATE

FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM

O.M.B. No. 3067-0077
Expires July 31, 1999

ATTENTION: Use of this certificate does not provide a waiver of the flood insurance purchase requirement. This form is used only to provide elevation information necessary to ensure compliance with applicable community floodplain management ordinances, to determine the proper insurance premium rate, and/or to support a request for a Letter of Map Amendment or Revision (LOMA or LOMR). You are not required to respond to this collection of information unless a valid OMB control number is displayed in the upper right corner of this form.

Instructions for completing this form can be found on the following pages.

SECTION A PROPERTY INFORMATION	FOR INSURANCE COMPANY USE
BUILDING OWNER'S NAME	POLICY NUMBER
STREET ADDRESS (Including Apt., Unit, Suite and/or Bldg. Number) OR P.O. ROUTE AND BOX NUMBER 103301 Overseas Hwy.	COMPANY NAIC NUMBER

OTHER DESCRIPTION (Lot and Block Numbers, etc.)
Lot 18, Block 12, Largo Sound Park

CITY	STATE	ZIP CODE
Key Largo	Florida	33037

SECTION B FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

Provide the following from the proper FIRM (See Instructions):

1. COMMUNITY NUMBER	2. PANEL NUMBER	3. SUFFIX	4. DATE OF FIRM INDEX	5. FIRM ZONE	6. BASE FLOOD ELEVATION (in AO Zones, use depth)
125129	844	G	6-16-95	X	N/A

7. Indicate the elevation datum system used on the FIRM for Base Flood Elevations (BFE): [X] NGVD '29 [ ] Other (describe on back)
8. For Zones A or V, where no BFE is provided on the FIRM, and the community has established a BFE for this building site, indicate the community's BFE: [ ][ ][ ][ ][ ].[ ] feet NGVD (or other FIRM datum–see Section B, Item 7).

SECTION C BUILDING ELEVATION INFORMATION

1. Using the Elevation Certificate Instructions, indicate the diagram number from the diagrams found on Pages 5 and 6 that best describes the subject building's reference level 7 .
2(a). FIRM Zones A1-A30, AE, AH, and A (with BFE). The top of the reference level floor from the selected diagram is at an elevation of [ ][ ][ ][12].[ ] feet NGVD (or other FIRM datum–see Section B, Item 7).
(b). FIRM Zones V1-V30, VE, and V (with BFE). The bottom of the lowest horizontal structural member of the reference level from the selected diagram, is at an elevation of [ ][ ][ ][ ][ ].[ ] feet NGVD (or other FIRM datum–see Section B, Item 7).
(c). FIRM Zone A (without BFE). The floor used as the reference level from the selected diagram is [ ][ ].[ ] feet above [ ] or below [ ] (check one) the highest grade adjacent to the building.
(d). FIRM Zone AO. The floor used as the reference level from the selected diagram is [ ][ ].[ ] feet above [ ] or below [ ] (check one) the highest grade adjacent to the building. If no flood depth number is available, is the building's lowest floor (reference level) elevated in accordance with the community's floodplain management ordinance? [ ] Yes [ ] No [ ] Unknown
3. Indicate the elevation datum system used in determining the above reference level elevations: [X] NGVD '29 [ ] Other (describe under Comments on Page 2). *(NOTE: If the elevation datum used in measuring the elevations is different than that used on the FIRM [see Section B, Item 7], then convert the elevations to the datum system used on the FIRM and show the conversion equation under Comments on Page 2.)*
4. Elevation reference mark used appears on FIRM: [ ] Yes [X] No (See Instructions on Page 4)
5. The reference level elevation is based on: [X] actual construction [ ] construction drawings
(NOTE: Use of construction drawings is only valid if the building does not yet have the reference level floor in place, in which case this certificate will only be valid for the building during the course of construction. A post-construction Elevation Certificate will be required once construction is complete.)
6. The elevation of the lowest grade immediately adjacent to the building is: [ ][ ][ ][1].[6] feet NGVD (or other FIRM datum-see Section B, Item 7).

SECTION D COMMUNITY INFORMATION

1. If the community official responsible for verifying building elevations specifies that the reference level indicated in Section C, Item 1 is not the "lowest floor" as defined in the community's floodplain management ordinance, the elevation of the building's "lowest floor" as defined by the ordinance is: [ ][ ][ ][ ][ ].[ ] feet NGVD (or other FIRM datum–see Section B, Item 7).
2. Date of the start of construction or substantial improvement _____ .

SECTION E CERTIFICATION

This certification is to be signed by a land surveyor, engineer, or architect who is authorized by state or local law to certify elevation information when the elevation information for Zones A1–A30, AE, AH, A (with BFE),V1–V30,VE, and V (with BFE) is required. Community officials who are authorized by local law or ordinance to provide floodplain management information, may also sign the certification. In the case of Zones AO and A (without a FEMA or community issued BFE), a building official, a property owner, or an owner's representative may also sign the certification.

Reference level diagrams 6, 7 and 8 - Distinguishing Features–If the certifier is unable to certify to breakaway/non-breakaway wall, enclosure size, location of servicing equipment, area use, wall openings, or unfinished area Feature(s), then list the Feature(s) not included in the certification under Comments below. The diagram number, Section C, Item 1, must still be entered.

I certify that the information in Sections B and C on this certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

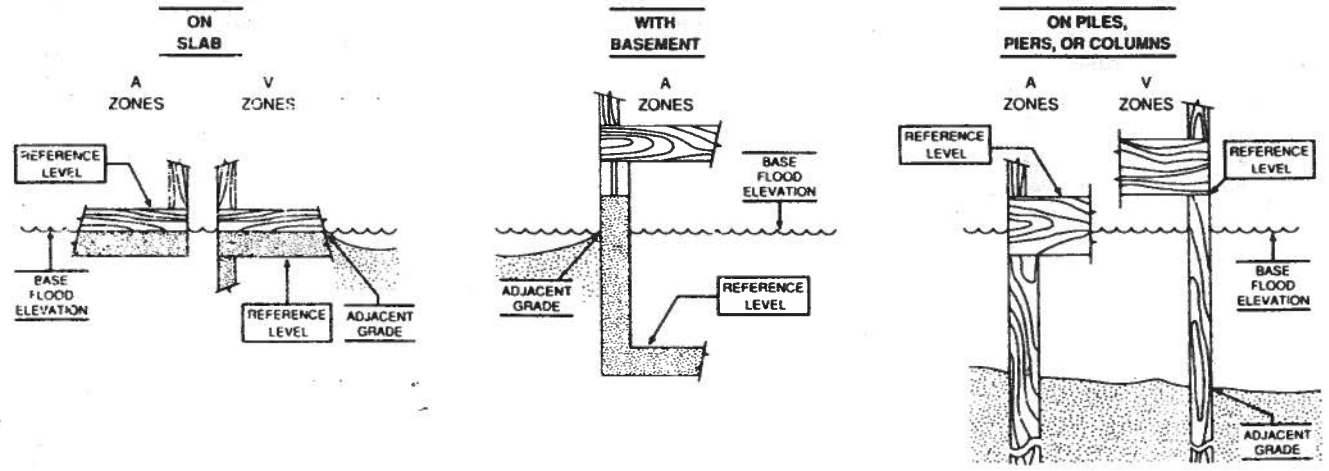
CERTIFIER'S NAME David S. Massey		LICENSE NUMBER (or Affix Seal) 5125	
TITLE Florida Registered Land Surveyor	COMPANY NAME		
ADDRESS P.O. Box 619 / 88888 O/S Hwy.	CITY Tavernier	STATE Florida	ZIP 33070
SIGNATURE		DATE 5-24-00	PHONE (305)853-0066

Copies should be made of this Certificate for: 1) community official, 2) insurance agent/company, and 3) building owner.

COMMENTS: 12.9' is the finished floor elevation of a 2 story entry & storage area. The elevated finished floor was not accessible.

Elevated floor beam elevation 19.9'.

Elevation reference: Rock Harbor AZI 2, elev. 12.936', N.G.V.D.29.



The diagrams above illustrate the points at which the elevations should be measured in A Zones and V Zones.

Elevations for all A Zones should be measured at the top of the reference level floor.

Elevations for all V Zones should be measured at the bottom of the lowest horizontal structural member.

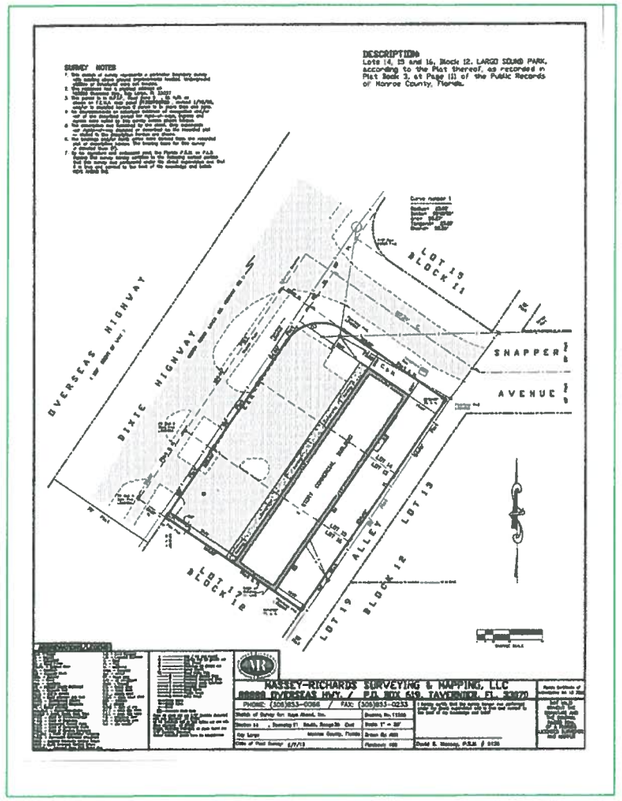
6 FRONT VIEW OF 103355 OVERSEAS HIGHWAY
SCALE: NTS

4 AERIAL VIEW
SCALE: NTS

NORTH

2 APPRAISER'S MAP
SCALE: NTS

NORTH



5 COPY OF SURVEY
SCALE: NTS

SCOPE OF PROJECT

The existing property is currently developed with a 4,320 SF nonresidential Building.
The project proposes to use the building for marine science research activities by Florida International University (FIU) and Monroe County Community College.
The remodeled building will include a water-quality-environmental marine science laboratory, administration offices, and an open classroom for research assistants and students.

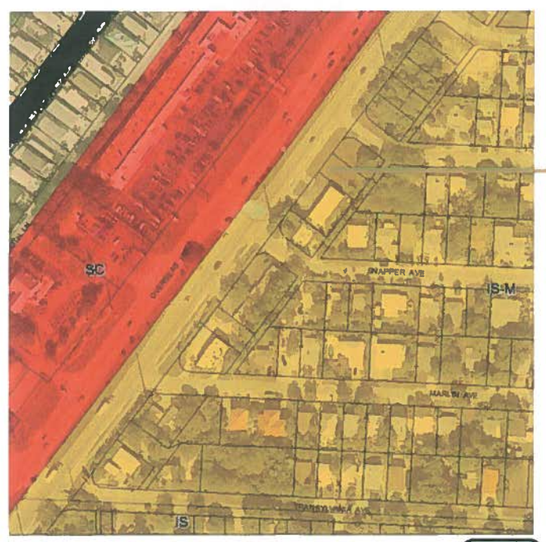
Proposed Zoning Change from IS-M FLUM:RM to "Commercial C".

PROJECT DESCRIPTION

103355 OVERSEAS HIGHWAY
KEY LARGO, FL

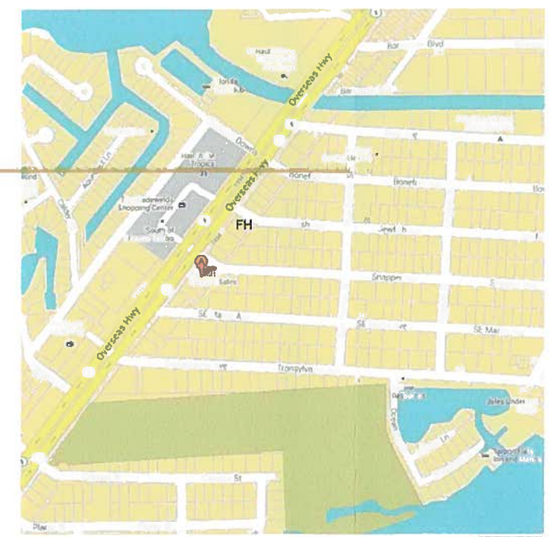
PARCEL ID: 00472790000000
LEGAL DESCRIPTION: BK 12 LTS 14-15-16 LARGO SOUND PARK KEY LARGO PB3
ZONING: IS-M
FLUM: RM
DEVELOPEO LANO
TIER: III

BUILDING OCCUPANCY CLASSIFICATION
GROUP B BUSINESS
RESERCH LABORATORY OCCUPANCY: B Business
Schools, Colleges. and Universities Section 443 FBC 2010
EDUCATIONAL GROUP E Section 305 FBC 2010
State Requirements for Educational Facilities Section 423 FBC 2010
and the Florida Fire Protection Code as adopted by State Fire Marshall



3 ZONING MAP
SCALE: NTS

NORTH



1 AREA MAP
SCALE: NTS

NORTH

Note: Fire Hydrant (FH) located near Jewfish Ave; 350FT hose laying length

INDUSTRY & ENVIRONMENT
ENGINEERS/CONSULTANTS
103650 Overseas Highway, #46
KEY LARGO, FL 33037
Telephone (305) 395-8032
Certification of Authorization #8384

Revisions:

RECEIVED
JUL 19 2013
2013-091
MONROE CO. PLANNING DEPT

Minor Conditional Use Permit Application
Keys Ahead, Inc.
Parcel ID 00472790000000
103355 Overseas Highway
Key Largo, FL 33037

RONALD BRUSH
LICENSE
No. 48504
STATE OF FLORIDA
PROFESSIONAL ENGINEER
7-17-13

Title:
AREA PLANS

Sheet Number:
A1.1.1

Date: 25 JUNE 2013

ARCH D
24x36

GENERAL NOTES

SCOPE OF PROJECT

1. THE SCOPE OF THIS PROJECT IS TO REMODEL/RENOVATE THE EXISTING STRUCTURE AT 103355 OVERSEAS HIGHWAY, KEY LARGO INTO NEW OFFICE SPACES. MINOR DEMOLITION IS REQUIRED.
2. THERE WILL BE NEW CEILINGS, ELECTRIC, AC DUCTS AND VENTS, AND FLOORING.
3. DOORS WILL BE REUSED WHERE POSSIBLE. FOR LABORATORY AREA PROVIDE NEW FIRE RATED DOORS.
4. BATH FIXTURES WILL REMAIN OR REPLACED AS DIRECTED BY THE OWNER/ENGINEER.
5. EXISTING ELECTRIC PANELS TO BE USED.
6. EXISTING AC TO BE USED.

REMODELING /RENOVATION NOTES

SCOPE OF REMODELING/RENOVATION

1. THE DRAWINGS ARE INTENDED AS A GENERAL GUIDE TO THE REMODELING/RENOVATION REQUIRED FOR THE PROJECT. REMODELING IS NOT SHOWN IN COMPLETE DETAIL AND IT SHALL BE THE RESPONSIBILITY OF THE REMODELING CONTRACTOR(S) TO REMOVE EXISTING CONSTRUCTION AS REQUIRED TO ACCOMPLISH THE NEW DESIGN INTENT AND / OR WORK SHOWN OR REASONABLY IMPLIED FOR THE CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL REFER TO THE WORK SHOWN ON ALL OTHER DRAWINGS IN THE SET FOR THE EXTENT OF REMODELING/RENOVATION REQUIRED TO PERFORM WORK INTENT.
2. REMOVE ALL PARTITION WALLS AS SHOWN.
3. REMOVE ALL ELECTRIC RUNS IN REMOVED WALLS BACK TO JUNCTION BOX.
4. CLEAR AND CAP ALL DRAINS AND WATER SUPPLY LINES.
5. ENSURE PROPER SUPPORT IN ANY AREAS WHERE WALLS APPEAR TO BE STRUCTURAL AND BEARING. IF IN QUESTION, STOP WORK AND CONTACT THE ENGINEER AT ONCE.
6. CLEAR FLOOR TO LEVEL SURFACE AND PREP FOR NEW FLOORING.
7. ENSURE ALL WINDOW OPENINGS ARE COVERED AND BUILDING IS SECURE WHEN NOT BEING WORKED.

ELECTRICAL NOTES

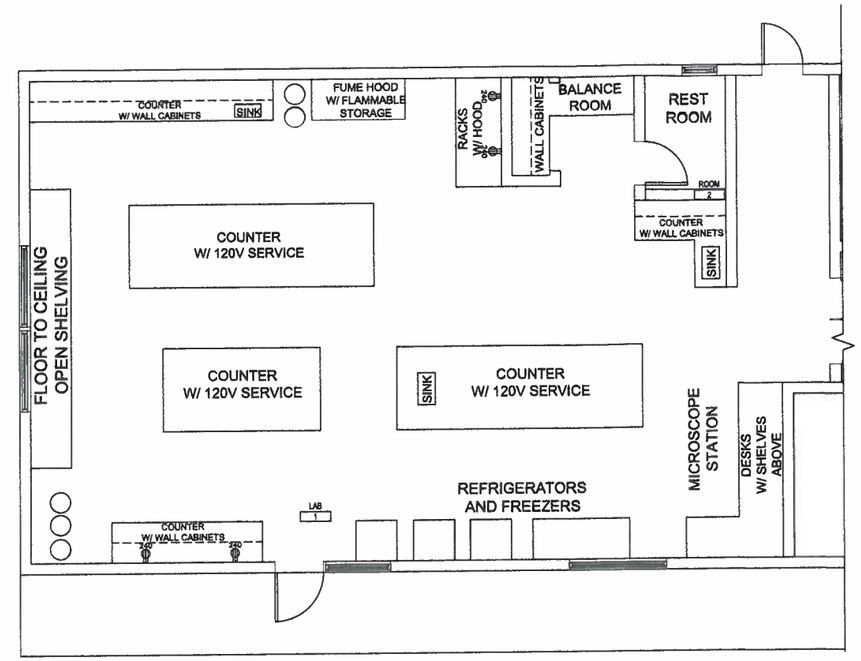
1. EXISTING ELECTRICAL SERVICE TO BE RELOCATED AS SHOWN ON SITE PLAN. THREE FKEC METERED SERVICE- 200 AMP, 100 AMP & 200 AMP DISCONNECTS AS PER FKEC; MAIN PANEL SIZE, SERVICE ENTRY DRAWING, ELECTRICAL LOAD CALCULATIONS AS PER FKEC PERMIT AND MONROE COUNTY ELECTRICAL BUILDING PERMIT ISSUED TO CONTRACTOR.
2. CONTRACTOR PROVIDE ALL LABOR AND MATERIALS FOR ELECTRICAL ROUGHINS.
3. ALL ELECTRICAL WORK SHALL CONFORM TO ALL STATE AND LOCAL CODES.
4. PROVIDE ALL JUNCTION BOXES, RECEPTACLES,SWITCHES, DISCONNECT SWITCHES , ETC. AND MAKE ALL ELECTRICAL CONNECTIONS TO EQUIPMENT, DEVICES, PANELS, AND LIGHTING.
5. DETERMINE THE ELECTRICAL REQUIREMENTS FOR EQUIPMENT MARKED IN THE EQUIPMENT AND DEVICE LIST.

FIRE PROTECTION FOR LABORATORY AREA- NOTES

1. ALL WORK PERFORMED SHALL COMPLY WITH FBC 2010, NFPA CODES 13, 14, 15, 24, 45 & 231C AND LOCAL CODES.
2. THE CONTRACTOR SHALL PAY INSPECTION FEES, BUILDING PERMIT FEES, AND COSTS INCIDENTAL TO THE COMPLETION AND TESTING OF THE WORK.
3. THE CONTRACTOR SHALL INSTALL WET PIPE FIRE PROTECTION SPRINKLER SYSTEM AS PER NFPA 13-2010 "Standard for Installation of Sprinkler Systems" ORDINARY HAZARD GROUP I- SECTION 21.9 "Laboratories Using Chemicals". THE SYSTEM SHALL BE ORDINARY HAZRAD GROUP I SIZED AS 0.10 GPM/1500 SQ. FT. FIGURE 3 AREA/DENSITY CURVE.
4. ALL SPRINKLER HEADS SHALL BE QRS WOOD WEDGEABLE GRINNELL OR APPROVED EQUAL.
5. SPRINKLER SYSTEM PIPE SHALL BE NEW CONFORMING TO ASTM SPECIFICATIONS AND SHALL BEAR ASTM STANDARD MARKED ON EACH LENGTH OF PIPE.
   A. ABOVE GROUND FOR SIZES ABOVE 2" PIPE SHALL BE STEEL, SCHEDULE 40, BLACK, IN ACCORDANCE WITH ASTM A53.
   B. FOR SIZES UNDER 2", PIPE SHALL BE BLACK STEEL, SCHEDULE 40, IN ACCORDANCE WITH ASTM A-53.
6. SPRINKLER HEADS SHALL BE 1/2" ORIFICE WITH DISCHARGE COEFICIANT "K"= 5.6 AND RATED FOR 175 PSI MAX SERVICE PRESSURE QRS HEADS WOOD WEDGES UL/FM APPROVED.
7. ALL FIRE PROTECTION PIPING SHALL BE PAINTED WITH RED (OSHA) FBC.
8. SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST ISSUE OF NFPA 13,14, 15, & 24. ALL CALCULATIONS, SHOP DRAWINGS,REFERENCED DIAGRAMS, PERFORMANCE CURVES, AND DATA UTILIZED TO LAYOUT AND IDENTIFY SYSTEM SHALL BE SUBMITTED TO ENGINEER AND TO MONROE COUNTY BUILDING DEPT/FIRE MARSHALL FOR FINAL ACCEPTANCE . DESIGN DENSITY SHALL BE 0.10 GPM/1500 SQ. FT.
9. HANG ALL PIPE USING SPLIT RING HANGARS AND RISER CLAMPS, SUPPORT FROM GALVANIZED HANGAR RODS FROM BEAM CLAMPS OR PRESET INSERT ONLY.
10. TEST 100% OF PIPING SYSTEM AT 200 PSI PRESSURE FOR A PERIOD OF 2 HOURS WITHOUT PRESSURE LOSS.
11. HYDROSTATIC TEST PRESSURE SHALL BE MEASURED AT LOW POINT OF SYSTEM OR ZONE BEING TESTED.
12. LABORATORY CHEMICALS, TYPES AND QUANTITIES ON SITE SHALL BE BELOW THE THRESHOLD QUANTITIES AS SET FORTH IN THE FBC 2010 TABLES 307.1(1) , 307.1(2), IN SECTION 415, IN THE FLORIDA FIRE PREVENTION CODE AND NFPA 13 HAZARD CLASSIFICATION 21.9 LABORATORIES USING CHEMICALS.

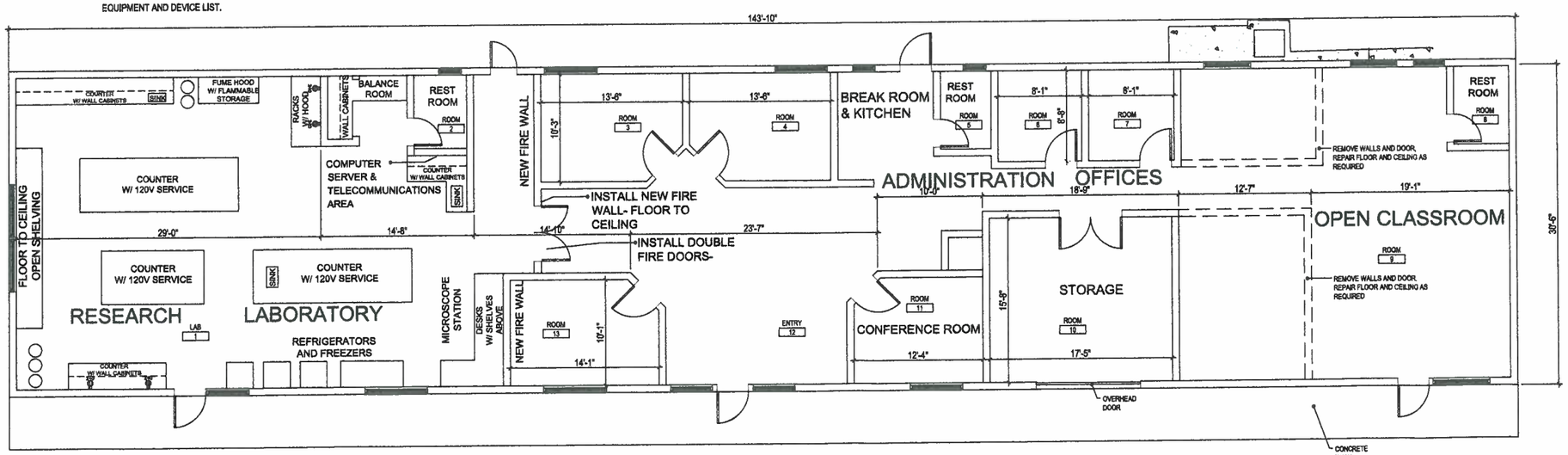
PLUMBING NOTES

1. CONTRACTOR TO PROVIDE ALL LABOR MATERIAL FOR PLUMBING ROUGH-INS.
2. ALL PLUMBING WORK SHALL CONFORM TO ALL STATE AND LOCAL CODES.
3. PROVIDE ALL NECESSARY SHUT OFF VALVES, TRAPS, BACKFLOW PREVENTION DEVICES, FITTINGS, VALVES, SOLENOIDS, ETC. IN ACCORDANCE WITH ALL STATE AND LOCAL CODES.
4. MAKE ALL PLUMBING CONNECTIONS TO LAB SINKS AND EQUIPMENT AND INTERCONNECT ALL COMPONENTS AS PER MANUFACTURER SPECIFICATIONS.



2 LAB FLOOR PLAN AND LAYOUT
SCALE: 1/4" = 1'-0"

0 4 8 12
GRAPHIC SCALE: 1/4" = 1'-0"



1 FLOOR PLAN
SCALE: 3/16" = 1'-0"

0 4 8 16
GRAPHIC SCALE: 3/16" = 1'-0"

INDUSTRY & ENVIRONMENT
ENGINEERS/CONSULTANTS
103650 Overseas Highway, #46
KEY LARGO, FL 33037
Telephone (305) 395-8032
Certification of Authorization #8384

Revisions:

RECEIVED
JUL 1 0 2013
2013-091
MONROE CO. PLANNING DEPT

Minor Conditional Use Permit Application
Keys Ahead, Inc.
Parcel ID 00472790000000
103355 Overseas Highway
Key Largo, FL 33037

RONALD BRUSH
LICENSE
No. 48504
STATE OF FLORIDA
PROFESSIONAL ENGINEER

Title: FLOOR PLAN

Sheet Number: A2.1.1

Date: 25 JUNE 2013

ARCH D
24x36

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MONROE CO. PLANNING DEPT

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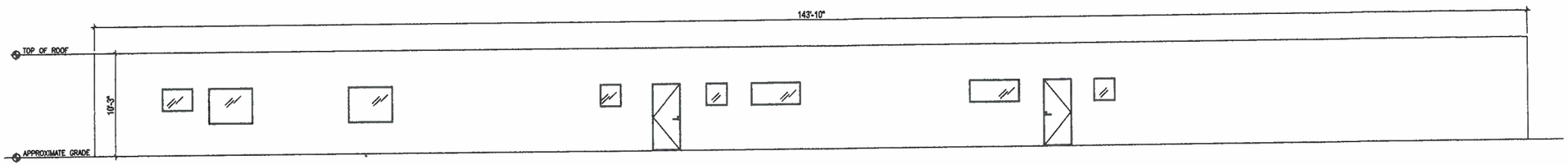
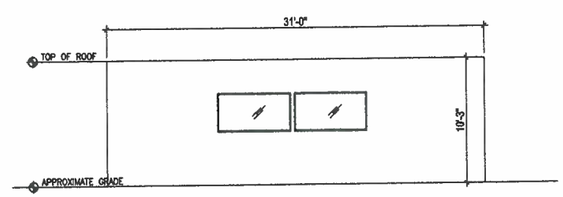


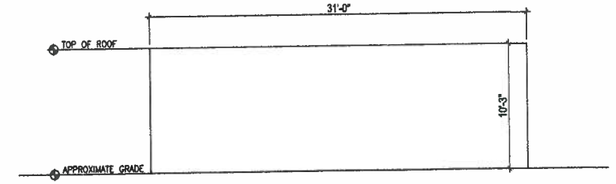
4 REAR ELEVATION
SCALE: 3/16" = 1'-0"

GRAPHIC SCALE: 3/16" = 1'-0"



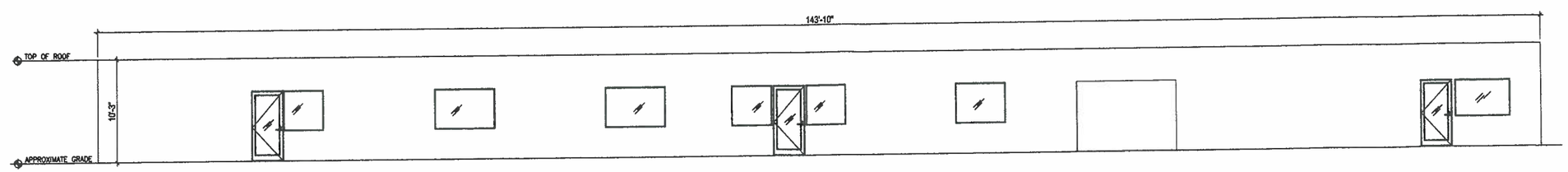
2 LEFT ELEVATION
SCALE: 3/16" = 1'-0"

GRAPHIC SCALE: 3/16" = 1'-0"



3 RIGHT ELEVATION
SCALE: 3/16" = 1'-0"

GRAPHIC SCALE: 3/16" = 1'-0"



1 FRONT ELEVATION
SCALE: 3/16" = 1'-0"

GRAPHIC SCALE: 3/16" = 1'-0"

Minor Conditional Use Permit Application
Keys Ahead, Inc.
Parcel ID 00472790000000
103355 Overseas Highway
Key Largo, FL 33037

RONALD BRUSH
LICENSED
No. 48504
STATE OF FLORIDA
PROFESSIONAL ENGINEER

7-17-13

Title:
STREET ELEVATIONS

Sheet Number:
A3.1.1

Date: 25 JUNE 2013

ARCH D
24x36

BOUNDARY SURVEY

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SYMBOL LEGEND:

- LIGHT POLE
- TYPICAL STATION
- UTILITY POLE
- MAIL BOX
- ELECTRIC BOX
- TRAFFIC SIGNAL BOX
- FIRE HYDRANT
- STORM SEWER/CATCH BASIN
- WATER METER
- SIGN
- TELEPHONE BOX
- WATER VALVE
- 18.195 ELEVATIONS
- TRAFFIC LANE FLOW
- CENTER LINE
- MONUMENT LINE
- DIAMETER.

ABBREVIATIONS:

A.	:	ARC
A/C	:	AIR CONDITIONER
BLDG	:	BUILDING
CH	:	CHORD LENGTH
C to B	:	CENTER TO BUTTER
C to B	:	CHORD BEARING
CB	:	CATCH BASIN
CBS	:	CONCRETE BLOCK STUCCO
CLR	:	CLEAR
CLF	:	CHAIN LINK FENCY
CONC	:	CONCRETE
D	:	DELTA
E	:	EAST
EB	:	ENGINEERING BUSINESS LICENSE NUMBER
EL	:	ELEVATION
ELEC	:	ELECTRIC
ELEV	:	ELEVATION
EM	:	ENCUMBRANCEMENT
OF	:	EDGE OF PAVEMENT
FEMA	:	FEDERAL EMERGENCY MANAGEMENT AGENCY
FIP	:	FOUND IRON PIPE
FIR	:	FOUND IRON ROD
FIRM	:	FLOOD INSURANCE RATE MAP
FND	:	FOUND
FPL	:	FLORIDA POWER AND LIGHT CO.
GPS	:	GLOBAL SUPRAVISION SATELITE SYSTEM
GPS	:	GLOBAL POSITIONING SYSTEM
IP	:	IRON PIPE
L	:	LENGTH
LB	:	LAND SURVEYING & MAPPING BUSINESS LICENSE NUMBER
LS	:	LAND SURVEYOR
M & R	:	MEASURED AND RECORD
MEAS	:	MEASURED
NAIL	:	NAIL HEAD
N	:	NORTH
N/A	:	NOT APPLICABLE
NGVD	:	NATIONAL GEODETIC
NAD27	:	NORTH AMERICAN DATUM OF 1927
NAD83	:	NORTH AMERICAN DATUM OF 1983
NAVD88/IN	:	NORTH AMERICAN DATUM OF 1988/IN ADJUSTMENT
NFIP	:	NATIONAL FLOOD INSURANCE PROGRAM
NGS	:	NATIONAL GEODETIC SURVEY
N-S	:	NAVIGES
NTS/NO	:	NOT TO SCALE/NOTICE
NOAA	:	NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NSRS 2007	:	NATIONAL SPATIAL REFERENCE SYSTEM OF 2007
NTS	:	NOT TO SCALE
OF	:	OFFSET
P	:	MINUTES OR FEET
PP	:	SECONDS OR INCHES
OHV	:	OVERHEAD VEHICLE
O/E	:	OVERHEAD ELECTRIC
ORB	:	OFFICIAL RECORD BOOK
PAV	:	PAVEMENT
PB	:	PLAT BOOK
PC	:	POINT OF CURVATURE
PCC	:	POINT OF COMPOUND CURVATURE
PG	:	PAGE
PL	:	PROPERTY LINE
PLS	:	PROFESSIONAL LAND SURVEYOR
PI	:	POINT OF INTERSECTION
POB	:	POINT OF BEGINNING
POC	:	POINT OF COMMENCEMENT
PT	:	POINT OF TANGENCY
PRC	:	POINT OF REVERSE CURVATURE
PSM	:	PROFESSIONAL SURVEYOR AND MAPPER
R	:	RADIUS OR RECORD
REC	:	RECORD
RES	:	RESIDENCE
RGB	:	RUBBER
RLS	:	REGISTERED LAND SURVEYOR
R/W	:	RIGHT OF WAY LINE
S	:	SOUTH
SEC	:	SECTION
STA	:	STATION
SWK	:	SIDE WALK
T	:	TANGENT
TYP	:	TYPICAL
W	:	WEST OR WIDTH
WF	:	WOOD FENCE
WM	:	WATER METER
WV	:	WATER VALVE
ZW	:	ZURWELLE-WHITTAKER, INC

FLOOD INFORMATION:

COMMUNITY NUMBER	:125129
PANEL NUMBER	:12087C0769
SUFFIX	:L
DATE OF FIRM	:02-05-2005
FIRM ZONE	:X
BASE FLOOD ELEVATION	:N/A
DATE FIELD WORK	:06-20-2013
DATE DRAFTING	:06-23-2010
DATE SIGNED AND SEALED	:06-24-2013
REVISED FIELD SURVEY	:N/A

SURVEYOR'S NOTES:

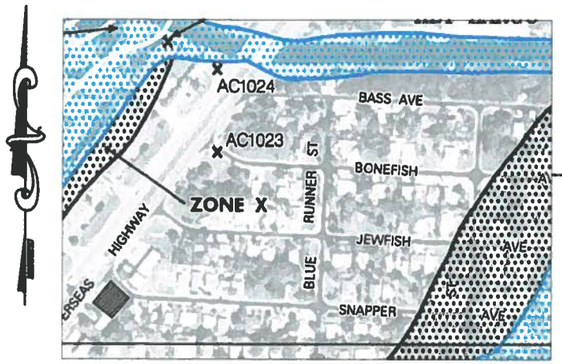
1. EXAMINATION OF THE ABSTRACT OF THE TITLE WILL HAVE TO BE MADE TO DETERMINE RECORD INSTRUMENTS IF ANY, AFFECTING THE PROPERTY.
2. LOCATION AND IDENTIFICATION OF UNDERGROUND ENCROACHMENTS OR UTILITIES ON AND/OR ADJACENT TO THE PROPERTY WERE NOT SECURED AS SUCH INFORMATION WAS NOT REQUESTED
3. NO SEARCH OF PUBLIC RECORDS HAS BEEN MADE (BY THIS OFFICE) FOR ACCURACY AND OR OMISSIONS.
4. THIS CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED, IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS, OR FREEDOM FROM ENCUMBRANCES. "TITLE" ABSTRACT NOT REVIEWED.
5. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY
6. THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF ENTITIES NAMED HEREON AND THE CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTY.
7. DIMENSIONS, BEARINGS OR ANGLES INDICATED HEREIN ARE MEASURED AND ARE THE SAME AS PLAT VALUES UNLESS OTHERWISE INDICATED BEARINGS ARE BASED ON SHOWN PLAT VALUES (IF ANY) OR AN ASSUMED VALUE.
8. ALL RIGHTS OF WAYS SHOWN ARE PUBLIC UNLESS OTHERWISE NOTED
9. UTILITY FACILITIES WITHIN UTILITY EASEMENTS NOT NOTED AS VIOLATIONS, DRIVEWAYS OR PORTIONS THEREOF WITHIN ROADWAYS NOT NOTED AS VIOLATIONS OR ENCROACHMENTS.
10. R/W LINES DEPICTED HEREON ARE REFERENCED TO THE PLATS OF PUBLIC RECORD (LISTED BELOW) NO ADDITIONAL INFORMATION WAS PROVIDED TO THIS OFFICE REGARDING CHANGES IN RIGHTS OF WAY, DEDICATIONS, LOT LINES,PROPERTY LINES,ZONING ETC.
11. THIS DRAWING IS PROPERTY OF ZURWELLE-WHITTAKER,INC AND CANNOT BE REPRODUCED WITHOUT WRITTEN CONSENT
12. THE ELEVATION INFORMATION SHOWN HEREON (IF ANY) IS RELATIVE TO THE NATIONAL GEODETIC VERTICAL DATUM, (N.G.V.D.), OF 1929, UNLESS OTHER WISE NOTED
13. BENCHMARK USED- FDOT PNC 90/06/103.5 , ELEVATION 20.12' NGVD 1929
14. COORDINATES SHOWN ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1983/90/ 2007 NSRS ADJUSTMENT.
15. COORDINATE CONVERSIONS (IF ANY) HAVE BEEN CONVERTED USING CORPSCON VERSION 6.0.1, FROM U.S. ARMY CORPS OF ENGINEERS ALEXANDRIA,VIRGINIA.
16. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
17. ACCURACY OF HORIZONTAL CONTROL: (FOR EXPECTED USE OF LAND AS DEFINED BY (SJ-17)) THE FIELD MEASUREMENTS VERIFIED BY CALCULATIONS OF A CLOSED GEOMETRIC FIGURE BASED UPON FIELD INFORMATION TAKEN IN THE FIELD BY TOTAL STATION AND OR GPS/GNSS.

RELATIVE DISTANCE ACCURACY FOR THIS SURVEY IS MORE OR LESS.

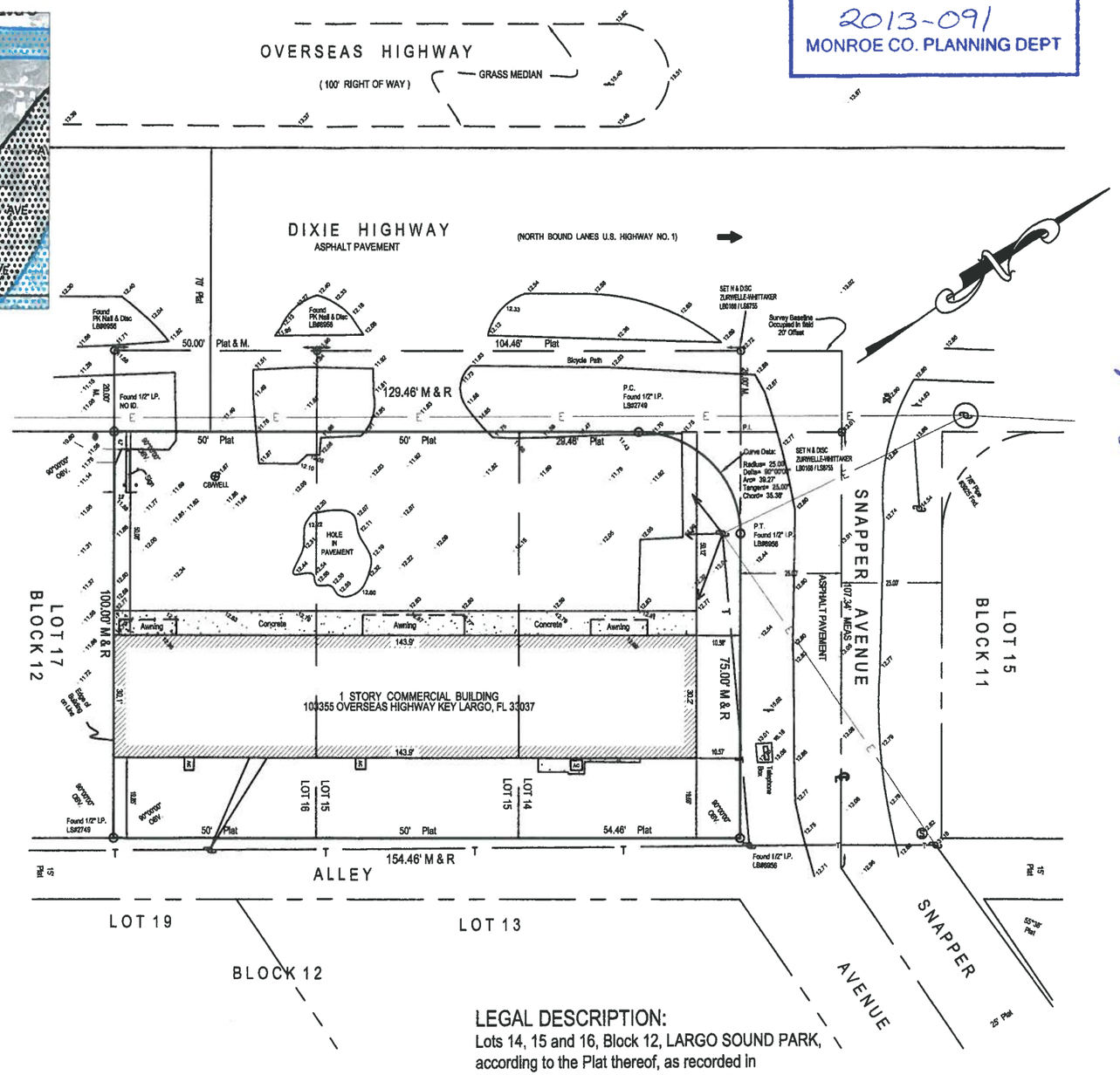
X COMMERCIAL/HIGH RISK	LINEAR: 1 FOOT IN 10,000 FEET
___ SUBURBAN	LINEAR: 1 FOOT IN 7,500 FEET
___ RURAL	LINEAR: 1 FOOT IN 5,000 FEET

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED "BOUNDARY SURVEY" WAS PREPARED UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THE SURVEY MEETS MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027.



LOCATION MAP N.T.S.



LEGAL DESCRIPTION:

Lots 14, 15 and 16, Block 12, LARGO SOUND PARK, according to the Plat thereof, as recorded in Plat Book 3, at Page 111 of the Public Records of Monroe County, Florida.

ZURWELLE-WHITTAKER, INC. EST.1926
CONSULTING ENGINEERS AND SURVEYORS
1140 WEST 50th ST., SUITE 307, HIALEAH, FL 33012 PH: (305) 534-4868 FAX: (305) 531-4589
WWW.ZURWELLE-WHITTAKER.COM
CERTIFICATE OF AUTHORIZATION NO. LB0000169 EB 0026951
MEMBER: FLORIDA LAND SURVEYOR'S COUNCIL, FLORIDA SURVEYING AND MAPPING SOCIETY

EDDIE A. MARTINEZ
PROFESSIONAL SURVEYOR AND MAPPER NO. LS6735
STATE OF FLORIDA

06-24-2013

PROJECT:
KEYS AHEAD, INC.
103355 OVERSEAS HWY
KEY LARGO, FL 33037

JOB No.	N/A
FIELD BOOK:	J.C.CAREAGA
SCALE:	1"=30'
DRAWN:	JMR
REVISED:	EAM
REVISIONS	
SHEET No.	1 OF 1

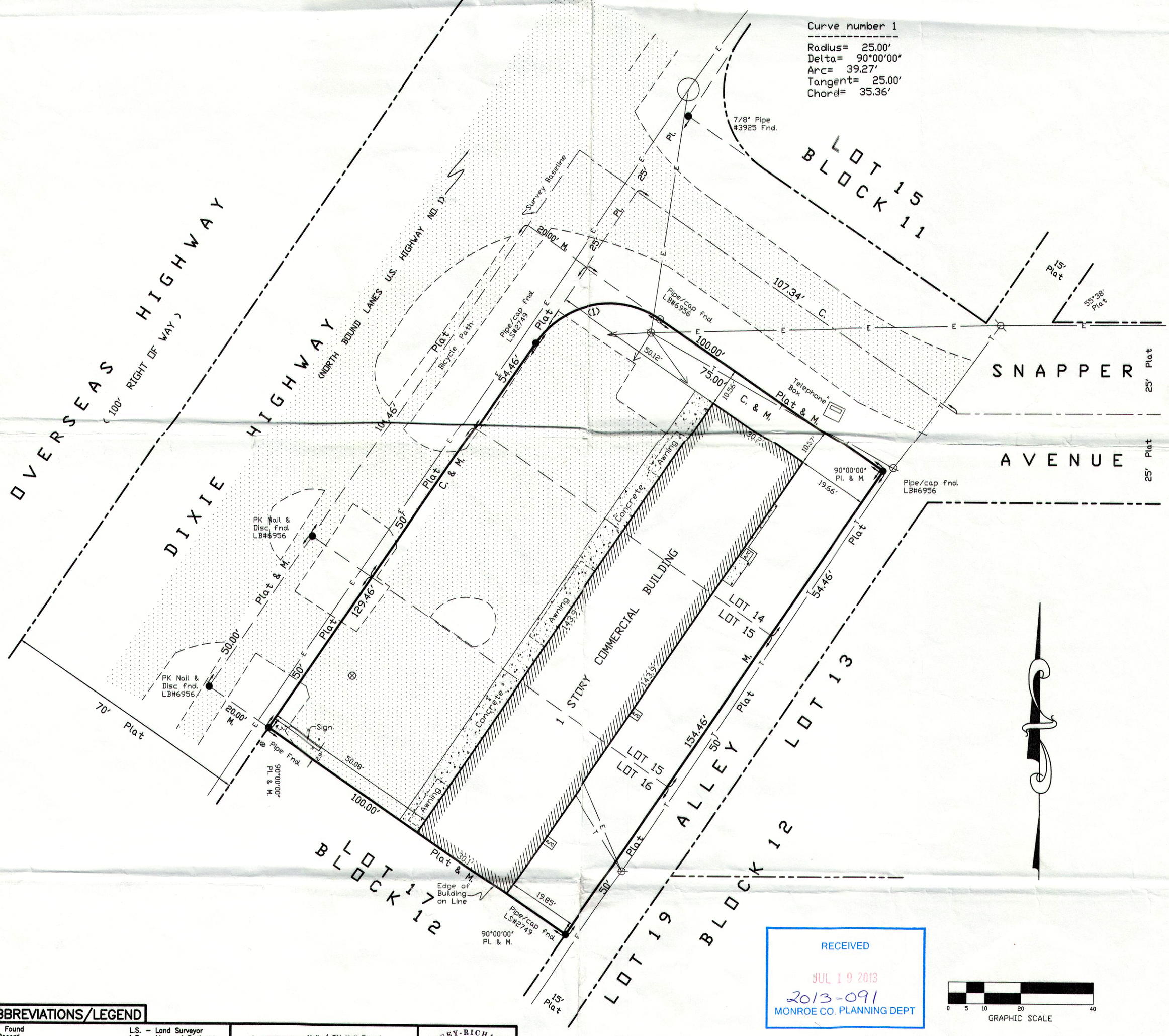
CAD FILE

SURVEY NOTES

1. This sketch of survey represents a perimeter boundary survey with existing above ground improvements located. Underground utilities or structures were not located.
2. This residence has a physical address of: 103355 Overseas Hwy., Key Largo, Fl. 33037
3. This parcel is in N.F.I.P., flood zone X , El. N/A as shown on F.E.M.A. map panel #12087C0769 , revised 2/18/05, and/or is depicted hereon if parcel is in more than one zone.
4. No encroachments or notorious evidence of occupation and/or use of the described parcel for right-of-ways, ingress and egress were noted by this survey unless shown hereon.
5. The description was furnished by the client. Only easements and rights-of-way depicted or described on the recorded plat or stated in the description hereon are shown.
6. The bearings and/or North arrow were derived from the recorded plat or description hereon. The bearing base for this survey is denoted thus: (*).
7. By his signature and embossed seal, the Florida P.S.M. or P.L.S signing this survey hereby certifies to the following named parties that this survey was performed under his direct supervision and that it is true and correct to the best of his knowledge and belief: KEYS AHEAD INC.

DESCRIPTION:

Lots 14, 15 and 16, Block 12, LARGO SOUND PARK, according to the Plat thereof, as recorded in Plat Book 3, at Page 111 of the Public Records of Monroe County, Florida.



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0 5 10 20 40
GRAPHIC SCALE

ABBREVIATIONS/LEGEND

Fnd. – Found
R. – Record
C. – Calculated
Fr. – Wood frame
Fin.Flr. – finished floor
El. – Elevation
CB – concrete block
Balc. – Balcony
Fnc. – fence
Res. – residence
PK – PARKER KALON FASTENER
MAG. – Magnetic Nail
N.I.S. – not in service
LPGT – liquid petrolem gas tank
U.G.E. – Underground Electric
U.G.T. – Underground telephone
WL – Buried waterline
Rad./N.R. – Radial/Non-Radial
N,S,E,W – North, South, East, West
P.O.C. – Point of Commencement
P.O.B. – Point of Beginning
P.C.P. – Permanent Control Point
P.C.C. – Point of Compound Curve
P.R.C. – Point of Reverse Curvature
P.C./P.T. – Point of Curvature/ Tangency
P.R.M. – Permanent Reference Monument
NGVD – National Geodectic Vertical Datum
NAVD – North American Vertical Datum
A.M.H.W.L. – Apparent Mean High Water Line

L.S. – Land Surveyor
L.B. – Licensed Business
D. – Deed
Pl. – Plat
M. – Measured
conc. – Concrete
cor. – corner
FP – fence post
A/C – air conditioner
Cond. – Conduit
F.S. – frame shed
M.S. – metal shed
P.S. – plastic shed
C.B.S. – conc. block shed
Add. – addition
Plt. – planter
R.O.W. – right of way
W.F.T. – wood fish table
C.F.T. – conc. fish table
T.R. – telephone riser
L.P. – light/lamp pole
G.A. – guy anchor

Nail / PK Nail Found
Nail/Pk Nail LB #7882 set
Pipe Found
Pipe/Cap LB #7882 set
Rebar Found
Wood Utility Pole
E — Overhead electric lines
T — Overhead telephone lines
C — Overhead cable television
x — Chainlink fence
+ — Wood fence
P — Plastic fence
M — Metal fence
Water Meter
Water valve
Rock
Concrete Davit Base

Note: All pipes set are 7/8" (outside diameter) with cap stamped LB #7882
All PK nail/MAG nail or 60d spikes set are with discs stamped LB #7882
Unless otherwise indicated, all pipes found are 7/8" (outside diameter)
Unless indicated points have No identification

MASSEY-RICHARDS Surveying & Mapping, LLC

MASSEY-RICHARDS SURVEYING & MAPPING, LLC
88888 OVERSEAS HWY. / P.O. BOX 619, TAVERNIER, FL. 33070
PHONE: (305)853-0066 / FAX: (305)853-0233

Florida Certificate of Authorization No. LB 7882

Sketch of Survey for: Keys Ahead, Inc.	Drawing No. 11525
Section 14 , Township 61 South, Range 39 East	Scale: 1" = 20'
Key Largo Monroe County, Florida	Drawn By: AMR
Date of Field Survey: 2/7/13	Fieldbook: 168

I hereby certify that the survey hereon was performed under my direct supervision and is true and correct to the best of my knowledge and belief.

David S. Massey, P.S.M. # 5125

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DESCRIPTION:
Lots 14, 15 and 16, Block 12, LARGO SOUND PARK, according to the Plat thereof, as recorded in Plat Book 3, at Page 111 of the Public Records of Monroe County, Florida.

ZONING
ZONE: IS-M - (FLUM: RM Tier 3)
Future: Amend LUD/FLUM from RM to School; Proposed Zoning change to to Monroe County "Commercial C"

SETBACKS	REQUIRED	EXISTING
FRONT US 1	25 FT	0 FT
FRONT Snapper	25 FT	14 FT
Side Yard SW	5 FT	0 FT
Rear Yard SE	20 FT	19.66 FT
FRONT Bldg NE	25 FT	10.57 FT

Apply for Setback Variance

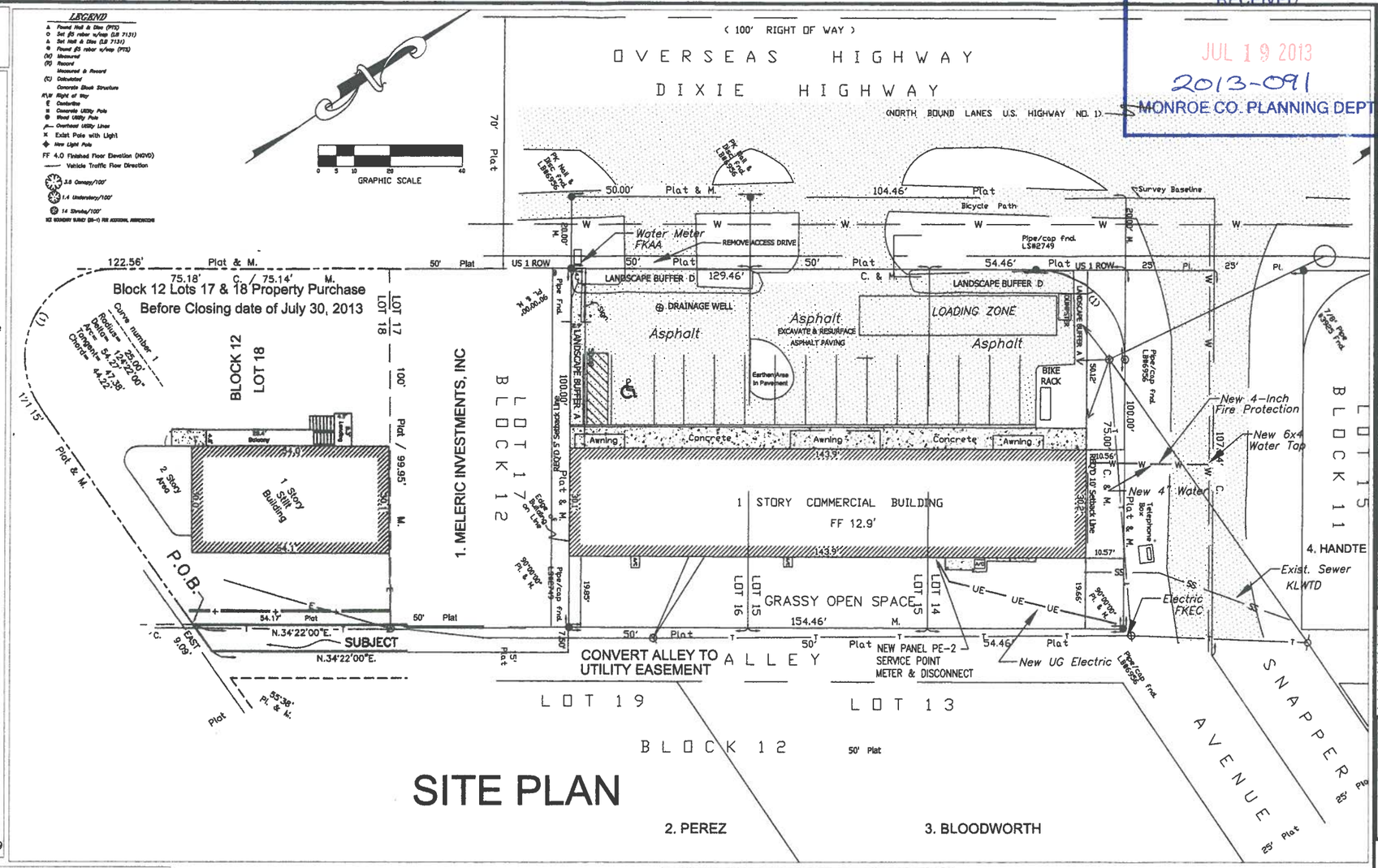
LOT CALCULATIONS

LOT SIZE: 15,446 SQ FT		
BLDG COVERAGE	28%	4345 SF
IMPERV. SURFACE	72%	11,225
OPEN SPACE	27%	4222 is adequate
LANDSCAPE AREA	10%	1427
OPEN SPACE AREA RATIO		0.20 or 20%
OPEN SPACE REQ'D: AT LEAST 3090 SF		

LAND USE
Floor Area Ratio Calculations Existing
Property: 15,446 SF Office Floor: 4320 SF

Calculations:	FAR	Max.
Office:	0.25	3,861 SF
Office:	-	2500 SF
Proposed: Use:		
Office Admin.:		1,770 SF
Open Classroom:		960 SF
Laboratory-Marine Science:		1,590 SF
Total Floor Area:		4,320 SF

Parking Calculations Per Sec. 9.5-325(1)
Peak Weekday 9:00 AM to 4:00 PM
Office : 3350 SF @ 3 spoces/1000 SF=10
(Laboratory Area Parking included above)
Classroom Area Parking based on number of occupants estimated = 25
TOTAL= 35
Total spoces available: 12
Apply Off Site Parking Variance
Off Site parking spaces achieved by Adjacent Property Purchase Block 12 Lots 17 & 18
Perpendicular spaces are 8'-6" x 18'
Porallel spaces are 8'-6" x 25'
Loading Zones are 11' x 55'
Flood zone= X ; FIRM PANEL NO. 12087C0769

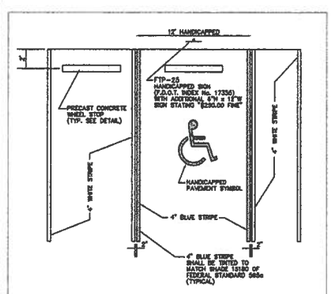


SITE PLAN

STORMWATER RETENTION CALCULATION SUMMARY

LOT AREA:	15,446 Sq.Ft.
PERVIOUS AREA (GRASS)	4,222 Sq. Ft.
IMPERVIOUS AREA	11,225 Sq. Ft.
% IMPERVIOUS:	72 %
RAINFALL= 2.5 X % IMPERVIOUS/ OR 1":	1.8"
IMPERVIOUS AREA: (In Square Feet)	4320 Roof
NO DISTURBED AREA & NO NEW NEW IMPERVIOUS	854 Sidewalk
PRE VS. POST DEVELOPMENT POST IS LESS	6051 Paving
TOTAL IMPERVIOUS AREA:	11,225 Sq Ft
CUBIC FT. REQUIRED= (IMPERVIOUS AREA X RAINFALL) /12	1683
CUBIC FT. SUPPLIED= S.F. OF RETENTION AREA X AVG. DEPTH IN FEET	
Square Feet of retention area	4338
Square Feet of grassy swale area	2636
Average depth of retention area in feet	0.25
CUBIC FT. SUPPLIED= 6974 SF X 0.25=	1743 CUBIC FT

Retention Is Adequate as per MCC 114.3; Discharge to exfiltration well



TYPICAL 90° PARKING SPACE

TYPICAL SITE LIGHTING

Fixture Power:
20,500 Initial Lumens

MAXIMUM ILLUMINATION
Not to Exceed 1.5 Footcandles At The Property Line For Cut Off Lights, Max Height of 35' Above Grade.
Lighting Location Plan to be Turned In With Building Permit Application.
Match Exist. Light Types at Locations Shown

Notes:
1. Nearest FKAA Fire Hydrant Hose Laying Length = 350 FT
2. Traffic Impact Analysis by Monroe County Traffic Consultant
3. 2012 US 1 Arterial Travel Time and Delay Study, SEG 23-"A"
4. Aquisition of Adjacent Property Block 12 Lots 17 & 18 Provides additional entrance drive greater than 400 FT from Snapper Avenue

LANDSCAPE PLAN:
Landscaping Per Sec. 9.5-379 Supp. N0.33 MC Land Development Regulations

BUFFER D

PLANT MATERIAL/ 100'	BUFFERYARD WIDTH
6.5 Canopy	20'
3.5 Understory	20'
28 Shrubs	20'

BUFFER C

PLANT MATERIAL/ 100'	BUFFERYARD WIDTH
5 Canopy	10'
2 Understory	10'
20 Shrubs	10'

BUFFER A

PLANT MATERIAL/ 100'	BUFFERYARD WIDTH
2 Canopy	5'
- Understory	5'
15 Shrubs	5'

Apply Landscape Variance

Note: Landscape Contractor To Submit Shop Drwg W/ Plant Schedule Showing Proposed Sizes And Spacing For Owner's Approval.

ADJACENT PROPERTY OWNERS
1. MELERIC INVESTMENTS, INC.
103301 Overseas Highway
Key Largo, FL 33037
2. PEREZ NIVIA
PO Box 832987
Miami, FL 33283
3. BLOODWORTH HAROLD ROSS
3 Snapper Ave
Key Largo, FL 33037
4. HANDTE EDWIN R AND JANICE E
103365 Overseas Highway
Key Largo, FL 33037

SCOPE OF PROJECT
The existing property is currently developed with a 4,320 SF nonresidential building. The project proposes to use the building for research activities by Florida International University (FIU). The remodeled building will include a water quality-environmental marine science laboratory, offices, and a classroom for research assistant/students.

PROPERTY OWNER:
KEY'S AHEAD, INC.
PO BOX 370854
KEY LARGO, FL 33037

APPLICANT:
KEY'S AHEAD, INC.
PO BOX 370854
KEY LARGO, FL 33037

AGENT:
Susan F. Hammaker, Chair
KEY'S AHEAD, INC.
PO BOX 370854
KEY LARGO, FL 33037
Phone: 305-747-6060

PROJECT ENGINEER:
Mr. JAMES R. BRUSH, P.E.
103650 O/S Hwy., #46-
KeyLargo, FL 33037
PHONE: (305) 305-8032

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JUL 19 2013
2013-091
MONROE CO. PLANNING DEPT

INDUSTRY & ENVIRONMENT ENGINEERS/ CONSULTANTS
103650 O/S Hwy, #46
KEY LARGO, FL 33037
TELEPHONE (305) 395-8032
Certificate of Authorization # 8384

CONSULTANTS

KEY'S AHEAD, INC./FIU RESEARCH FACILITY
MINOR CONDITIONAL USE PERMIT
APPLICATION
103355 OVERSEAS HIGHWAY KEY LARGO

REVISIONS	DATE:

SEAL
JAMES RONALD BRUSH
LICENSE No. 48504
STATE OF FLORIDA
PROFESSIONAL ENGINEER
4-13-13

I&E PROJECT NO. 012-6-7-13
CHECKED BY: AM
DRAWN BY: YWH
ISSUE: PERMIT REVIEW
DATE: 6/20/13
SHEET INDEX

SITE PLAN & NOTES

SHEET NUMBER
C-1

DESCRIPTION: (prepared by undersigned Surveyor)
The Northwesterly one-half the Alley (15 feet wide) lying Southeasterly of and adjacent to Lots 17 and 18, Block 12, Largo Sound Park, according to the Plat thereof, as recorded in Plat Book 3 at Page 111 of the Public records of Monroe County, Florida, said portion of alley being more particularly described as follows:
Begin at the Southeast corner of said Lot 18, Block 12, Largo Sound Park, said point being on the Northwesterly line of said Alley: thence N.34°22'00"E., along said Northwesterly line of Alley, and along the Southeasterly line of said Lots 17 and 18, Block 12, for a distance of 104.17 feet to the Northeast corner of said Lot 17, Block 12; thence S.55°38'00"E., for a distance of 7.50 feet to a point on the centerline of said Alley; thence S.34°22'00"W., along said centerline, for a distance of 99.05 feet, to a point on the North right of way line of Marlin Avenue, as shown on said plat of Largo Sound Park; thence "West", along said North right of way line, for a distance of 9.09 feet, to the Point of Beginning of the parcel herein described.

Parcel contains 758 square feet, more or less.

NOTES:

1) This sketch was prepared for the specific purpose of showing a graphic depiction of the parcel of lands described hereon. The description hereon was prepared by the undersigned Surveyor in accordance with the instructions of the client and/or the clients agent(s). This sketch in no way certifies ownership of the parcel described, which is subject to opinion of title.
2) The bearings and North arrow shown hereon are relative to the centerline of Marlin Avenue being an assumed bearing of "East".
3) Survey data for Lots 17 and 18, Block 12, as shown hereon, are relative to survey prepared by David S. Massey, P.L.S., dated 5-24-00, drawing No. 3655.

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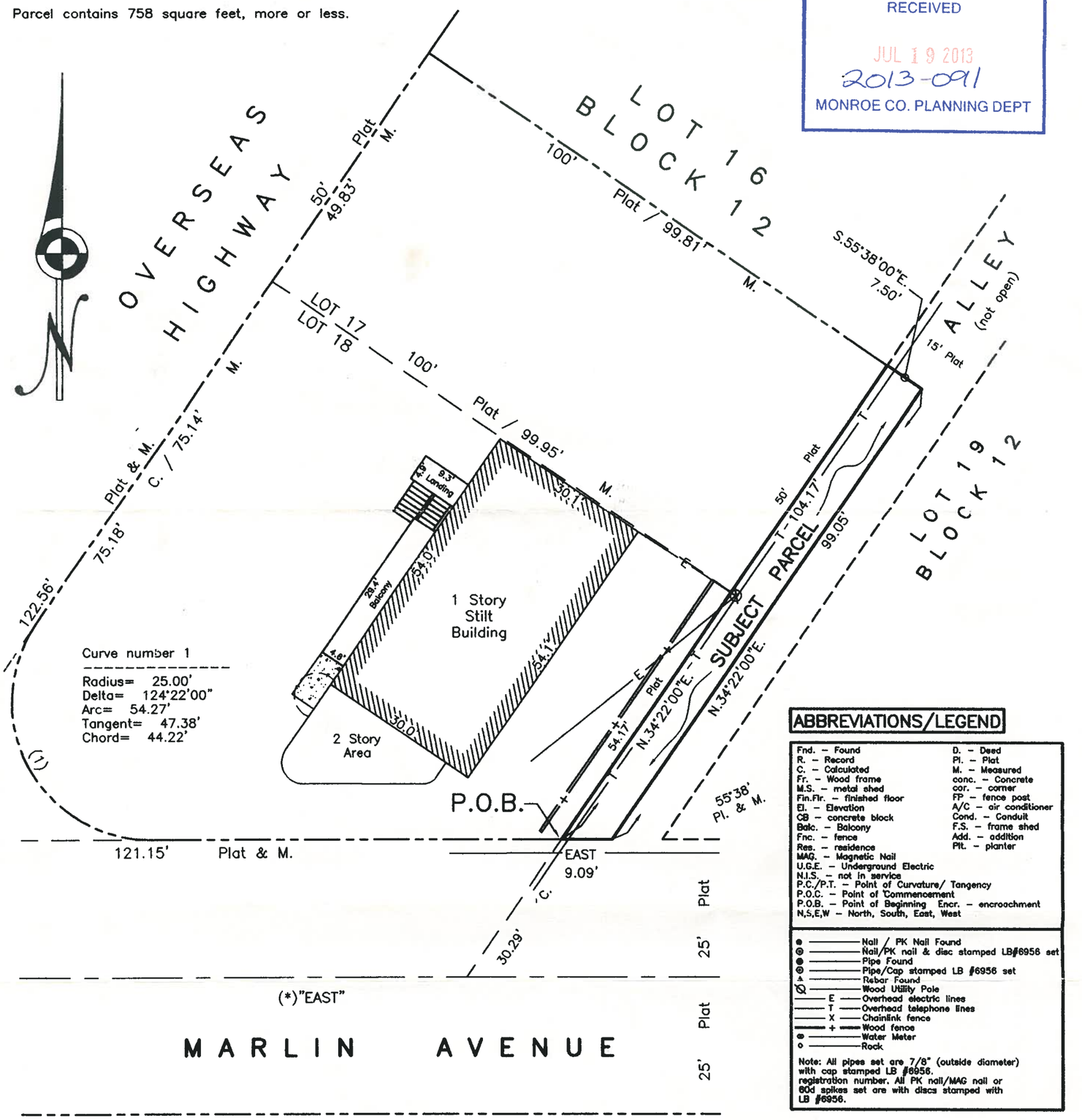
JUL 19 2013
2013-091
MONROE CO. PLANNING DEPT



ABBREVIATIONS/LEGEND

Fnd. – Found	D. – Deed
R. – Record	Pl. – Plat
C. – Calculated	M. – Measured
Fr. – Wood frame	conc. – Concrete
M.S. – metal shed	cor. – corner
Fin.Flr. – finished floor	FP – fence post
El. – Elevation	A/C – air conditioner
CB – concrete block	Cond. – Conduit
Balc. – Balcony	F.S. – frame shed
Fnc. – fence	Add. – addition
Res. – residence	Plt. – planter
MAG. – Magnetic Nail	
U.G.E. – Underground Electric	
N.I.S. – not in service	
P.C./P.T. – Point of Curvature/ Tangency	
P.O.C. – Point of Commencement	
P.O.B. – Point of Beginning Encr. – encroachment	
N,S,E,W – North, South, East, West	

- Nail / PK Nail Found
- Nail/PK nail & disc stamped LB#6956 set
- Pipe Found
- Pipe/Cap stamped LB #6956 set
- Rebar Found
- Wood Utility Pole
- E — Overhead electric lines
- T — Overhead telephone lines
- X — Chainlink fence
- Wood fence
- Water Meter
- Rock

Note: All pipes set are 7/8" (outside diameter) with cap stamped LB #6956. registration number. All PK nail/MAG nail or 60d spikes set are with discs stamped with LB #6956.

DAVID MASSEY LAND SURVEYING, INC.
Phone: (305)853-0066 / Fax: (305)853-0233
88888 Overseas Highway / P.O. Box 619, Tavernier, Fl. 33070

Client: Albert & Lisa Vigil

Section 14 , Township 61 South, Range 39 East

Key Largo Monroe County, Florida

Surveyed: n.a. Fieldbook No. n.a.

Drawing No. 3936 Drawn By: KPS Scale: 1"=20'

Florida Certificate of Authorization No. LB 6956

I hereby certify that the survey hereon was performed under my direct supervision and is true and correct to the best of my knowledge and belief. This survey meets the requirements of Ch. 61G17 of the Florida Administrative Code, Minimum Technical Standards for Florida Surveyors and Mappers, pursuant to Ch. 472.027, F.S.

Kevin P. Spriggs, P.S.M. # 5149

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: The Development Review Committee and
Townsley Schwab, Senior Director of Planning & Environmental Resources

From: Timothy Finn, Planner
Michael Roberts, CEP, PWS, Senior Administrator of Environmental Resources

Date: August 23, 2013

Subject: *Request for an Amendment to a Minor Conditional Use Permit, Square Grouper Bar & Grill, at approximate mile marker 22.6, 22658 Overseas Hwy, Cudjoe Key, Real Estate # s 00178500.000000 and 00178490.000000 (File #2013-078)*

Meeting: August 27, 2013

I REQUEST:

The applicant is requesting an amendment to a minor conditional use permit in order to allow the expansion of commercial retail in the form of a restaurant into previously approved commercial retail space in the form of retail sales within an existing building.

Subject Property with Land Use District Overlaid (Aerial dated 2012)

The existing two-story building consists of 7,200 SF of floor area, with 4,200 SF on the first level (70' x 60') and 3,000 SF on the second level (50' x 60'). In addition, there is a 1,200 SF 'open' area on the second level (20' x 60') that is not considered floor area. Currently, the first level is approved for restaurant activities and the second level is approved for retail and office activities.

Per the proposed site plan (attachment 1), the subject proposal involves converting the existing 3,000 SF of floor area on the second level into additional area for the restaurant. In addition, the proposal involves establishing 1,200 SF of new floor area in the 'open' area. As a result, the floor area of the building would increase from 7,200 SF to 8,400 SF. However, the footprint of the building would not be affected and would maintain the same dimensions (70' x 60').

Location:

Address: 22658 Overseas Highway (US 1), Cudjoe Key, approximate mile marker 22.6 (Atlantic Ocean side of US 1)

Legal Description: Block 8, Lots 22 and 23, Cutthroat Harbor Estates (PB4-165), Cudjoe Key, Monroe County, Florida

Real Estate (RE) Numbers: 00178500.000000 and 00178490.000000 (Note: RE #00178510.000000 was aggregated with #00178500.000000 for the 2008 tax roll)

Applicant:

Agent: Trepanier & Associates, Inc.

Owner: Lynn C. Bell

Business: Square Grouper Bar & Grill, Inc.

II RELEVANT PRIOR COUNTY ACTIONS:

On February 19, 1997, the property owner was granted vested rights by the board of county commissioners, as memorialized by Resolution #070-1997.

On July 14, 1997, the Director of Planning approved a minor conditional use permit for a 7,200 SF two-story building. The building was to include 1,200 SF of floor area for light industrial use, 3,000 SF of floor area for commercial retail use (2,000 SF of sit-down restaurant and 1,000 SF of medium intensity commercial retail) and 3,000 SF of floor area for office use. The approval was memorialized by Development Order #06-97, recorded in the official records of Monroe County on September 22, 1997 (Planning Department File #97024).

On January 19 2000, Building Permit #961-0950 was issued for a 7,200 SF two-story building approved by Development Order #06-97.

On November 14 2002, the Director of Planning and Environmental Resources approved an amendment to the minor conditional use to change the use of 1,500 SF of the 3,000 SF of

floor area approved for office use by Building Permit #961-0950 to medium intensity commercial. The approval was memorialized by Development Order #09-02, recorded in the official records of Monroe County on January 3, 2003 (Planning Department File #22053).

On March 28, 2003, following the submittal of revisions permitted by Development Order #09-02, a certificate of occupancy was issued for the 7,200 SF building approved by Building Permit #961-0950.

On June 11, 2003, the planning commission approved a 2COP Alcoholic Beverage Special Use Permit (Beer and wine, on-premises and package). The approval was memorialized by Resolution #P37-03, signed by the Chair on July 23, 2003.

On September 24, 2004, the Director of Planning and Environmental Resources approved an amendment to the minor conditional use for a new parking lot and a curb cut to US 1. The approval was memorialized by Development Order #09-04, recorded in the official records of Monroe County on November 16, 2004 (Planning Department File #22053).

On June 26, 2013, the planning commission approved a 6COP SRX Alcoholic Beverage special Use Permit (Restaurant; beer, wine and liquor, no package sales). The approval was memorialized by Resolution #P21-13, signed by the Chair on July 12, 2013.

III BACKGROUND INFORMATION:

A. Size of Site: 37,897 SF (0.87 acres) - RE #00178500.000000; approximately 25,103 SF (0.58 acres) and RE #00178490.000000; approximately 12,767 SF (0.29 acres)
B. Land Use District: Suburban Commercial (SC)
C. Future Land Use Map (FLUM) Designation: Mixed Use/Commercial (MC)
D. Tier Designation: Tier 3
E. Existing Use: Office, Retail and Restaurant
F. Existing Vegetation / Habitat: Scarified
G. Community Character of Immediate Vicinity: Commercial retail, and single family homes
H. Flood Zone: AE-EL 9 and AE-EL11

IV REVIEW OF APPLICATION:

MCC §110-67 provides the standards which are applicable to all conditional uses. When considering applications for a conditional use permit, the Development Review Committee and Director of Planning & Environmental Resources shall consider the extent to which:

A. The conditional use is consistent with the purposes, goals, objectives and standards of the comprehensive plan and the land development regulations:

Policies from the Monroe County Comprehensive Plan that directly pertain to the proposed use include:

Policy 101.4.5: The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial land use (zoning) districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted. In addition, Mixed Use/Commercial land use districts are to establish and conserve areas of mixed uses, which may include maritime industry, light industrial uses, commercial fishing, transient and permanent residential, institutional, public, and commercial retail uses.

This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. The County shall continue to take a proactive role in encouraging the maintenance and enhancement of community character and recreational and commercial working waterfronts.

Policy 101.5.3: In order to encourage a compact form of non-residential growth, the Permit Allocation System shall limit and direct new non-residential development primarily to areas designated as Tier III under Goal 105 not located within a designated Special Protection Area and provide incentives for redevelopment of existing developed and vacant infill sites.

Approved goals, strategies and action items from the Lower Keys Livable CommuniKeys Plan that directly pertain to the proposed use include:

Goal 1: Monroe County shall manage future growth to preserve the rural or low density community character, protect the natural environment of the Lower Keys, and maintain and encourage commercial revitalization along the U.S. 1 corridor. Community character includes the cultural/traditional heritage, physical character, and scale of the businesses that serve the local community in the Lower Keys area.

Objective 1.1: Monroe County shall continue to manage the rate of residential and non-residential growth in the Lower Keys to maintain adequate levels of service and ensure a balance of land use to serve the existing and future population. Use of the Tier System as the primary means to conserve natural areas, focus state and county acquisition programs, manage growth in transition areas, and guide development to areas most appropriate for new infill development and redevelopment.

Policy Item 1.1.4: To increase awareness of potential development and redevelopment activity periodic reports will be provided to the Lower Keys community summarizing the number, location, and type of development applications received and accepted for review.

Policy Item 1.1.5: Monroe County will encourage individuals seeking minor and major conditional use approvals to meet with neighboring property owners and representatives of community groups prior to the submittal of permit applications.

Objective 1.2: Monroe County shall continue to use the Land Use District Map and Future Land Use Map categories to regulate land use by type, density, and intensity.

Policy Item 1.2.1: Monroe County shall continue to recognize the FLUM categories and land use districts as the primary regulatory tools for evaluating development proposals.

Policy Item 1.2.3: Monroe County shall limit the height of any structure or building to a maximum of 35 feet.

Objective 1.3: Monroe County shall evaluate the effectiveness of existing neighborhood conservation efforts, and, if necessary, revise existing or prepare new policies, procedures, and programs to conserve, stabilize, and improve conditions in existing neighborhoods.

Policy Item 1.3.1: To maintain the rural character of existing neighborhoods, improved subdivisions, and lands along the rights-of-way of local roadways, Monroe County shall prepare and adopt standards limiting clearance of existing native vegetation, including vegetated areas with little value as wildlife habitat, and requiring mitigation where clearance is deemed unavoidable.

Policy Item 1.3.2: Monroe County will explore the feasibility of enacting design guidelines to ensure new development and redevelopment in and adjacent to existing improved subdivisions is compatible in scale and character with surrounding properties. The guidelines, if deemed feasible, may address the following:

- conservation of existing and establishment of new native vegetation and buffers;
- limits on impervious surfaces;
- building placement, massing, and height;
- enclosure of building areas below base flood elevation; and
- location and screening of parking areas, mechanical equipment, and trash receptacles.

Objective 1.4: Monroe County shall encourage programs and initiatives to promote the retention of existing and the creation of new businesses along the U.S. 1 Corridor that serve the local community.

B. The conditional use is consistent with the community character of the immediate vicinity:

The surrounding area consists of commercial retail businesses, offices, commercial fishing, light industrial (storage) and residential uses. Single-family residential dwelling

units are located on adjacent parcels, separated from the subject property by way of La Fitte Drive. Therefore, the expansion of commercial space into previously approved commercial space in the form of a restaurant within the same building would be consistent with the community character of the immediate vicinity.

C. *The design of the proposed development minimizes adverse effects, including visual impacts, on adjacent properties:*

A restaurant has existed on the property for several years. The proposed expansion of the restaurant's area into other areas of the existing building previously approved for retail would not alter the exterior appearance of the building.

As restaurants have a higher parking requirement than retail, additional parking is required. As part of this expansion will be addition of parking spaces. With these additional parking spaces, it shall be required that additional tress and landscaping elements be introduced to the site thereby minimizing adverse effects, including visual impacts, on adjacent properties.

D. *The proposed use will have an adverse impact on the value of surrounding properties:*

There is no evidence indicating that the proposed development will have an adverse impact on the value of the surrounding properties.

E. *The adequacy of public facilities and services:*

1. Roads:

   Localized Impacts & Access Management: If applicable to their respective jurisdiction, access to and from the development shall be approved by the Public Works Division and the Florida Department of Transportation (FDOT) and in compliance with the Land Development Code.

   Level of Service (LOS): The County's traffic consultant must approve the additional vehicle trips and their impact on the LOS along US 1.

2. Stormwater: The drainage plan submitted with the application state that the proposed improvements will not increase the designed peak discharge rate, volume, pollution load of stormwater runoff, or impervious coverage of the site. In addition, the application states that re-surfacing is not included in the current application. Therefore, in accordance with MCC §114-3(c) 2, the proposed improvements are exempt from the surface water management criteria contained in Chapter 114-3. Any revisions to the proposed plan that result in an increase in the designed peak discharge rate, volume, pollution load of stormwater runoff, or impervious coverage of the site, including resurfacing of existing paved areas will require compliance with Chapter 114-3.

3. Sewer: The applicant shall coordinate with FKAA and/or the Department of Health to determine compliance with all applicable regulations.

4. Water: The applicant shall coordinate with the Florida Keys Aqueduct Authority with all applicable regulations.

5. Refuse Disposal: The applicant shall coordinate with Monroe County Solid Waste Management.

6. Emergency Management: As part of the building permit process, the applicant shall coordinate with the Office of the Fire Marshal to determine compliance with the Florida Fire Prevention Code and the life safety requirements within the Florida Building Code.

F. *The applicant has the financial and technical capacity to complete the development as proposed:*

There is no evidence to support or disprove the applicant's financial and technical capacity.

G. *The development will adversely affect a known archaeological, historical or cultural resource:*

The proposed development will not adversely affect a known archaeological, historical or cultural resource.

H. *Public access to public beaches and other waterfront areas is preserved as part of the proposed development:*

The property is land-locked. Therefore, the proposed development will not have an adverse impact on public access to a waterfront area.

I. *The project complies with all additional standards imposed on it by the Land Development Regulations:*

1. Residential Rate of Growth Ordinance (ROGO) (§138-19 – §138-28): *Not applicable.*

2. Non-Residential Rate of Growth Ordinance (NROGO) (§138-47 – §138-56): *In compliance following receipt of applicable NROGO permit allocations.*

   Development Order #09-02 and Building Permit #961-0950 specifically approved a 7,200 SF building. The applicant involves increasing the floor area within the building to 8,400 SF by establishing 1,200 SF of new floor area in the 'open' area. As a result, 1,200 SF of nonresidential floor area is required from the NROGO permit allocations system.

3. Purpose of the SC District (§130-43): *In compliance.*

The purpose is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located.

4. Permitted Uses (§130-93): *In compliance.*

As provided for in MCC §130-93, medium intensity commercial retail uses or any combination thereof of greater than 2,500 SF but less than 10,000 SF floor area may be permitted with approval of a minor conditional use permit

5. Residential Density and Maximum Floor Area Ratio (§130-157, §130-162 & §130-164): *In compliance.*

Land Use	Max Net Density	Size of Site (upland)	Max Allowed	Proposed	Potential Used
Commercial retail (medium intensity)	0.25 FAR	37,897 SF	9,474 SF	8,400 SF	88.7%

6. Required Open Space (§118-9, §130-157, & §130-164): *In compliance*

There is a required open space ratio of 0.20 or 20 percent. In total, the property consists of 37,897 SF of upland area. Therefore, at least 7,579 SF of the total land area must remain open space. The proposed site plan C-1 indicates that there shall be 0.49 acres of pervious area (21,344 SF) on the site.

7. Minimum Yards (§118-12 & §130-186): *Not in compliance.*

The required non-shoreline setbacks are as follows: Front yard – 25'; Rear yard – 10'; and Side yard – 10'/15' (where 10' is required for one side and 15' is the minimum combined total of both sides).

There is an 81 SF recycling enclosure (9' x 9') located partially within the required 25' setback along La Fitte. It is labeled as existing. According to the last approved site plan (attachment 2), which was approved with Development Order #09-02, this enclosure has been constructed/relocated in its current location without authorization. It is located over 25' from the La Fitte right-of-way on the last approved site plan. On the proposed site plan, parking spaces are shown in the approved location of the enclosure.

Part of the parking lot is located in the required 25' setback along US 1 on the proposed site plan. However, as the areas of the parking lot in the US 1 setback are shown in the same configuration as on the last approved site plan, they are lawfully nonconforming and may remain. This application would not correct the nonconformity, but would also not result in an enlargement thereof.

8. Maximum Height (§130-187): *In compliance.*

   No structure or building shall be development that exceeds a maximum height of 35'. Per original building permit approval, the building has an elevation of 27'6". Based on the information submitted, the proposed scope of work will not affect the maximum height of the building.

9. Surface Water Management Criteria (§114-3): *Compliance to be determined upon submittal to Building Department.*

   The drainage plan submitted with the application states that the proposed improvements will not increase the designed peak discharge rate, volume, pollution load of stormwater runoff, or impervious coverage of the site. In addition, the application states that re-surfacing is not included in the current application. Therefore, in accordance with §114-3(c) 2, the proposed improvements are exempt from the surface water management criteria contained in Chapter 114-3. Any revisions to the proposed plan that result in an increase in the designed peak discharge rate, volume, pollution load of stormwater runoff, or impervious coverage of the site, including resurfacing of existing paved areas will require compliance with Chapter 114-3.

10. Wastewater Treatment Criteria (§114-5): *Compliance to be determined by FKAA prior to the issuance of a building permit.*

11. Fencing (§114-20): *Not applicable.*

12. Floodplain Management (§122-1 – §122-6): *Compliance to be determined upon submittal to Building Department.*

    The site is designated within an AE-EL 9 and AE-EL 11 flood zones on the Federal Emergency Management Agency (FEMA)'s flood insurance rate maps. All new or substantially improved structures must be built to floodplain management standards that meet those for flood protection.

13. Energy Conservation Standards (§114-45): *Compliance to be determined upon submittal to Building Department.*

    The development proposal includes the provision of a bicycle rack, installation of native plants in required landscaping, which will reduce the requirements for water and maintenance; the installation of several shade trees, which will provide shade for parking areas; and the provision of structural shading.

14. Potable Water Conservation Standards (§114-46): *Compliance to be determined upon submittal to Building Department.*

15. Environmental Design Criteria and Mitigation Standards (§118-6, §118-7 & §118-8): *Not applicable.*

16. Required Parking (§114-67): *Not in compliance.*

Specific Use	Multiplier	Proposed	Required
Eating and drinking establishments, such as restaurants and bars	1.0 space per 3 seats	108 seats (4,275 SF)	36 spaces
Eating and drinking establishments, such as restaurants and bars	3.0 spaces per 1,000 SF (not devoted to food/beverage service)	2,000 SF	6 spaces
Unknown	To be determined	2,125 SF	To be determined
		Total	42 spaces

The total amount of required parking cannot be calculated based on a conflict on the parking analysis as shown on the proposed site plan. The table on the site plan indicates that the restaurant seating areas will consist of 4,275 SF and the other areas will consists of 2,000 SF – a total of 6,275 SF. However, the building is 7,200 SF and proposed to be expanded to 8,400 SF. This leaves 2,125 SF as an unknown use.

A total of 52 spaces are shown on the site plan.

Only 2 of the 52 spaces are labeled as ADA accessible. This is not in compliance and the proposed site plan must be revised. There shall be at least 1 accessible parking space for every 25 parking spaces – 51 to 75 spaces requires 3 accessible spaces. Such spaces shall be designed and marked for exclusive use of those individuals who have a severe physical disability and have permanent or temporary mobility problems who have been issued either a disabled parking permit or a license plate. In addition, parking access aisles must be part of an accessible route to the building entrance. The access aisle shall be striped diagonally to designate it as a no-parking zone. Curb ramps must be located outside of the disabled parking spaces and access aisles.

90 degree parking spaces are required to have direct and unrestricted access to a 24' aisle (for vehicles to safely back up). This is not in compliance. The northernmost parking lot has aisles of less than 24'. However, as the existing parking lot is shown in the same configuration as on the last approved site plan, it is lawfully nonconforming and may remain. This application would not correct the nonconformity, but would also not result in an enlargement thereof.

17. Required Loading and Unloading Spaces (§114-69): *In compliance.*

One (1) 11' by 55' loading/unloading space is required. The site plan shows a 19' by 23' loading space. However, as the existing loading space is shown in the same

configuration as on the last approved site plan, it is lawfully nonconforming and may remain. This application would not correct the nonconformity, but would also not result in an enlargement thereof

18. Required Landscaping (§114-99 – §114-105): *In compliance.*

    Since the property is within a SC district, a class "A" landscaping standard is required if six or more parking spaces are sited on the subject property. The landscape plan dated August 14, 2013 prepared by Phillip J. Childs, PLLC and submitted with the minor conditional use permit application depicts the required landscaping for off-street parking.

19. Required Bufferyards (§114-124 – §114-130): *In compliance.*

    A Class 'D' District boundary buffer is required between the subject property and the adjacent IS land use district. The landscape plan submitted with the minor conditional use permit application depicts the required landscaping. In addition, a Class 'C' major street buffer is required along U.S. 1, the landscape plan submitted with the minor conditional use permit application depicts the required major street buffer.

20. Outdoor Lighting (§114-159 – §114-163): *Compliance to be determined upon submittal to Building Department.*

    Outdoor lighting is not being reviewed as part of this application. Any new outdoor lighting shall be reviewed independently for compliance as an accessory use under a building permit application.

21. Signs (§142-1 – §142-7): *Compliance to be determined upon submittal to Building Department.*

    Signage is not being reviewed as part of this application. Any new signage shall be reviewed independently for compliance as an accessory structure under a building permit application.

22. Access Standards (§114-195 – §114-201): *Compliance to be determined.*

    There are three approved existing vehicular access points to and from the development - two located along La Fitte Drive (ingress and egress) and one existing driveway from US 1 (ingress only). The proposed site plan shows a new ingress/egress point along La Fitte Drive to access the southernmost parking lot. As shown on the last approved application, access to and from the parking lot is done internally from the central parking lot (the central connection point would be removed and replaced with additional parking spaces).

23. Chapter 533, Florida Statues: *Not in compliance.*

All standards and requirements of the American with Disabilities Act (ADA) must be met. As mentioned, the required minimum amount of ADA accessible parking is not provided on the proposed site plan.

24. Other Issues:

Traffic Impact Statement: Per the County traffic consultant, according to Monroe County Traffic Reporting procedures, the trip generation should be based on a weighted average of weekday and weekend trips. The existing "Quality Restaurant" is proposed to be increased in size from 4,000 SF to 7,500 SF. by reducing the number of dining seats from 78 to 50 and increase the bar seats from 14 to 100. The County traffic consultant does agree that the proposed use can be referred to as "Quality Restaurant" unless the applicant could provide further clarification on how they plan to maintain the "Quality Restaurant" land use with 50 more bar seats than dining seats. In addition, the figures need to be adjusted to match the site plan (7,500 SF v. 8,400 SF shown on the site plan).

Existing billboard: Condition #5 of Development Order #09-04 states: "Prior to the issuance of the after-the-fact permit, the applicant shall show proof of the contract with Viacom. The billboard shall be removed at the end of that contract. If not removed by that date, the applicant will be in violation of [this] Amendment to a Minor Conditional Use and will be subject to Code Enforcement." Records in the file indicate that this date has passed, yet the billboard remains. Prior to the issuance of any development order, the applicant shall provide a current copy of the contract and an explanation as to why the condition was not fulfilled to date. After reviewing this documentation, the Senior Director of Planning & Environmental Resources shall decide upon a method to achieve compliance with this required condition moving forward.

V RECOMMENDED ACTION:

Staff recommends approval with the following conditions:

A. Prior to the issuance of any development order approving this minor conditional use permit, the applicant shall revise the site plan to:
   a. Relocate the recycling area to a location that is not within a required setback or stormwater retention area;
   b. Revise the parking analysis to be consistent with a 8,400 SF building;
   c. Designate, and if necessary redesign, an existing parking space as ADA accessible; and
   d. Remove reference to the existing billboard (as it should be demolished) or include notation that the existing billboard shall be demolished.

B. Condition #5 of Development Order #09-04 states: "Prior to the issuance of the after-the-fact permit, the applicant shall show proof of the contract with Viacom. The

billboard shall be removed at the end of that contract. If not removed by that date, the applicant will be in violation of [this] Amendment to a Minor Conditional Use and will be subject to Code Enforcement." Prior to the issuance of any development order, the applicant shall provide a current copy of the contract and an explanation as to why the condition was not fulfilled to date. After reviewing this documentation, the Senior Director of Planning & Environmental Resources shall decide upon a method to achieve compliance with this required condition moving forward.

C. Prior to the issuance of a building permit(s), if necessary, the proposed work and structures shall be found in compliance by the Monroe County Building Department, Floodplain Administrator, Office of the Fire Marshal and Project Management Department.

D. Prior to the issuance of a building permit, Planning Department staff shall review the application(s) to ensure that the structures are visually compatible with the surrounding uses. Similar and consistent design, materials and colors shall be utilized. Architectural details that provide visual interest and break up the structural mass shall be required components of the building.

E. Permits from the Monroe County Public Works Division and/or FDOT may be required for the new access drive and other proposed work within public rights of way. The Division maintains the right to request revisions as it carries out its review of any permit application. If modifications are required, it is the responsibility of the applicant to contact the Planning & Environmental Resources Department to determine if any additional applications are necessary to formally modify the approved site plan.

F. Prior to the issuance of a development order, the applicant shall submit a revised traffic analysis, which shall be approved by the County's traffic consultant and the Senior Director of Planning & Environmental Resources.

VI PLANS REVIEWED:

A. First Floor Plan (Sheet A-1 of 4) by Thomas Kelly Enterprises, Inc., dated 08/02/2013, received August 14, 2013
B. Second Floor Plan (Sheet A-2 of 4) by Thomas Kelly Enterprises, Inc., dated 08/02/2013, received August 14, 2013
C. Existing Site, Landscaping, & Drainage Plans (Sheet C-1 of 2) by Philip J. Childs, PPLC, dated and sealed 08/14/2013
D. Proposed Site, Landscaping, & Drainage Plans (Sheet C-2 of 2) by Philip J. Childs, PPLC, dated and sealed 08/14/2013
E. Plans submitted with Planning Department File #97024
F. Plans submitted with Planning Department File #22053

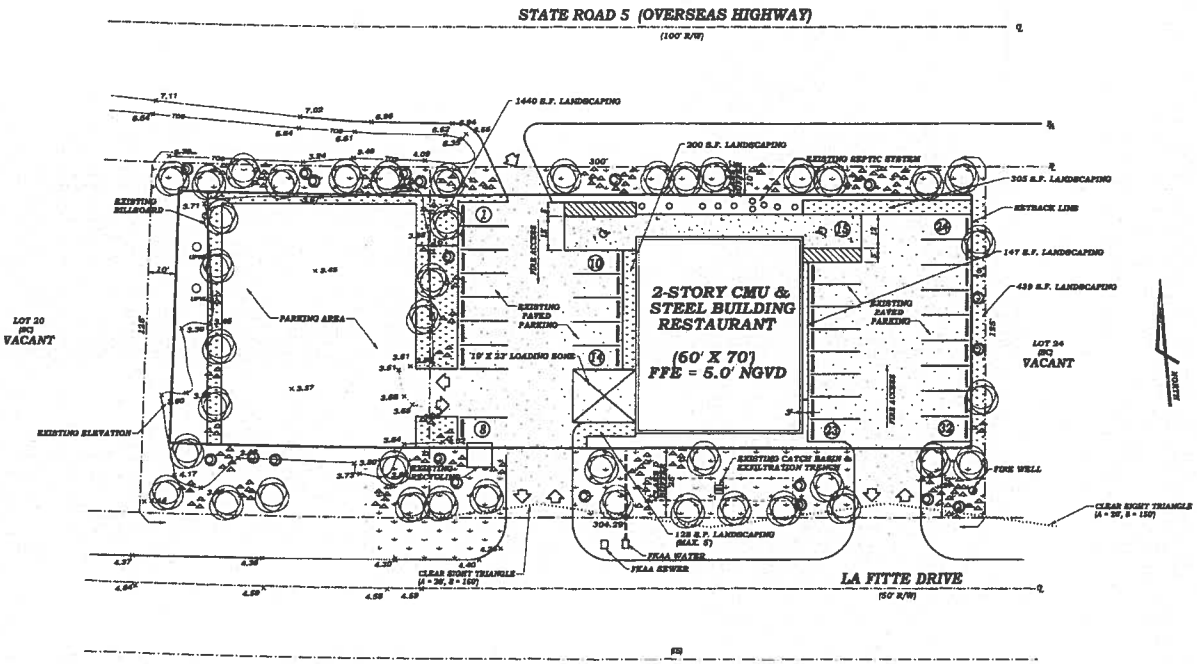
1-A

APPROXIMATE EXISTING LANDSCAPING PLAN

CLASS C MAJOR STREET BUFFER (10 FEET WIDE):
CANOPY TREES W/ MIN. 3" DBH:
(2) COCONUT PALM
(21) THATCH PALM
(2) CARPENTARIA PALM
(3) GEIGER TREE
(8) ALEXANDER PALM
(5) QUEEN PALM
(1) CHRISTMAS PALM
(1) FLOSS SILK TREE
UNDERSTORY TREE W/ MIN. HEIGHT = 5':
(1) MANGO TREE
SHRUB W/ MIN HEIGHT = 3':
(7) BUTTONWOOD
(5) YOCA PLANT
(1) KEY LIME TREE

CLASS D DISTRICT BUFFERYARD (25 FEET WIDE):
CANOPY TREES W/ MIN. 3" DBH:
(6) MAHOGANY TREE
(5) SEAGRAPE TREE
(5) QUEEN PALM
(1) GEIGER TREE
(1) THATCH PALM
(4) COCONUT PALM
(4) ALEXANDER PALM
(1) CHRISTMAS PALM
(4) GUMBO LIMBO TREE
(5) ARECA PALM
(1) HICKORY TREE
SHRUB W/ MIN HEIGHT = 3':
(32) BUTTONWOOD
(1) YOCA PLANT
(1) IXORA

CLASS A PARKING LOT LANDSCAPING:
CANOPY TREES W/ MIN. 3" DBH:
(1) MAHOGANY TREE
(5) SEAGRAPE TREE
(1) QUEEN PALM
(2) COCONUT PALM
(2) ALEXANDER PALM
(1) GUMBO LIMBO TREE
(1) ARECA PALM
(1) TRAVELERS PALM
(4) POISONWOOD
UNDERSTORY TREE W/ MIN HEIGHT = 5':
(10) BUTTONWOOD
(2) SCAEVOLA
(2) SEAGRAPE
(4) SILVER THATCH PALM
(1) KUMQUAT
SHRUB W/ MIN HEIGHT = 2':
(9) BUTTONWOOD
(1) BAY CEDAR
(1) JASMINE



SITE, DRAINAGE & LANDSCAPING PLANS

1" = 20'

PROJECT INFORMATION

LOTS 21, 22 & 23
BLOCK 8
CITYFRONT HARBOR ESTATES
PB 4-163

COMMUNITY NO.: 125129
MAP: 12087C-1311K
DATE: 18 FEBRUARY 2005
ZONES: AE9 & AE11

ZONING: BC SUBURBAN COMMERCIAL
FLUM: NC MIXED USE/COMMERCIAL
TIER: III
TOTAL AREA = 0.87 ACRES
IMPERVIOUS AREA = 0.38 ACRES (INCLUDING ROOF AREA)
PERVIOUS AREA = 0.49 ACRES
TOTAL PARKING SPACES PROPOSED: 53

RECEIVED
AUG 14 2013
MONROE CO. PLANNING DEPT.

REVISIONS:

PHILIP J. CHILDS, PLLC
PROFESSIONAL ENGINEER
P.O. BOX 806
8 UNDERLAND Key, FL 33042
(305) 745-8516
EB 4344

SQUARE GROUPER
EXISTING SITE, LANDSCAPING & DRAINAGE PLANS
22658 OVERSEAS HIGHWAY
CUDJOE KEY

DRAWN: PJC
DATE: 8/14/2013

SHEET NUMBER
C-1
OF 2

PROJECT NO.
13D11

1-B

DRAINAGE CALCULATIONS

NOTE: PROPOSED PARKING AREA IS GRAVEL AND IS CONSIDERED PERVIOUS.

1. PRE- AND POST-DEVELOPMENT CONDITIONS:

a) Compare pre-development and post-development conditions for a 24-hour 25-year storm, where P(total) = 8 inches.

	Pre-Storm	Post-Storm
Water Surface	0.0	0.0
Roof Area	0.0	0.0
Impervious Area	0.0	0.0
Pervious Area	0.29	0.29
TOTAL AREA	0.29	0.29
% Impervious Area	0%	0%
Soil Retention, S	5.0"	5.0" Inches of stored water, where S = (1 - % Impervious) x Soil Storage and Soil Storage = 5.0" for both Pre- and Post-Development conditions.
Runoff, Q, in.	4.9"	4.9" where $Q = \frac{P - 0.2S^2}{P + 0.8S}$

b) Water quantity requirements:
The water quantity post-development conditions are the same as the pre-development conditions.

2. LABINS INFORMATION:

Base Information (0.72 miles from site.)
County: Monroe
Quad Name: SUMMERLAND KEY
ID 4313
Mean High Water: -0.38 ft
Mean Low Water: -1.33 ft

Latitude: N24.66°
Longitude: W81.48°
Datum shift (NAVD 88 minus NGVD 29): -0.415 meters = -1.36 feet
NGVD 29 NEW height = NAVD 88 height - Datum shift = -0.18 feet + 1.36 feet = 1.18 feet
THEREFORE, 1.18' NGVD IS DRY RETENTION CONTROL ELEVATION, AND THE ENTIRE SITE IS CONSIDERED DRY.

3. LAND DEVELOPMENT PROVISIONS:

SECTION 114-3 (1)(L) (SURFACE WATER MANAGEMENT CRITERIA) OF THE DEVELOPMENT STANDARDS STATES THAT IF POST-DEVELOPMENT CONDITIONS ARE SUCH THAT A VOLUME GREATER THAN THE RETENTION AND/OR DETENTION VOLUME REQUIRED FOR STORMWATER MANAGEMENT IS ALREADY BEING RETAINED ON SITE, THAT CONDITION SHALL BE MAINTAINED.

REQUIRED RETENTION TREATMENT VOLUME = 1 INCH X 2 (REQUIRED SAFETY FACTOR) = 2 INCHES

SOIL STORAGE (SEE ABOVE) = 5.0 INCHES > 2 INCHES;
THEREFORE, NO OTHER RETENTION IS REQUIRED.

GENERAL NOTES:
1. Elevations refer to the National Vertical Geodetic Datum of 1929.
2. Existing topographic information was provided by the Owner.
3. All work shall comply with the 2010 edition of the Florida Building Code.
4. Location of existing and proposed underground utilities are not shown. Contractor shall verify existing utility locations with utility owners prior to construction. Contractor shall notify SSCCOF two to five days prior to digging. (1-800-432-2837)
5. All temporary facilities, buildings, barriers and screens shall be provided by the Contractor.
6. The builder shall check and verify all dimensions and elevations.

NOTE: All work shall comply with the wind load requirements according to ASCE 7-10:
Basic wind speed = 180 MPH
Importance factor = 1.00
Exposure Category = D

Class C Major Street Buffer (10ft wide):
- 15 Canopy Trees such as Buttonwood, Gumbo Limbo or Sapodilla
- 6 Understory Trees, such as Geiger Tree, Willow Bustic or Blolback
- 60 Shrubs such as Marlberry, Beautyberry or Jamaica Caper

Parking Lot Class A Landscaping For 52 Spaces:
- 1,248 S.F. Required, 693 S.F. Provided
- 11 Canopy Trees such as Buttonwood, Gumbo Limbo or Sapodilla
- 3 Understory Trees, such as Geiger Tree, Willow Bustic or Blolback
- 26 Shrubs, such as Marlberry, Beautyberry or Jamaica Caper

Class D IB-SC District Buffer (25 ft wide):
- 18 Canopy Trees such as Buttonwood, Gumbo Limbo or Sapodilla
- 13 Understory Trees, such as Geiger Tree, Willow Bustic or Blolback
- 75 Shrubs, such as Marlberry, Beautyberry or Jamaica Caper

CANOPY TREE
UNDERSTORY TREE
SHRUBS

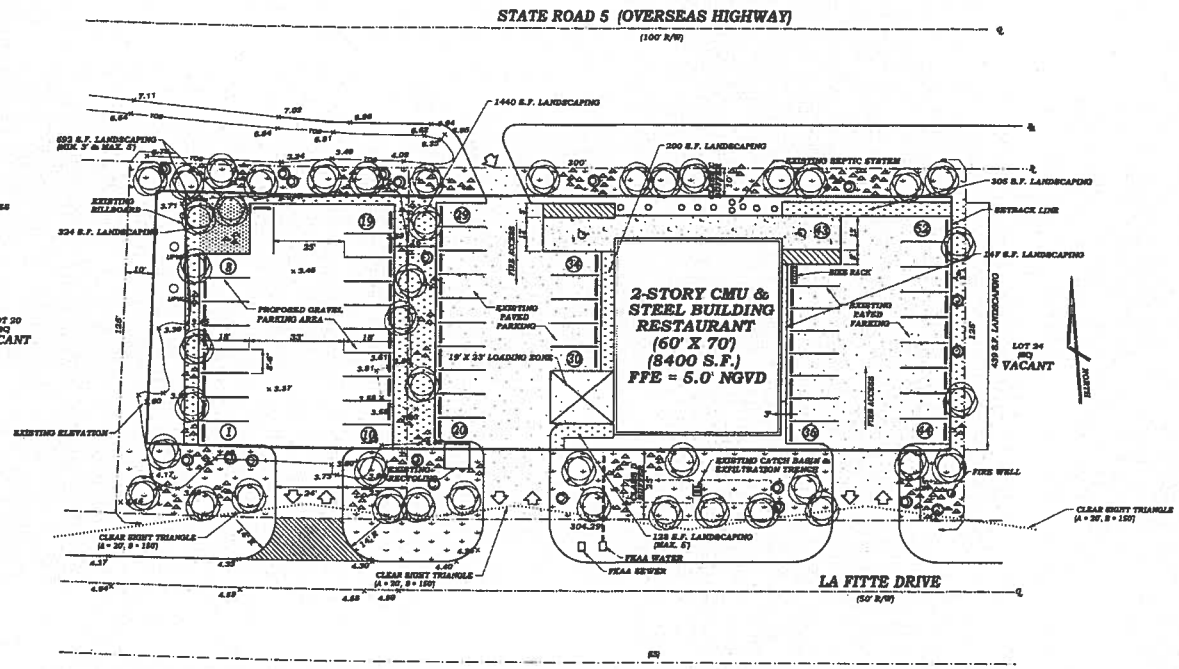
Parking Analysis

Existing

Use (Parking Reqm't)	Parking Reqm't	Sq. Ft.	No. of Seats	No. of Spaces
Office Use	3 spaces / 1,000 sq. ft.	1,500.0	–	4.5
Medium Intensity Comm. Retail- Hair and Beauty Salon	3 spaces / 1,000 sq. ft.	1,500.0	–	4.5
Light Industrial Use	2 spaces / 1,000 sq. ft	1,200.0	–	2.6
Comm. Retail - 2,000 sq. ft. Sit-Down Restaurant, 1,000 of Medium Intensity Comm. Retail	3 spaces / 1,000 sq. ft	3,000.0	42	9.0
–	–	–	–	–
Total Approved (OO No. 0902)	–	7,200.0	–	34.0

Proposed

Use	Parking Reqm't	Sq. Ft.	No. of Seats	No. of Spaces
Commercial Retail - 2,000 sq ft. Sit-Down Restaurant	3 spaces / 1,000 sq. ft.	2,000.0	42	6.0
Commercial Retail - 2,000 sq. ft. Sit-Down Restaurant	1 space / 3 seats	4,275.0	108	36.0
Total Required	–	6,175.0	–	42.0



SITE, DRAINAGE & LANDSCAPING PLANS

1" = 20'

DEVELOPMENT POTENTIAL

SITE: 37,897 SF
EXISTING FLOOR AREA = 7,200 SF
PROPOSED FLOOR AREA = 8,400 SF
FAR PERMITTED: 0.25
FAR PROPOSED : 0.22
OPEN SPACE = 0.2 X 37,897 = 7,579 SF
NET BUILDABLE AREA = 18,361 SF

PROJECT INFORMATION

LOTS 21, 22 & 23
BLOCK 9
CUTTHROAT HARBOR ESTATES
PB 4-153

COMMUNITY NO.: 125129
MAP: 12087C1311K
DATE: 18 FEBRUARY 2005
ZONES: AE9 & AE11

ZONING: SC SUBURBAN COMMERCIAL
FLUM: MC MIXED USE/COMMERCIAL
TIER: III
TOTAL AREA = 0.87 ACRES
IMPERVIOUS AREA = 0.38 ACRES (INCLUDING ROOF AREA)
PERVIOUS AREA = 0.49 ACRES
TOTAL PARKING SPACES PROPOSED: 52

RECEIVED
JUN 14 2013
Monroe County Planning & Environmental Resources

REVISIONS:

PHILIP J. CHILDS, PLLC
PROFESSIONAL ENGINEER
P.O. B OX 809
S UMMERLAND KEY, FL 33042
(305) 745-8616
EB 6946

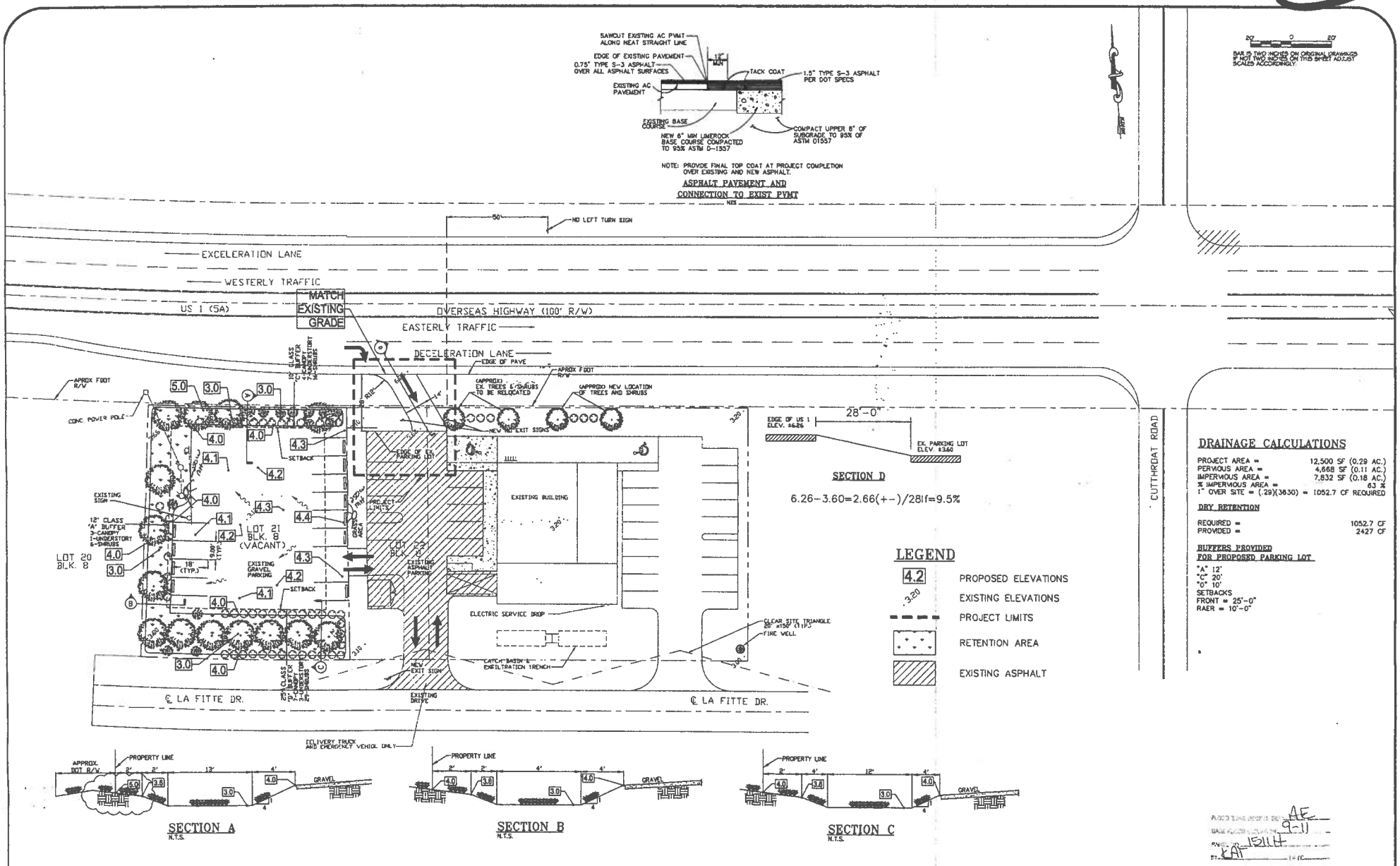
SQUARE GROUPER
PROPOSED SITE, LANDSCAPING & DRAINAGE PLANS
22658 OVERSEAS HIGHWAY CUDJOE KEY

DRAWN: PJC
DATE: 8/14/2013

SHEET NUMBER
C-2
OF 2

PROJECT NO.
13D11

(2)



DRAINAGE CALCULATIONS

PROJECT AREA =	12,500 SF (0.29 AC.)
PERVIOUS AREA =	4,668 SF (0.11 AC.)
IMPERVIOUS AREA =	7,832 SF (0.18 AC.)
% IMPERVIOUS AREA =	63 %
1" OVER SITE = (.29)(3630) =	1052.7 CF REQUIRED

DRY RETENTION

REQUIRED =	1052.7 CF
PROVIDED =	2427 CF

BUFFERS PROVIDED FOR PROPOSED PARKING LOT

"A" 12'
"C" 20'
"O" 10'

SETBACKS
FRONT = 25'-0"
RAER = 10'-0"

General Notes:

48 HOURS BEFORE DIGGING CALL TOLL FREE 1-800-432-4770 SUNSHINE STATE UNDERGROUND UTILITIES NOTIFICATION CENTER

P E & D, Inc.
Certificate of Authorization #8579
Perez Engineering & Development, Inc.
1010 KENNEDY DRIVE SUITE 400
Key West, FL 33040
ph: (305) 293-9440 • fax: (305) 296-0243

No.	Revision/Issue	Date
5	MCPD BUFFERS	8/31/04
4	MCPD SETBACK	7/2/04
3	FDOT COMMENTS	3/30/04
2	REVISED PER FDOT/DRAINAGE	3/09/04
1	REVISED PER FDOT	2/20/04

Designed By: AEP
Checked By: GWB
Drawn By: GKG
Project: DRAINAGE.DWG
Date: 9/30/03
Scale: AS NOTED

MOONTIDE PLAZA

CUDJOE KEY, FL

DOT DRAINAGE PLAN

ALLEN E. PEREZ P.E.#51468

Sheet SHT 1

File #: **2013-078**

Owner's Name: Bell, Lynn C.

Applicant: The Square Grouper

Agent: Trepanier & Associates

Type of Application: Minor - Amendment

Key: Cudjoe Key

RE: 00178500-000000

Additional Information added to File 2013-078

APPLICATION

MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

RECEIVED
AUG - 5 2013
MONROE CO. PLANNING DEPT

Request for an Amendment to a Minor Conditional Use Permit

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

Major Conditional Use Permit Application Fee: $8,484.00

In addition to the application fee, the following fees also apply:
Advertising Costs: $245.00
Surrounding Property Owner Notification: $3.00 for each property owner required to be noticed
Traffic Study Review: $5,000.00

Date of Submittal: 8 / 1 / 13
Month Day Year

Applicant/Agent Authorized to Act for the Property Owner:

Trepanier & Associates, Inc. — Patrick Wright
Applicant (Name of Person, Business or Organization) — Name of Person Submitting this Application

402 Appelrouth Lane, Key West, FL 33040
Mailing Address (Street, City, State and Zip Code)

(305) 293-8983 — patrick@owentrepanier.com
Daytime Phone — Email Address

Property Owner:

Lynn C. Bell — Lynn C. Bell
(Name/Entity) — Contact Person

931 Lagoon Drive, Summerland Key, FL 33042
Mailing Address (Street, City, State and Zip Code)

(305) 395-2437 — squaregrouper5@aol.com
Daytime Phone — Email Address

Legal Description of Property:
(If in metes and bounds, attach legal description on separate sheet)

8 — 21,22 and 23 — Cutthroat Harbor Estates — Cudjoe Key
Block — Lot — Subdivision — Key

00178500-000000 & 00178490-000000 — 1230511 & 1230502
Real Estate (RE) Number — Alternate Key Number

22658 Overseas Highway — 22
Street Address (Street, City, State, Zip Code) — Approximate Mile Marker

APPLICATION

Approval (Development Order) #: 06-97, 09-02 and 09-04

Land Use District Designation of Property: SC Suburban Commercial

Present Land Use of Property: Mixed Use

Proposed Land Use of Property: Mixed Use

Total Area of Property: 37,871 sq. ft.

Total Upland Area within Property: 37,871 sq. ft.

If non-residential or commercial floor area is proposed, please provide:

1 Total number of non-residential buildings

7,200 Total non-residential floor area in square feet

If residential dwelling units are proposed, please provide:

0 Total number of residential buildings

0 Total number of permanent, market-rate units

0 Total number of permanent, affordable units

0 Total number of transient units (hotel, recreational vehicle and/or campground)

Has a previous application been submitted for this site within the past two years? Yes ___ No X

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

- ☐ Completed application form
- ☐ Correct fee (check or money order to Monroe County Planning & Environmental Resources)
- ☐ Proof of ownership (i.e. Warranty Deed)
- ☐ Current property record card(s) from the Monroe County Property Appraiser
- ☐ Photograph(s) of site from adjacent roadway
- ☐ Copy of the recorded conditional use permit and any previous modification approvals
- ☐ Copy of the most recently approved site plan
- ☐ Written description of project
- ☐ Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – 8 sets (at a minimum, survey should include elevations; all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage; and total acreage by habitat)

- ☐ Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect– 8 sets (drawn to a scale of 1:10 or 1:20). At a minimum, the site plan should include the following:
  - ☐ Date, north point and graphic scale
  - ☐ Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes
  - ☐ All attributes from the boundary survey
  - ☐ Future Land Use Map (FLUM) designation(s) of the site
  - ☐ Land Use (Zoning) District designation(s) of site
  - ☐ Tier designation(s) of the site
  - ☐ Flood zones pursuant to the Flood Insurance Rate Map
  - ☐ Setback lines as required by the Land Development Code
  - ☐ Locations and dimensions of all existing and proposed structures, including all paved areas and clear site triangles
  - ☐ Size and type of buffer yards and parking lot landscaping areas, including the species and number of plants (*unless a separate landscape plan showing such is submitted*)
  - ☐ Extent and area of wetlands, open space preservation areas and conservation easements
  - ☐ Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any potential species that may use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service) (unless a separate landscape plan showing such is submitted)
  - ☐ Location of fire hydrants or fire wells
  - ☐ The location of public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (with wastewater system provider) or on-site system proposed to meet required County and State of Florida wastewater treatment standards
  - ☐ A table providing the total land area of the site, the total buildable area of the site, the type and square footage of all nonresidential land uses, the type and number of all residential dwelling units, the amounts of impervious and pervious areas, and calculations for land use intensity, open space ratio, and off-street parking
- ☐ Landscape Plan by a Florida registered landscape architect – 8 sets (may be shown on the site plan; however, if a separate plan, drawn to a scale of 1:10 or 1:20). At a minimum, the landscaping plan should include the following:
  - ☐ Date, north point and graphic scale
  - ☐ Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes
  - ☐ Locations and dimensions of all existing and proposed structures, including all paved areas
  - ☐ Open space preservation areas
  - ☐ Existing natural features
  - ☐ Size and type of buffer yards including the species, size and number of plants
  - ☐ Parking lot landscaping including the species, size and number of plants
  - ☐ Specimen trees, or threatened and endangered plants to be retained and those to be relocated or replaced
  - ☐ Transplantation plan (if required)
- ☐ Stormwater/ Surface Water Management Plan – 8 sets (including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas)
- ☐ Building Floor Plans for all proposed structures and for any existing structures to be redeveloped – 8 sets (drawn at an appropriate standard architectural scale)

- ☐ Building Elevations for all proposed structures and for any existing structures to be modified – 8 sets (with the elevations of the following features referenced to NGVD: existing grade; finished grade; finished floor elevations (lowest supporting beam for V-zone development); roofline; and highest point of the structure)
- ☐ Traffic Study, prepared by a licensed traffic engineer
- ☐ Transportation fee of $5,000 to cover the cost of experts hired by the Growth Management Division to review the traffic study (any unused funds deposited will be returned upon permit approval)
- ☐ Construction Management Plan, stating how impacts on near shore water and surrounding property will be managed (i.e. construction barriers, hay bales, flagging)
- ☐ Typed name and address mailing labels of all property owners within a 300 foot radius of the property. 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
- ☐ Radius report from Monroe County Property Appraiser supporting the required labels
- ☐ Proof of Coordination are required from the following:
    - ☐ Florida Keys Aqueduct Authority (FKAA)
    - ☐ Florida Keys Electric Cooperative (FKEC) or Keys Energy Services
    - ☐ Monroe County Office of the Fire Marshal
    - ☐ Monroe County Solid Waste Management
    - ☐ Florida Department of Health if wastewater flows are less than or equal to 5,000 gallons per day or Florida Department of Environmental Protection if wastewater flows exceed 5,000 gallons per day

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

- ☐ Notarized Agent Authorization
- ☐ Vegetation Survey or Habitat Evaluation Index
- ☐ Construction Phasing Plan
- ☐ Additional Proof of Coordination may be required for your project, please contact with the Planning & Environmental Resources Department to identify other agencies expected to review the project. Other agencies may include, but are not limited to:
    - ☐ Key West Resort Utilities
    - ☐ Key Largo Wastewater Treatment District (KLWTD)
    - ☐ South Florida Water Management District (SFWMD)
    - ☐ Florida Department of Transportation (FDOT)
    - ☐ Florida Department of Environmental Protection (FDEP)
    - ☐ Florida Department of State, Division of Historic Resources
    - ☐ Florida Game and Freshwater Fish Commission (FGFFC)
    - ☐ U.S. Army Corps of Engineers (ACOE)
    - ☐ U.S. Fish and Wildlife Service (USFW)

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

* * * * * * *

I, the Applicant, 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:** 6-7-13

Sworn before me this 6 day of June, 2013

RICHARD PUENTE
MY COMMISSION # DD 937651
EXPIRES: March 2, 2014
Bonded Thru Notary Public Underwriters

Richard Puente
Notary Public
My Commission Expires

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

SECTION 3 - AFFIDAVIT OF APPLICANT
NOTARIZATION REQUIRED

Business Name (D/B/A)
SQUARE GROUPER BAR AND GRILL

"I, the undersigned individually, or if a registered legal entity for itself and its related parties, hereby swear or affirm that I am duly authorized to make the above and foregoing application and, as such, I hereby swear or affirm that the attached sketch is a true and correct representation of the premises to be licensed and agree that the place of business, if licensed, may be inspected and searched during business hours or at any time business is being conducted on the premises without a search warrant by officers of the Division of Alcoholic Beverages and Tobacco, the Sheriff, his Deputies, and Police Officers for the purposes of determining compliance with the beverage and retail tobacco laws."

"I swear under oath or affirmation under penalty of perjury as provided for in Sections 559.791, 562.45 and 837.06, Florida Statutes, that the foregoing information is true and that no other person or entity except as indicated herein has an interest in the alcoholic beverage license and/or tobacco permit, and all of the above listed persons or entities meet the qualifications necessary to hold an interest in the alcoholic beverage license and/or tobacco permit."

STATE OF_____

COUNTY OF_____

Lynn C. Bell
APPLICANT SIGNATURE

_____
APPLICANT SIGNATURE

The foregoing was ( ) Sworn to and Subscribed OR ( ) Acknowledged Before me this 20 Day of May, 2013. By LYNN C. BELL who is (X) personally
(print name(s) of person(s) making statement)

known to me OR ( ) who produced _____ as identification.

Jody L. Kearney
Notary Public

Commission Expires:

JODY L. KEARNEY
MY COMMISSION # EE 879571
EXPIRES: March 14, 2015
Bonded Thru Notary Public Underwriters

6/6/2013

TREPANIER
& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Mr. Townsley Schwab, Senior Director
Monroe County Planning and Environmental Resources
2798 Overseas Hwy., Suite 400 Marathon, FL 33040

RE: Amendment to Minor Conditional Use
22658 Overseas Hwy., Cudjoe Key
RE No. 00178500-000000 & 00178490-000000

Dear Director Schwab:

This is an application to amend a minor conditional use on the above property. The property is currently approved for the following[1]:

A two-story, 7,200 sq. ft. building including:

- 1,200 sq. ft. of light industrial use
- 1,500 sq. ft. of office use
- 1,500 sq. ft. of hair and beauty salon
- 3,000 sq. ft. of commercial retail use consisting of:
    - 2,000 sq. ft. of sit-down restaurant;
    - 1,000 sq. ft. of medium intensity commercial retail); and

This application seeks to use the entire building in association with the Square Grouper restaurant as depicted on the attached plans.

This application includes a traffic analysis and a revised site plan that demonstrate parking, buffer yard, and landscape compliance with the standards applicable to all conditional uses. The proposed amendment is consistent with the Comprehensive Plan and the Land Development Code in the following manner:

(1) *The conditional use is consistent with the purposes, goals, objectives and standards of the plan and this chapter;*

Policy 130-43 states: "The purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1." The existing restaurant has become an integral part of the Lower Keys community. The community has come to depend on the Square Grouper as a one the Lower Keys "Great Good Places" so importantly described in American community development literature by community development scholars such as Ray Oldenburg and Robert Putnam.

The Square Grouper meets local needs, contributes to the creation of this area of Cudjoe to have compact, walkable destination which enhances the unique

[1] Pursuant to D.O. 06-97, D.O. 09-02, and D.O. 09-04

402 Appelrouth Lane • P.O. Box 2155 • Key West, FL • 33045-2155
Phone: 305-293-8983 • Fax: 305-293-8748 • Email: patrick@owentrepanier.com

character of the Cudjoe community. Anecdotal evidence of the Square Grouper's importance to the immediate planning area is the inclusion of the Square Grouper as a real-estate consideration in marketing materials for residential properties in the nearby neighborhoods. Marketing material on the Multiple Listing Service regularly include information regarding the accessibility of the listed property to the Square Grouper. Listings often boast statements such as "Walking distance to the wonderful neighborhood restaurant - Square Grouper", "Biking distance to the Square Grouper", etc. Allowing the Grouper to occupy the entire building and reduce waiting times for evening seating is fully consistent with the purposes, goals, objectives and standards of the plan and this chapter.

(2) *The conditional use is consistent with the community character of the immediate vicinity of the parcel proposed for development;*

The character of the immediate vicinity is a mix of residential and commercial uses. The vicinity is primarily comprised of Residential Medium, Mixed Use Commercial and Conservation future land Use designations. The property is located within the commercial strip along US1 that serves Cudjoe and the surrounding Keys. The Grouper serves 829 households in the Cudjoe CDP alone[2].

The amendment to the conditional use is consistent with the community character of immediate vicinity, and the attached plans and studies demonstrate the property can accommodate the proposed amendment.

(3) *The design of the proposed development minimizes adverse effects, including visual impacts, or the proposed use on adjacent properties;*

The attached plans demonstrate that the proposed development minimizes adverse effects, including visual impacts, or the proposed use on adjacent properties. The site plan demonstrates compliance with the proposed exterior design will not change and will not have adverse affects on visual impacts or the surrounding property.

(4) *The proposed use will have an adverse effect on the value of surrounding properties;*

The proposed use will not have an adverse affect on the value of surrounding properties.

(5) *The adequacy of public facilities and services, including, but not limited to, roadways, park facilities, police and fire protection, hospital and Medicare services, disaster preparedness program, drainage systems, refuse disposal, water and sewers, judged*

---

[2] According to the US Census Bureau's American Fact Finder

according to standards from and specifically modified by the public facilities capital improvements adopted in the annual report required by this chapter;

The public facilities are adequate. The property owner has increased the capacity for the grease trap and wastewater under Monroe County Health Department Permit No. 44-SK-1452510[3]. The property owner has also acquired an adjacent lot to accommodate additional parking.

(6) *The applicant for conditional use approval has the financial and technical capacity to complete the development as proposed and has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development;*

The Square Grouper is a known quantity. Ms. Bell has owned and operated the restaurant since September of 2003. She has a demonstrated financial and technical capacity to successfully complete the development as proposed.

Approval of the amendment will further the goal of the Comprehensive Plan by encouraging a business that serves the local community with unique offerings.

(7) *The development will adversely affect a known archaeological, historical or cultural resource;*

NA - The development will have no adverse affect on known archeological, historical or cultural resources.

(8) *Public access to public beaches and other waterfront areas is preserved as a part of the proposed development; and*

NA - Public access to public beaches and other waterfront areas will not be affected.

(9) *The proposed use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use and by all other applicable requirements of this Code.*

The proposed use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use and by all other applicable requirements of this Code, as demonstrated by the above and the attached plans and studies.

Thank you for your time and consideration with this matter. We look forward to moving this amendment forward as quickly as possible.

Sincerely,

---

[3] Attached

Patrick Wright

Development Orders

MONROE COUNTY
OFFICIAL RECORDS

FILE #1024602
BK#1476 PG#1232

RCD Sep 22 1997 11:55AM
DANNY L KOLHAGE, CLERK

RECEIVED 9-18-97 Mara.
SENT TO KEY WEST FOR RECORDING

MONROE COUNTY, FLORIDA
MINOR CONDITIONAL USE DEVELOPMENT ORDER #06-97

A DEVELOPMENT ORDER APPROVING THE MINOR CONDITIONAL USE REQUEST OF JOHN AND SHEILA PETERSON FOR THE CONSTRUCTION OF A TWO-STORY, 7,200 SQ. FT. BUILDING WHICH INCLUDES 1,200 SQ. FT. OF LIGHT INDUSTRIAL USE, 3,000 SQ. FT. OF COMMERCIAL RETAIL USE (2,000 SQ. FT. OF SIT-DOWN RESTAURANT AND 1,000 SQ. FT. OF MEDIUM INTENSITY COMMERCIAL RETAIL), AND 3,000 SQ. FT. OF OFFICE USE, ON PROPERTY DESCRIBED AS LOTS 22 AND 23, BLOCK 8, CUTTHROAT HARBOR ESTATES, SECTION 28, TOWNSHIP 66 SOUTH, RANGE 28 EAST, TALLAHASSEE MERIDIAN, CUDJOE KEY, MONROE COUNTY, FLORIDA, MILE MARKER 22. THE LAND USE DESIGNATION IS SUBURBAN COMMERCIAL, AND THE REAL ESTATE NUMBERS ARE 00178500 AND 00178510.

WHEREAS, John and Sheila Peterson are the owners of real property described as Lots 22 and 23, Block 8, Cutthroat Harbor Estates, Cudjoe Key, Monroe County, Florida, Mile Marker 22; and

WHEREAS, John and Sheila Peterson applied for a Minor Conditional Use approval for the construction of a two-story, 7,200 sq. ft. building which includes 1,200 sq. ft. of light industrial use, 3,000 sq. ft. of commercial retail use (2,000 sq. ft. of sit-down restaurant and 1,000 sq. ft. of medium intensity commercial retail), and 3,000 sq. ft. of office use, on property located in the Suburban Commercial (SC) land use district; and

WHEREAS, the Development Review Committee (DRC) of Monroe County, Florida, in accordance with the provisions of Sections 9.5-24 and 9.5-68 of the Monroe County Land Development Regulations, met to review the request of John and Sheila Peterson for approval of the Minor Conditional Use application on June 3, 1997; and

WHEREAS, the Development Review Committee reviewed the following documents and other information relevant to John and Sheila Peterson's Minor Conditional Use request:

1. The application for a Minor Conditional Use dated March 31, 1997, including site, landscaping, and drainage plans prepared by Phil Childs on April 5, 1996; revisions to the site and landscaping plans made by Phil Childs on July 8, 1997; floor plans prepared by Phil Childs on September 20, 1995; revisions to the floor plans made by Phil Childs on June 27, 1997;

2. The staff report prepared by Jill Jernigan, Planner, and Ralph Gouldy, Environmental Planner, dated May 23, 1997;

3. Comments by members of the Development Review Committee; and

4. Comments by the applicant and Steve Henson, agent for the applicant.

FILE #1024602
BK#1476 PG#1233

WHEREAS, based upon the information and documentary evidence submitted, the Development Review Committee adopted the following findings of fact and conclusions:

1) The drainage plan has not been reviewed by the County Engineer. Therefore, we find that compliance with Section 9.5-293 cannot be determined at this time; and

2) Based on the site plan, the applicant is proposing to place two (2), twenty two (22) ft. wide driveways on LaFitte Drive. The connection of these driveways to county right-of-way will require approval and permits from the Public Works/Engineering Department; and

3) Based on the residential nature of the immediate vicinity and the fact that access to the subject property is via a local road, we have some concerns that the proposed development will adversely affect the adjacent residential uses; and

4) Based on resolution #70-1997, passed by the Board of County Commissioners on February 19, 1997, the project received vested rights. Therefore, this project has been reviewed for compliance with the 1986 comprehensive plan and is not subject to the Year 2010 Comprehensive Plan.

WHEREAS, the Development Review Committee, based on its findings of fact, recommended to the Planning Director the approval of the application for Minor Conditional Use submitted by John and Sheila Peterson; and

WHEREAS, the Planning Director has duly considered the recommendation of the Development Review Committee and the information and documentary evidence submitted by the applicant; and

Initial_____

WHEREAS, the record established, the testimonies offered, and the evidence submitted, support the findings of fact adopted by the Development Review Committee;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING DIRECTOR OF MONROE COUNTY, FLORIDA, that:

The application for minor conditional use submitted by John and Sheila Peterson to construct a two-story, 7,200 sq. ft. building which includes 1,200 sq. ft. of light industrial use, 3,000 sq. ft. of commercial retail use (2,000 sq. ft. of sit-down restaurant and 1,000 sq. ft. of medium intensity commercial retail), and 3,000 sq. ft. of office use, on property described as Lots 22 and 23, Block 8, Cutthroat Harbor Estates, Cudjoe Key, Monroe County, Florida, is hereby APPROVED, with the following conditions:

1. Prior to receiving a building permit, the drainage plans shall be reviewed by the Monroe County Engineer.

2. Prior to receiving a building permit, the applicant shall obtain the necessary permits from the Monroe County Public Works/Engineering Department and any other county, state, and federal agencies.

3. Pursuant to Section 9.5-67, in order to minimize the adverse effects on surrounding residential uses, the hours of operation shall be limited to the following:

   Sunday through Thursday: 7:00 a.m. to 10:00 p.m.

   Friday, Saturday, and national holidays: 7:00 a.m. to midnight

FILE #1024602
BK#1476 PG#1234

Date: 7/14/97

Timothy J. McGarry, AICP
Director of Planning

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared Timothy J. McGarry, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 14th day of July, 1997.

NOTARY PUBLIC STATE OF FLORIDA
MAYRA TEZANOS
COMMISSION # CC 555990
EXPIRES MAY 19, 2000
BONDED THRU
ATLANTIC BONDING CO., INC.

Mayra Tezanos
NOTARY PUBLIC, STATE OF FLORIDA

MPETERSN.05/TXTDR/97024

Initial_____

REFERENCE: In the event that this development order constitutes an amendment, extension, variation, or alteration of a previous conditional use permit, that document may be referenced by the following ____NONE_____

_____

NOTICE

Section 9.5-72.(a) of Monroe County Code states that a conditional use permit shall not be transferred to a successive owner without notification to the Development Review Coordinator within five (5) days of the transfer.

Under the authority of Section 9.5-72(a) of the Monroe County Land Development Regulations, this development order shall become null and void, with no further notice required by the County, unless a complete building permit application for site preparation and building construction with revised plans as required herein is submitted to the Monroe County Building Official within six (6) months of the expiration of the Department of Community Affairs appeal period or the date when the Department of Community Affairs waives its appeal and all required certificates of occupancy are procured within three (3) years of the date this development order is approved by the Acting Director of Planning.

If this development order is appealed under the Monroe County code or by the Department of Community Affairs, the above time limits shall be tolled until the appeals are resolved.

This instrument shall not take effect for thirty (30) working days following the date of memorialization thereof, and during that time permit shall be subject to appeal as provided in Section 9.5-523(d) of the Monroe County land development regulations. An appeal shall stay the effectiveness of this instrument until resolved.

In addition, please be advised that pursuant to Chapter 9J-1, Florida Administrative Code, this instrument shall not take effect for forty five (45) days following the rendition to the Florida Department of Community Affairs. During that forty-five days, the Florida Department of Community Affairs may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

FILE #1024602
BK#1476 PG#1235

MONROE COUNTY
OFFICIAL RECORDS

Initial_____

MONROE COUNTY
OFFICIAL RECORDS

FILE #1342790
BK#1846 PG#2354

RCD Jan 03 2003 08:56AM
DANNY L KOLHAGE, CLERK

MONROE COUNTY, FLORIDA
MINOR CONDITIONAL USE DEVELOPMENT ORDER #09-02

A DEVELOPMENT ORDER APPROVING THE AMENDMENT TO A MINOR CONDITIONAL USE REQUEST OF DOUGLAS BELL FOR THE CHANGE OF USE OF 1,500 SQ. FT. OF PREVIOUSELY APPROVED OFFICE USE IN A MIXED USE BUILDING CURRENTLY UNDER CONSTRUCTION TO MEDIUM INTNSITY COMMERCIAL USE. THE PROPERTY IS LOCATED ON CUDJOE KEY, MONROE COUNTY, FLORIDA.

WHEREAS, Douglas Bell is the owner of the property described as Lots 22 and 23, Block 8, Cutthroat Harbor Estates, Section 28, Township 66 South, Range 28 East, Tallahassee Meridian, Cudjoe Key; and

WHEREAS, the above described property is located in the Suburban Commercial (SC) land use district and the Future Land Use Map designation is Mixed Use Commercial (MC); and

WHEREAS, the property is situated between Lafitte Drive, and US 1 Highway just west of Cutthroat Drive; and

WHEREAS, The existing development under construction is a two-story, 7,200 sq. ft. building which includes 1,200 sq. ft. of light industrial use, 3,000 sq. ft. of commercial retail use (2,000 sq. ft. of sit-down restaurant and 1,000 sq. ft. of medium intensity commercial retail), and 3,000 sq. ft. of office; and

WHEREAS, The proposed use is to change 1,500 sq. ft. of the previously approved 3,000 sq. ft. office use to medium intensity commercial to be used as a hair and beauty salon; and

WHEREAS, the original owners of this property (John and Sheila Peterson) applied for and were granted vested rights by the Board of County Commissioners (Resolution No. 070-1997) on February 19, 1997; and

WHEREAS, the original application for a Minor Conditional Use was reviewed for compliance under the 1986 comprehensive plan and received approval by DRC under the Development Order #06-97; and

WHEREAS, the Development Review Committee of Monroe County, Florida, in accordance with the provisions of Sections 9.5-24 and 9.5-68 of the Monroe County Land Development Regulations, met to review the request of Douglas Bell for approval of an Amendment to Minor Conditional Use application on November 12, 2002; and

WHEREAS, the Development Review Committee reviewed the following documents and other information relevant to the request which is hereby incorporated as part of the record of said hearing:

1. The application for an Amendment to Minor Conditional Use dated October 10, 2002; and
2. The Staff Report prepared by Aref Joulani, Senior Planner, and Ralph Gouldy, Senior Administrator of Environmental Resources dated November 04, 2002; and
3. Plan of the redesigned interior space of the second floor approved by the Monroe County Department of Health; and

WHEREAS, at the request of the County's Traffic Consultant a Traffic Impacts Statement regarding the change of use from office to retail was conducted by Transport Analysis Professionals, Inc.; and

WHEREAS, the County's Traffic Consultant in a letter dated October 25, 2002 stated that "the proposed retail space will provide services where there is a demand, and anticipated to result in eliminating trips that currently go to Big Pine Key to receive the same service." Therefore, no negative impact on Big Pine Key segment of US 1 (segment #10) is expected; and

WHEREAS, after review of the application, Staff determined that the proposal is consistent with the purpose, goals, objectives, and standards of the Year 2010 Comprehensive Plan and the applicable chapters of the Land Development Regulations; and

WHEREAS, based upon the information and documentary evidence submitted, the Development Review Committee adopted the following findings of fact and conclusions of law:

1. Based on the application the change of use does not require additional floor area and is not subject to Section 9.5-124 (NROGO).

2. Due to the residential nature of the neighboring areas and according to Section 9.5-67 of the Monroe County Code, the Director of Planning may attach such conditions to a conditional use permit as are necessary to carry out the purposes of the plan and to prevent or minimize adverse effects upon other property in the neighborhood, including but not limited to hours of operation.

WHEREAS, the Planning Director has duly considered the recommendation of the Development Review Committee and the information and documentary evidence submitted by the applicant; and

WHEREAS, the record established, the testimonies offered, and the evidence submitted support the findings of fact and the conclusions of law adopted by the Development Review Committee. **NOW THEREFORE;**

BE IT RESOLVED BY THE DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES OF MONROE COUNTY, FLORIDA, that the application for an Amendment to a Minor Conditional Use submitted by Douglas Bell for change of use of 1,500 sq. ft. of the previously approved 3,000 sq. ft. office use to medium intensity commercial use is hereby **APPROVED** with the following condition:

1. Based on Section 9.5-67 and pursuant to the condition #3 of the original Development Order (#06-97), to minimize the adverse effects of the development on the surrounding residential uses, notices shall be posted on the property to clearly show the following hours of operation:

Sunday through Thursday:	7:00 a.m. to 10:00 p.m.
Friday, Saturday, and National Holidays:	7:00 a.m. to midnight

Date: 11/14/02

K Marlene Conaway
K. Marlene Conaway
Director of Planning and Environmental Resources

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared K. Marlene Conaway, to me known to be the persona described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 14TH day of November, 2002.

Nicole M. Petrick
NOTARY PUBLIC, STATE OF FLORIDA

REFERENCE: In the event that this development order constitutes an amendment, extension, variation, or alteration of a previous conditional use permit, that document may be referenced by the following _____"NONE"_____

NICOLE M. PETRICK
Notary Public - State of Florida
My Commission Expires Jun 28, 2005
Commission # DD037864

NOTICE

Section 9.5-72. (a) of Monroe County Code states that a conditional use permit shall not be transferred to a successive owner without notification to the Development Review Coordinator within five (5) days of the transfer.

Section 9.5-72(a)(1) of the Monroe County Land Development Regulations states that:

"...application for a building permit(s) shall be made within six (6) months of the date of the approval of the conditional use, and all required certificates of occupancy shall be procured within two (2) years of the date of issuance of the initial building permit, or the conditional use approval shall become null and void with no further action required by the county. Approval timeframes do not change with successive owners. An extension of time may be granted only by the planning commission for a period of not to exceed one (1) year and only within the original period of validity."

If this development order is appealed under the Monroe County code or by the Department of Community Affairs, the above time limits shall be tolled until the appeals are resolved.

This instrument shall not take effect for thirty (30) working days following the date of memorialization thereof, and during that time, the permit shall be subject to appeal as provided in Section 9.5-521(c) of the Monroe County land development regulations. An appeal shall stay the effectiveness of this instrument until resolved.

In addition, please be advised that pursuant to Chapter 9J-1, Florida Administrative Code (FAC), this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Department of Community Affairs. Pursuant to FAC Section 9J-1.003(2), "Development orders shall not be rendered until the time within which to file any local administrative appeals pursuant to local ordinances has expired." During that forty-five days, the Florida Department of Community Affairs may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

MONROE COUNTY
OFFICIAL RECORDS

Doc# 1479210 11/16/2004 1:17PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Doc# 1479210
Bk# 2059 Pg# 178

MONROE COUNTY, FLORIDA
AMENDMENT TO A MINOR CONDITIONAL USE
DEVELOPMENT ORDER # 09-04

A DEVELOPMENT ORDER APPROVING AN AMENDMENT TO A MINOR CONDITIONAL USE OF THE MOONTIDE PLAZA FOR THE CONSTRUCTION OF A PARKING LOT AND A HIGHWAY CUT FOR ONE WAY TRAFFIC EXITING US HIGHWAY 1 ON PROPERTY DESCRIBED AS LOTS 21,22, AND 23 BLOCK 8, CUTTHROAT HARBOR ESTATES, CUDJOE KEY, MONROE COUNTY, FLORIDA. THE LAND USE DESIGNATION IS SUBURBAN COMMERCIAL (SC) AND THE REAL ESTATE NUMBERS ARE 00178490.000000,00178500.000000,00178510.000000.

WHEREAS, Douglas Bell is the owner of real property described as lots 21, 22, and 23 Block 8, Cutthroat Harbor Estates, Cudjoe Key, Monroe County, Florida; and

WHEREAS, Douglas Bell applied for an Amendment to a Minor Conditional Use approval for the addition of a parking lot and a highway cut for one way traffic exiting US Highway 1 in the Suburban Commercial (SC) land use district; and

WHEREAS, the Development Review Committee (DRC) of Monroe County, Florida, in accordance with the provisions of sections 9.5-24 and 9.5-68 of the Monroe County Land Development Regulations, met to review the request of Douglas Bell for approval of an Amendment to a Minor Conditional Use application on July 19, 2004; and

WHEREAS, the Development Review Committee reviewed the following documents and other information relevant to Douglas Bells Amendment to a Minor Conditional Use request:

1. The application for an Amendment to a Minor Conditional Use received June 4, 2004; and

2. Site, drainage, and landscape plan signed and sealed by P.E. & D, Inc. dated 02/24/04, 06/21/04, 07/06/04 and the final revised site, drainage and landscape plan signed and sealed by P.E. & D., Inc. dated 09/03/04; and

3. Survey prepared by J.B. Case, Surveyor and Mapper dated 04/18/03; and

4. The official subdivision plat for Cutthroat Harbor Estates Subdivision Sheets 1-3, created by E.R. McCarthy, Registered Engineer and Land Surveyor filed 03/09/60; and

RE # 's
00178490.000000
00178500.000000
00178510.000000

Initials KMM

5. The Staff Report prepared by Heather Beckmann, Planner and Andrew Trivette, Senior Biologist, dated 06/21/04; and

6. URS Corporation memorandum prepared by Jenn King for Raj Shanmugam dated 07/02/04; and

WHEREAS, based upon the information and documentary evidence submitted, the Development Review Committee adopted the following findings of fact and conclusions of law:

1. Based on the site plan, two (2) five hundred (500) watt HPS lights are to be located on the parking lot. As a part of the permitting process, it must be determined if the lights are in compliance with the outdoor lighting and maximum illumination standards set in Section 9.5-391 of the County Code prior to the issuance of an after-the-fact permit.

2. Based on the application, South Florida Water Management District (SFWMD) has been contacted to review the project. The project must be reviewed and approved by the SFWMD or the County Engineer, in order to determine compliance with Section 9.5-293.

3. Based on the application, the Florida Department of Health and Rehabilitative Services (HRS) have been contacted to review the project. The proposed project must coordinate with the Florida Department of Health if wastewater flows are less than or equal to ten-thousand (10,000) gallons per day or with the Florida Department of Environmental Protection (FDEP) if wastewater flows exceed ten-thousand (10,000) gallons per day. There is an existing wastewater treatment system on site, however it must be reviewed by the appropriate agency to determine if it is adequate or if upgrades are warranted. Therefore, staff concludes that a complete Plan Review to determine compliance with the provisions of Chapter 64E-6 of the Florida Administrative Code, and Chapter 381 of the Florida Statutes by the appropriate agency is required prior to issuing an after-the-fact permit.

4. Based on the site plan, a new landscape plan depicting all required planting areas and both the existing vegetation as well as the vegetation to be transplanted and added must be submitted and approved by the county biologist. Prior to the issuance of an after-the-fact permit, the applicant must indicate in the landscape plan that native trees will be planted in the new parking lot in order to be in compliance with the energy conservation standards.

5. Prior to the issuance of a development order, the applicant must resubmit a site plan with accurately marked setbacks with the two less parking spaces caused by the setback. Further, prior to the issuance of a development order, the applicant must

resubmit a site plan which depicts the change in throat of the driveway from sixteen (16) feet to fourteen (14) feet.

6. Based on the application, the applicant has sought permission from Florida Department of Transportation (FDOT) to permit the drainage connection. The drainage connection must be permitted by FDOT and the applicant must comply with the special provisions of the permit prior to the issuance of an after-the-fact permit.

7. Pursuant to Section 9.5-352(i) (2), the shared parking option requires any change in the occupancy or use of any principal use intended to be served by the shared parking requires development approval by the Planning Director to ensure sufficient parking is available. Applicant must receive development approval by the Planning Director in the future prior to changing the occupancy or use of the existing seven-thousand two-hundred (7,200) square foot building.

8. Based on Court Case # 99-20215 CA 18, Republic Media, Inc., and Outdoor Systems, Inc vs. Monroe County Florida, the applicant is eligible to obtain an after-the-fact permit from Monroe County for the billboard on his property. However, FDOT has found the structure to be nonconforming. The applicant claims the structure is owned and leased by Viacom. Applicant claims he has a contract with Viacom until September of 2004. Staff concludes that once the contract has ended with Viacom, the billboard must be removed from Lot twenty-one (21) Block eight (8).

9. Based on the application, the following agencies have been contacted to review the project; Florida Keys Aqueduct Authority (FKAA) and the Monroe County Fire Marshall. Staff concludes that the following agencies must approve the plans to determine compliance with Section 9.6-69.

10. Based on the application, the following agencies have been contacted to review the project; Florida Keys Electric Cooperative (FKEC) and the U.S. Fish and Wildlife (USFW). Staff concludes that approval of the plans by FKEC and USFW is required.

WHEREAS, based on the third condition set forth in the staff report dated 06/21/04, the Department of Environmental Protection has received and approved the plans through a letter of coordination written on 05/21/04. Therefore, we conclude that this condition set forth in the staff report for issuance of an after-the-fact permit has been met; and

WHEREAS, based on the fourth condition set forth in the staff report dated 06/21/04, a new landscape plan depicting all required planting areas and both the existing vegetation as well as the vegetation to be transplanted and added was signed and sealed by P.E. & D. Inc., dated on 09/03/04. Therefore, we conclude that this condition set forth in the staff report for issuance of a development order has been met; and

WHEREAS, based on the fifth condition set forth in the staff report dated 06/21/04, a revised site plan with accurately marked setbacks, two (2) less parking spaces, and a

reduction of the driveway throat from sixteen (16) to fourteen (14) feet was signed and sealed by P.E. & D. Inc., dated on 09/13/04. Therefore, we conclude that this condition set forth in the staff report for issuance of a development order has been met.

WHEREAS, based on the eighth condition set forth in the staff report dated 06/21/04, the Monroe County Fire Marshal has reviewed and verbally approved the plans on 09/17/04. Therefore, we conclude that this condition set forth in the staff report for issuance of an after-the- fact permit has been met

WHEREAS, the Development Review Committee, based on its findings of fact and conclusions of law, recommended approval with conditions of the application for the Amendment to a Minor Conditional Use submitted by Douglas Bell to the Director of Planning; and

WHEREAS, the Director of Planning has duly considered the recommendation of the Development Review Committee and the information and documentary evidence submitted by the applicant; and

WHEREAS, the record established, the testimonies offered and the evidence submitted, support the findings of fact adopted by the Development Review Committee; and

NOW THEREFORE, BE IT RESOLVED BY THE DIRECTOR OF PLANNING OF MONROE COUTY, FLORIDA, that:

The application for an Amendment to a Minor Conditional Use submitted by Douglas Bell for the construction of a parking lot and a highway cut for one way traffic exiting US Highway 1 on property described as lots 21, 22, and 23 Block 8, Cutthroat Harbor Estates, Cudjoe Key, Monroe County, Florida is hereby APPROVED with the following conditions:

1. Prior to issuance of an after-the-fact permit, the outdoor lighting shall be approved as a part of the permitting process.

2. Prior to the issuance of an after-the-fact permit, approval of the surface water management plan by the South Florida Water Management District or the County Engineer shall be provided.

3. Prior to the issuance of an after-the-fact permit, the applicant shall receive a permit from the Florida Department of Transportation for the drainage connection and once permitted the applicant must comply with the special provisions of the permit.

4. Prior to any future change in occupancy or use of the existing seven-thousand two-hundred (7,200) square foot building, the applicant shall receive development

approval by the Planning Director in order to ensure that the parking requirements are in compliance.

5. Prior to the issuance of the after-the-fact permit, the applicant shall show proof of the contract with Viacom. The billboard shall be removed at the end of that contract. If not removed by that date, the applicant will be in violation of his Amendment to a Minor Conditional Use and will be subject to Code Enforcement.

6. Prior to the issuance of an after-the-fact permit, the following agency shall review and approve the plans, Florida Keys Aqueduct Authority (FKAA).

7. Prior to the issuance of an after-the-fact permit, the following agencies shall review and approve the plans; Florida Keys Electric Cooperative (FKEC) and the U.S. Fish and Wildlife (USFW) Services.

Date 9/24/04

K. Marlene Conaway
K. Marlene Conaway
Director of Planning

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared K. Marlene Conaway, to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me the she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 24th day of September 2004.

MAYRA TEZANOS
Notary Public - State of Florida
My Commission Expires May 19, 2008
Commission # DD296796
Bonded By National Notary Assn.

Mayra Tezanos
NOTARY PUBLIC, STATE OF FLORIDA

REFERENCE: In the event that this development order constitutes and amendment, extension, variation, or alteration of a previous conditional use permit, that document may be referenced by the following "PRIOR USE DEEMED AN AMENDMENT TO A MINOR CONDITIONAL USE"

NOTICE

Section 9.5-72 (a) of Monroe County Code states that an Amendment to a Minor Conditional Use permit shall not be transferred to a successive owner without notification to the Development Review Coordinator within five (5) days of the transfer.

Under the authority of Section 9.5-72(a) of the Monroe County Land Development Regulations, this development order shall become null and void with no further notice

required by the County, unless a complete building permit application for site preparation and building construction with revised plans as required herein is submitted to the Monroe County Building Official within six (6) months of the expiration of the Department of Community Affairs appeal period or the date when the Department of Community Affairs waives its appeal and all required certificates of occupancy are procured with three (3) years of the date of this development order is approved by the Director of Planning.

If this development order is appealed under Monroe County Code or by the Department of Community Affairs, the above time limits shall be tolled until the appeals are resolved.

This instrument shall not take effect for thirty (30) working days following the date of memorialization thereof, and during that time permit shall be subject to appeal as provided in Section 9.5-521(d) of the Monroe County Land Development Regulations. An appeal shall stay the effectiveness of this instrument until resolved.

In addition, please be advised that pursuant to Chapter 9J-1, Florida Administrative Code, this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Department of Community Affairs. During that forty-five days, the Florida Department of Community Affairs may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

MONROE COUNTY
OFFICIAL RECORDS

STATE OF FLORIDA
DEPARTMENT OF HEALTH
ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
CONSTRUCTION PERMIT

PERMIT #: 44-SK-1452510
APPLICATION #: AP1095624
DATE PAID: 1-28-13
FEE PAID: 405.00
RECEIPT #: 44-PID-208666
DOCUMENT #: PR897963

CONSTRUCTION PERMIT FOR: OSTDS New

APPLICANT: Lynn C Bell

PROPERTY ADDRESS: 22658 Overseas Hwy Cudjoe Key, FL 33042

LOT: 21-23 BLOCK: 8 SUBDIVISION: Cutthroat Harbor Estates

PROPERTY ID #: 00178490/00178500-000000 [SECTION, TOWNSHIP, RANGE, PARCEL NUMBER] [OR TAX ID NUMBER]

SYSTEM MUST BE CONSTRUCTED IN ACCORDANCE WITH SPECIFICATIONS AND STANDARDS OF SECTION 381.0065, F.S., AND CHAPTER 64E-6, F.A.C. DEPARTMENT APPROVAL OF SYSTEM DOES NOT GUARANTEE SATISFACTORY PERFORMANCE FOR ANY SPECIFIC PERIOD OF TIME. ANY CHANGE IN MATERIAL FACTS, WHICH SERVED AS A BASIS FOR ISSUANCE OF THIS PERMIT, REQUIRE THE APPLICANT TO MODIFY THE PERMIT APPLICATION. SUCH MODIFICATIONS MAY RESULT IN THIS PERMIT BEING MADE NULL AND VOID. ISSUANCE OF THIS PERMIT DOES NOT EXEMPT THE APPLICANT FROM COMPLIANCE WITH OTHER FEDERAL, STATE, OR LOCAL PERMITTING REQUIRED FOR DEVELOPMENT OF THIS PROPERTY.

SYSTEM DESIGN AND SPECIFICATIONS

T [ ] GALLONS / GPD Aerobic Unit CAPACITY
A [ ] GALLONS / GPD CAPACITY
N [3,750] GALLONS GREASE INTERCEPTOR CAPACITY [MAXIMUM CAPACITY SINGLE TANK:1250 GALLONS]
K [ ] GALLONS DOSING TANK CAPACITY [ ]GALLONS @[ ]DOSES PER 24 HRS #Pumps [ ]

D [ ] SQUARE FEET SYSTEM
R [ ] SQUARE FEET SYSTEM
A TYPE SYSTEM: [ ] STANDARD [ ] FILLED [ ] MOUND [ ]
I CONFIGURATION: [ ] TRENCH [ ] BED [x] Injection Well
N
F LOCATION OF BENCHMARK: edge of pavement @ 6.94 ft NVGD
I ELEVATION OF PROPOSED SYSTEM SITE [23.00] [INCHES / FT] [ABOVE / BELOW] BENCHMARK/REFERENCE POINT
E BOTTOM OF DRAINFIELD TO BE [0.00] [INCHES / FT] [ABOVE / BELOW] BENCHMARK/REFERENCE POINT
L
D FILL REQUIRED: [0.00] INCHES EXCAVATION REQUIRED: [0.00] INCHES

O T H E R

PBTS. Permit to replace existing 1200 gallon grease interceptor with 3- 1250 gallon grease interceptors (3750 total). Existing ATU tank, ATU, dosing tank, filter box tank, chlorine contact tank and borehole to be used. ***Must follow design Engineer's specifications. ***Per Engineer, LECA is to be replaced with 9 cu meters new LECA before this permit can be finalled and shall be replaced every 15 months until the building is hooked to central sewer and the system is abandoned. ***Recorded utility easement required for lots 21,22,& 23 (RE #'s 00178490-000000 & 00178500-000000 to be used to achieve sufficient lot flow.

SPECIFICATIONS BY: Mark Repasky TITLE: PE

APPROVED BY: Jane Parthemore TITLE: ES III Monroe CHD
Jane L Parthemore

DATE ISSUED: 02/21/2013 EXPIRATION DATE: 08/21/2014

DH 4016, 08/09 (Obsoletes all previous editions which may not be used)
Incorporated: 64E-6.003, FAC

v 1.1.4 AP1095624 SE890703

STATE OF FLORIDA
DEPARTMENT OF HEALTH
Operating Permit

DIVISION OF
Environmental Public Health

44-QK-02019

44-BID-2147075

OSTDS Operating - Commercial

Issued To: Lynn Bell (Bell, Lynn)
22658 Overseas Highway
Cudjoe Key, FL 33042

County: **Monroe**
Amount Paid: 150.00
Date Paid: 02/22/2013
Issue Date: 01/30/2013
Permit Expires On: 01/30/2014

Mail To: Lynn Bell
931 Lagoon Drive
Cudjoe Key, FL 33042

Monroe County Health Department
102050 Overseas Highway, Bin 10
Key Largo, FL 33037

(305) 453-8750

Owner: Bell, Lynn

The facility shown above has been inspected by a duly authorized representative of the Department of Health, and was found in conformance with those rules promulgated by the department under the authority of chapters 381, 386 and 489 part III, Florida Statutes, and set forth in Rule 64E-6, Florida Administrative code.

This permit grants authority to operate the above referenced facility, service, or system in conformance with department rules and the conditions of operation shown below. This permit is revocable, upon service of notice, when it is determined by the department that the operational conditions and department standards are not being maintained.

Original Customer: Lynn Bell (Bell, Lynn) (NON-TRANSFERABLE)

DISPLAY CERTIFICATE IN A CONSPICUOUS PLACE

STATE OF FLORIDA
DEPARTMENT OF HEALTH
Operating Permit

DIVISION OF
Environmental Public Health

44-QK-02019

44-BID-2147075

OSTDS - Operating - Commercial

Issued To: Lynn Bell (Bell, Lynn)
22658 Overseas Highway
Cudjoe Key, FL 33042

County: Monroe
Amount Paid: 150.00
Date Paid: 02/22/2013
Issue Date: 01/30/2013
Permit Expires On: 01/30/2014

Mail To: Lynn Bell
931 Lagoon Drive
Cudjoe Key, FL 33042

Monroe County Health Department
102050 Overseas Highway, Bin 10
Key Largo, FL 33037

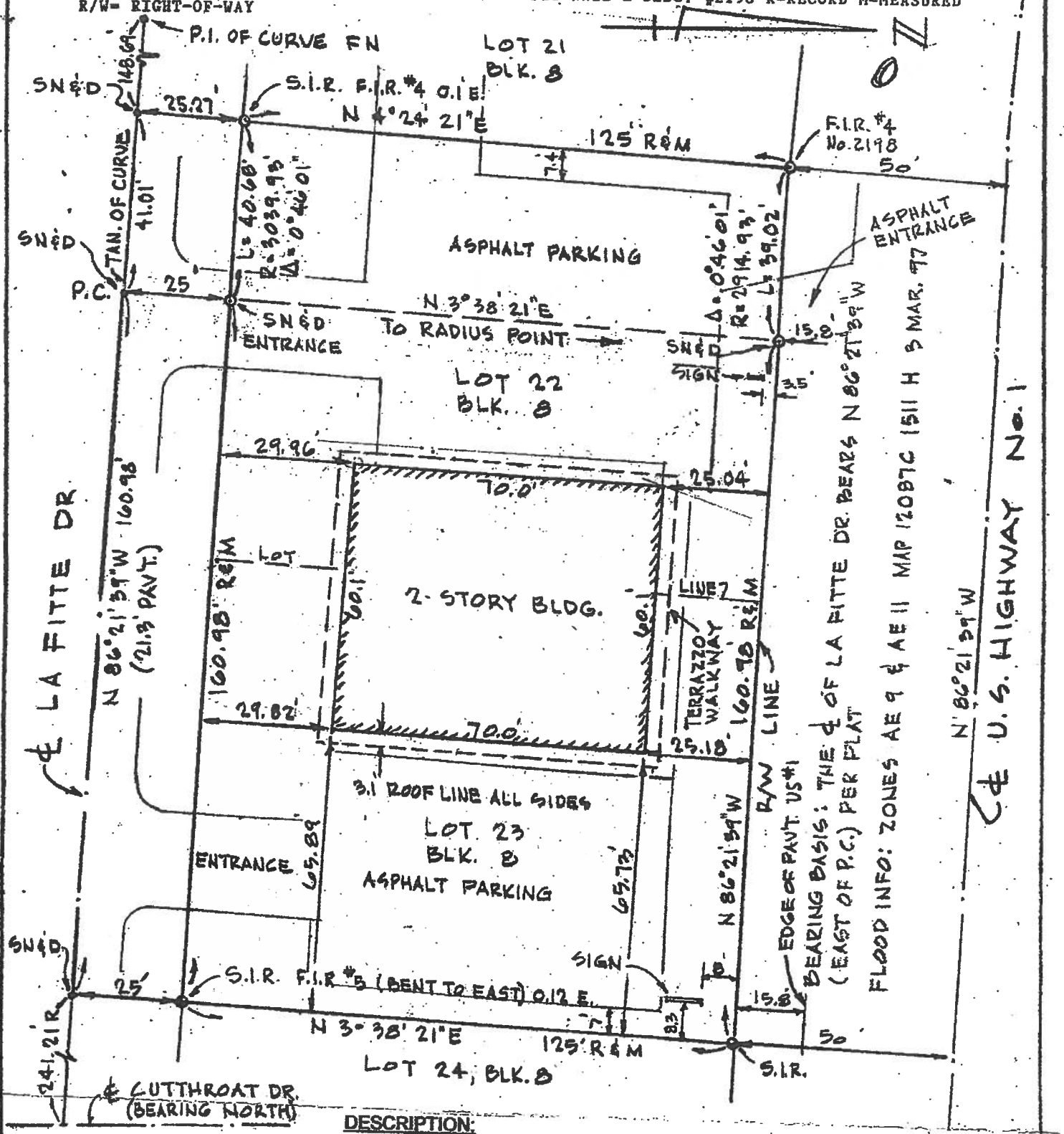
(305) 453-8750

Owner: Bell, Lynn

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

LEGEND:

ALL ANGLES ARE 90° UNLESS SHOWN OTHERWISE. ELEVATIONS ARE 1929 NATIONAL GEODETIC VERTICAL DATUM. BM=BENCH MARK C.L.F.= CHAIN LINK FENCE. ENCRO = ENCROACHMENT F.I.P.= FOUND IRON PIPE. F.I.R. = FOUND IRON ROD FN=FOUND NAIL. SN=SET NAIL M.H.W.L.= APPROX. MEAN HIGH WATER LINE. S.I.R.=SET IRON ROD #4 CAP #2198 SN&D=SET NAIL & DISC. #2198 R=RECORD M=MEASURED R/W= RIGHT-OF-WAY

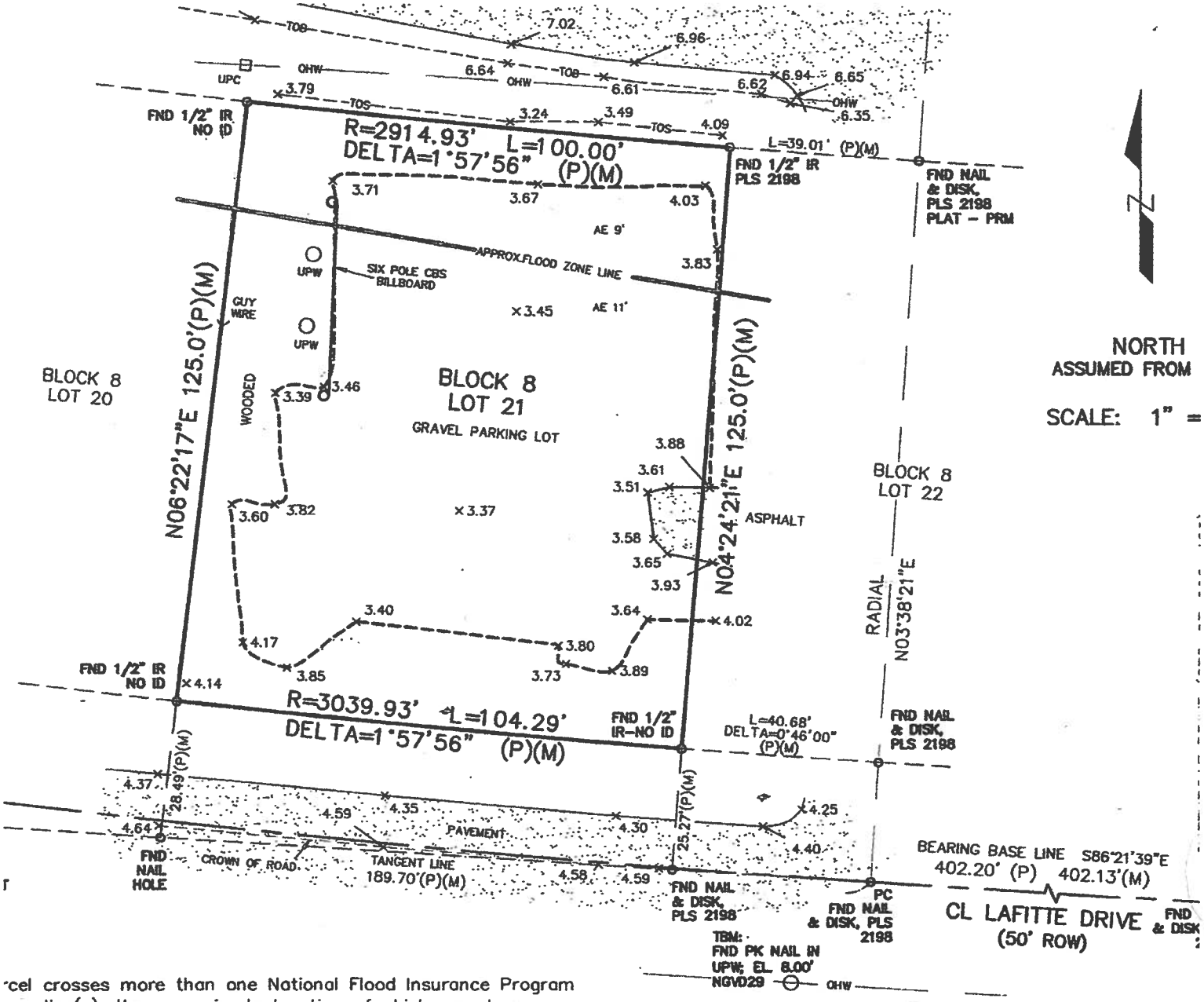


DESCRIPTION:

LOTS 22 & 23, BLOCK 8, CUTTHROAT HARBOR ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 165, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

CERTIFIED TO:

DATE OF FIELD SURVEY 8 MAR. 2007



·cel crosses more than one National Flood Insurance Program one line(s), the approximate location of which are shown These lines are approximate in their location, as scaled from Flood Insurance Rate Map 12087C1311K, last revised on 05. The flood map is at a scale of 1" – 500' ±. At this ıe line itself is 10'± in width. In addition to the small scale ɔ is extremely vague, making precise location of the subject mpossible. These lines are shown hereon for informational s only, and should not be used as the sole criteria for ning construction limits. The location of these lines should be by the appropriate authorities prior to construction.

I HAVE CONSULTED THE FEDERAL EMERGENCY MANAGEMENT AG FLOOD INSURANCE RATE MAP –
COMMUNITY NO.: 125129; MAP NO.: 12087C–1311K; MAP DATE: 0:
THE HERON DESCRIBED PROPERTY APPEARS TO BE IN –
FLOOD ZONE: AE; BASE ELEVATION: 9' & 11' NGVD 29 DATUM.

DESCRIPTION –

l, Block 8, CUTTHROAT HARBOR ESTATES,
ding to the Plat thereof as recorded in
Book 4, Page 165, of the Public Records of Monroe
y, Florida.

IED TO – LYNN C. BELL

NOTE: FOUNDATIONS BENEATH THE SURFACE ARE NOT SHOWN. MEASURED DIMI
EQUAL PLATTED OR DESCRIBED DIMENSIONS UNLESS INDICATED OTHERWISE.
THE FOLLOWING IS A LIST OF ABBREVIATIONS THAT MAY BE FOUND ON THIS SH

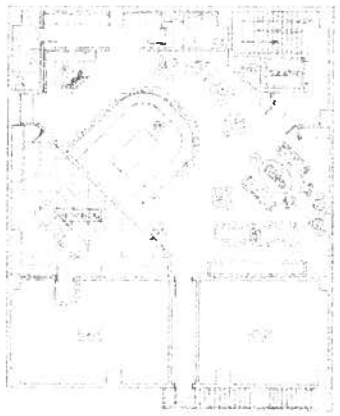
C = CALCULATED
CB = CONCRETE BLOCK
CBW = CONCRETE BLOCK WALL
CL = CENTERLINE
CLF = CHAINLINK FENCE
CM = CONCRETE MONUMENT
CONC = CONCRETE
CVRD = COVERED
D = DEED
DELTA = DELTA ANGLE
DEASE = DRAINAGE EASEMENT
DMH = DRAINAGE MANHOLE
EB = ELECTRIC BOX
EL = ELEVATION
ELEV = ELEVATED
EM = ELECTRIC METER
ENCL = ENCLOSURE
FFE = FINISHED FLOOR ELEVATION
FH = FIRE HYDRANT
FI = FENCE INSIDE
FND = FOUND

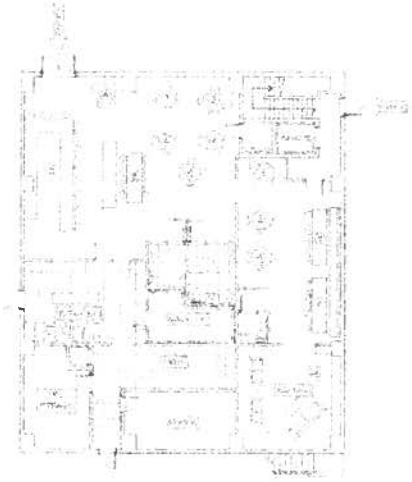
GI = GRATE INLET
GL = GROUND LEVEL
GW = GUY WIRE
IP = IRON PIPE
IR = IRON ROD
L = ARC LENGTH
LS = LANDSCAPING
M = MEASURED
MB = MAILBOX
NGVD = NATIONAL GEODETIC VERTICAL DATUM (1929)
NTS = NOT TO SCALE
OHW = OVERHEAD WIRES
P = PLAT
P&M = PLAT & MEASURED
PC = POINT OF CURVE
PCC = POINT OF COMPOUND CURVE
PCP = PERMANENT CONTROL POINT
PI = POINT OF INTERSECTION
PK = PARKER KALON NAIL
PM = PARKING METER

PRM = PERMANENT MONUMI
PT = POINT OF TA
R = RADIUS
ROL = ROOF OVER
ROWL = RIGHT OF
R/W = RIGHT OF
SCO = SANITARY
SMH = SANITARY
SV = SEWER VALV
TBM = TIDAL BENC
TOB = TOP OF BA
TOS = TOE OF SL
TYP = TYPICAL
UEASE = UTILITY E
UPC = CONCRETE
UPM = METAL UTIL
UPW = WOOD UTIL
VB = VIDEO BOX
WD = WOOD DECK
WDF = WOOD FENC

THE SQUARE GROUPER BAR & GRILL RESTAURANT

22658 OVERSEAS HIGHWAY - CUDJOE KEY - FLORIDA





THOMAS KELLY ENTERPRISES INC.
9941 ROCKY ROAD - SUGARLOAF KEY
• DESIGN CONCEPTS
• CONSTRUCTION MANAGEMENT
(305) 745-1100

THE SQUARE GROUPER RESTAURANT
FLOOR PLANS

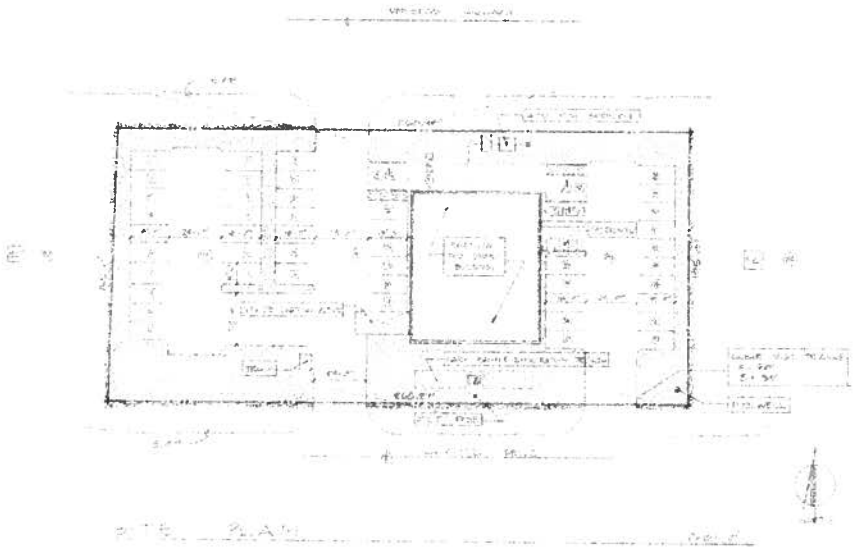
CUDJOE KEY

DRAWN TCK
DATE06/10/16

SHEET NUMBER
D-2
2 of 2

THE SQUARE GROUPER BAR & GRILL RESTAURANT

22658 OVERSEAS HIGHWAY - CUDJOE KEY - FLORIDA



LEGAL DESCRIPTION:

LOTS 21,22 and 23, BLOCK 6 "Cutthroat Harbor Estates"
PLAT BOOK 4, PAGE 165

THOMAS KELLY ENTERPRISES INC.
6941 ROCKY ROAD BIG PINE KEY
• REAL ESTATE
• CONSULTANTS
• CONSTRUCTION MANAGEMENT
(305) 745-1100

THE SQUARE GROUPER RESTAURANT
SITE PLAN

CUDJOE KEY

DRAWN TGK
DATE06/05/18

SHEET NUMBER
D-1
of 2

KBP CONSULTING, INC.

May 15, 2013

Mr. Owen Trepanier
President
Trepanier & Associates, Inc.
402 Appelrouth Lane
Key West, Florida 33045

Re: Square Grouper Bar & Grill Restaurant – Stock Island, FL
Trip Generation Analysis

Dear Owen:

The Square Grouper Bar & Grill Restaurant is located at 22658 Overseas Highway on Cudjoe Key in the Florida Keys, Monroe County, Florida. The subject site is located on the south (ocean) side of US 1 / Overseas Highway, near Mile Marker 22.5. The owners of this establishment are proposing to expand the existing restaurant use on this site and eliminate the existing commercial retail component. The existing and proposed uses at this site are summarized in the following exhibit provided by your office:

Use	Existing Approved	Existing Actual Use	Proposed
Sit-down Restaurant	2,000 sq. ft.	4k sq. ft. (78 rest. seats & 14 bar seats)	7.5k sq. ft. (50 rest. seats & 100 bar seats)
Package Sales	Within above area	Within above area	No package sales
Med. Intensity Commercial Retail	1,000 sq. ft.	4k sq. ft.	0 sq. ft.
Light industrial	1,200 sq. ft.	0 sq. ft.	0 sq. ft.
Office	3,000 sq. ft.	0 sq. ft.	0 sq. ft.

The purpose of this correspondence is to document the trip generation differential between the existing and proposed uses at the Square Grouper Bar & Grill Restaurant.

Trip Generation Analysis

The trip generation for this project was determined using the trip generation rates and equations contained in the Institute of Transportation Engineer's (ITE) *Trip Generation (9th Edition)* report. Based upon this information, the daily (weighted average of weekday and weekend) trip generation rates for the existing and proposed development are as follows:

8400 North University Drive, Suite 309, Tamarac, Florida 33321
Tel: (954) 560-7103 Fax: (954) 582-0989

Quality Restaurant – ITE Land Use #931

- Daily (wt. avg.) Trip Generation Rate: T = 88.04 (X)
  where T = number of trips and X = 1,000 SF of gross floor area

Specialty Retail Center – ITE Land Use #826

- Daily (wt. avg.) Trip Generation Rate: T = 40.58 (X)
  where T = number of trips and X = 1,000 SF of gross floor area

The resulting daily trip generation for the existing and proposed development is presented in Table 1 below.

Table 1
The Square Grouper Bar & Grill Restaurant
Trip Generation Analysis
Cudjoe Key, Florida

Land Use	Size	Daily Trips
Existing		
Quality Restaurant	4,000 SF	352
Commercial Retail	4,000 SF	162
Sub Total		**514**
Proposed		
Quality Restaurant	7,500 SF	660
Sub Total		**660**
Difference (Proposed - Existing)		**146**

Compiled by: KBP Consulting, Inc. (May 2013).
Source: ITE Trip Generation Manual (9th Edition).

Conclusions

Based upon the foregoing trip generation analysis, the proposed development program at the Square Grouper Bar & Grill Restaurant is projected to generate 146 additional daily vehicle trips when compared with the existing development program.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

KBP CONSULTING, INC.

Karl B. Peterson, P.E.
Florida Registration Number 49897
Engineering Business Number 29939

8400 North University Drive, Suite 309, Tamarac, Florida 33321
Tel: (954) 560-7103 Fax: (954) 582-0989

Karl D. Borglum
Property Appraiser
Monroe County, Florida

office (305) 292-3420
fax (305) 292-3501
Website tested on Internet Explorer

------ GIS Mapping requires Adobe Flash 10.3 or higher. ------

Property Record View

Previous Record **Alternate Key: 1230511 Parcel ID: 00178500-000000** Next Record

Ownership Details

Mailing Address:
BELL LYNN C
931 LAGOON DR
SUMMERLAND KEY,
FL 33042-4834

Property Details

PC Code: 18 - OFFICES BUILDINGS MULTI/STORY
Millage Group: 100C
Affordable Housing: No
Section-Township-Range: 28-66-28
Property Location: 22658 OVERSEAS HWY CUDJOE KEY
Subdivision: CUTTHROAT HARBOR ESTATES
Legal Description: BK 8 LTS 22 AND 23 CUTTHROAT HARBOR ESTATES CUDJOE KEY PB4-165 OR486-834/35 OR486-838/39 OR707-57/58 OR1312-218 OR1724-1639 OR1928-1957/58 OR2559-1884/85

Show Parcel Map - Must have Adobe Flash Player 10.3 or higher

Land Details

Land Use Code	Frontage	Depth	Land Area
100H - COMMERCIAL HIGHWAY	100	125	12,500.00 SF
100H - COMMERCIAL HIGHWAY	0	0	12,603.00 SF

Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 1
Total Living Area: 7200

Year Built: 2003

Building 1 Details

Building Type	**Condition** E	**Quality Grade** 400
Effective Age 9	**Perimeter** 600	**Depreciation %** 12
Year Built 2003	**Special Arch** 0	**Grnd Floor Area** 7,200
Functional Obs 0	**Economic Obs** 0	

Inclusions:

Roof Type	**Roof Cover**	**Foundation**
Heat 1	**Heat 2**	**Bedrooms** 0
Heat Src 1	**Heat Src 2**	

Extra Features:

2 Fix Bath 6	**Vacuum** 0
3 Fix Bath 0	**Garbage Disposal** 0
4 Fix Bath 0	**Compactor** 0
5 Fix Bath 0	**Security** 0
6 Fix Bath 0	**Intercom** 0
7 Fix Bath 0	**Fireplaces** 0
Extra Fix 17	**Dishwasher** 0

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	CL2:CH LINK FENCE	228 SF	38	6	2003	2004	1	30
2	AP2:ASPHALT PAVING	5,700 SF	95	60	2003	2004	2	25
3	AP2:ASPHALT PAVING	5,880 SF	98	60	2003	2004	2	25
4	PT3:PATIO	600 SF	60	10	2003	2004	2	50
5	PT3:PATIO	80 SF	10	8	2003	2004	2	50

Appraiser Notes

LOT 23 (RE 00178510-000000 AK 1230529) HAS NOW BEEN COMBINED WITH THIS PARCEL FOR ASSESSMENT PURPOSES, DONE FOR THE 2008 TAX ROLL (04/07/2008 SCJ).
2008/04/07 BUILDING SITS ON LOTS 22 & 23. COMBINED FOR ENCROACHMENT. SCJ
2002-02-27 CHANGED THE LAND USE FROM M1OD TO 1OOD AND THE PC CODE FROM OO O 10 HAS PERMITS FOR A NEW COMMERCIAL RESTAURANT. SKI

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
1	96/0950	01/19/2000	03/28/2003	400,000	Commercial	COMM/RESTAURANT& C.O.

Parcel Value History

Certified Roll Values

View Taxes for this Parcel.

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2011	1,160,789	21,660	163,170	879,583	879,583	0	879,583
2010	1,186,584	22,708	200,824	1,061,752	1,061,752	0	1,061,752
2009	1,186,584	23,755	288,685	1,235,760	1,235,760	0	1,235,760
2008	1,212,379	24,806	338,891	1,439,280	1,439,280	0	1,439,280
2007	786,933	25,815	220,553	1,033,301	1,033,301	0	1,033,301
2006	803,676	26,860	220,553	1,051,089	1,051,089	0	1,051,089
2005	820,419	27,910	75,618	923,947	923,947	0	923,947
2004	820,252	28,956	50,412	899,620	899,620	0	899,620
2003	0	0	50,412	50,412	50,412	0	50,412
2002	0	0	50,412	50,412	50,412	0	50,412
2001	0	0	28,357	28,357	28,357	0	28,357
2000	0	0	47,261	47,261	47,261	0	47,261
1999	0	0	21,425	21,425	21,425	0	21,425
1998	0	0	21,425	21,425	21,425	0	21,425
1997	0	0	21,425	21,425	21,425	0	21,425
1996	0	0	21,425	21,425	21,425	0	21,425
1995	0	0	21,425	21,425	21,425	0	21,425
1994	0	0	21,425	21,425	21,425	0	21,425
1993	0	0	26,466	26,466	26,466	0	26,466
1992	0	0	26,466	26,466	26,466	0	26,466
1991	0	0	26,466	26,466	26,466	0	26,466
1990	0	0	28,357	28,357	28,357	0	28,357

1989	0	0	32,138	32,138	32,138	0	32,138
1988	0	0	20,165	20,165	20,165	0	20,165
1987	0	0	18,905	18,905	18,905	0	18,905
1986	0	0	18,905	18,905	18,905	0	18,905
1985	0	0	18,938	18,938	18,938	0	18,938
1984	0	0	18,938	18,938	18,938	0	18,938
1983	0	0	18,938	18,938	18,938	0	18,938
1982	0	0	11,854	11,854	11,854	0	11,854

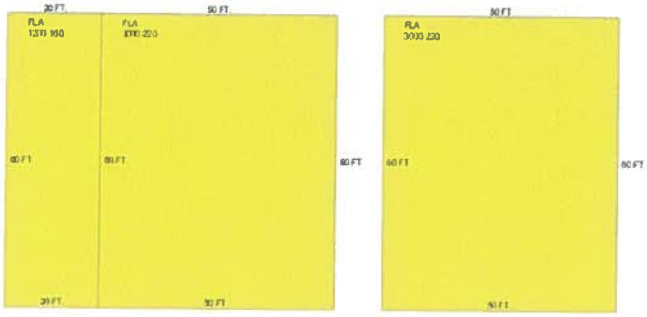
Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
10/12/2011	2559 / 1884	100	QC	11
8/24/2001	1724 / 1639	240,000	WD	M
6/1/1994	1312 / 0218	89,000	WD	M

This page has been visited 30,497 times.

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



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	2003					1,200
2	FLA		1	2003					3,000
3	FLA		1	2003					3,000

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	10259	SERVICE SHOPS-D-	100	N	N
	10260	REST/CAFET-A-	100	N	Y
	10261	PROFESS BLDG-D	100	N	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
3376	C.B.S.	50
3377	METAL SIDING	50

Misc Improvement Details

MONROE COUNTY
OFFICIAL RECORDS

FILE #1256478
BK#1724 PG#1639

RCD Sep 12 2001 12:00PM
DANNY L KOLHAGE, CLERK

Prepared by and return to:
Lynne Hankins-Fielder, Esq.
President
LYNNE HANKINS FIELDER, P.A.
19980 OVERSEAS HIGHWAY
Sugarloaf Key, FL 33042
File Number: 2001-247

DEED DOC STAMPS 1680.00
09/12/2001 DEP CLK

Grantee S.S. No. [redacted]
Parcel Identification No. 00178500-000000 & 00178510-000000

[Space Above This Line For Recording Data]

Warranty Deed

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

261 186th St. Sunny Isles Bch FL 33160

This Indenture made this 24th day of **August, 2001** between **John W. Peterson and Sheila M. Peterson, his wife** whose post office address is ~~**400 Leslie Drive #530, Hallandale, FL 33009**~~ of the County of **Broward**, State of **Florida**, grantor*, and **Douglas Bell and Lynn C. Bell, his wife** whose post office address is **931 Lagoon Drive, Sugarloaf Key, FL 33042** 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 **Monroe County Florida**, to-wit:

> **Lots 22 and 23, Block 8, CUTTHROAT HARBOR ESTATES, according to the plat thereof as recorded in Plat Book 4 at Page 165, of the Public Records of Monroe County, Florida.**
>
> **Subject to taxes for 2001 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.**
>
> **SUBJECT TO a Purchase Money First Mortgage, given by Grantee to Grantor, securing the original principal sum of $140,000.00.**

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: MARY L. JOHNSON

Witness Name: RICHARD J. FIELDER

John W. Peterson (Seal)
John W. Peterson

Sheila M. Peterson (Seal)
Sheila M. Peterson

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 24th day of August, 2001 by John W. Peterson and Sheila M. Peterson, who [_] are personally known or [X] have produced a driver's license as identification.

[Notary Seal]

RICHARD J. FIELDER
MY COMMISSION # DD 011751
EXPIRES: June 11, 2005
Bonded Thru Notary Public Underwriters

Notary Public

Printed Name:

My Commission Expires:

MONROE COUNTY
OFFICIAL RECORDS

DoubleTimes

ADORNO PETER
121 CUTLASS LN
CUDJOE KEY, FL 33042-4226

AGUINAGA JORGE A AND GALIA M
72 CUTTHROAT DR
CUDJOE KEY, FL 33042

BASIL KEVIN
27921 PORGIE PATH
SUMMERLAND KEY, FL 33042-5712

BASLER PHILIP H K AND BONNIE
103 COCONUT DR
KEY WEST, FL 33040

BELL LYNN C
931 LAGOON DR
SUMMERLAND KEY, FL 33042-4834

BICKLEY WILLIAM E
PO BOX 404
LAKE JUNALUSKA, NC 28745-0404

BOUNDRY LTD
26351 OLD STATE ROAD 4A
RAMROD KEY, FL 33042-5337

BOYLE RONALD W AND ANIETA B
3985 KY HIGHWAY 2141
STANFORD, KY 40484-8677

CASTO DONALD H AND JUDITH A
22628 LA FITTE DR
SUMMERLAND KEY, FL 33042-4221

CATALANO RALPH L AND ROBERTA G
115 CUTLASS LN
CUDJOE KEY, FL 33042-4226

CATALDO DENNIS M AND MAYRA E
3327 HARBOR POINT RD
BALDWIN, NY 11510-5164

COLL DANIEL ARMANDO
114 CUTTHROAT DR
SUMMERLAND KEY, FL 33042-4223

CONFIDENTIAL DATA F.S. 119.07
51 BARACOA RD
SUMMERLAND KEY, FL 33042

COMPASS ROSE INVESTMENTS LLC
4350 WILL ROGERS PKWY
OKLAHOMA CITY, OK 73108

COUNTY OF MONROE
BOARD OF COUNTY COMMISSIONERS
500 WHITEHEAD STREET
KEY WEST, FL 33040

DE BRITO NOEL R AND MARIBANEX
6013 SW 160TH AVE
MIAMI, FL 33176

DOANE BYRON D
PO BOX 421005
SUMMERLAND KEY, FL 33042

DIAZ CLEMENTE J AND MARIA R
22954 TEACH LN
CUDJOE KEY, FL 33042

DOT/ST OF FL (STATE OF FLORIDA SRD)
TALLAHASSEE, FL 32399

DOT/ST OF FL (STATE ROAD DEPT)
TALLAHASSEE, FL 32399

EMBRY LINDA A MCNEAL
1965 BRIDGEPOINTE CIR UNIT 83
VERO BEACH, FL 32967-6869

FALCHECK WILLIAM JR AND MICHELLE
817 PARMA CENTER RD
HILTON, NY 14468-9349

FORSELL EDWARD AND JENNIFER B
4833 GARY RD
BONITA SPRINGS, FL 34134-3928

GLADSTONE STEVE D
3360 ROUTE 940
MOUNT POCONO, PA 18344-1151

GRAY RONALD E AND JEANNE T
2818 BRECKENBRIDGE BLVD
EAGLEVILLE, PA 19403

GROGAN DANIEL P AND DEBBIE S
901 N COLUMBIA BLVD
PORTLAND, OR 97217-1197

HARRIS ROBERT WILLIAM AND
MELISSA EDWARDS
22306 LAFITTE RD
CUDJOE KEY, FL 33042

IARROBINO DANIEL G
349 AIRPORT DR N
SUMMERLAND KEY, FL 33042-4400

KAHN SUSAN
43 GOLD BOULLION RD
SUMMERLAND KEY, FL 33042-4714

KAISER GERALD L AND JANICE L
18226 HUSON RD
SAEGERTOWN, PA 16433-6616

KORINEK WARREN J DEC TRUST
12/17/1999
23078 BLUEGILL LN
SUMMERLAND KEY, FL 33042-4705

KUHN DENNIS P AND KIMBERLY
62 CUTTHROAT DR
SUMMERLAND KEY, FL 33042

MARINO JOHN AND BEVERLY K
64 PARSONS DR
GOFFSTOWN, NH 3045

MARTIN APHRODITE G
22734 CUDJOE DR
CUDJOE KEY, FL 33042-0000

MCKITTRICK MICHAEL E
1284 CANNON CT
BATAVIA, IL 60510-4557

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

MORSON CHRISTOPHER ALAN
1207 NE 82ND ST
MIAMI, FL 33138-4133

NELKIN FRANK M JR
300 E 56TH ST
NEW YORK, NY 10022-4136

PIPER KEVIN M AND WENDY G
82 CUTTHROAT DR
CUDJOE KEY, FL 33042-4222

RAPPAPORT MARK J AND MARJORIE D
1740 FORGE POND RD
BRICK, NJ 8724

RAPPAPORT MARK J AND MARJORIE D
1740 FORGE POND RD
BRICK, NJ 8724

RICKS EDITH O
22668 LA FITTE DR
SUMMERLAND KEY, FL 33042-4221

RIVIECCIO MICHAEL J
218 ANHINGA LN
JUPITER, FL 33458-8338

RIVIECCIO MICHAEL J
218 ANHINGA LN
JUPITER, FL 33458-8338

ROCKWELL DAVID L AND SUSAN L
15028 22 MILE RD
TUSTIN, MI 49688-8552

ROOF FRANKLIN B AND PAIGE H
114 CUTLASS LN
SUMMERLAND KEY, FL 33042-4226

SANDHUSEN CYNTHIA N
28179 DOROTHY AVE
LITTLE TORCH KEY, FL 33042-5651

SHIRK SAMUEL R JR AND ESTELLA
36 TREASURE CHEST DR
SUMMERLAND KEY, FL 33042-4715

SPERLING BENJIE TRUSTEE
PO BOX 817058
HOLLYWOOD, FL 33081-1058

SPERLING BENJIE TRUSTEE
PO BOX 817058
HOLLYWOOD, FL 33081-1058

SREDNICKI ROBERT A
101 CUTTHROAT DR
SUMMERLAND KEY, FL 33042-4212

SYKES JOHN W AND EMMA M
22560 LAFITTE DR
SUMMERLAND KEY, FL 33042-4220

TIITF
C/O DEP
3900 COMMONWEALTH BLVD
TALLAHASSEE, FL 32399-3000

VARGAS CARLOS H
46 YARDARM RD
SUMMERLAND KEY, FL 33042-4716

VOLMER EUGENE
PO BOX 420816
SUMMERLAND KEY, FL 33042-0816

WEEKS QUINTIN C AND TERESA R
22660 LAFITTE DR
SUMMERLAND KEY, FL 33042-4221

WEIDNER LEONARD AND JANE
113 GALLEON LN
CUDJOE KEY, FL 33042-4228

WOODBECK DAVID JOHN
22652 LA FITTE DR
SUMMERLAND KEY, FL 33042-4221

YETTER SCOTT M
53 TREASURE CHEST DR
SUMMERLAND KEY, FL 33042-4718

YOUNG JOHN B
PO BOX 1490
NOKOMIS, FL 34274

ZENSEN FREDERICK
52 CUTTHROAT DR
SUMMERLAND KEY, FL 33042-4222

DRAINAGE CALCULATIONS

NOTE: PROPOSED PARKING AREA IS GRAVEL AND IS CONSIDERED PERVIOUS.

1. PRE- AND POST-DEVELOPMENT CONDITIONS:

a) Compare pre-development and post-development conditions for a 24-hour 25-year storm, where P(in.) = 5 inches.

	Pre-Dev'mt	Post-Dev'mt	
Water Surface	0.0	0.0	
Roof Area	0.0	0.0	
Impervious Area	0.0	0.0	
Pervious Area	0.29	0.29	
TOTAL AREA	0.29	0.29	
% Impervious Area	0%	0%	
Soil Retention, S	5.0"	5.0"	Inches of stored water, where S = (1 - % Impervious) x Soil Storage and Soil Storage = 5.0" for both Pre- and Post-Development conditions.
Runoff, Q, in.	4.9"	4.9"	where $Q = \frac{P - 0.2S^2}{P + 0.8S}$

b) Water quantity requirements:
The water quantity post-development conditions are the same as the pre-development conditions.

2. LABINS INFORMATION:

Base information (0.72 miles from site.)

County:	Monroe
Quad Name:	SUMMERLAND KEY
ID	4213
Mean High Water:	-0.18 ft.
Mean Low Water:	-1.33 ft.

Latitude: N24.66°
Longitude: W81.46°
Datum shift (NAVD 88 minus NGVD 29): -0.415 meters = -1.36 feet
NGVD 29 RIM height = NAVD 88 height - Datum shift = -0.18 feet + 1.36 feet = 1.18 feet

THEREFORE, 1.18' NGVD IS DRY RETENTION CONTROL ELEVATION, AND THE ENTIRE SITE IS CONSIDERED DRY.

3. LAND DEVELOPMENT PROVISIONS:

SECTION 114-3 (f)(1) SURFACE WATER MANAGEMENT CRITERIA) OF THE DEVELOPMENT STANDARDS STATES THAT IF POST-DEVELOPMENT CONDITIONS ARE SUCH THAT A VOLUME GREATER THAN THE RETENTION AND/OR DETENTION VOLUME REQUIRED FOR STORMWATER MANAGEMENT IS ALREADY BEING RETAINED ON SITE, THAT CONDITION SHALL BE MAINTAINED.

REQUIRED RETENTION TREATMENT VOLUME = 1 INCH X 2 (REQUIRED SAFETY FACTOR) = 2 INCHES

SOIL STORAGE (SEE ABOVE) = 5.0 INCHES > 2 INCHES;
THEREFORE, NO OTHER RETENTION IS REQUIRED.

GENERAL NOTES:
1. Elevations refer to the National Vertical Geodetic Datum of 1929.
2. Existing topographic information was provided by the Owner.
3. All work shall comply with the 2010 edition of the Florida Building Code.
4. Location of existing and proposed underground utilities are not shown. Contractor shall verify existing utility locations with utility owners prior to construction. Contractor shall notify SSOCOP two to five days prior to digging. (1-800-432-4770)
5. All temporary facilities, buildings, barriers and services shall be provided by the Contractor.
6. The builder shall check and verify all dimensions and elevations.

NOTE: All work shall comply with the wind load requirements according to ASCE 7-10:
Basic wind speed = 180 MPH
Importance factor = 1.00
Exposure Category = D

Development Potential

Site Size: 37,871
Floor Area: 8,400
FAR: Permitted: 0.25
Proposed: 0.22

Class C Major Street Buffer (10ft wide) :
- 18 Canopy Trees each as Buttonwood, Gumbo Limbo or Seagrape
- 6 Understory Trees, each as Geiger Tree, Willow Bustic or Milkbark
- 60 Shrubs, each as Marlberry, Seaotgberry or Jamaica Caper

Parking Lot Class A Landscaping For 43 Spaces:
- 1,290 S.F. Required(8.6% I.P. Provided)
- 11 Canopy Trees each as Buttonwood, Gumbo Limbo or Seagrape
- 3 Understory Trees, each as Geiger Tree, Willow Bustic or Milkbark
- 26 Shrubs, each as Marlberry, Seaotgberry or Jamaica Caper

Class D IS-BC District Buffer (25 ft wide) :
- 18 Canopy Trees each as Buttonwood, Gumbo Limbo or Seagrape
- 10 Understory Trees, each as Geiger Tree, Willow Bustic or Milkbark
- 73 Shrubs, each as Marlberry, Seaotgberry or Jamaica Caper

CANOPY TREE
UNDERSTORY TREE
SHRUBS

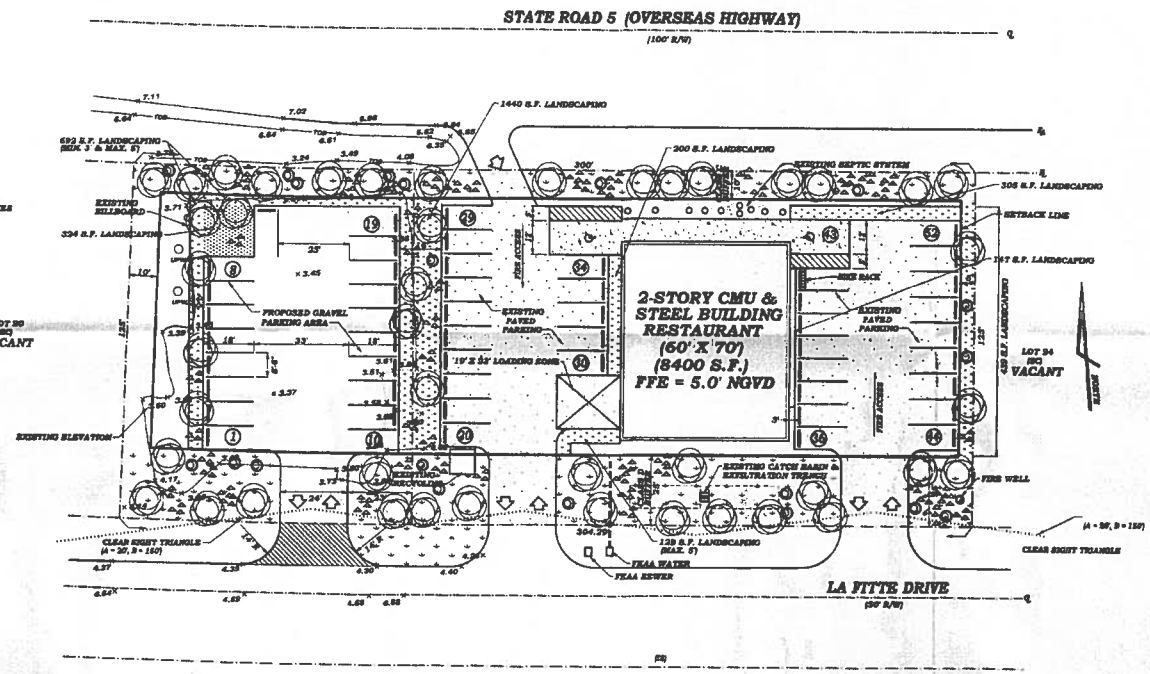
Parking Analysis

Existing

Use (Parking Reqm't)	Parking Reqm't	Sq. Ft.	No. of Seats	No. of Spaces
Office Use	3 spaces / 1,000 sq. ft.	1,500.0	–	4.5
Medium Intensity Comm. Retail- Hair and Beauty Salon	3 spaces / 1,000 sq. ft.	1,500.0	–	4.5
Light Industrial Use	2 spaces / 1,000 sq. ft	1,800.0	–	3.6
Comm. Retail - 2,000 sq. ft. Sit-Down Restaurant, 1,000 of Medium Intensity Comm. Retail	3 spaces / 1,000 sq. ft.	3,000.0	42	9.0
–	–	–	–	–
Total Approved (DO No. 0901)	–	7,800.0	–	34.0

Proposed

Use	Parking Reqm't	Sq. Ft.	No. of Seats	No. of Spaces
–	–	–	–	–
–	–	–	–	–
–	–	–	–	–
Commercial Retail - 2,000 sq. ft. Sit-Down Restaurant	3 spaces / 1,000 sq. ft.	2,000.0	42	6.0
Commercial Retail - 2,000 sq. ft. Sit-Down Restaurant	1 space / 3 seats	4,275.0	108	36.0
Total Required	–	6,275.0	–	42.0



SITE, DRAINAGE & LANDSCAPING PLANS

1" = 20'

RECEIVED
AUG - 6 2013
2013-074
MONROE CO. PLANNING DEPT

PROJECT INFORMATION

LOTS 21, 22 & 23
BLOCK 9
CUTTHROAT HARBOR ESTATES
PB 4-105
&
COMMUNITY NO.: 125129
MAP: 12087C-1511K
DATE: 18 FEBRUARY 2005
ZONE: AE9 & AE11

ZONING: BC SUBURBAN COMMERCIAL
FLUM: BC MIXED USE/COMMERCIAL
USE: III
TOTAL AREA = 0.87 ACRES
IMPERVIOUS AREA = 0.58 ACRES (INCLUDING ROOF AREA)
PERVIOUS AREA = 0.29 ACRES
TOTAL PARKING SPACES PROPOSED: 52

REVISIONS:

PHILLIP J. CHILDS, PLLC
PROFESSIONAL ENGINEER
P.O. BOX 809
5 CORNELIA LANE
KEY LARGO, FL 33042
(305) 743-8816
PE 6366

CUDJOE KEY

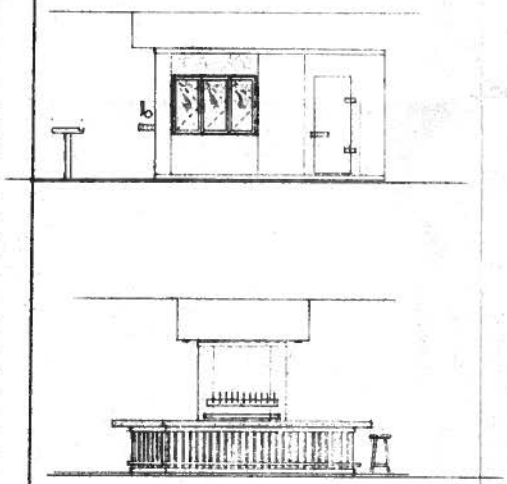
SQUARE GROUPER
SITE, LANDSCAPING & DRAINAGE PLANS
22688 OVERSEAS HIGHWAY

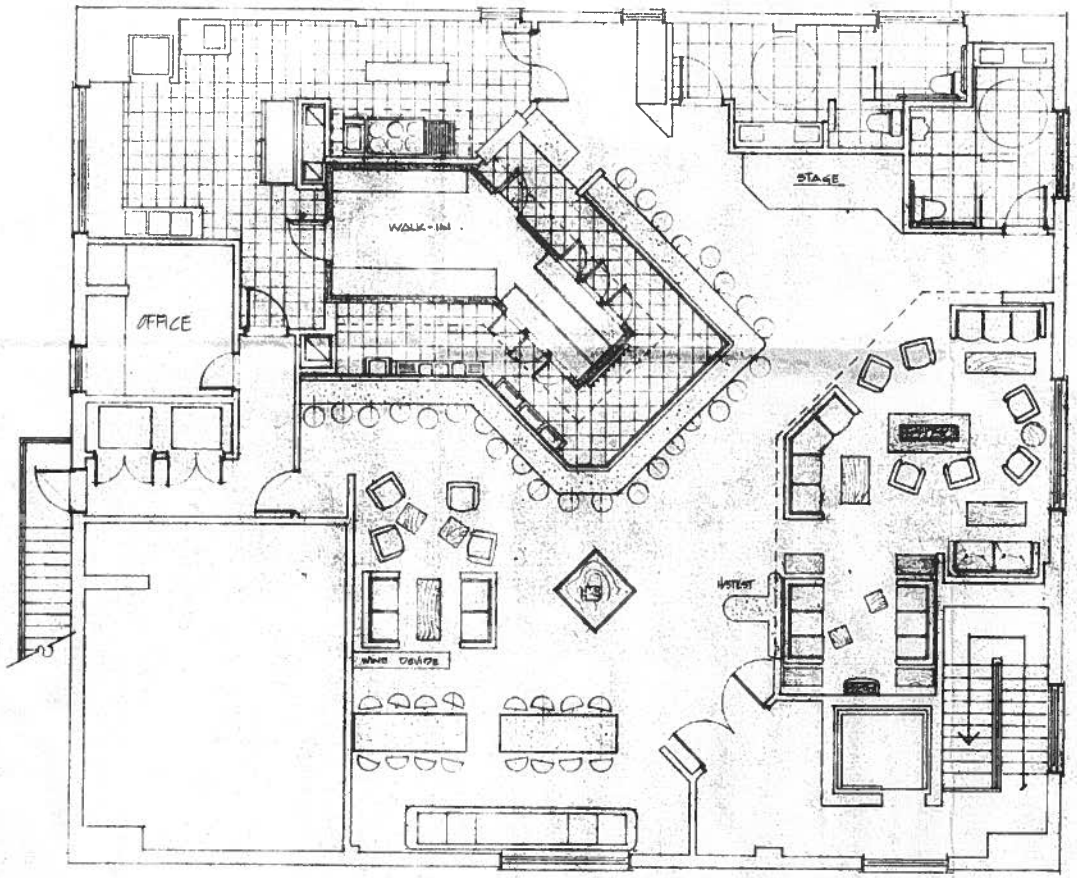
DRAWN: PJC
DATE: 8/2/2013

SHEET NUMBER
D-1
OF 1

PROJECT NO.
13D11

SQUARE GROUPER





RECEIVED
AUG - 5 2013
MONROE CO. PLANNING DEPT

THOMAS KELLY ENTERPRISES INC.
19141 ROCKY ROAD - SUGARLOAF KEY
• DESIGN CONCEPTS
• CONSTRUCTION MANAGEMENT
(305) 745-1100

OUTDOOR KEY

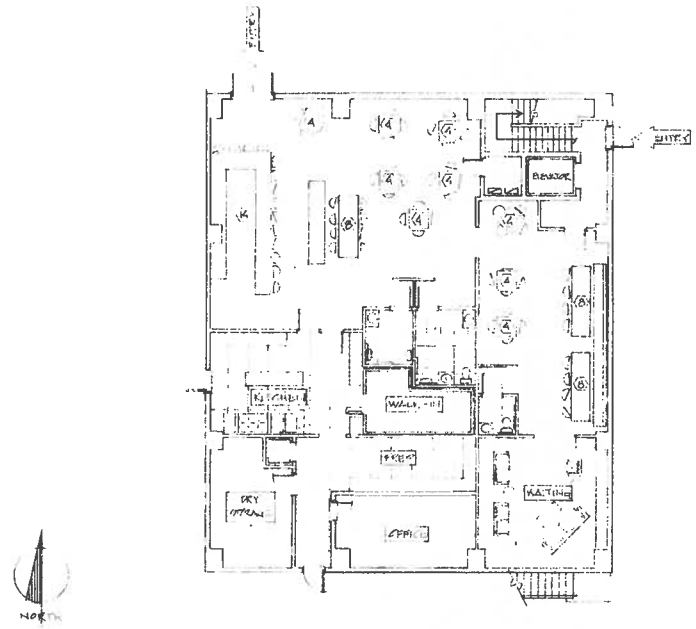
SQUARE GROUPER
PROPOSED FLOOR PLAN

DRAWN TCK
DATE07/04/13

SHEET NUMBER
D-1
1

THE SQUARE GROUPER BAR & GRILL RESTAURANT

22658 OVERSEAS HIGHWAY - CUDJOE KEY - FLORIDA



RECEIVED
AUG - 5 2013
2013-078
MONROE CO. PLANNING DEPT

THOMAS KELLY ENTERPRISES INC.
6941 ROCKY ROAD - SUGARLOAF KEY
• DESIGN CONCEPTS
• CONSTRUCTION MANAGEMENT
(305) 745-1100

THE SQUARE GROUPER RESTAURANT
FLOOR PLANS
CUDJOE KEY

DRAWN: TCK
DATE: 05/10/13

SHEET NUMBER
D-2
of 2

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

We strive to be caring, professional and fair

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

Date: 6.18.13

Time: PM

Dear Applicant:

This is to acknowledge submittal of your application for Minor - Amend
(Type of application)

The Square Grouper
(Project / Name) to the Monroe County Planning Department.

Thank you.

Gail Creech

Planning Staff

ADORNO PETER
121 CUTLASS LN
CUDJOE KEY, FL 33042-4226

AGUINAGA JORGE A AND GALIA M
72 CUTTHROAT DR
CUDJOE KEY, FL 33042

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SUMMERLAND KEY, FL 33042-5712

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DE BRITO NOEL R AND MARIBANEX
6013 SW 160TH AVE
MIAMI, FL 33176

DEUTSCHE BANK NATIONAL TRUST COMPANY
C/O LAW OFFICES OF MARSHALL C WATSON PA
1800 NW 49TH ST STE 120
FORT LAUDERDALE, FL 33309-3092

DOT/ST OF FL (STATE OF FLORIDA SRD)
TALLAHASSEE, FL 32399

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VERO BEACH, FL 32967-6869

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BATAVIA, IL 60510-4557

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TIITF
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TALLAHASSEE, FL 32399-3000

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22652 LA FITTE DR
SUMMERLAND KEY, FL 33042-4221

YOUNG JOHN B
PO BOX 1490
NOKOMIS, FL 34274

ZENSEN FREDERICK
52 CUTTHROAT DR
SUMMERLAND KEY, FL 33042-4222

Verified by GC 6.18.13

End of Additional File 2013-078

APPLICATION

MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

RECEIVED
JUN 18 2013
MONROE CO. PLANNING DEPT

Request for an Amendment to a Minor Conditional Use Permit

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

Major Conditional Use Permit Application Fee: $8,484.00

In addition to the application fee, the following fees also apply:
Advertising Costs: $245.00
Surrounding Property Owner Notification: $3.00 for each property owner required to be noticed
Traffic Study Review: $5,000.00

Date of Submittal: 6 / 14 / 13
Month Day Year

Applicant/Agent Authorized to Act for the Property Owner:

Trepanier & Associates, Inc. — Patrick Wright
Applicant (Name of Person, Business or Organization) — Name of Person Submitting this Application

402 Appelrouth Lane, Key West, FL 33040
Mailing Address (Street, City, State and Zip Code)

(305) 293-8983 — patrick@owentrepanier.com
Daytime Phone — Email Address

Property Owner:

Lynn C. Bell
(Name/Entity) — Contact Person

931 Lagoon Drive, Summerland Key, FL 33042
Mailing Address (Street, City, State and Zip Code)

(305) 395-2437 — Lynn C. Bell squaregrouper5@aol.com
Daytime Phone — Email Address

Legal Description of Property:
(If in metes and bounds, attach legal description on separate sheet)

8 — 22 and 23 — Cutthroat Harbor Estates — Cudjoe Key
Block — Lot — Subdivision — Key

00178500-000000 — 1230511
Real Estate (RE) Number — Alternate Key Number

22658 Overseas Highway — 22
Street Address (Street, City, State, Zip Code) — Approximate Mile Marker

APPLICATION

Approval (Development Order) #: 06-97, 09-02 and 09-04

Land Use District Designation of Property: SC Suburban Commercial

Present Land Use of Property: Mixed Use

Proposed Land Use of Property: Mixed Use

Total Area of Property: 25,103 sq. ft.

Total Upland Area within Property: 25,103 sq. ft.

If non-residential or commercial floor area is proposed, please provide:

1 Total number of non-residential buildings

7,200 Total non-residential floor area in square feet

If residential dwelling units are proposed, please provide:

0 Total number of residential buildings

0 Total number of permanent, market-rate units

0 Total number of permanent, affordable units

0 Total number of transient units (hotel, recreational vehicle and/or campground)

Has a previous application been submitted for this site within the past two years? Yes ___ No X

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

- ☐ Completed application form
- ☐ Correct fee (check or money order to Monroe County Planning & Environmental Resources)
- ☐ Proof of ownership (i.e. Warranty Deed)
- ☐ Current property record card(s) from the Monroe County Property Appraiser
- ☐ Photograph(s) of site from adjacent roadway
- ☐ Copy of the recorded conditional use permit and any previous modification approvals
- ☐ Copy of the most recently approved site plan
- ☐ Written description of project
- ☐ Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – 8 sets (at a minimum, survey should include elevations; all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage; and total acreage by habitat)

APPLICATION

- ☐ Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect– 8 sets (drawn to a scale of 1:10 or 1:20). At a minimum, the site plan should include the following:
  - ☐ Date, north point and graphic scale
  - ☐ Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes
  - ☐ All attributes from the boundary survey
  - ☐ Future Land Use Map (FLUM) designation(s) of the site
  - ☐ Land Use (Zoning) District designation(s) of site
  - ☐ Tier designation(s) of the site
  - ☐ Flood zones pursuant to the Flood Insurance Rate Map
  - ☐ Setback lines as required by the Land Development Code
  - ☐ Locations and dimensions of all existing and proposed structures, including all paved areas and clear site triangles
  - ☐ Size and type of buffer yards and parking lot landscaping areas, including the species and number of plants (*unless a separate landscape plan showing such is submitted*)
  - ☐ Extent and area of wetlands, open space preservation areas and conservation easements
  - ☐ Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any potential species that may use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service) (unless a separate landscape plan showing such is submitted)
  - ☐ Location of fire hydrants or fire wells
  - ☐ The location of public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (with wastewater system provider) or on-site system proposed to meet required County and State of Florida wastewater treatment standards
  - ☐ A table providing the total land area of the site, the total buildable area of the site, the type and square footage of all nonresidential land uses, the type and number of all residential dwelling units, the amounts of impervious and pervious areas, and calculations for land use intensity, open space ratio, and off-street parking
- ☐ Landscape Plan by a Florida registered landscape architect – 8 sets (may be shown on the site plan; however, if a separate plan, drawn to a scale of 1:10 or 1:20). At a minimum, the landscaping plan should include the following:
  - ☐ Date, north point and graphic scale
  - ☐ Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes
  - ☐ Locations and dimensions of all existing and proposed structures, including all paved areas
  - ☐ Open space preservation areas
  - ☐ Existing natural features
  - ☐ Size and type of buffer yards including the species, size and number of plants
  - ☐ Parking lot landscaping including the species, size and number of plants
  - ☐ Specimen trees, or threatened and endangered plants to be retained and those to be relocated or replaced
  - ☐ Transplantation plan (if required)
- ☐ Stormwater/ Surface Water Management Plan – 8 sets (including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas)
- ☐ Building Floor Plans for all proposed structures and for any existing structures to be redeveloped – 8 sets (drawn at an appropriate standard architectural scale)

APPLICATION

- ☐ Building Elevations for all proposed structures and for any existing structures to be modified – 8 sets (with the elevations of the following features referenced to NGVD: existing grade; finished grade; finished floor elevations (lowest supporting beam for V-zone development); roofline; and highest point of the structure)
- ☐ Traffic Study, prepared by a licensed traffic engineer
- ☐ Transportation fee of $5,000 to cover the cost of experts hired by the Growth Management Division to review the traffic study (any unused funds deposited will be returned upon permit approval)
- ☐ Construction Management Plan, stating how impacts on near shore water and surrounding property will be managed (i.e. construction barriers, hay bales, flagging)
- ☐ Typed name and address mailing labels of all property owners within a 300 foot radius of the property. 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
- ☐ Radius report from Monroe County Property Appraiser supporting the required labels
- ☐ Proof of Coordination are required from the following:
  - ☐ Florida Keys Aqueduct Authority (FKAA)
  - ☐ Florida Keys Electric Cooperative (FKEC) or Keys Energy Services
  - ☐ Monroe County Office of the Fire Marshal
  - ☐ Monroe County Solid Waste Management
  - ☐ Florida Department of Health if wastewater flows are less than or equal to 5,000 gallons per day or Florida Department of Environmental Protection if wastewater flows exceed 5,000 gallons per day

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

- ☐ Notarized Agent Authorization
- ☐ Vegetation Survey or Habitat Evaluation Index
- ☐ Construction Phasing Plan
- ☐ Additional Proof of Coordination may be required for your project, please contact with the Planning & Environmental Resources Department to identify other agencies expected to review the project. Other agencies may include, but are not limited to:
  - ☐ Key West Resort Utilities
  - ☐ Key Largo Wastewater Treatment District (KLWTD)
  - ☐ South Florida Water Management District (SFWMD)
  - ☐ Florida Department of Transportation (FDOT)
  - ☐ Florida Department of Environmental Protection (FDEP)
  - ☐ Florida Department of State, Division of Historic Resources
  - ☐ Florida Game and Freshwater Fish Commission (FGFFC)
  - ☐ U.S. Army Corps of Engineers (ACOE)
  - ☐ U.S. Fish and Wildlife Service (USFW)

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

* * * * * * *

I, the Applicant, 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:** 6-7-13

Sworn before me this 6 day of June, 2013

RICHARD PUENTE
MY COMMISSION # DD 937651
EXPIRES: March 2, 2014
Bonded Thru Notary Public Underwriters

Richard Puente
Notary Public
My Commission Expires

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

SECTION 8 - AFFIDAVIT OF APPLICANT
NOTARIZATION REQUIRED

Business Name (D/B/A)
SQUARE GROUPER BAR AND GRILL

"I, the undersigned individually, or if a registered legal entity for itself and its related parties, hereby swear or affirm that I am duly authorized to make the above and foregoing application and, as such, I hereby swear or affirm that the attached sketch is a true and correct representation of the premises to be licensed and agree that the place of business, if licensed, may be inspected and searched during business hours or at any time business is being conducted on the premises without a search warrant by officers of the Division of Alcoholic Beverages and Tobacco, the Sheriff, his Deputies, and Police Officers for the purposes of determining compliance with the beverage and retail tobacco laws."

"I swear under oath or affirmation under penalty of perjury as provided for in Sections 559.791, 562.45 and 837.06, Florida Statutes, that the foregoing information is true and that no other person or entity except as indicated herein has an interest in the alcoholic beverage license and/or tobacco permit, and all of the above listed persons or entities meet the qualifications necessary to hold an interest in the alcoholic beverage license and/or tobacco permit."

STATE OF_____

COUNTY OF_____

Lynn Bell
APPLICANT SIGNATURE

_____
APPLICANT SIGNATURE

The foregoing was ( ) Sworn to and Subscribed OR ( ) Acknowledged Before me this 20 Day of May, 2013. By LYNN C. BELL (print name(s) of person(s) making statement) who is (X) personally known to me OR ( ) who produced _____ as identification.

Jody L. Kearney
Notary Public

Commission Expires:

JODY L. KEARNEY
MY COMMISSION # EE 879571
EXPIRES: March 14, 2015
Bonded Thru Notary Public Underwriters

6/6/2013

TREPANIER & ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Mr. Townsley Schwab, Senior Director
Monroe County Planning and Environmental Resources
2798 Overseas Hwy., Suite 400 Marathon, FL 33040

RE: Amendment to Minor Conditional Use
22658 Overseas Hwy., Cudjoe Key
RE No. 00178500-000000 & 00178490-000000

Dear Director Schwab:

This is an application to amend a minor conditional use on the above property. The property is currently approved for the following[1]:

A two-story, 7,200 sq. ft. building including:

- 1,200 sq. ft. of light industrial use
- 1,500 sq. ft. of office use
- 1,500 sq. ft. of hair and beauty salon
- 3,000 sq. ft. of commercial retail use consisting of:
    - 2,000 sq. ft. of sit-down restaurant;
    - 1,000 sq. ft. of medium intensity commercial retail); and

This application seeks to use the entire building in association with the Square Grouper restaurant as depicted on the attached plans.

This application includes a traffic analysis and a revised site plan that demonstrate parking, buffer yard, and landscape compliance with the standards applicable to all conditional uses. The proposed amendment is consistent with the Comprehensive Plan and the Land Development Code in the following manner:

(1) *The conditional use is consistent with the purposes, goals, objectives and standards of the plan and this chapter*,

Policy 130-43 states: "The purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1." The existing restaurant has become an integral part of the Lower Keys community. The community has come to depend on the Square Grouper as a one the Lower Keys "Great Good Places" so importantly described in American community development literature by community development scholars such as Ray Oldenburg and Robert Putnam.

The Square Grouper meets local needs, contributes to the creation of this area of Cudjoe to have compact, walkable destination which enhances the unique

[1] Pursuant to D.O. 06-97, D.O. 09-02, and D.O. 09-04

402 Appelrouth Lane • P.O. Box 2155 • Key West, FL • 33045-2155
Phone: 305-293-8983 • Fax: 305-293-8748 • Email: patrick@owentrepanier.com

character of the Cudjoe community. Anecdotal evidence of the Square Grouper's importance to the immediate planning area is the inclusion of the Square Grouper as a real-estate consideration in marketing materials for residential properties in the nearby neighborhoods. Marketing material on the Multiple Listing Service regularly include information regarding the accessibility of the listed property to the Square Grouper. Listings often boast statements such as "Walking distance to the wonderful neighborhood restaurant - Square Grouper", "Biking distance to the Square Grouper", etc. Allowing the Grouper to occupy the entire building and reduce waiting times for evening seating is fully consistent with the purposes, goals, objectives and standards of the plan and this chapter.

(2) *The conditional use is consistent with the community character of the immediate vicinity of the parcel proposed for development;*

The character of the immediate vicinity is a mix of residential and commercial uses. The vicinity is primarily comprised of Residential Medium, Mixed Use Commercial and Conservation future land Use designations. The property is located within the commercial strip along US1 that serves Cudjoe and the surrounding Keys. The Grouper serves 829 households in the Cudjoe CDP alone[2].

The amendment to the conditional use is consistent with the community character of immediate vicinity, and the attached plans and studies demonstrate the property can accommodate the proposed amendment.

(3) *The design of the proposed development minimizes adverse effects, including visual impacts, or the proposed use on adjacent properties;*

The attached plans demonstrate that the proposed development minimizes adverse effects, including visual impacts, or the proposed use on adjacent properties. The site plan demonstrates compliance with the proposed exterior design will not change and will not have adverse affects on visual impacts or the surrounding property.

(4) *The proposed use will have an adverse effect on the value of surrounding properties;*

The proposed use will not have an adverse affect on the value of surrounding properties.

(5) *The adequacy of public facilities and services, including, but not limited to, roadways, park facilities, police and fire protection, hospital and Medicare services, disaster preparedness program, drainage systems, refuse disposal, water and sewers, judged*

[2] According to the US Census Bureau's American Fact Finder

according to standards from and specifically modified by the public facilities capital improvements adopted in the annual report required by this chapter;

The public facilities are adequate. The property owner has increased the capacity for the grease trap and wastewater under Monroe County Health Department Permit No. 44-SK-1452510[3]. The property owner has also acquired an adjacent lot to accommodate additional parking.

(6) *The applicant for conditional use approval has the financial and technical capacity to complete the development as proposed and has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development;*

The Square Grouper is a known quantity. Ms. Bell has owned and operated the restaurant since September of 2003. She has a demonstrated financial and technical capacity to successfully complete the development as proposed.

Approval of the amendment will further the goal of the Comprehensive Plan by encouraging a business that serves the local community with unique offerings.

(7) *The development will adversely affect a known archaeological, historical or cultural resource;*

NA - The development will have no adverse affect on known archeological, historical or cultural resources.

(8) *Public access to public beaches and other waterfront areas is preserved as a part of the proposed development; and*

NA - Public access to public beaches and other waterfront areas will not be affected.

(9) *The proposed use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use and by all other applicable requirements of this Code.*

The proposed use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use and by all other applicable requirements of this Code, as demonstrated by the above and the attached plans and studies.

Thank you for your time and consideration with this matter. We look forward to moving this amendment forward as quickly as possible.

Sincerely,

---

[3] Attached

Patrick Wright

Development Orders

MONROE COUNTY
OFFICIAL RECORDS

FILE #1024602
BK#1476 PG#1232

RCD Sep 22 1997 11:55AM
DANNY L KOLHAGE, CLERK

RECEIVED 9-18-97 Mara.
SENT TO KEY WEST FOR RECORDING

MONROE COUNTY, FLORIDA
MINOR CONDITIONAL USE DEVELOPMENT ORDER #06-97

A DEVELOPMENT ORDER APPROVING THE MINOR CONDITIONAL USE REQUEST OF JOHN AND SHEILA PETERSON FOR THE CONSTRUCTION OF A TWO-STORY, 7,200 SQ. FT. BUILDING WHICH INCLUDES 1,200 SQ. FT. OF LIGHT INDUSTRIAL USE, 3,000 SQ. FT. OF COMMERCIAL RETAIL USE (2,000 SQ. FT. OF SIT-DOWN RESTAURANT AND 1,000 SQ. FT. OF MEDIUM INTENSITY COMMERCIAL RETAIL), AND 3,000 SQ. FT. OF OFFICE USE, ON PROPERTY DESCRIBED AS LOTS 22 AND 23, BLOCK 8, CUTTHROAT HARBOR ESTATES, SECTION 28, TOWNSHIP 66 SOUTH, RANGE 28 EAST, TALLAHASSEE MERIDIAN, CUDJOE KEY, MONROE COUNTY, FLORIDA, MILE MARKER 22. THE LAND USE DESIGNATION IS SUBURBAN COMMERCIAL, AND THE REAL ESTATE NUMBERS ARE 00178500 AND 00178510.

WHEREAS, John and Sheila Peterson are the owners of real property described as Lots 22 and 23, Block 8, Cutthroat Harbor Estates, Cudjoe Key, Monroe County, Florida, Mile Marker 22; and

WHEREAS, John and Sheila Peterson applied for a Minor Conditional Use approval for the construction of a two-story, 7,200 sq. ft. building which includes 1,200 sq. ft. of light industrial use, 3,000 sq. ft. of commercial retail use (2,000 sq. ft. of sit-down restaurant and 1,000 sq. ft. of medium intensity commercial retail), and 3,000 sq. ft. of office use, on property located in the Suburban Commercial (SC) land use district; and

WHEREAS, the Development Review Committee (DRC) of Monroe County, Florida, in accordance with the provisions of Sections 9.5-24 and 9.5-68 of the Monroe County Land Development Regulations, met to review the request of John and Sheila Peterson for approval of the Minor Conditional Use application on June 3, 1997; and

WHEREAS, the Development Review Committee reviewed the following documents and other information relevant to John and Sheila Peterson's Minor Conditional Use request:

1. The application for a Minor Conditional Use dated March 31, 1997, including site, landscaping, and drainage plans prepared by Phil Childs on April 5, 1996; revisions to the site and landscaping plans made by Phil Childs on July 8, 1997; floor plans prepared by Phil Childs on September 20, 1995; revisions to the floor plans made by Phil Childs on June 27, 1997;

2. The staff report prepared by Jill Jernigan, Planner, and Ralph Gouldy, Environmental Planner, dated May 23, 1997;

3. Comments by members of the Development Review Committee; and

4. Comments by the applicant and Steve Henson, agent for the applicant.

FILE #1024602
BK#1476 PG#1233

WHEREAS, based upon the information and documentary evidence submitted, the Development Review Committee adopted the following findings of fact and conclusions:

1) The drainage plan has not been reviewed by the County Engineer. Therefore, we find that compliance with Section 9.5-293 cannot be determined at this time; and

2) Based on the site plan, the applicant is proposing to place two (2), twenty two (22) ft. wide driveways on LaFitte Drive. The connection of these driveways to county right-of-way will require approval and permits from the Public Works/Engineering Department; and

3) Based on the residential nature of the immediate vicinity and the fact that access to the subject property is via a local road, we have some concerns that the proposed development will adversely affect the adjacent residential uses; and

4) Based on resolution #70-1997, passed by the Board of County Commissioners on February 19, 1997, the project received vested rights. Therefore, this project has been reviewed for compliance with the 1986 comprehensive plan and is not subject to the Year 2010 Comprehensive Plan.

WHEREAS, the Development Review Committee, based on its findings of fact, recommended to the Planning Director the approval of the application for Minor Conditional Use submitted by John and Sheila Peterson; and

WHEREAS, the Planning Director has duly considered the recommendation of the Development Review Committee and the information and documentary evidence submitted by the applicant; and

WHEREAS, the record established, the testimonies offered, and the evidence submitted, support the findings of fact adopted by the Development Review Committee;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING DIRECTOR OF MONROE COUNTY, FLORIDA, that:

The application for minor conditional use submitted by John and Sheila Peterson to construct a two-story, 7,200 sq. ft. building which includes 1,200 sq. ft. of light industrial use, 3,000 sq. ft. of commercial retail use (2,000 sq. ft. of sit-down restaurant and 1,000 sq. ft. of medium intensity commercial retail), and 3,000 sq. ft. of office use, on property described as Lots 22 and 23, Block 8, Cutthroat Harbor Estates, Cudjoe Key, Monroe County, Florida, is hereby APPROVED, with the following conditions:

1. Prior to receiving a building permit, the drainage plans shall be reviewed by the Monroe County Engineer.

2. Prior to receiving a building permit, the applicant shall obtain the necessary permits from the Monroe County Public Works/Engineering Department and any other county, state, and federal agencies.

3. Pursuant to Section 9.5-67, in order to minimize the adverse effects on surrounding residential uses, the hours of operation shall be limited to the following:

Sunday through Thursday:	7:00 a.m. to 10:00 p.m.
Friday, Saturday, and national holidays:	7:00 a.m. to midnight

FILE #1024602
BK#1476 PG#1234

Date: 7/14/97

Timothy J. McGarry, AICP
Director of Planning

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared Timothy J. McGarry, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 14th day of July, 1997.

NOTARY PUBLIC STATE OF FLORIDA
MAYRA TEZANOS
COMMISSION # CC 555990
EXPIRES MAY 19, 2000
BONDED THRU
ATLANTIC BONDING CO., INC.

NOTARY PUBLIC, STATE OF FLORIDA

MPETERSN.05/TXTDR/97024

Initial_____

REFERENCE: In the event that this development order constitutes an amendment, extension, variation, or alteration of a previous conditional use permit, that document may be referenced by the following ____NONE_____

_____

NOTICE

Section 9.5-72.(a) of Monroe County Code states that a conditional use permit shall not be transferred to a successive owner without notification to the Development Review Coordinator within five (5) days of the transfer.

Under the authority of Section 9.5-72(a) of the Monroe County Land Development Regulations, this development order shall become null and void, with no further notice required by the County, unless a complete building permit application for site preparation and building construction with revised plans as required herein is submitted to the Monroe County Building Official within six (6) months of the expiration of the Department of Community Affairs appeal period or the date when the Department of Community Affairs waives its appeal and all required certificates of occupancy are procured within three (3) years of the date this development order is approved by the Acting Director of Planning.

If this development order is appealed under the Monroe County code or by the Department of Community Affairs, the above time limits shall be tolled until the appeals are resolved.

This instrument shall not take effect for thirty (30) working days following the date of memorialization thereof, and during that time permit shall be subject to appeal as provided in Section 9.5-523(d) of the Monroe County land development regulations. An appeal shall stay the effectiveness of this instrument until resolved.

In addition, please be advised that pursuant to Chapter 9J-1, Florida Administrative Code, this instrument shall not take effect for forty five (45) days following the rendition to the Florida Department of Community Affairs. During that forty-five days, the Florida Department of Community Affairs may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

FILE #1024602
BK#1476 PG#1235

MONROE COUNTY
OFFICIAL RECORDS

Initial_____

MONROE COUNTY
OFFICIAL RECORDS

FILE #1342790
BK#1846 PG#2354

RCD Jan 03 2003 08:56AM
DANNY L KOLHAGE, CLERK

MONROE COUNTY, FLORIDA
MINOR CONDITIONAL USE DEVELOPMENT ORDER #09-02

A DEVELOPMENT ORDER APPROVING THE AMENDMENT TO A MINOR CONDITIONAL USE REQUEST OF DOUGLAS BELL FOR THE CHANGE OF USE OF 1,500 SQ. FT. OF PREVIOUSELY APPROVED OFFICE USE IN A MIXED USE BUILDING CURRENTLY UNDER CONSTRUCTION TO MEDIUM INTNSITY COMMERCIAL USE. THE PROPERTY IS LOCATED ON CUDJOE KEY, MONROE COUNTY, FLORIDA.

WHEREAS, Douglas Bell is the owner of the property described as Lots 22 and 23, Block 8, Cutthroat Harbor Estates, Section 28, Township 66 South, Range 28 East, Tallahassee Meridian, Cudjoe Key; and

WHEREAS, the above described property is located in the Suburban Commercial (SC) land use district and the Future Land Use Map designation is Mixed Use Commercial (MC); and

WHEREAS, the property is situated between Lafitte Drive, and US 1 Highway just west of Cutthroat Drive; and

WHEREAS, The existing development under construction is a two-story, 7,200 sq. ft. building which includes 1,200 sq. ft. of light industrial use, 3,000 sq. ft. of commercial retail use (2,000 sq. ft. of sit-down restaurant and 1,000 sq. ft. of medium intensity commercial retail), and 3,000 sq. ft. of office; and

WHEREAS, The proposed use is to change 1,500 sq. ft. of the previously approved 3,000 sq. ft. office use to medium intensity commercial to be used as a hair and beauty salon; and

WHEREAS, the original owners of this property (John and Sheila Peterson) applied for and were granted vested rights by the Board of County Commissioners (Resolution No. 070-1997) on February 19, 1997; and

WHEREAS, the original application for a Minor Conditional Use was reviewed for compliance under the 1986 comprehensive plan and received approval by DRC under the Development Order #06-97; and

WHEREAS, the Development Review Committee of Monroe County, Florida, in accordance with the provisions of Sections 9.5-24 and 9.5-68 of the Monroe County Land Development Regulations, met to review the request of Douglas Bell for approval of an Amendment to Minor Conditional Use application on November 12, 2002; and

WHEREAS, the Development Review Committee reviewed the following documents and other information relevant to the request which is hereby incorporated as part of the record of said hearing:

1. The application for an Amendment to Minor Conditional Use dated October 10, 2002; and
2. The Staff Report prepared by Aref Joulani, Senior Planner, and Ralph Gouldy, Senior Administrator of Environmental Resources dated November 04, 2002; and
3. Plan of the redesigned interior space of the second floor approved by the Monroe County Department of Health; and

WHEREAS, at the request of the County's Traffic Consultant a Traffic Impacts Statement regarding the change of use from office to retail was conducted by Transport Analysis Professionals, Inc.; and

WHEREAS, the County's Traffic Consultant in a letter dated October 25, 2002 stated that "the proposed retail space will provide services where there is a demand, and anticipated to result in eliminating trips that currently go to Big Pine Key to receive the same service." Therefore, no negative impact on Big Pine Key segment of US 1 (segment #10) is expected; and

WHEREAS, after review of the application, Staff determined that the proposal is consistent with the purpose, goals, objectives, and standards of the Year 2010 Comprehensive Plan and the applicable chapters of the Land Development Regulations; and

WHEREAS, based upon the information and documentary evidence submitted, the Development Review Committee adopted the following findings of fact and conclusions of law:

1. Based on the application the change of use does not require additional floor area and is not subject to Section 9.5-124 (NROGO).

2. Due to the residential nature of the neighboring areas and according to Section 9.5-67 of the Monroe County Code, the Director of Planning may attach such conditions to a conditional use permit as are necessary to carry out the purposes of the plan and to prevent or minimize adverse effects upon other property in the neighborhood, including but not limited to hours of operation.

WHEREAS, the Planning Director has duly considered the recommendation of the Development Review Committee and the information and documentary evidence submitted by the applicant; and

WHEREAS, the record established, the testimonies offered, and the evidence submitted support the findings of fact and the conclusions of law adopted by the Development Review Committee. **NOW THEREFORE;**

BE IT RESOLVED BY THE DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES OF MONROE COUNTY, FLORIDA, that the application for an Amendment to a Minor Conditional Use submitted by Douglas Bell for change of use of 1,500 sq. ft. of the previously approved 3,000 sq. ft. office use to medium intensity commercial use is hereby **APPROVED** with the following condition:

1. Based on Section 9.5-67 and pursuant to the condition #3 of the original Development Order (#06-97), to minimize the adverse effects of the development on the surrounding residential uses, notices shall be posted on the property to clearly show the following hours of operation:

   Sunday through Thursday: 7:00 a.m. to 10:00 p.m.

   Friday, Saturday, and National Holidays: 7:00 a.m. to midnight

Date: 11/14/02

K Marlene Conaway
K. Marlene Conaway
Director of Planning and Environmental Resources

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared K. Marlene Conaway, to me known to be the persona described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 14TH day of November, 2002.

Nicole M. Petrick
NOTARY PUBLIC, STATE OF FLORIDA

REFERENCE: In the event that this development order constitutes an amendment, extension, variation, or alteration of a previous conditional use permit, that document may be referenced by the following "NONE"

NICOLE M. PETRICK
Notary Public - State of Florida
My Commission Expires Jun 28, 2005
Commission # DD037884

NOTICE

Section 9.5-72. (a) of Monroe County Code states that a conditional use permit shall not be transferred to a successive owner without notification to the Development Review Coordinator within five (5) days of the transfer.

Section 9.5-72(a)(1) of the Monroe County Land Development Regulations states that:

"...application for a building permit(s) shall be made within six (6) months of the date of the approval of the conditional use, and all required certificates of occupancy shall be procured within two (2) years of the date of issuance of the initial building permit, or the conditional use approval shall become null and void with no further action required by the county. Approval timeframes do not change with successive owners. An extension of time may be granted only by the planning commission for a period of not to exceed one (1) year and only within the original period of validity."

If this development order is appealed under the Monroe County code or by the Department of Community Affairs, the above time limits shall be tolled until the appeals are resolved.

This instrument shall not take effect for thirty (30) working days following the date of memorialization thereof, and during that time, the permit shall be subject to appeal as provided in Section 9.5-521(c) of the Monroe County land development regulations. An appeal shall stay the effectiveness of this instrument until resolved.

In addition, please be advised that pursuant to Chapter 9J-1, Florida Administrative Code (FAC), this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Department of Community Affairs. Pursuant to FAC Section 9J-1.003(2), "Development orders shall not be rendered until the time within which to file any local administrative appeals pursuant to local ordinances has expired." During that forty-five days, the Florida Department of Community Affairs may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

MONROE COUNTY
OFFICIAL RECORDS

Doc# 1479210 11/16/2004 1:17PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Doc# 1479210
Bk# 2059 Pg# 178

MONROE COUNTY, FLORIDA
AMENDMENT TO A MINOR CONDITIONAL USE
DEVELOPMENT ORDER # 09-04

A DEVELOPMENT ORDER APPROVING AN AMENDMENT TO A MINOR CONDITIONAL USE OF THE MOONTIDE PLAZA FOR THE CONSTRUCTION OF A PARKING LOT AND A HIGHWAY CUT FOR ONE WAY TRAFFIC EXITING US HIGHWAY 1 ON PROPERTY DESCRIBED AS LOTS 21,22, AND 23 BLOCK 8, CUTTHROAT HARBOR ESTATES, CUDJOE KEY, MONROE COUNTY, FLORIDA. THE LAND USE DESIGNATION IS SUBURBAN COMMERCIAL (SC) AND THE REAL ESTATE NUMBERS ARE 00178490.000000,00178500.000000,00178510.000000.

WHEREAS, Douglas Bell is the owner of real property described as lots 21, 22, and 23 Block 8, Cutthroat Harbor Estates, Cudjoe Key, Monroe County, Florida; and

WHEREAS, Douglas Bell applied for an Amendment to a Minor Conditional Use approval for the addition of a parking lot and a highway cut for one way traffic exiting US Highway 1 in the Suburban Commercial (SC) land use district; and

WHEREAS, the Development Review Committee (DRC) of Monroe County, Florida, in accordance with the provisions of sections 9.5-24 and 9.5-68 of the Monroe County Land Development Regulations, met to review the request of Douglas Bell for approval of an Amendment to a Minor Conditional Use application on July 19, 2004; and

WHEREAS, the Development Review Committee reviewed the following documents and other information relevant to Douglas Bells Amendment to a Minor Conditional Use request:

1. The application for an Amendment to a Minor Conditional Use received June 4, 2004; and

2. Site, drainage, and landscape plan signed and sealed by P.E. & D, Inc. dated 02/24/04, 06/21/04, 07/06/04 and the final revised site, drainage and landscape plan signed and sealed by P.E. & D., Inc. dated 09/03/04; and

3. Survey prepared by J.B. Case, Surveyor and Mapper dated 04/18/03; and

4. The official subdivision plat for Cutthroat Harbor Estates Subdivision Sheets 1-3, created by E.R. McCarthy, Registered Engineer and Land Surveyor filed 03/09/60; and

RE # 's
00178490.000000
00178500.000000
00178510.000000

Initials KM

5. The Staff Report prepared by Heather Beckmann, Planner and Andrew Trivette, Senior Biologist, dated 06/21/04; and

6. URS Corporation memorandum prepared by Jenn King for Raj Shanmugam dated 07/02/04; and

WHEREAS, based upon the information and documentary evidence submitted, the Development Review Committee adopted the following findings of fact and conclusions of law:

1. Based on the site plan, two (2) five hundred (500) watt HPS lights are to be located on the parking lot. As a part of the permitting process, it must be determined if the lights are in compliance with the outdoor lighting and maximum illumination standards set in Section 9.5-391 of the County Code prior to the issuance of an after-the-fact permit.

2. Based on the application, South Florida Water Management District (SFWMD) has been contacted to review the project. The project must be reviewed and approved by the SFWMD or the County Engineer, in order to determine compliance with Section 9.5-293.

3. Based on the application, the Florida Department of Health and Rehabilitative Services (HRS) have been contacted to review the project. The proposed project must coordinate with the Florida Department of Health if wastewater flows are less than or equal to ten-thousand (10,000) gallons per day or with the Florida Department of Environmental Protection (FDEP) if wastewater flows exceed ten-thousand (10,000) gallons per day. There is an existing wastewater treatment system on site, however it must be reviewed by the appropriate agency to determine if it is adequate or if upgrades are warranted. Therefore, staff concludes that a complete Plan Review to determine compliance with the provisions of Chapter 64E-6 of the Florida Administrative Code, and Chapter 381 of the Florida Statutes by the appropriate agency is required prior to issuing an after-the-fact permit.

4. Based on the site plan, a new landscape plan depicting all required planting areas and both the existing vegetation as well as the vegetation to be transplanted and added must be submitted and approved by the county biologist. Prior to the issuance of an after-the-fact permit, the applicant must indicate in the landscape plan that native trees will be planted in the new parking lot in order to be in compliance with the energy conservation standards.

5. Prior to the issuance of a development order, the applicant must resubmit a site plan with accurately marked setbacks with the two less parking spaces caused by the setback. Further, prior to the issuance of a development order, the applicant must

resubmit a site plan which depicts the change in throat of the driveway from sixteen (16) feet to fourteen (14) feet.

6. Based on the application, the applicant has sought permission from Florida Department of Transportation (FDOT) to permit the drainage connection. The drainage connection must be permitted by FDOT and the applicant must comply with the special provisions of the permit prior to the issuance of an after-the-fact permit.

7. Pursuant to Section 9.5-352(i) (2), the shared parking option requires any change in the occupancy or use of any principal use intended to be served by the shared parking requires development approval by the Planning Director to ensure sufficient parking is available. Applicant must receive development approval by the Planning Director in the future prior to changing the occupancy or use of the existing seven-thousand two-hundred (7,200) square foot building.

8. Based on Court Case # 99-20215 CA 18, Republic Media, Inc., and Outdoor Systems, Inc vs. Monroe County Florida, the applicant is eligible to obtain an after-the-fact permit from Monroe County for the billboard on his property. However, FDOT has found the structure to be nonconforming. The applicant claims the structure is owned and leased by Viacom. Applicant claims he has a contract with Viacom until September of 2004. Staff concludes that once the contract has ended with Viacom, the billboard must be removed from Lot twenty-one (21) Block eight (8).

9. Based on the application, the following agencies have been contacted to review the project; Florida Keys Aqueduct Authority (FKAA) and the Monroe County Fire Marshall. Staff concludes that the following agencies must approve the plans to determine compliance with Section 9.6-69.

10. Based on the application, the following agencies have been contacted to review the project; Florida Keys Electric Cooperative (FKEC) and the U.S. Fish and Wildlife (USFW). Staff concludes that approval of the plans by FKEC and USFW is required.

WHEREAS, based on the third condition set forth in the staff report dated 06/21/04, the Department of Environmental Protection has received and approved the plans through a letter of coordination written on 05/21/04. Therefore, we conclude that this condition set forth in the staff report for issuance of an after-the-fact permit has been met; and

WHEREAS, based on the fourth condition set forth in the staff report dated 06/21/04, a new landscape plan depicting all required planting areas and both the existing vegetation as well as the vegetation to be transplanted and added was signed and sealed by P.E. & D. Inc., dated on 09/03/04. Therefore, we conclude that this condition set forth in the staff report for issuance of a development order has been met; and

WHEREAS, based on the fifth condition set forth in the staff report dated 06/21/04, a revised site plan with accurately marked setbacks, two (2) less parking spaces, and a

reduction of the driveway throat from sixteen (16) to fourteen (14) feet was signed and sealed by P.E. & D. Inc., dated on 09/13/04. Therefore, we conclude that this condition set forth in the staff report for issuance of a development order has been met.

WHEREAS, based on the eighth condition set forth in the staff report dated 06/21/04, the Monroe County Fire Marshal has reviewed and verbally approved the plans on 09/17/04. Therefore, we conclude that this condition set forth in the staff report for issuance of an after-the- fact permit has been met

WHEREAS, the Development Review Committee, based on its findings of fact and conclusions of law, recommended approval with conditions of the application for the Amendment to a Minor Conditional Use submitted by Douglas Bell to the Director of Planning; and

WHEREAS, the Director of Planning has duly considered the recommendation of the Development Review Committee and the information and documentary evidence submitted by the applicant; and

WHEREAS, the record established, the testimonies offered and the evidence submitted, support the findings of fact adopted by the Development Review Committee; and

NOW THEREFORE, BE IT RESOLVED BY THE DIRECTOR OF PLANNING OF MONROE COUTY, FLORIDA, that:

The application for an Amendment to a Minor Conditional Use submitted by Douglas Bell for the construction of a parking lot and a highway cut for one way traffic exiting US Highway 1 on property described as lots 21, 22, and 23 Block 8, Cutthroat Harbor Estates, Cudjoe Key, Monroe County, Florida is hereby APPROVED with the following conditions:

1. Prior to issuance of an after-the-fact permit, the outdoor lighting shall be approved as a part of the permitting process.

2. Prior to the issuance of an after-the-fact permit, approval of the surface water management plan by the South Florida Water Management District or the County Engineer shall be provided.

3. Prior to the issuance of an after-the-fact permit, the applicant shall receive a permit from the Florida Department of Transportation for the drainage connection and once permitted the applicant must comply with the special provisions of the permit.

4. Prior to any future change in occupancy or use of the existing seven-thousand two-hundred (7,200) square foot building, the applicant shall receive development

approval by the Planning Director in order to ensure that the parking requirements are in compliance.

5. Prior to the issuance of the after-the-fact permit, the applicant shall show proof of the contract with Viacom. The billboard shall be removed at the end of that contract. If not removed by that date, the applicant will be in violation of his Amendment to a Minor Conditional Use and will be subject to Code Enforcement.

6. Prior to the issuance of an after-the-fact permit, the following agency shall review and approve the plans, Florida Keys Aqueduct Authority (FKAA).

7. Prior to the issuance of an after-the-fact permit, the following agencies shall review and approve the plans; Florida Keys Electric Cooperative (FKEC) and the U.S. Fish and Wildlife (USFW) Services.

Date 9/24/04

K. Marlene Conaway
K. Marlene Conaway
Director of Planning

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared K. Marlene Conaway, to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me the she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 24th day of September 2004.

MAYRA TEZANOS
Notary Public - State of Florida
My Commission Expires May 19, 2008
Commission # DD296796
Bonded By National Notary Assn.

Mayra Tezanos
NOTARY PUBLIC, STATE OF FLORIDA

REFERENCE: In the event that this development order constitutes and amendment, extension, variation, or alteration of a previous conditional use permit, that document may be referenced by the following "PRIOR USE DEEMED AN AMENDMENT TO A MINOR CONDITIONAL USE"

NOTICE

Section 9.5-72 (a) of Monroe County Code states that an Amendment to a Minor Conditional Use permit shall not be transferred to a successive owner without notification to the Development Review Coordinator within five (5) days of the transfer.

Under the authority of Section 9.5-72(a) of the Monroe County Land Development Regulations, this development order shall become null and void with no further notice

required by the County, unless a complete building permit application for site preparation and building construction with revised plans as required herein is submitted to the Monroe County Building Official within six (6) months of the expiration of the Department of Community Affairs appeal period or the date when the Department of Community Affairs waives its appeal and all required certificates of occupancy are procured with three (3) years of the date of this development order is approved by the Director of Planning.

If this development order is appealed under Monroe County Code or by the Department of Community Affairs, the above time limits shall be tolled until the appeals are resolved.

This instrument shall not take effect for thirty (30) working days following the date of memorialization thereof, and during that time permit shall be subject to appeal as provided in Section 9.5-521(d) of the Monroe County Land Development Regulations. An appeal shall stay the effectiveness of this instrument until resolved.

In addition, please be advised that pursuant to Chapter 9J-1, Florida Administrative Code, this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Department of Community Affairs. During that forty-five days, the Florida Department of Community Affairs may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

MONROE COUNTY
OFFICIAL RECORDS

STATE OF FLORIDA
DEPARTMENT OF HEALTH
ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
CONSTRUCTION PERMIT

PERMIT #: 44-SK-1452510
APPLICATION #: AP1095624
DATE PAID: 1-28-13
FEE PAID: 405.00
RECEIPT #: 44-PID-208666
DOCUMENT #: PR897963

CONSTRUCTION PERMIT FOR: OSTDS New

APPLICANT: Lynn C Bell

PROPERTY ADDRESS: 22658 Overseas Hwy Cudjoe Key, FL 33042

LOT: 21-23 BLOCK: 8 SUBDIVISION: Cutthroat Harbor Estates

PROPERTY ID #: 00178490/00178500-000000 [SECTION, TOWNSHIP, RANGE, PARCEL NUMBER] [OR TAX ID NUMBER]

SYSTEM MUST BE CONSTRUCTED IN ACCORDANCE WITH SPECIFICATIONS AND STANDARDS OF SECTION 381.0065, F.S., AND CHAPTER 64E-6, F.A.C. DEPARTMENT APPROVAL OF SYSTEM DOES NOT GUARANTEE SATISFACTORY PERFORMANCE FOR ANY SPECIFIC PERIOD OF TIME. ANY CHANGE IN MATERIAL FACTS, WHICH SERVED AS A BASIS FOR ISSUANCE OF THIS PERMIT, REQUIRE THE APPLICANT TO MODIFY THE PERMIT APPLICATION. SUCH MODIFICATIONS MAY RESULT IN THIS PERMIT BEING MADE NULL AND VOID. ISSUANCE OF THIS PERMIT DOES NOT EXEMPT THE APPLICANT FROM COMPLIANCE WITH OTHER FEDERAL, STATE, OR LOCAL PERMITTING REQUIRED FOR DEVELOPMENT OF THIS PROPERTY.

SYSTEM DESIGN AND SPECIFICATIONS

T [ ] GALLONS / GPD Aerobic Unit CAPACITY
A [ ] GALLONS / GPD CAPACITY
N [3,750] GALLONS GREASE INTERCEPTOR CAPACITY [MAXIMUM CAPACITY SINGLE TANK:1250 GALLONS]
K [ ] GALLONS DOSING TANK CAPACITY [ ]GALLONS @[ ]DOSES PER 24 HRS #Pumps [ ]

D [ ] SQUARE FEET SYSTEM
R [ ] SQUARE FEET SYSTEM
A TYPE SYSTEM: [ ] STANDARD [ ] FILLED [ ] MOUND [ ]
I CONFIGURATION: [ ] TRENCH [ ] BED [x] Injection Well
N
F LOCATION OF BENCHMARK: edge of pavement @ 6.94 ft NVGD
I ELEVATION OF PROPOSED SYSTEM SITE [23.00] [INCHES / FT] [ABOVE / BELOW] BENCHMARK/REFERENCE POINT
E BOTTOM OF DRAINFIELD TO BE [0.00] [INCHES / FT] [ABOVE / BELOW] BENCHMARK/REFERENCE POINT
L
D FILL REQUIRED: [0.00] INCHES EXCAVATION REQUIRED: [0.00] INCHES

O
T
H
E
R

PBTS. Permit to replace existing 1200 gallon grease interceptor with 3- 1250 gallon grease interceptors (3750 total). Existing ATU tank, ATU, dosing tank, filter box tank, chlorine contact tank and borehole to be used. ***Must follow design Engineer's specifications. ***Per Engineer, LECA is to be replaced with 9 cu meters new LECA before this permit can be finalled and shall be replaced every 15 months until the building is hooked to central sewer and the system is abandoned. ***Recorded utility easement required for lots 21,22,& 23 (RE #'s 00178490-000000 & 00178500-000000 to be used to achieve sufficient lot flow.

SPECIFICATIONS BY: Mark Repasky TITLE: PE

APPROVED BY: Jane Parthemore TITLE: ES III Monroe CHD
Jane L Parthemore

DATE ISSUED: 02/21/2013 EXPIRATION DATE: 08/21/2014

DH 4016, 08/09 (Obsoletes all previous editions which may not be used)
Incorporated: 64E-6.003, FAC

v 1.1.4 AP1095624 88890703

STATE OF FLORIDA
DEPARTMENT OF HEALTH
Operating Permit

DIVISION OF
Environmental Public Health

44-QK-02019

44-BID-2147075

OSTDS Operating - Commercial

Issued To: Lynn Bell (Bell, Lynn)
22658 Overseas Highway
Cudjoe Key, FL 33042

County: **Monroe**
Amount Paid: 150.00
Date Paid: 02/22/2013
Issue Date: 01/30/2013
Permit Expires On: 01/30/2014

Mail To: Lynn Bell
931 Lagoon Drive
Cudjoe Key, FL 33042

Monroe County Health Department
102050 Overseas Highway, Bin 10
Key Largo, FL 33037

(305) 453-8750

Owner: Bell, Lynn

The facility shown above has been inspected by a duly authorized representative of the Department of Health, and was found in conformance with those rules promulgated by the department under the authority of chapters 381, 386 and 489 part III, Florida Statutes, and set forth in Rule 64E-6, Florida Administrative code.

This permit grants authority to operate the above referenced facility, service, or system in conformance with department rules and the conditions of operation shown below. This permit is revocable, upon service of notice, when it is determined by the department that the operational conditions and department standards are not being maintained.

Original Customer: Lynn Bell (Bell, Lynn) (NON-TRANSFERABLE)

DISPLAY CERTIFICATE IN A CONSPICUOUS PLACE

STATE OF FLORIDA
DEPARTMENT OF HEALTH
Operating Permit

DIVISION OF
Environmental Public Health

44-QK-02019

44-BID-2147075

OSTDS - Operating - Commercial

Issued To: Lynn Bell (Bell, Lynn)
22658 Overseas Highway
Cudjoe Key, FL 33042

County: **Monroe**
Amount Paid: 150.00
Date Paid: 02/22/2013
Issue Date: 01/30/2013
Permit Expires On: 01/30/2014

Mail To: Lynn Bell
931 Lagoon Drive
Cudjoe Key, FL 33042

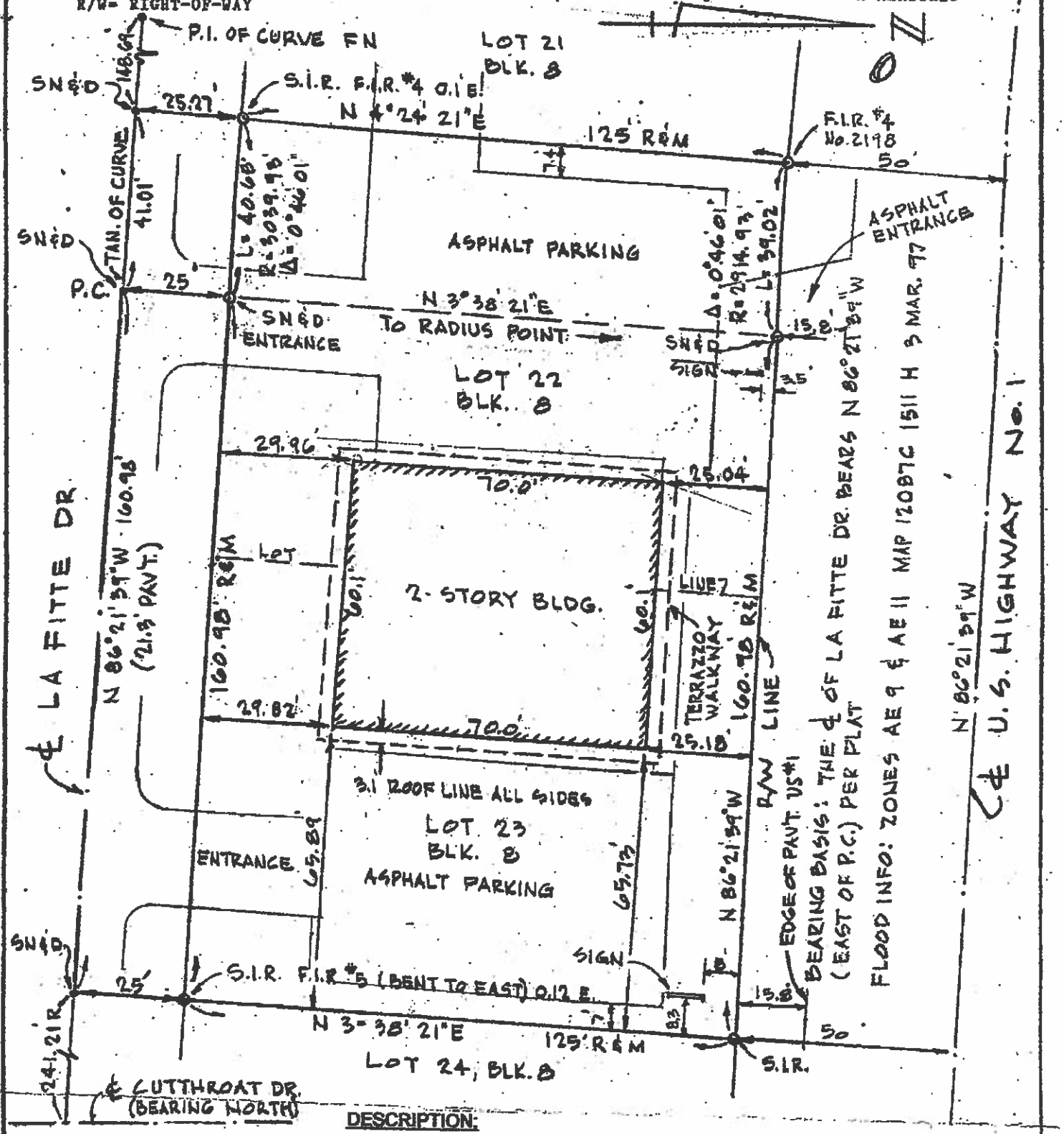
Monroe County Health Department
102050 Overseas Highway, Bin 10
Key Largo, FL 33037

(305) 453-8750

Owner: Bell, Lynn

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

LEGEND:
ALL ANGLES ARE 90° UNLESS SHOWN OTHERWISE. ELEVATIONS ARE 1929 NATIONAL GEODETIC VERTICAL DATUM.
BM=BENCH MARK C.L.F.= CHAIN LINK FENCE. ENCRO = ENCROACHMENT F.I.P.= FOUND IRON PIPE.
F.I.R. = FOUND IRON ROD FN=FOUND NAIL. SN=SET NAIL M.H.W.L.= APPROX. MEAN HIGH WATER LINE. S.I.R.=SET IRON ROD #4 CAP #2198 SN&D=SET NAIL & DISC. #2198 R=RECORD M=MEASURED R/W= RIGHT-OF-WAY

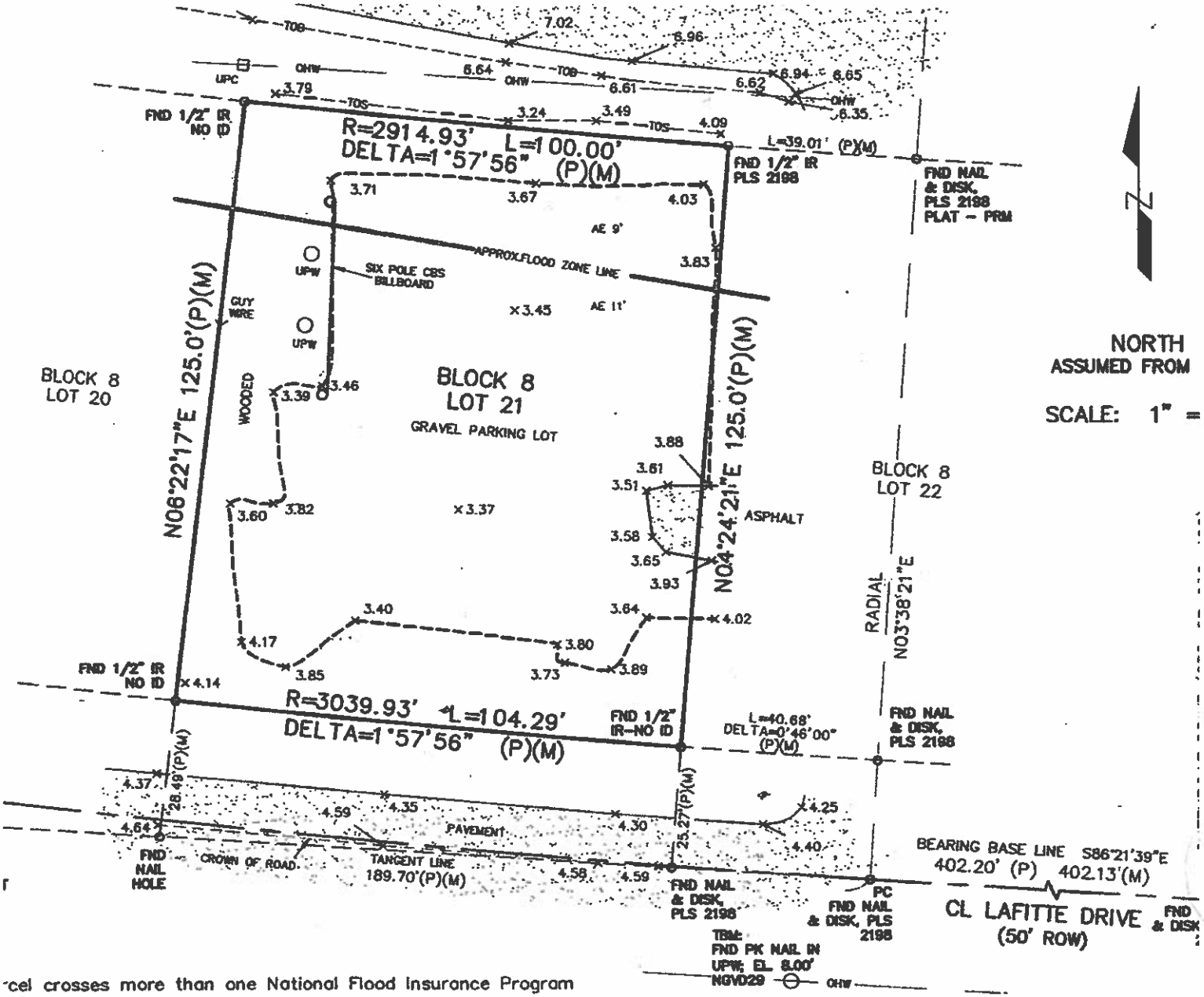


DESCRIPTION:

LOTS 22 & 23, BLOCK 8, CUTTHROAT HARBOR ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 165, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

CERTIFIED TO:

DATE OF FIELD SURVEY 8 MAR. 2007



·cel crosses more than one National Flood Insurance Program one line(s), the approximate location of which are shown These lines are approximate in their location, as scaled from Flood Insurance Rate Map 12087C1311K, last revised on 05. The flood map is at a scale of 1" – 500' ±. At this ıe line itself is 10'± in width. In oddition to the small scale ɔ is extremely vague, making precise location of the subject mpossible. These lines are shown hereon for informational s only, and should not be used as the sole criteria for ning construction limits. The location of these lines should be by the appropriate authorities prior to construction.

I HAVE CONSULTED THE FEDERAL EMERGENCY MANAGEMENT AG
FLOOD INSURANCE RATE MAP –
COMMUNITY NO.:125129; MAP NO.:12087C–1311K; MAP DATE: 0:
THE HERON DESCRIBED PROPERTY APPEARS TO BE IN –
FLOOD ZONE: AE; BASE ELEVATION: 9' & 11' NGVD 29 DATUM.

DESCRIPTION –

I, Block 8, CUTTHROAT HARBOR ESTATES,
ding to the Plat thereof as recorded in
Book 4, Page 165, of the Public Records of Monroe
y, Florida.

IED TO – LYNN C. BELL

NOTE: FOUNDATIONS BENEATH THE SURFACE ARE NOT SHOWN. MEASURED DIM
EQUAL PLATTED OR DESCRIBED DIMENSIONS UNLESS INDICATED OTHERWISE.
THE FOLLOWING IS A LIST OF ABBREVIATIONS THAT MAY BE FOUND ON THIS SH

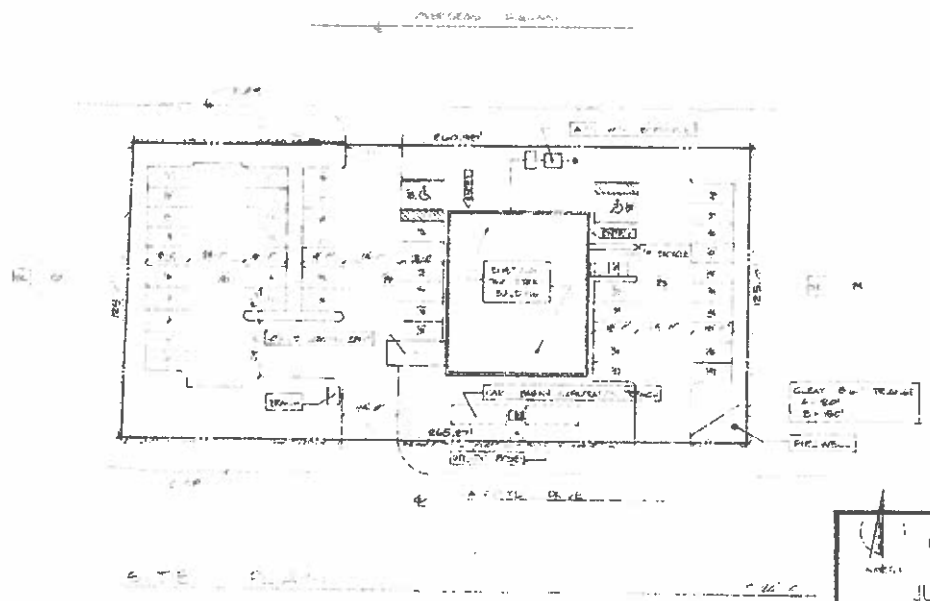
C = CALCULATED
CB = CONCRETE BLOCK
CBW = CONCRETE BLOCK WALL
CL = CENTERLINE
CLF = CHAINLINK FENCE
CM = CONCRETE MONUMENT
CONC = CONCRETE
CVRD = COVERED
D = DEED
DELTA = DELTA ANGLE
DEASE = DRAINAGE EASEMENT
DMH = DRAINAGE MANHOLE
EB = ELECTRIC BOX
EL = ELEVATION
ELEV = ELEVATED
EM = ELECTRIC METER
ENCL = ENCLOSURE
FFE = FINISHED FLOOR ELEVATION
FH = FIRE HYDRANT
FI = FENCE INSIDE
FND = FOUND

GI = GRATE INLET
GL = GROUND LEVEL
GW = GUY WIRE
IP = IRON PIPE
IR = IRON ROD
L = ARC LENGTH
LS = LANDSCAPING
M = MEASURED
MB = MAILBOX
NGVD = NATIONAL GEODETIC VERTICAL DATUM (1929)
NTS = NOT TO SCALE
OHW = OVERHEAD WIRES
P = PLAT
P&M = PLAT & MEASURED
PC = POINT OF CURVE
PCC = POINT OF COMPOUND CURVE
PCP = PERMANENT CONTROL POINT
PI = POINT OF INTERSECTION
PK = PARKER KALON NAIL
PM = PARKING METER

PRM = PERMANENT MONUM
PT = POINT OF TA
R = RADIUS
ROL = ROOF OVER
ROWL = RIGHT OF
R/W = RIGHT OF
SCO = SANITARY
SMH = SANITARY
SV = SEWER VALV
TBM = TIDAL BENC
TOB = TOP OF BA
TOS = TOE OF SL
TYP = TYPICAL
UEASE = UTILITY E
UPC = CONCRETE
UPM = METAL UTI
UPW = WOOD UTI
VB = VIDEO BOX
WD = WOOD DECK
WDF = WOOD FENC

THE SQUARE GROUPER BAR & GRILL RESTAURANT

22658 OVERSEAS HIGHWAY - CUDJOE KEY - FLORIDA



LEGAL DESCRIPTION:

LOTS 21,22 and 23, BLOCK 8 "Cutthroat Harbor Estates"
PLAT BOOK 4, PAGE 165

RECEIVED
JUN 18
2013-078
MONROE COUNTY PLANNING DEPT

THOMAS KELLY ENTERPRISES INC.
WHITROSY ROAD - BIMINI CAY KEY
• DESIGN CONCEPTS
• CONSTRUCTION MANAGEMENT
(305) 745-1999

THE SQUARE GROUPER RESTAURANT
SITE PLAN

DRAWN TOK
DATE 06/05/13

SHEET NUMBER
D-1
2

THE SQUARE GROUPER BAR & GRILL RESTAURANT

22658 OVERSEAS HIGHWAY - CUDJOE KEY - FLORIDA

Landscape Requirements

Zooing - Suburban Commercial

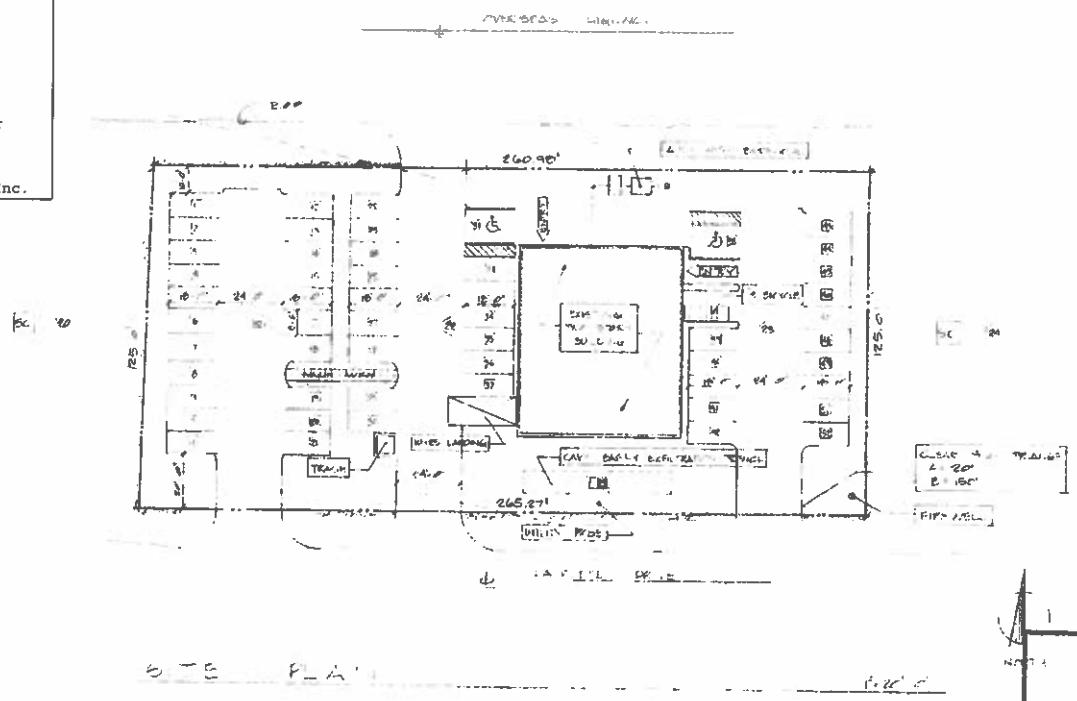
Parking Lot - Class A

Buffer roquirements - Class C Major Street Buffer
- Class D District Boundary

By: Trepanier & Associates Inc.

LEGAL DESCRIPTION:

LOTS 21,22 and 23, BLOCK 8 "Cutthroat Harbor Estates"
PLAT BOOK 4, PAGE 165



RECEIVED
JUN 18 2013
2013-078
MONROE CO. PLANNING DEPT

THOMAS KELLY ENTERPRISES INC.
9941 ROCKY ROAD - SUGARLOAF KEY
• DESIGN CONCEPTS
• CONSTRUCTION MANAGEMENT
(305) 745-1900

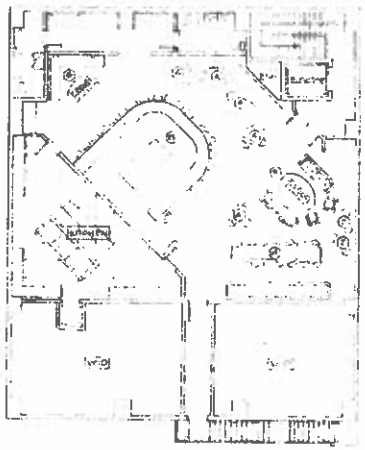
THE SQUARE GROUPER RESTAURANT
SITE PLAN
CUDJOE KEY

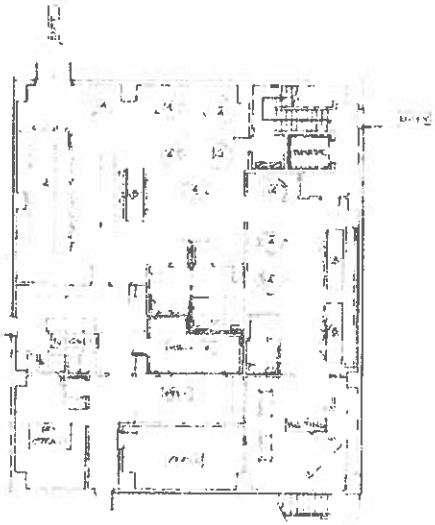
DRAWN: TOK
DATE: 06/18/13

SHEET NUMBER
D-1
2

THE SQUARE GROUPER BAR & GRILL RESTAURANT

22658 OVERSEAS HIGHWAY - CUDJOE KEY - FLORIDA





RECEIVED

JUN 2 5 2013

2013-078

MONROE CO. PLANNING DEPT

THOMAS NELLY ENTERPRISES INC.
1011 ROCKY POINT ROAD - SUGARLOAF KEY
FLORIDA 33042
- CONSULTING ENGINEERS
- CONSTRUCTION MANAGEMENT
(305) 745-1550

THE SQUARE GROUPER RESTAURANT
FLOOR PLANS

DRAWN: TOK

SHEET NUMBER
D-2
2

KBP CONSULTING, INC.

May 15, 2013

Mr. Owen Trepanier
President
Trepanier & Associates, Inc.
402 Appelrouth Lane
Key West, Florida 33045

Re: Square Grouper Bar & Grill Restaurant – Stock Island, FL
Trip Generation Analysis

Dear Owen:

The Square Grouper Bar & Grill Restaurant is located at 22658 Overseas Highway on Cudjoe Key in the Florida Keys, Monroe County, Florida. The subject site is located on the south (ocean) side of US 1 / Overseas Highway, near Mile Marker 22.5. The owners of this establishment are proposing to expand the existing restaurant use on this site and eliminate the existing commercial retail component. The existing and proposed uses at this site are summarized in the following exhibit provided by your office:

Use	Existing Approved	Existing Actual Use	Proposed
Sit-down Restaurant	2,000 sq. ft.	4k sq. ft. (78 rest. seats & 14 bar seats)	7.5k sq. ft. (50 rest. seats & 100 bar seats)
Package Sales	Within above area	Within above area	No package sales
Med. Intensity Commercial Retail	1,000 sq. ft.	4k sq. ft.	0 sq. ft.
Light industrial	1,200 sq. ft.	0 sq. ft.	0 sq. ft.
Office	3,000 sq. ft.	0 sq. ft.	0 sq. ft.

The purpose of this correspondence is to document the trip generation differential between the existing and proposed uses at the Square Grouper Bar & Grill Restaurant.

Trip Generation Analysis

The trip generation for this project was determined using the trip generation rates and equations contained in the Institute of Transportation Engineer's (ITE) *Trip Generation (9th Edition)* report. Based upon this information, the daily (weighted average of weekday and weekend) trip generation rates for the existing and proposed development are as follows:

8400 North University Drive, Suite 309, Tamarac, Florida 33321
Tel: (954) 560-7103 Fax: (954) 582-0989

Quality Restaurant – ITE Land Use #931

- Daily (wt. avg.) Trip Generation Rate: T = 88.04 (X)
  where T = number of trips and X = 1,000 SF of gross floor area

Specialty Retail Center – ITE Land Use #826

- Daily (wt. avg.) Trip Generation Rate: T = 40.58 (X)
  where T = number of trips and X = 1,000 SF of gross floor area

The resulting daily trip generation for the existing and proposed development is presented in Table 1 below.

Table 1
The Square Grouper Bar & Grill Restaurant
Trip Generation Analysis
Cudjoe Key, Florida

Land Use	Size	Daily Trips
Existing		
Quality Restaurant	4,000 SF	352
Commercial Retail	4,000 SF	162
Sub Total		**514**
Proposed		
Quality Restaurant	7,500 SF	660
Sub Total		**660**
Difference (Proposed - Existing)		**146**

Compiled by: KBP Consulting, Inc. (May 2013).
Source: ITE Trip Generation Manual (9th Edition).

Conclusions

Based upon the foregoing trip generation analysis, the proposed development program at the Square Grouper Bar & Grill Restaurant is projected to generate 146 additional daily vehicle trips when compared with the existing development program.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

KBP CONSULTING, INC.

Karl B. Peterson, P.E.
Florida Registration Number 49897
Engineering Business Number 29939

Karl D. Borglum
Property Appraiser
Monroe County, Florida

office (305) 292-3420
fax (305) 292-3501
Website tested on Internet Explorer

------ GIS Mapping requires Adobe Flash 10.3 or higher. ------

Property Record View

Previous Record **Alternate Key: 1230511 Parcel ID: 00178500-000000** Next Record

Ownership Details

Mailing Address:
BELL LYNN C
931 LAGOON DR
SUMMERLAND KEY,
FL 33042-4834

Property Details

PC Code: 18 - OFFICES BUILDINGS MULTI/STORY
Millage Group: 100C
Affordable Housing: No
Section-Township-Range: 28-66-28
Property Location: 22658 OVERSEAS HWY CUDJOE KEY
Subdivision: CUTTHROAT HARBOR ESTATES
Legal Description: BK 8 LTS 22 AND 23 CUTTHROAT HARBOR ESTATES CUDJOE KEY PB4-165 OR486-834/35 OR486-838/39 OR707-57/58 OR1312-218 OR1724-1639 OR1928-1957/58 OR2559-1884/85

Show Parcel Map - Must have Adobe Flash Player 10.3 or higher

Land Details

Land Use Code	Frontage	Depth	Land Area
100H - COMMERCIAL HIGHWAY	100	125	12,500.00 SF
100H - COMMERCIAL HIGHWAY	0	0	12,603.00 SF

Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 1
Total Living Area: 7200

Year Built: 2003

Building 1 Details

Building Type	**Condition** E	**Quality Grade** 400
Effective Age 9	**Perimeter** 600	**Depreciation %** 12
Year Built 2003	**Special Arch** 0	**Grnd Floor Area** 7,200
Functional Obs 0	**Economic Obs** 0	

Inclusions:

Roof Type	**Roof Cover**	**Foundation**
Heat 1	**Heat 2**	**Bedrooms** 0
Heat Src 1	**Heat Src 2**	

Extra Features:

2 Fix Bath 6	**Vacuum** 0
3 Fix Bath 0	**Garbage Disposal** 0
4 Fix Bath 0	**Compactor** 0
5 Fix Bath 0	**Security** 0
6 Fix Bath 0	**Intercom** 0
7 Fix Bath 0	**Fireplaces** 0
Extra Fix 17	**Dishwasher** 0

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	CL2:CH LINK FENCE	228 SF	38	6	2003	2004	1	30
2	AP2:ASPHALT PAVING	5,700 SF	95	60	2003	2004	2	25
3	AP2:ASPHALT PAVING	5,880 SF	98	60	2003	2004	2	25
4	PT3:PATIO	600 SF	60	10	2003	2004	2	50
5	PT3:PATIO	80 SF	10	8	2003	2004	2	50

Appraiser Notes

LOT 23 (RE 00178510-000000 AK 1230529) HAS NOW BEEN COMBINEO WITH THIS PARCEL FOR ASSESSMENT PURPOSES. DONE FOR THE 2008 TAX ROLL (04/07/2008 SCJ).
2008/04/07 BUILDING SITS ON LOTS 22 & 23, COMBINED FOR ENCROACHMENT. SCJ
2002-02-27 CHANGED THE LAND USE FROM M1OD TO 1OOO ANO THE PC CODE FROM OO O 10 HAS PERMITS FOR A NEW COMMERCIAL RESTAURANT. SKI

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
1	96/0950	01/19/2000	03/28/2003	400,000	Commercial	COMM/RESTAURANT& C.O.

Parcel Value History

Certified Roll Values.

View Taxes for this Parcel.

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2011	1,160,789	21,660	163,170	879,583	879,583	0	879,583
2010	1,186,584	22,708	200,824	1,061,752	1,061,752	0	1,061,752
2009	1,186,584	23,755	288,685	1,235,760	1,235,760	0	1,235,760
2008	1,212,379	24,806	338,891	1,439,280	1,439,280	0	1,439,280
2007	786,933	25,815	220,553	1,033,301	1,033,301	0	1,033,301
2006	803,676	26,860	220,553	1,051,089	1,051,089	0	1,051,089
2005	820,419	27,910	75,618	923,947	923,947	0	923,947
2004	820,252	28,956	50,412	899,620	899,620	0	899,620
2003	0	0	50,412	50,412	50,412	0	50,412
2002	0	0	50,412	50,412	50,412	0	50,412
2001	0	0	28,357	28,357	28,357	0	28,357
2000	0	0	47,261	47,261	47,261	0	47,261
1999	0	0	21,425	21,425	21,425	0	21,425
1998	0	0	21,425	21,425	21,425	0	21,425
1997	0	0	21,425	21,425	21,425	0	21,425
1996	0	0	21,425	21,425	21,425	0	21,425
1995	0	0	21,425	21,425	21,425	0	21,425
1994	0	0	21,425	21,425	21,425	0	21,425
1993	0	0	26,466	26,466	26,466	0	26,466
1992	0	0	26,466	26,466	26,466	0	26,466
1991	0	0	26,466	26,466	26,466	0	26,466
1990	0	0	28,357	28,357	28,357	0	28,357

1989	0	0	32,138	32,138	32,138	0	32,138
1988	0	0	20,165	20,165	20,165	0	20,165
1987	0	0	18,905	18,905	18,905	0	18,905
1986	0	0	18,905	18,905	18,905	0	18,905
1985	0	0	18,938	18,938	18,938	0	18,938
1984	0	0	18,938	18,938	18,938	0	18,938
1983	0	0	18,938	18,938	18,938	0	18,938
1982	0	0	11,854	11,854	11,854	0	11,854

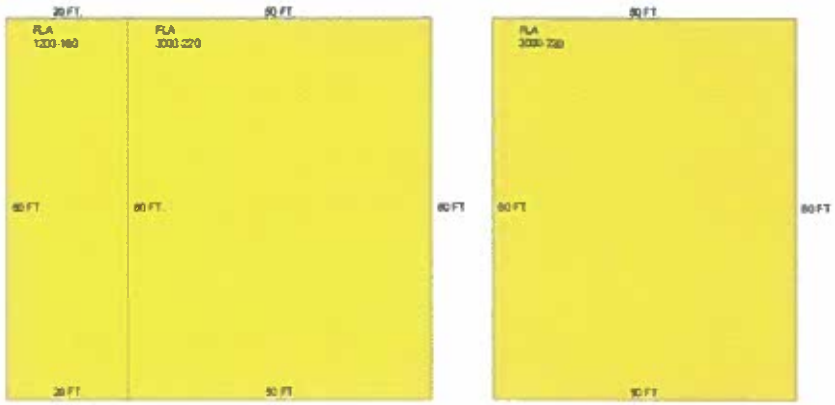
Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
10/12/2011	2559 / 1884	100	QC	11
8/24/2001	1724 / 1639	240,000	WD	M
6/1/1994	1312 / 0218	89,000	WD	M

This page has been visited 30,497 times.

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



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	2003					1,200
2	FLA		1	2003					3,000
3	FLA		1	2003					3,000

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	10259	SERVICE SHOPS-D-	100	N	N
	10260	REST/CAFET-A-	100	N	Y
	10261	PROFESS BLDG-D	100	N	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
3376	C.B.S.	50
3377	METAL SIDING	50

Misc Improvement Details

MONROE COUNTY
OFFICIAL RECORDS

FILE #1256478
BK#1724 PG#1639

RCD Sep 12 2001 12:00PM
DANNY L KOLHAGE, CLERK

Prepared by and return to:
Lynne Hankins-Fielder, Esq.
President
LYNNE HANKINS FIELDER, P.A.
19980 OVERSEAS HIGHWAY
Sugarloaf Key, FL 33042
File Number: **2001-247**

DEED DOC STAMPS 1680.00
09/12/2001 DEP CLK

Grantee S.S. No. [redacted]
Parcel Identification No. **00178500-000000 & 00178510-000000**

[Space Above This Line For Recording Data]

Warranty Deed

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

261 186th St. Sunny Isles Bch FL 33160

This Indenture made this 24th day of **August, 2001** between **John W. Peterson and Sheila M. Peterson, his wife** whose post office address is ~~**400 Leslie Drive #530, Hallandale, FL 33009**~~ of the County of **Broward**, State of **Florida**, grantor*, and **Douglas Bell and Lynn C. Bell, his wife** whose post office address is **931 Lagoon Drive, Sugarloaf Key, FL 33042** 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 **Monroe County Florida**, to-wit:

> **Lots 22 and 23, Block 8, CUTTHROAT HARBOR ESTATES, according to the plat thereof as recorded in Plat Book 4 at Page 165, of the Public Records of Monroe County, Florida.**
>
> **Subject to taxes for 2001 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.**
>
> **SUBJECT TO a Purchase Money First Mortgage, given by Grantee to Grantor, securing the original principal sum of $140,000.00.**

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: MARY L. JOHNSON

Witness Name: RICHARD J. FIELDER

John W. Peterson (Seal)

Sheila M. Peterson (Seal)

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 24th day of August, 2001 by John W. Peterson and Sheila M. Peterson, who [ ] are personally known or [X] have produced a driver's license as identification.

[Notary Seal]

RICHARD J. FIELDER
MY COMMISSION # DD 011751
EXPIRES: June 11, 2005
Bonded Thru Notary Public Underwriters

Notary Public

Printed Name:

My Commission Expires:

MONROE COUNTY
OFFICIAL RECORDS

DoubleTimes

HARRIS ROBERT WILLIAM AND
MELISSA EDWARDS
22306 LAFITTE RD
CUDJOE KEY, FL 33042

IARROBINO DANIEL G
349 AIRPORT DR N
SUMMERLAND KEY, FL 33042-4400

KAHN SUSAN
43 GOLD BOULLION RD
SUMMERLAND KEY, FL 33042-4714

KAISER GERALD L AND JANICE L
18226 HUSON RD
SAEGERTOWN, PA 16433-6616

KORINEK WARREN J DEC TRUST
12/17/1999
23078 BLUEGILL LN
SUMMERLAND KEY, FL 33042-4705

KUHN DENNIS P AND KIMBERLY
62 CUTTHROAT DR
SUMMERLAND KEY, FL 33042

MARINO JOHN AND BEVERLY K
64 PARSONS DR
GOFFSTOWN, NH 3045

MARTIN APHRODITE G
22734 CUDJOE DR
CUDJOE KEY, FL 33042-0000

MCKITTRICK MICHAEL E
1284 CANNON CT
BATAVIA, IL 60510-4557

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

MORSON CHRISTOPHER ALAN
1207 NE 82ND ST
MIAMI, FL 33138-4133

NELKIN FRANK M JR
300 E 56TH ST
NEW YORK, NY 10022-4136

PIPER KEVIN M AND WENDY G
82 CUTTHROAT DR
CUDJOE KEY, FL 33042-4222

RAPPAPORT MARK J AND MARJORIE D
1740 FORGE POND RD
BRICK, NJ 8724

RAPPAPORT MARK J AND MARJORIE D
1740 FORGE POND RD
BRICK, NJ 8724

RICKS EDITH O
22668 LA FITTE DR
SUMMERLAND KEY, FL 33042-4221

RIVIECCIO MICHAEL J
218 ANHINGA LN
JUPITER, FL 33458-8338

RIVIECCIO MICHAEL J
218 ANHINGA LN
JUPITER, FL 33458-8338

ROCKWELL DAVID L AND SUSAN L
15028 22 MILE RD
TUSTIN, MI 49688-8552

ROOF FRANKLIN B AND PAIGE H
114 CUTLASS LN
SUMMERLAND KEY, FL 33042-4226

SANDHUSEN CYNTHIA N
28179 DOROTHY AVE
LITTLE TORCH KEY, FL 33042-5651

SHIRK SAMUEL R JR AND ESTELLA
36 TREASURE CHEST DR
SUMMERLAND KEY, FL 33042-4715

SPERLING BENJIE TRUSTEE
PO BOX 817058
HOLLYWOOD, FL 33081-1058

SPERLING BENJIE TRUSTEE
PO BOX 817058
HOLLYWOOD, FL 33081-1058

SREDNICKI ROBERT A
101 CUTTHROAT DR
SUMMERLAND KEY, FL 33042-4212

SYKES JOHN W AND EMMA M
22560 LAFITTE DR
SUMMERLAND KEY, FL 33042-4220

TIITF
C/O DEP
3900 COMMONWEALTH BLVD
TALLAHASSEE, FL 32399-3000

VARGAS CARLOS H
46 YARDARM RD
SUMMERLAND KEY, FL 33042-4716

VOLMER EUGENE
PO BOX 420816
SUMMERLAND KEY, FL 33042-0816

ADORNO PETER
121 CUTLASS LN
CUDJOE KEY, FL 33042-4226

AGUINAGA JORGE A AND GALIA M
72 CUTTHROAT DR
CUDJOE KEY, FL 33042

BASIL KEVIN
27921 PORGIE PATH
SUMMERLAND KEY, FL 33042-5712

BASLER PHILIP H K AND BONNIE
103 COCONUT DR
KEY WEST, FL 33040

BELL LYNN C
931 LAGOON DR
SUMMERLAND KEY, FL 33042-4834

BICKLEY WILLIAM E
PO BOX 404
LAKE JUNALUSKA, NC 28745-0404

BOUNDRY LTD
26351 OLD STATE ROAD 4A
RAMROD KEY, FL 33042-5337

BOYLE RONALD W AND ANIETA B
3985 KY HIGHWAY 2141
STANFORD, KY 40484-8677

CASTO DONALD H AND JUDITH A
22628 LA FITTE DR
SUMMERLAND KEY, FL 33042-4221

CATALANO RALPH L AND ROBERTA G
115 CUTLASS LN
CUDJOE KEY, FL 33042-4226

CATALDO DENNIS M AND MAYRA E
3327 HARBOR POINT RD
BALDWIN, NY 11510-5164

COLL DANIEL ARMANDO
114 CUTTHROAT DR
SUMMERLAND KEY, FL 33042-4223

CONFIDENTIAL DATA F.S. 119.07
51 BARACOA RD
SUMMERLAND KEY, FL 33042

COMPASS ROSE INVESTMENTS LLC
4350 WILL ROGERS PKWY
OKLAHOMA CITY, OK 73108

COUNTY OF MONROE
BOARD OF COUNTY COMMISSIONERS
500 WHITEHEAD STREET
KEY WEST, FL 33040
email
abra
spon

DE BRITO NOEL R AND MARIBANEX
6013 SW 160TH AVE
MIAMI, FL 33176

DIAZ CLEMENTE J AND MARIA R
22954 TEACH LN
CUDJOE KEY, FL 33042

DOANE BYRON D
PO BOX 421005
SUMMERLAND KEY, FL 33042

DOT/ST OF FL (STATE OF FLORIDA SRD)
TALLAHASSEE, FL 32399

~~DOT/ST OF FL (STATE ROAD DEPT)~~
~~TALLAHASSEE, FL 32399~~

EMBRY LINDA A MCNEAL
1965 BRIDGEPOINTE CIR UNIT 83
VERO BEACH, FL 32967-6869

FALCHECK WILLIAM JR AND MICHELLE
817 PARMA CENTER RD
HILTON, NY 14468-9349

FORSELL EDWARD AND JENNIFER B
4833 GARY RD
BONITA SPRINGS, FL 34134-3928

GLADSTONE STEVE D
3360 ROUTE 940
MOUNT POCONO, PA 18344-1151

GRAY RONALD E AND JEANNE T
2818 BRECKENBRIDGE BLVD
EAGLEVILLE, PA 19403

GROGAN DANIEL P AND DEBBIE S
901 N COLUMBIA BLVD
PORTLAND, OR 97217-1197

WEEKS QUINTIN C AND TERESA R
22660 LAFITTE DR
SUMMERLAND KEY, FL 33042-4221

WEIDNER LEONARD AND JANE
113 GALLEON LN
CUDJOE KEY, FL 33042-4228

WOODBECK DAVID JOHN
22652 LA FITTE DR
SUMMERLAND KEY, FL 33042-4221

YETTER SCOTT M
53 TREASURE CHEST DR
SUMMERLAND KEY, FL 33042-4718

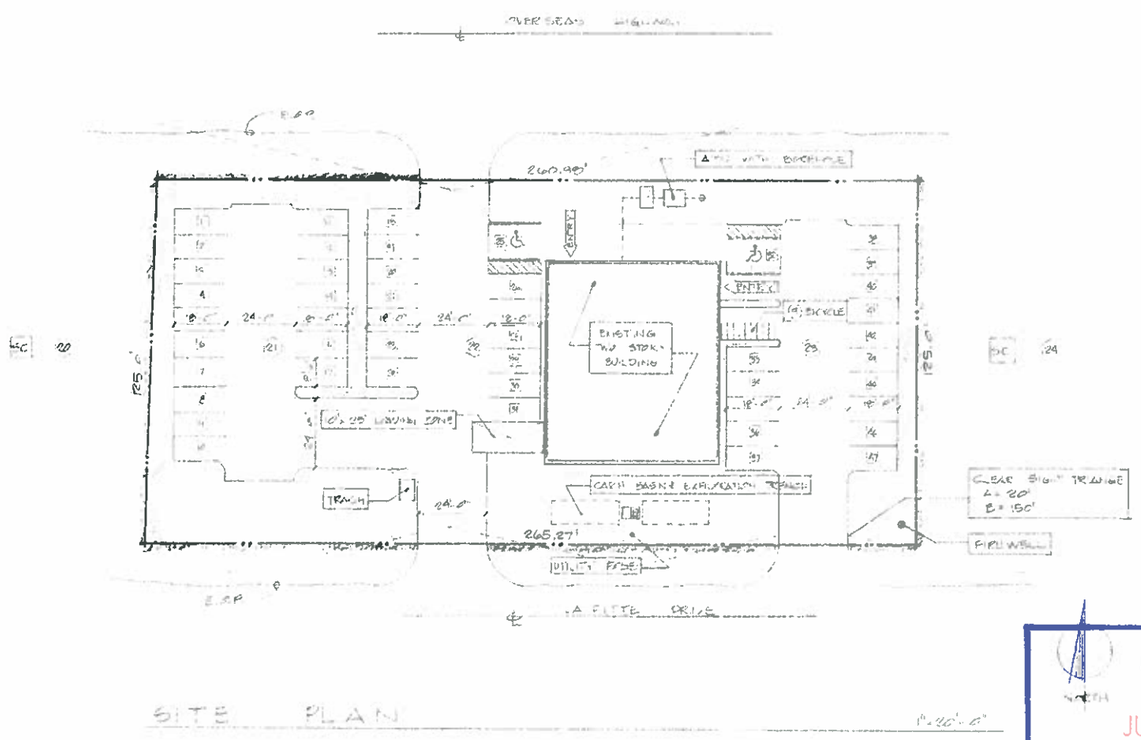
YOUNG JOHN B
PO BOX 1490
NOKOMIS, FL 34274

ZENSEN FREDERICK
52 CUTTHROAT DR
SUMMERLAND KEY, FL 33042-4222

DEUTSCHE BANK NATIONAL TRUST COMPANY
C/O LAW OFFICES OF MARSHALL C WATSON PA
1800 NW 49TH ST STE 120
FORT LAUDERDALE

THE SQUARE GROUPER BAR & GRILL RESTAURANT

22658 OVERSEAS HIGHWAY - CUDJOE KEY - FLORIDA



LEGAL DESCRIPTION:

LOTS 21,22 and 23, BLOCK 8 "Cutthroat Harbor Estates"
PLAT BOOK 4, PAGE 165

RECEIVED
JUN 18 2013
2013-078
MONROE COUNTY PLANNING DEPT

THOMAS KELLY ENTERPRISES INC.
9941 ROCKY ROAD - SUGARLOAF KEY
• DESIGN CONCEPTS
• CONSTRUCTION MANAGEMENT
(305) 745-1900

THE SQUARE GROUPER RESTAURANT
SITE PLAN
CUDJOE KEY

DRAWN: TCK
DATE: 06/10/13

SHEET NUMBER
D-1
OF 2

THE SQUARE GROUPER BAR & GRILL RESTAURANT

22658 OVERSEAS HIGHWAY - CUDJOE KEY - FLORIDA

Landscape Requirements

Zoning - Suburban Commercial

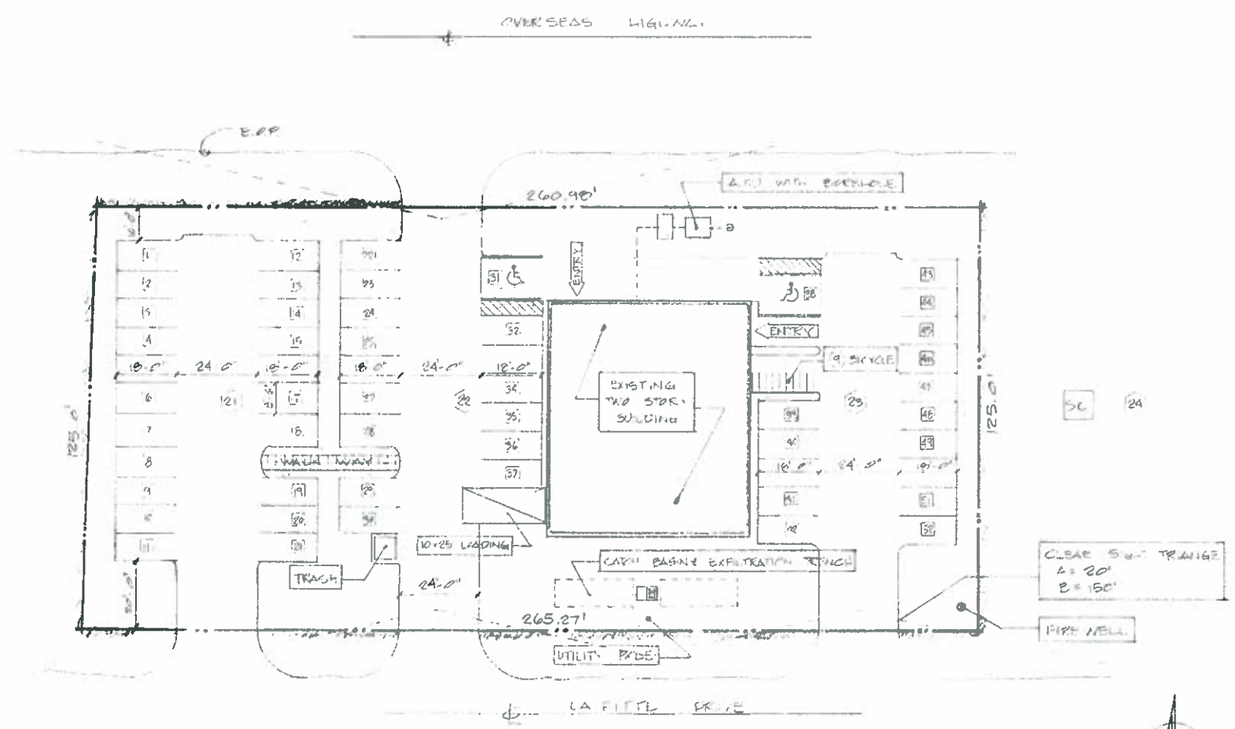
Parking Lot - Class A

Buffer requirements - Class C Major Street Buffer
- Class D District Boundary

By: Trepanier & Associates Inc.

LEGAL DESCRIPTION:

LOTS 21,22 and 23, BLOCK 8 "Cutthroat Harbor Estates"
PLAT BOOK 4, PAGE 165



SITE PLAN 1"=20'-0"

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2013-078
MONROE CO. PLANNING DEPT

THOMAS KELLY ENTERPRISES INC.
#141 ROCKY ROAD - SUGARLOAF KEY
• DESIGN CONCEPTS
• CONSTRUCTION MANAGEMENT
(305) 745-1100

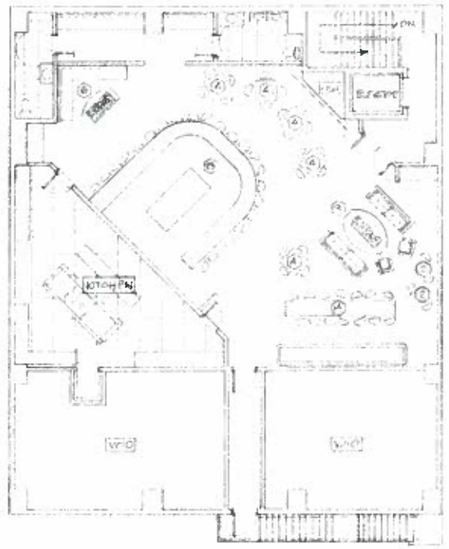
THE SQUARE GROUPER RESTAURANT
SITE PLAN
CUDJOE KEY

DRAWN: TCK
DATE: 05/10/13

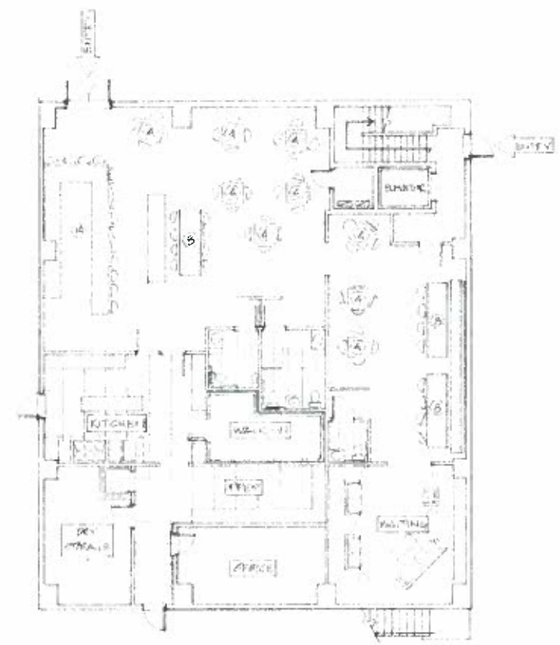
SHEET NUMBER
D-1
OF 2

THE SQUARE GROUPER BAR & GRILL RESTAURANT

22658 OVERSEAS HIGHWAY - CUDJOE KEY - FLORIDA



SECOND FLOOR PLAN



FIRST FLOOR PLAN

RECEIVED
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MONROE CO. PLANNING DEPT

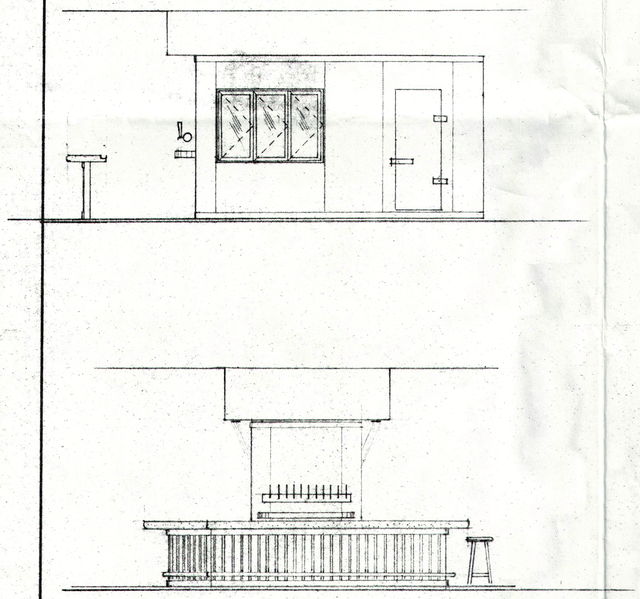
THOMAS KELLY ENTERPRISES INC.
5941 ROCKY ROAD - SUGARLOAF KEY
• DESIGN CONCEPTS
• CONSTRUCTION MANAGEMENT
(305) 745-1900

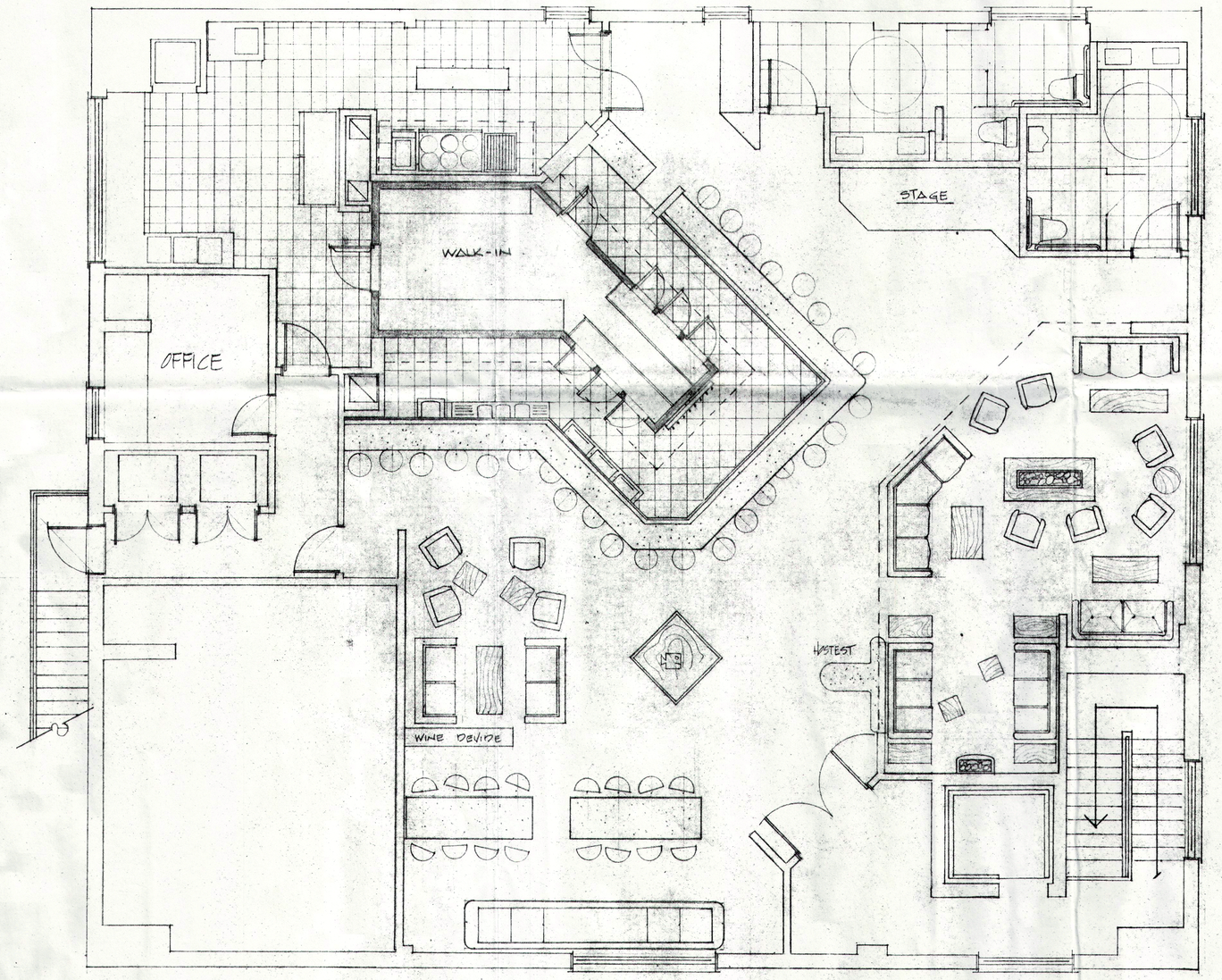
THE SQUARE GROUPER RESTAURANT
FLOOR PLANS
CUDJOE KEY

DRAWN: TCK
DATE: 06/10/13

SHEET NUMBER
D-2
of 2

SQUARE GROUPER





THOMAS KELLY ENTERPRISES INC.
19141 ROCKY ROAD - SUGARLOAF KEY
* DESIGN CONCEPTS
* CONSTRUCTION MANAGEMENT
(305) 745-1100

CUDJOE KEY

SQUARE GROUPER
PROPOSED FLOOR PLAN

DRAWN: TCK
DATE: 07/04/13

SHEET NUMBER
D-1
OF 1

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MONROE CO. PLANNING DEPT

DRAINAGE CALCULATIONS

NOTE: PROPOSED PARKING AREA IS GRAVEL AND IS CONSIDERED PERVIOUS.

1. PRE- AND POST-DEVELOPMENT CONDITIONS:

a) Compare pre-development and post-development conditions for a 24-hour 25-year storm, where P(total) = 9 inches.

	Pre-(acres)	Post-(acres)
Water Surface	0.0	0.0
Roof Area	0.0	0.0
Impervious Area	0.0	0.0
Pervious Area	0.29	0.29
TOTAL AREA	0.29	0.29
% Impervious Area	0%	0%
Soil Retention, S	5.0"	5.0" Inches of stored water, where S = (1 – % impervious) x Soil Storage and Soil Storage = 5.0" for both Pre– and Post–Development conditions.
Runoff, Q, in.	4.9"	4.9" where $Q = \frac{(P - 0.2S)^2}{(P + 0.8S)}$

b) Water quantity requirements:
The water quantity post-development conditions are the same as the pre-development conditions.

2. LABINS INFORMATION:

Base Information (0.72 miles from site.)

County:	Monroe
Quad Name:	SUMMERLAND KEY
ID	4313
Mean High Water:	-0.18 ft
Mean Low Water:	-1.33 ft

Latitude: N24.66°
Longitude: W81.48°
Datum shift (NAVD 88 minus NGVD 29): -0.415 meters = -1.36 feet
NGVD 29 MHW height = NAVD 88 height - Datum shift = -0.18 feet + 1.36 feet = 1.18 feet

THEREFORE, 1.18' NGVD IS DRY RETENTION CONTROL ELEVATION, AND THE ENTIRE SITE IS CONSIDERED DRY.

3. LAND DEVELOPMENT PROVISIONS:

SECTION 114-3 (f)(1) (SURFACE WATER MANAGEMENT CRITERIA) OF THE DEVELOPMENT STANDARDS STATES THAT IF POST-DEVELOPMENT CONDITIONS ARE SUCH THAT A VOLUME GREATER THAN THE RETENTION AND/OR DETENTION VOLUME REQUIRED FOR STORMWATER MANAGEMENT IS ALREADY BEING RETAINED ON SITE, THAT CONDITION SHALL BE MAINTAINED.

REQUIRED RETENTION TREATMENT VOLUME = 1 INCH X 2 (REQUIRED SAFETY FACTOR) = 2 INCHES

SOIL STORAGE (SEE ABOVE) = 5.0 INCHES > 2 INCHES;
THEREFORE, NO OTHER RETENTION IS REQUIRED.

GENERAL NOTES:
1. Elevations refer to the National Vertical Geodetic Datum of 1929.
2. Existing topographic information was provided by the Owner.
3. All work shall comply with the 2010 edition of the Florida Building Code.
4. Location of existing and proposed underground utilities are not shown. Contractor shall verify existing utility locations with utility owners prior to construction. Contractor shall notify SSOCOF two to five days prior to digging. (1-800-852-8057)
5. All temporary facilities, buildings, barriers and services shall be provided by the Contractor.
6. The builder shall check and verify all dimensions and elevations.

NOTE: All work shall comply with the wind load requirements according to ASCE 7-10:
Basic wind speed = 180 MPH
Importance factor = 1.00
Exposure Category = D

Development Potential

Site Size: 37,871
Floor Area: 8,400
FAR: Permitted: 0.25
Proposed: 0.22

Class C Major Street Buffer (10ft wide) :
- 15 Canopy Trees such as Buttonwood, Gumbo Limbo or Seagrape
- 6 Understory Trees, such as Geiger Tree, Willow Bustic or Milkbark
- 60 Shrubs such as Marlberry, Beautyberry or Jamaica Caper

Parking Lot Class A Landscaping For 52 Spaces:
- 3,250 S.F. Required/3,675 S.F. Provided
- 11 Canopy Trees such as Buttonwood, Gumbo Limbo or Seagrape
- 3 Understory Trees, such as Geiger Tree, Willow Bustic or Milkbark
- 26 Shrubs. such as Marlberry, Beautyberry or Jamaica Caper

Class D IS-SC District Buffer (25 ft wide) :
- 18 Canopy Trees such as Buttonwood, Gumbo Limbo or Seagrape
- 10 Understory Trees, such as Geiger Tree, Willow Bustic or Milkbark
- 73 Shrubs. such as Marlberry, Beautyberry or Jamaica Caper

CANOPY TREE
UNDERSTORY TREE
SHRUBS

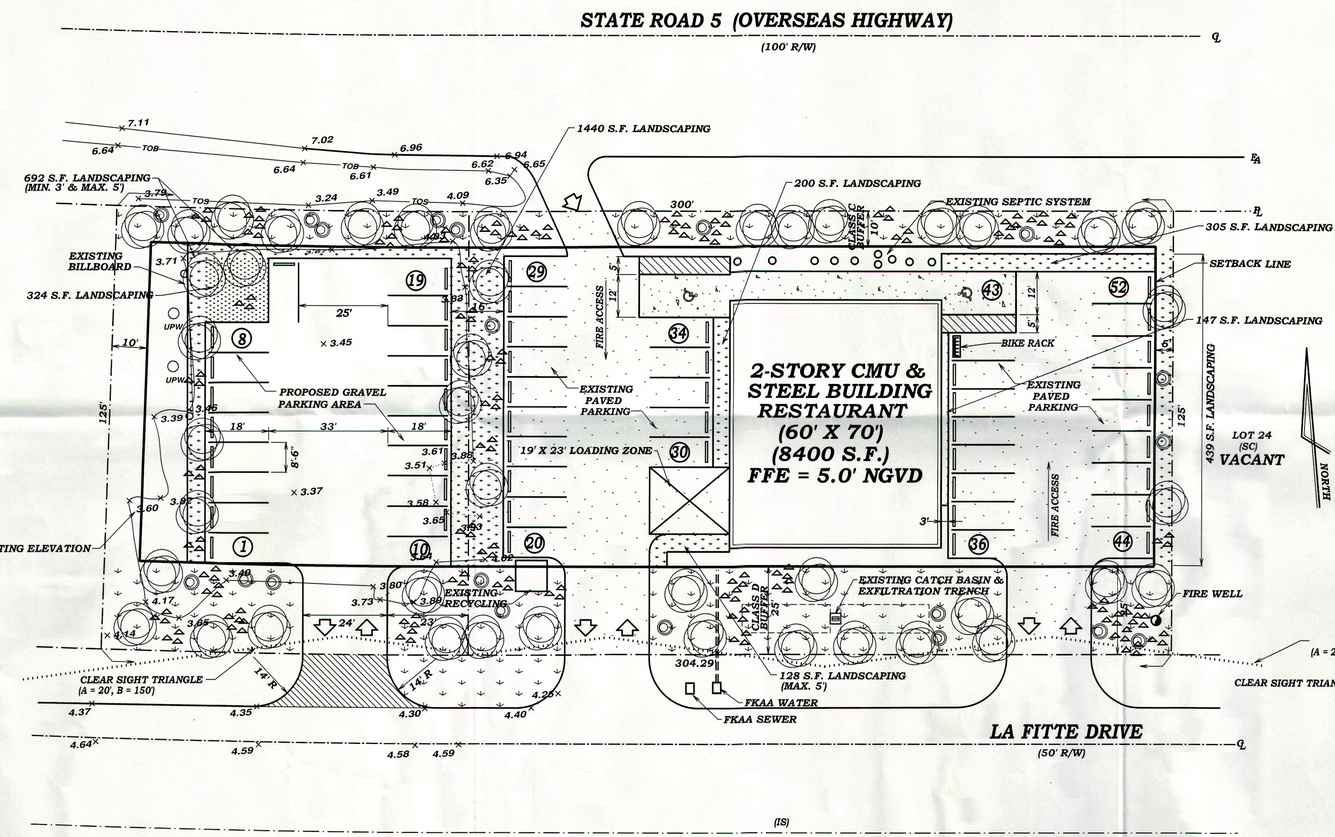
Parking Analysis

Existing

Use (Parking Reqm't)	Parking Reqm't	Sq. Ft.	No. of Seats	No. of Spaces
Office Use	3 spaces / 1,000 sq. ft.	1,500.0	--	4.5
Medium Intensity Comm. Retail- Hair and Beauty Salon	3 spaces / 1,000 sq. ft.	1,500.0	--	4.5
Light Industrial Use	2 spaces / 1,000 sq. ft.	1,200.0	--	3.6
Comm. Retail - 2,000 sq. ft. Sit-Down Restaurant, 1,000 of Medium Intensity Comm. Retail	3 spaces / 1,000 sq. ft.	3,000.0	42	9.0
--	--	--	--	--
Total Approved (DO No. 0902)	--	7,200.0	--	34.0

Proposed

Use	Parking Reqm't	Sq. Ft.	No. of Seats	No. of Spaces
--	--	--	--	--
--	--	--	--	--
Commercial Retail - 2,000 sq. ft. Sit-Down Restaurant	3 spaces / 1,000 sq. ft.	2,000.0	42	6.0
Commercial Retail - 2,000 sq. ft. Sit-Down Restaurant	1 space / 3 seats	4,275.0	108	36.0
Total Required	--	6,275.0	--	42.0



SITE, DRAINAGE & LANDSCAPING PLANS

1" = 20'

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2013-078
MONROE CO. PLANNING DEPT

PROJECT INFORMATION

LOTS 21, 22 & 23
BLOCK 8
CUTTHROAT HARBOR ESTATES
PB 4-165

COMMUNITY NO.: 125129
MAP: 12087C-1311K
DATE: 18 FEBRUARY 2005
ZONES: AE9 & AE11

ZONING: SC SUBURBAN COMMERCIAL
FLUM: MC MIXED USE/COMMERCIAL
TIER: III
TOTAL AREA = 0.87 ACRES
IMPERVIOUS AREA = 0.38 ACRES (INCLUDING ROOF AREA)
PERVIOUS AREA = 0.49 ACRES
TOTAL PARKING SPACES PROPOSED: 52

REVISIONS:

PHILIP J. CHILDS, PLLC
PROFESSIONAL ENGINEER
P.O. B ox 809
SUMMERLAND KEY, FL 33042
(305) 745-8616
EB 6366

CUDJOE KEY

SQUARE GROUPER
SITE, LANDSCAPING & DRAINAGE PLANS
22658 OVERSEAS HIGHWAY

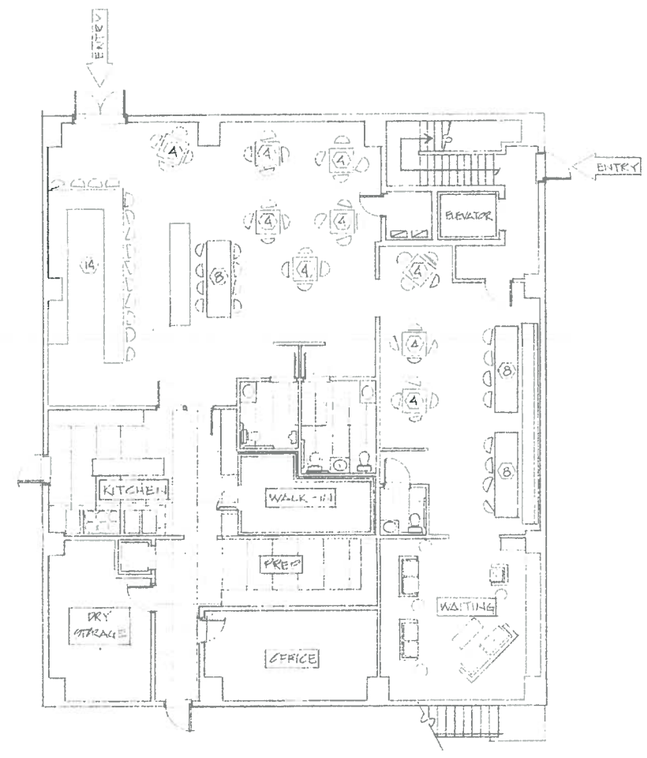
DRAWN: PJC
DATE: 8/2/2013

SHEET NUMBER
D-1
OF 1

PROJECT NO.
13D11

THE SQUARE GROUPER BAR & GRILL RESTAURANT

22658 OVERSEAS HIGHWAY - CUDJOE KEY - FLORIDA



FIRST FLOOR PLAN

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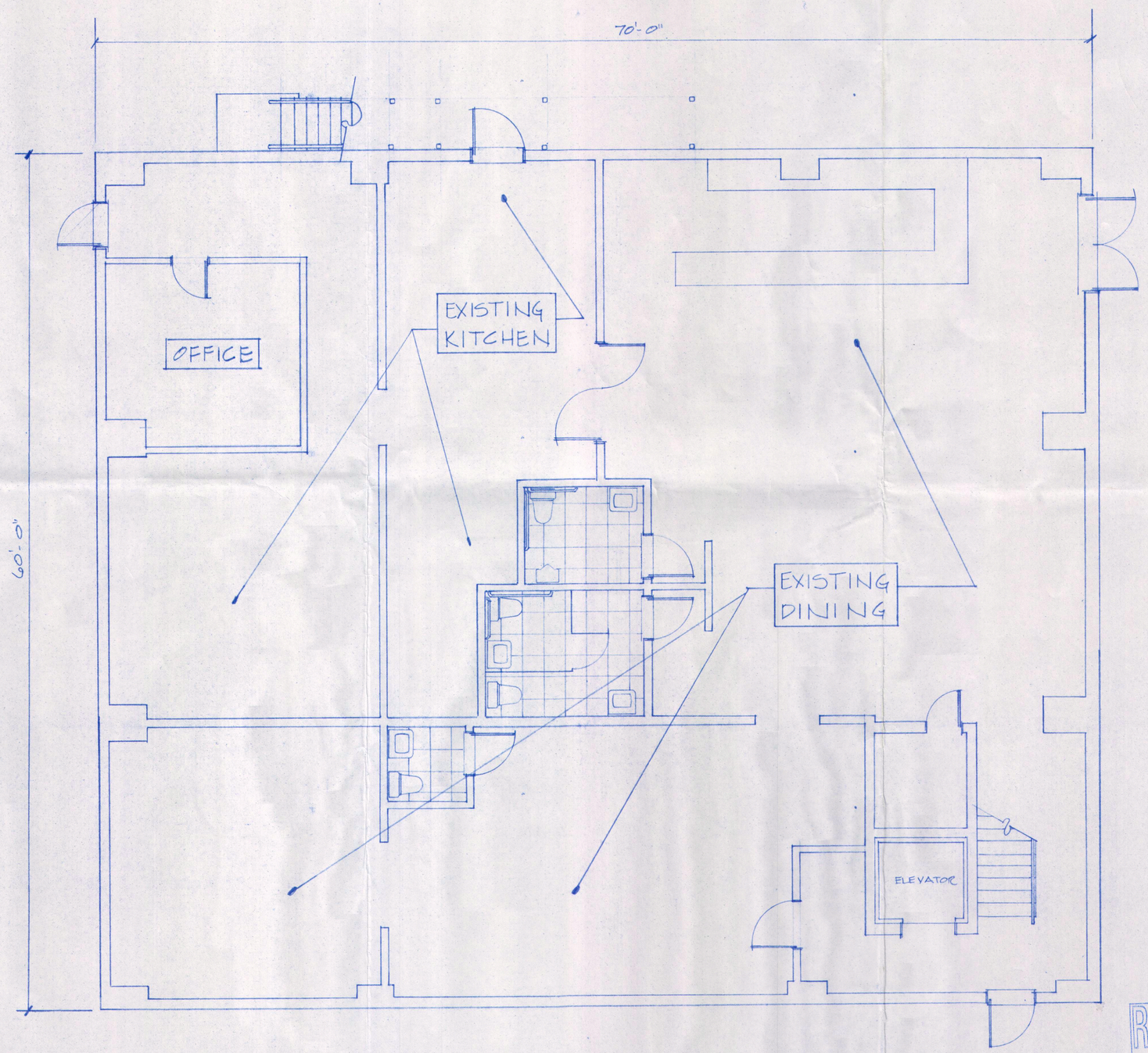
• CONSTRUCTION MANAGEMENT
(305) 745-1100

THE SQUARE GROUPER RESTAURANT
FLOOR PLANS
CUDJOE KEY

DRAWN: TCK
DATE: 08/10/13

SHEET NUMBER
D-2
OF 2



FIRST FLOOR PLAN

1/4"=1'-0"

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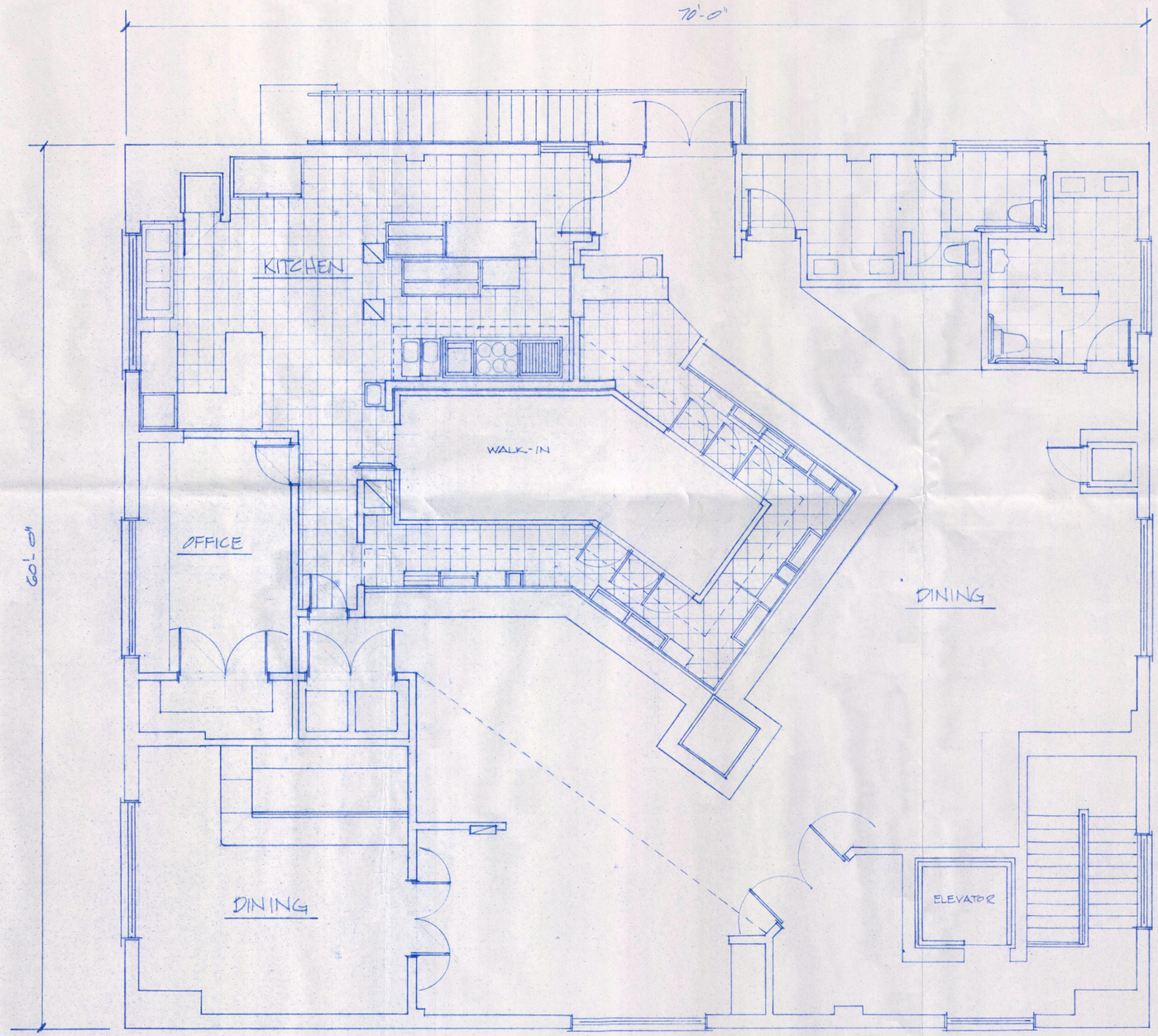
SQUARE GROUPER
FIRST FLOOR PLAN

DRAWN: TCK
DATE:08/02/13

SHEET NUMBER
A-1
OF 4



SECOND FLOOR PLAN

1/4"=1'-0"

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* DESIGN CONCEPTS
* CONSTRUCTION MANAGEMENT
(305) 745-1100

CUDJOE KEY

SQUARE GROUPER
SECOND FLOOR PLAN

DRAWN: TCK
DATE:08/02/13

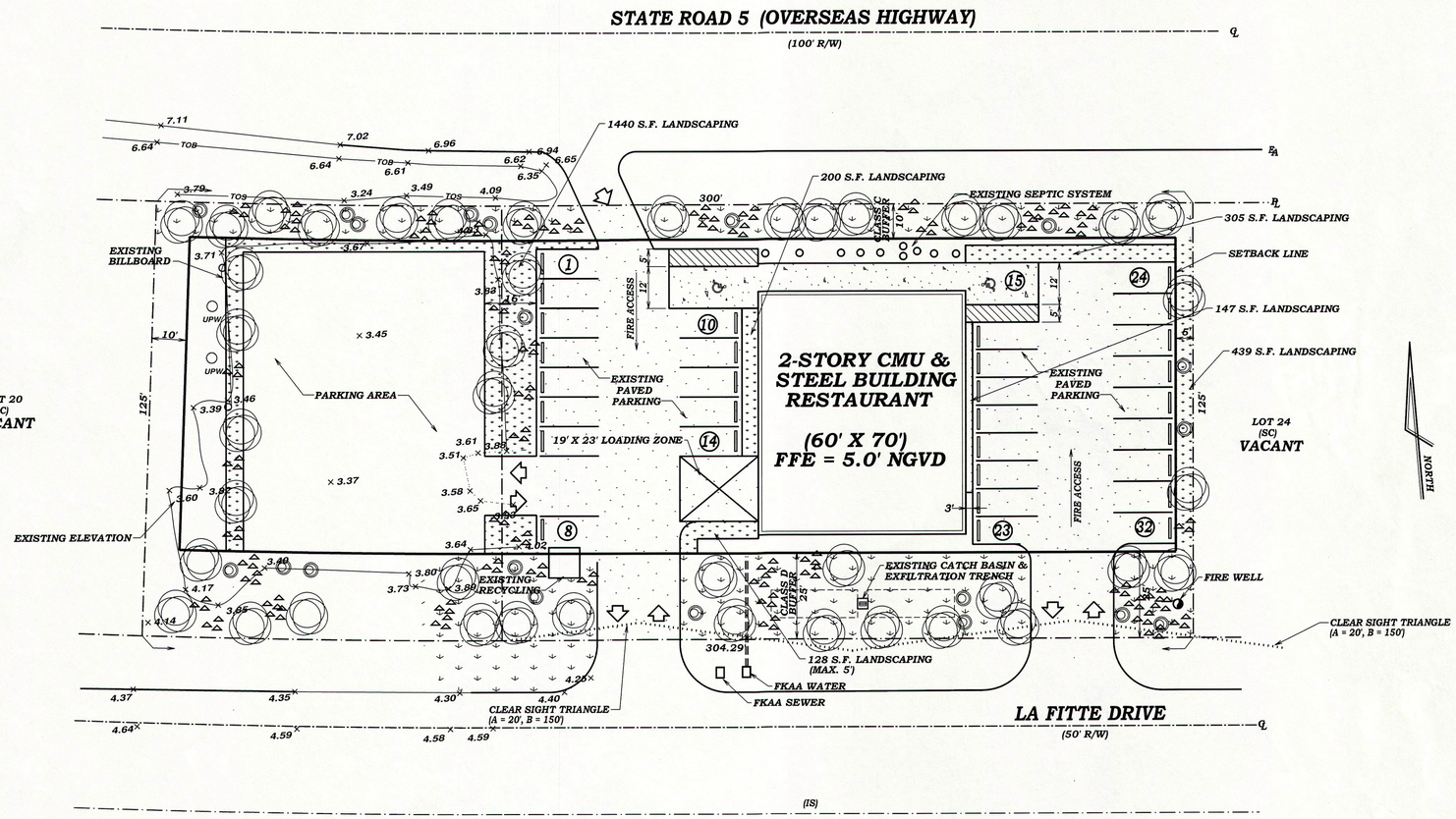
SHEET NUMBER
A-2
OF 4

APPROXIMATE EXISTING LANDSCAPING PLAN

CLASS C MAJOR STREET BUFFER (10 FEET WIDE):
CANOPY TREES W/ MIN. 3" DBH:
(2) COCONUT PALM
(21) THATCH PALM
(2) CARPENTARIA PALM
(3) GEIGER TREE
(8) ALEXANDER PALM
(2) QUEEN PALM
(1) CHRISTMAS PALM
(1) FLOSS SILK TREE
UNDERSTORY TREE W/ MIN. HEIGHT = 5':
(1) MANGO TREE
SHRUB W/ MIN HEIGHT = 3':
(7) BUTTONWOOD
(3) YUCA PLANT
(1) KEY LIME TREE

CLASS D DISTRICT BUFFERYARD (25 FEET WIDE):
CANOPY TREES W/ MIN. 3" DBH:
(6) MAHOGANY TREE
(5) SEAGRAPE TREE
(5) QUEEN PALM
(1) GEIGER TREE
(1) THATCH PALM
(4) COCONUT PALM
(4) ALEXANDER PALM
(1) CHRISTMAS PALM
(4) GUMBO LIMBO TREE
(2) ARECA PALM
(1) HICKORY TREE
SHRUB W/ MIN HEIGHT = 3':
(35) BUTTONWOOD
(1) YUCA PLANT
(1) IXORA

CLASS A PARKING LOT LANDSCAPING:
CANOPY TREES W/ MIN. 3" DBH:
(1) MAHOGANY TREE
(2) SEAGRAPE TREE
(1) QUEEN PALM
(2) COCONUT PALM
(2) ALEXANDER PALM
(1) GUMBO LIMBO TREE
(1) ARECA PALM
(1) TRAVELERS PALM
(4) POISONWOOD
UNDERSTORY TREE W/ MIN HEIGHT = 5':
(10) BUTTONWOOD
(2) SCAEVOLA
(3) SEAGRAPE
(4) SILVER THATCH PALM
(1) KUMQUAT
SHRUB W/ MIN HEIGHT = 3':
(9) BUTTONWOOD
(1) BAY CEDAR
(1) JASMINE



SITE, DRAINAGE & LANDSCAPING PLANS

1" = 20'

PROJECT INFORMATION

LOTS 21, 22 & 23
BLOCK 8
CUTTHROAT HARBOR ESTATES
PB 4-165

COMMUNITY NO.: 125129
MAP: 12087C-1311K
DATE: 18 FEBRUARY 2005
ZONES: AE9 & AE11

ZONING: SC SUBURBAN COMMERCIAL
FLUM: MC MIXED USE/COMMERCIAL
TIER: III
TOTAL AREA = 0.87 ACRES
IMPERVIOUS AREA = 0.38 ACRES (INCLUDING ROOF AREA)
PERVIOUS AREA = 0.49 ACRES
TOTAL PARKING SPACES PROPOSED: 52

RECEIVED
AUG 14 2013
2013-072
MONROE CO. PLANNING DEPT.

REVISIONS:

PHILIP J. CHILDS, PLLC
PROFESSIONAL ENGINEER
P.O. BOX 809
SUMMERLAND KEY, FL 33042
(305) 745-8616
EB 6366

SQUARE GROUPER
EXISTING SITE, LANDSCAPING & DRAINAGE PLANS
22658 OVERSEAS HIGHWAY
CUDJOE KEY

DRAWN: PJC
DATE: 8/14/2013

8/14/2013

SHEET NUMBER
C-1
OF 2

PROJECT NO.
13D11

DRAINAGE CALCULATIONS

NOTE: PROPOSED PARKING AREA IS GRAVEL AND IS CONSIDERED PERVIOUS.

1. PRE- AND POST-DEVELOPMENT CONDITIONS:

a) Compare pre-development and post-development conditions for a 24-hour 25-year storm, where P(total) = 9 inches.

	Pre-(acres)	Post-(acres)
Water Surface	0.0	0.0
Roof Area	0.0	0.0
Impervious Area	0.0	0.0
Pervious Area	0.29	0.29
TOTAL AREA	0.29	0.29
% Impervious Area	0%	0%
Soil Retention, S	5.0"	5.0" Inches of stored water, where S = (1 – % impervious) x Soil Storage and Soil Storage = 5.0" for both Pre– and Post–Development conditions.
Runoff, Q, in.	4.9"	4.9" where $Q = \frac{(P - 0.2S)^2}{(P + 0.8S)}$

b) Water quantity requirements:
The water quantity post-development conditions are the same as the pre-development conditions.

2. LABINS INFORMATION:

Base Information (0.72 miles from site.)

County: Monroe
Quad Name: SUMMERLAND KEY
ID 4313
Mean High Water: -0.18 ft
Mean Low Water: -1.33 ft

Latitude: N24.66°
Longitude: W81.48°
Datum shift (NAVD 88 minus NGVD 29): -0.415 meters = -1.36 feet
NGVD 29 MHW height = NAVD 88 height - Datum shift = -0.18 feet + 1.36 feet = 1.18 feet

THEREFORE, 1.18' NGVD IS DRY RETENTION CONTROL ELEVATION, AND THE ENTIRE SITE IS CONSIDERED DRY.

3. LAND DEVELOPMENT PROVISIONS:

SECTION 114-3 (I)(1) (SURFACE WATER MANAGEMENT CRITERIA) OF THE DEVELOPMENT STANDARDS STATES THAT IF POST-DEVELOPMENT CONDITIONS ARE SUCH THAT A VOLUME GREATER THAN THE RETENTION AND/OR DETENTION VOLUME REQUIRED FOR STORMWATER MANAGEMENT IS ALREADY BEING RETAINED ON SITE, THAT CONDITION SHALL BE MAINTAINED.

REQUIRED RETENTION TREATMENT VOLUME = 1 INCH X 2 (REQUIRED SAFETY FACTOR) = 2 INCHES

SOIL STORAGE (SEE ABOVE) = 5.0 INCHES > 2 INCHES;
THEREFORE, NO OTHER RETENTION IS REQUIRED.

GENERAL NOTES:
1. Elevations refer to the National Vertical Geodetic Datum of 1929.
2. Existing topographic information was provided by the Owner.
3. All work shall comply with the 2010 edition of the Florida Building Code.
4. Location of existing and proposed underground utilities are not shown. Contractor shall verify existing utility locations with utility owners prior to construction. Contractor shall notify SSOCOF two to five days prior to digging. (1-800-852-8057)
5. All temporary facilities, buildings, barriers and services shall be provided by the Contractor.
6. The builder shall check and verify all dimensions and elevations.

NOTE: All work shall comply with the wind load requirements according to ASCE 7-10:
Basic wind speed = 180 MPH
Importance factor = 1.00
Exposure Category = D

Class C Major Street Buffer (10ft wide) :
- 15 Canopy Trees such as Buttonwood, Gumbo Limbo or Seagrape
- 6 Understory Trees, such as Geiger Tree, Willow Bustic or Milkbark
- 60 Shrubs such as Marlberry, Beautyberry or Jamaica Caper

Parking Lot Class A Landscaping For 52 Spaces:
- 3,250 S.F. Required/3,675 S.F. Provided
- 11 Canopy Trees such as Buttonwood, Gumbo Limbo or Seagrape
- 3 Understory Trees, such as Geiger Tree, Willow Bustic or Milkbark
- 26 Shrubs. such as Marlberry, Beautyberry or Jamaica Caper

Class D IS-SC District Buffer (25 ft wide) :
- 18 Canopy Trees such as Buttonwood, Gumbo Limbo or Seagrape
- 10 Understory Trees, such as Geiger Tree, Willow Bustic or Milkbark
- 73 Shrubs. such as Marlberry, Beautyberry or Jamaica Caper

CANOPY TREE
UNDERSTORY TREE
SHRUBS

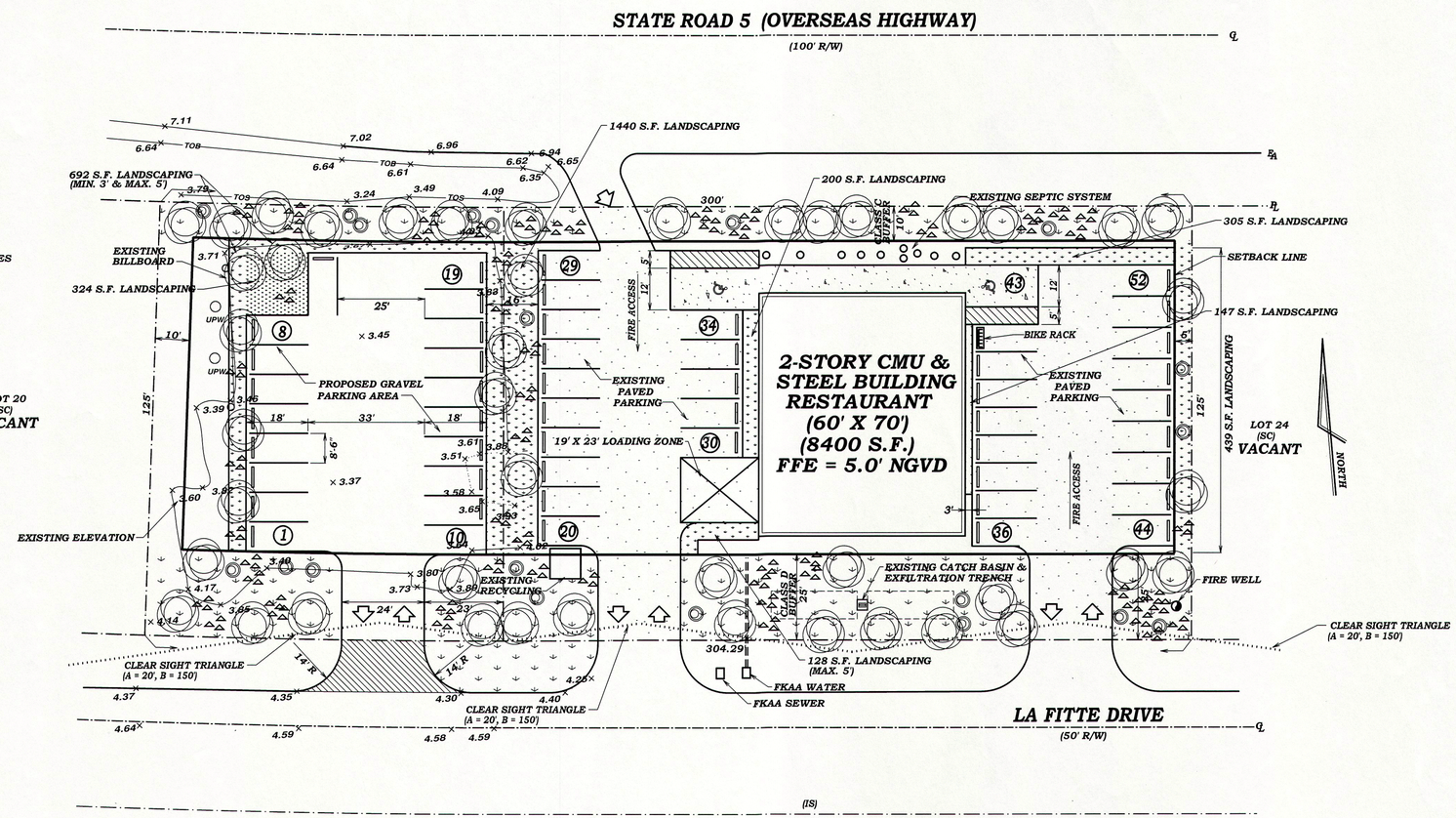
Parking Analysis

Existing

Use (Parking Reqm't)	Parking Reqm't	Sq. Ft.	No. of Seats	No. of Spaces
Office Use	3 spaces / 1,000 sq. ft.	1,500.0	--	4.5
Medium Intensity Comm. Retail- Hair and Beauty Salon	3 spaces / 1,000 sq. ft.	1,500.0	--	4.5
Light Industrial Use	2 spaces / 1,000 sq. ft.	1,200.0	--	3.6
Comm. Retail - 2,000 sq. ft. Sit-Down Restaurant, 1,000 of Medium Intensity Comm. Retail	3 spaces / 1,000 sq. ft.	3,000.0	42	9.0
--	--	--	--	--
Total Approved (DO No. 0902)	--	7,200.0	--	34.0

Proposed

Use	Parking Reqm't	Sq. Ft.	No. of Seats	No. of Spaces
--	--	--	--	--
--	--	--	--	--
--	--	--	--	--
Commercial Retail - 2,000 sq. ft. Sit-Down Restaurant	3 spaces / 1,000 sq. ft.	2,000.0	42	6.0
Commercial Retail - 2,000 sq. ft. Sit-Down Restaurant	1 space / 3 seats	4,275.0	108	36.0
Total Required	--	6,275.0	--	42.0



SITE, DRAINAGE & LANDSCAPING PLANS

1" = 20'

DEVELOPMENT POTENTIAL

SITE: 37,897 SF
EXISTING FLOOR AREA = 7,200 SF
PROPOSED FLOOR AREA = 8,400 SF
FAR PERMITTED: 0.25
FAR PROPOSED : 0.22
OPEN SPACE = 0.2 X 37,897 = 7,579 SF
NET BUILDABLE AREA = 18,361 SF

PROJECT INFORMATION

LOTS 21, 22 & 23
BLOCK 8
CUTTHROAT HARBOR ESTATES
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DATE: 18 FEBRUARY 2005
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REVISIONS:

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SUMMERLAND KEY, FL 33042
(305) 745-8616
EB 6366

SQUARE GROUPER
PROPOSED SITE, LANDSCAPING & DRAINAGE PLANS
22658 OVERSEAS HIGHWAY
CUDJOE KEY

DRAWN: PJC
DATE: 8/14/2013

SHEET NUMBER
C-2
OF 2

PROJECT NO.
13D11

MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Development Review Committee

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

Date: August 23, 2013

Subject: Amendment of Monroe County Comprehensive Plan Policy 101.2.6 Regarding Extending the Moratorium on Transient Residential Unit Allocations

Meeting: August 27, 2013

I. REQUEST

Amend Policy 101.2.6 of the Monroe County Comprehensive Plan to extend the transient allocations moratorium from May 1, 2014 to May 1, 2022 to coincide with the adoption of next round of EAR-related amendments [schedule set by Florida Department of Economic Opportunity (DEO) in Rule 73C-49.002, F.A.C.].

II. BACKGROUND INFORMATION

During the review of the 2010 transient use amendment, the Florida Department of Economic Opportunity (DEO) in its Objections, Recommendations and Comments (ORC) Report 02-10 ORC, dated September 20 2010, recommended that the transient use moratorium be continued until the adoption of Evaluation and Appraisal Report (EAR)-related amendments. The new EAR schedule, released in 2011, amended Monroe County's EAR due date to May 1, 2014. EAR-related amendments are required to be adopted within one year of the EAR.

Policy 101.2.6 of the Monroe County Comprehensive Plan currently states:

> *Monroe County shall prohibit new transient residential units including hotel or motel rooms, campground spaces, or spaces for parking a recreational vehicle or travel trailer until May 1, 2014.*

The Board of County Commissioners (BOCC) at a public hearing on December 14, 2011, adopted Ordinance No. 024-2011, which amended Policy 101.2.6 of the Monroe County 2010 Comprehensive Plan to extend the existing transient unit moratorium until May 1, 2014 to coincide with the State schedule for the evaluation and appraisal of the comprehensive plan.

Chapter 163, F.S. requires a local government to evaluate its comprehensive plan every seven years and encourages local government to regularly update its comprehensive plan. Monroe County has recently updated the Technical Document of the Monroe County Comprehensive Plan and adopted an Evaluation and Appraisal Report (EAR) in May 22, 2012 (Resolution No. 150-2012) based upon the updated Technical Document (which serves as the data and analysis for EAR-based comprehensive plan amendments).

As part of the 2010 Comprehensive Plan Update, the firm of Fishkind and Associates (Fishkind) prepared a document titled "Economic Trends & Opportunities in Unincorporated Monroe County" which is Appendix 4 of the Monroe County Comprehensive Plan EAR. Section 3.1.3 *Effects of the Hotel Moratorium on Tourism in Unincorporated Monroe County* states:

> *At present there is a Monroe County ordinance and Comprehensive Plan policy effective in the unincorporated area which prohibits any new hotel development throughout the unincorporated keys. This ordinance precludes all new hotel room/unit development. The development prohibition is in place due to the county designation as an area of critical state concern (ACSC). Under the ACSC designation hotel rooms are considered residential units and therefore would require allocation from ROGO, further reducing available increments of new housing supply under ROGO. In the past there has been a policy recommendation suggesting annual hotel occupancy must exceed 90% in order for new hotels to be warranted. There are no historic records which indicate hotel occupancy has ever exceeded 90% on an annual basis. Further, generally accepted standard operating hotel financial performance norms indicate hotel operations are at a financial breakeven point near 65%. It is for these reasons that in unrestricted markets, there are usually few new hotels built when the annual occupancy is consistently below 65%, but, when annual occupancy us consistency above 65%, the market typically responds by adding new hotel rooms until annual occupancy falls back to approximately 65%. Throughout the hotel industry, occupancy runs between 63% and 73% on an annual basis, under normal market conditions.*

According to Smith Travel Research, the annual occupancy rate for Monroe County has increased from 67.5% in 2008 to 75.9% in 2013 (See Exhibit A). In light of this data and analysis during the development of the EAR, staff and Keith & Schnars presented several alternative strategies to address the transient use moratorium. Following Keith & Schnars' presentation, Board discussion and public comment, the BOCC made a motion to not include any of the proposed transient use alternative strategies within the EAR. Since the BOCC directed staff to not include changes to the current Transient Use Moratorium within the newly adopted EAR, there will be no EAR-related amendments to the current Policy 101.2.6.

Monroe County is located entirely within the Florida Key Area of Critical State Concern. The Governor and Cabinet, sitting as the State Administration Commission, annually reviews the Monroe County Work Program as specified within Rule 28-20.140, F.A.C. One of the mandates is to maintain a 24-hour evacuation level of service standard. Following the review the Work Program, the Florida Administration Commission sets the annual allocation of units allowed under the Rate of Growth Ordinance (ROGO) permit system.

In March 2013, the State Administration Commission, approved the recommendation to allocate 10 years' worth of growth (197 x 10 = 1,970 permits) to Monroe County while maintaining an evacuation clearance time of 24 hours, through the year 2023. There are 8,168 privately owned vacant parcels within unincorporated Monroe County. With just 197 permits per year, it would take over 41 years' worth of annual allocations (at the current rate of 197) to absorb these parcels. This may result in a balance of 6,198 privately held vacant parcels at risk of not obtaining permits in the future. This deficit of building permit allocations could trigger takings claims against both the State and Monroe County, if no additional permits are allowed beyond the year 2023.

TIER	NUMBER OF VACANT PARCELS	YEARS TO ALLOCATE PERMITS	THEORETICAL MAXIMUM DENSITY**
No Tier (ORCA, etc.)	235		766
Tier I	3,979		4,806
Tier II	393		590
Tier III-A	260		553
Tier III	3,301		5,048
TOTAL	**8,168***	**41.5**	**11,763**
TOTAL ALLOCATIONS	**1,970**		
POTENTIAL LIABILITY	**6,198***		

**Assumes one (1) unit per parcel and does not take into account additional density potential.*
*** Theoretical density analysis is based on acreage multiplied by the maximum allocated residential density for each FLUM category. This data is provided for illustrative purposes only; conditions specific to the individual parcel, including physical size, environmental sensitivity, zoning and tier designation and other regulatory constraints, such as ROGO are the final determinant of development potential.*

The Florida Department of Economic Opportunity (DEO) administers the Area of Critical State Concern program and provides recommendations to the Administration Commission on the number of ROGO allocations base upon results of hurricane evacuation time modeling and progress on work program tasks. Providing allocations for transient units would reduce the available allocations necessary to address the residential allocation deficit. Staff is consequently recommending that Policy 101.2.6 be amended to prohibit the allocation of new ROGO allocations for transient uses until the next round of EAR-related amendments, which will be due on May 1, 2022. The proposed extension of the transient unit moratorium provides the opportunity to use 2020 census data, when it becomes available, to update and run the Florida Keys hurricane evacuation model as required by Rule 28-20.140, F.A.C., to reevaluate whether Monroe County has met its obligation to maintain the 24-hour evacuation clearance time.

III. PROPOSED AMENDMENT

Policy 101.2.6:

Monroe County shall prohibit new transient residential ~~units~~ allocations ~~including~~ for hotel or motel rooms, campground spaces, or spaces for parking a recreational vehicle or travel trailer until May 1, 20~~14~~22.

IV. AMENDMENT REVIEW

Existing Transient Uses

The Monroe County Tourist Development Council (TDC) gets their lodging counts from the Florida Department of Business & Professional Regulation license database (See Exhibit B). According to the TDC, in 2012 there were 10,376 actively licensed hotels, motels, B&Bs and condo hotels in Monroe County. In addition there were 2,771 vacation rentals, resulting in a total of 13,147 transient rental units. In addition, there are about 2,700 Campground/RV park units for a grand total of just under 16,000 transient accommodations in Monroe County.

Hotel Occupancy Rates

Occupancy rates are a travel industry standard for assessing the ability of available beds to meet existing and anticipated demands. The Monroe County Tourist Development Council (TDC) maintains a database for occupancy rates which is prepared by Smith Travel Research. Between 2008 and 2012, the average annual county-wide occupancy rate for Monroe County has varied from 67.5% (2008) to 75.9% (2012) (See Exhibit A).

Monroe County has contracted with the firm Keith & Schnars to prepare an update of the Monroe County Comprehensive Plan and Evaluation and Appraisal Report (EAR). As part of this process, Keith & Schnars together with Fishkind and Associates, prepared an economic base analysis with updated economic and population projections, titled "Economic Trends & Opportunities in Unincorporated Monroe County", which evaluated the need for expanding Monroe County's tourist based economy. This document serves as the data and analysis for any future amendments regarding the transient use moratorium.

The economic study determined that when annual occupancy is consistency above 65%, the market typically responds by adding new hotel rooms until annual occupancy falls back to approximately 65%. Occupancy data provided by the Tourist Development Council indicates that although the occupancy rate can be as high as 90% during peak season, holidays, or special events, the average annual occupancy rate for 2012 was 75.9%. This indicates that there may be need to expand the available amount of transient units in Monroe County; however, at its special meeting of March 19, 2012, the Board of County Commissioners questioned the validity of the 65% transient unit need threshold and moved to not include any changes to the current transient use policy in the EAR.

Hurricane Evacuation

Policy 216.1.8 of the Monroe County 2010 Comprehensive Plan states:

> *Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of non-residents, visitors, recreational vehicles (RV's), travel trailers, live-aboards (transient and non-transient) and military personnel from the Keys shall be initiated.*

The occupants of transient uses evacuate ahead of the permanent resident population who require evacuation 24 hours prior to landfall of a major hurricane. The proposed amendment would therefore not impact the County's adopted hurricane evacuation clearance time standard. As noted above, DEO completed hurricane evacuation modeling tasks and based on their results, recommended 1970 allocations for the next ten years (2023) while maintaining an evacuation clearance time of 24 hours.

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

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

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

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.

Objective 101.2: Monroe County shall reduce hurricane evacuation clearance times to 24 hours by the year 2010.

Policy 101.2.13: Monroe County shall establish an interim Permit Allocation System for new residential development. The interim Permit Allocation System shall supersede Policy 101.2.1 and remain in place until such time as Monroe County determines its future growth capacity based on hurricane evacuation, public safety and environmental needs including water quality and habitat protection, and amends its plan consistent with such determination, based on the results of the work program as set forth below. DEP, HRS, DCA and Monroe County shall develop a coordinated permit review process that will insure that no state agency shall issue a wastewater disposal permit that would allow development in excess of the number of permits that Monroe County may issue under this interim policy. Similarly, Monroe County shall not issue development permits under this interim policy in excess of wastewater disposal permits that DEP or DOH may issue. For years 3 and 4 of the work program the interim Permit Allocation System shall allow a minimum of 88 new residential permits per year which may be used to address the backlog of ROGO allocations.

Policy 101.5.8: Monroe County may develop a program, called Transfer of ROGO Exemption (TRE), that would allow for the transfer off-site of dwelling units, hotel rooms, campground/recreational vehicle spaces and/or mobile homes to another site in the same ROGO sub-area, provided that they are lawfully existing and can be accounted for in the County's hurricane evacuation model. In addition, the receiver site shall be located within a Tier III area outside a designated Special Protection Area and for a receiver site on Big Pine Key and No Name Key, the sending site shall also be located on one of those two islands.

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

Objective 216.1: Monroe County shall reduce hurricane evacuation clearance time to 24 hours by the year 2010.

Policy 216.1.1: Within one year of the effective date of this plan, Monroe County shall adopt Land Development Regulations which establish a Permit Allocation System for new residential development. The Permit Allocation System shall limit the number of permits issued for new residential development to be consistent with the Future Land Use Element in order to maintain hurricane evacuation clearance times at a maximum of 24 hours.

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

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

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

1. The Florida Keys Aqueduct and water supply facilities;
2. Sewage collection, treatment, and disposal facilities;
3. Solid waste treatment, collection, and disposal facilities;
4. Key West Naval Air Station and other military facilities;
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 postdisaster 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 Part II of Chapter 163, Florida Statutes (F.S.). Specifically, the amendment furthers:

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

163.3177(1), F.S. - The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the

comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

163.3191, F.S. Evaluation and appraisal of comprehensive plan.

(1) At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements in this part since the last update of the comprehensive plan, and notify the state land planning agency as to its determination.

(2) If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government shall prepare and transmit within 1 year such plan amendment or amendments for review pursuant to s. 163.3184.

(3) Local governments are encouraged to comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. Plan amendments transmitted pursuant to this section shall be reviewed pursuant to s. 163.3184(4).

(4) If a local government fails to submit its letter prescribed by subsection (1) or update its plan pursuant to subsection (2), it may not amend its comprehensive plan until such time as it complies with this section.

(5) The state land planning agency may not adopt rules to implement this section, other than procedural rules or a schedule indicating when local governments must comply with the requirements of this section.

VI. 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 State Land Planning Agency. The amendment is transmitted to State Land Planning Agency, 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.

VII. STAFF RECOMMENDATION

Staff recommends **approval**.

VIII. EXHIBITS

1. Hotel Occupancy Report
2. Count of Lodging Units

Exhibit 1

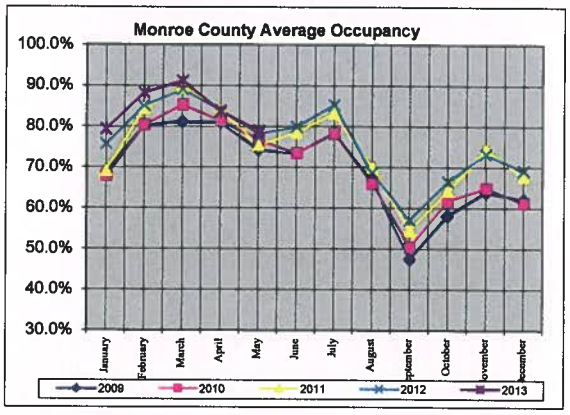
HISTORIC TREND REPORT - COUNTY & DISTRICT
SMITH TRAVEL RESEARCH

MONROE COUNTY
6/25/2013

This document contains confidential trade information and can only be released to third parties in response to a public records request pursuant to Chapter 119, Florida Statutes

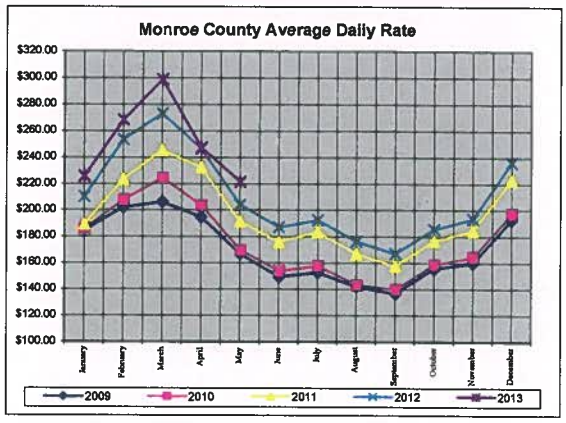
OCCUPANCY RATE

	2008	2009	2010	2011	2012	2013	% Chg
January	73.7%	68.5%	67.7%	69.0%	75.5%	79.2%	**4.9%**
February	81.5%	80.2%	80.2%	84.4%	85.0%	88.2%	**3.8%**
March	83.0%	81.1%	85.1%	89.5%	89.0%	91.0%	**2.2%**
April	78.9%	80.9%	81.2%	83.9%	83.8%	83.5%	**-0.4%**
May	74.4%	74.1%	76.4%	75.2%	78.1%	78.8%	**0.9%**
June	71.4%	73.3%	73.3%	78.4%	79.8%		
July	75.6%	78.2%	78.0%	83.1%	85.1%		
August	61.9%	66.6%	65.8%	69.7%	68.5%		
September	35.7%	47.4%	50.3%	54.4%	57.0%		
October	54.8%	58.0%	61.7%	64.0%	66.4%		
November	63.1%	63.8%	64.8%	74.2%	73.1%		
December	59.3%	62.0%	61.1%	67.7%	69.0%		
Total	67.5%	69.4%	70.3%	74.3%	75.9%	84.0%	**2.2%**



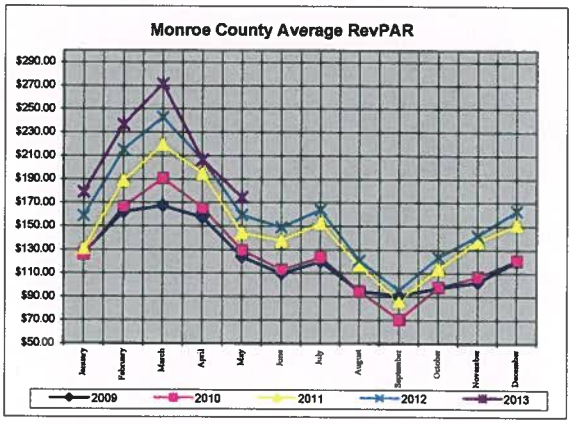
AVERAGE DAILY RATE

	2008	2009	2010	2011	2012	2013	% Chg
January	$207.73	$184.41	$185.32	$189.03	$209.99	$225.42	**7.3%**
February	$238.36	$202.06	$207.54	$223.35	$252.94	$267.95	**5.9%**
March	$259.40	$206.17	$223.89	$245.29	$272.56	$298.26	**9.4%**
April	$205.24	$194.62	$203.21	$232.23	$246.21	$246.97	**0.3%**
May	$189.17	$166.80	$169.18	$191.22	$203.82	$221.16	**8.5%**
June	$168.34	$149.21	$153.56	$175.81	$186.67		
July	$170.72	$152.80	$157.52	$183.28	$192.36		
August	$160.70	$141.82	$143.10	$166.69	$176.06		
September	$140.36	$136.57	$139.64	$157.60	$166.71		
October	$164.36	$155.79	$158.37	$176.72	$185.45		
November	$165.80	$159.91	$164.42	$184.39	$193.22		
December	$198.54	$192.72	$197.32	$222.86	$235.79		
Total	$194.68	$172.10	$179.71	$199.44	$212.87	$253.99	**6.6%**



RevPAR

	2008	2009	2010	2011	2012	2013	% Chg
January	$153.11	$126.36	$125.45	$130.39	$158.50	$178.53	**12.6%**
February	$194.24	$162.09	$166.42	$188.61	$214.88	$236.39	**10.0%**
March	$215.20	$167.28	$190.64	$219.44	$242.60	$271.34	**11.8%**
April	$161.90	$157.40	$165.04	$194.76	$206.40	$206.25	**-0.1%**
May	$140.67	$123.53	$129.20	$144.02	$159.16	$174.28	**9.5%**
June	$120.23	$109.38	$112.56	$137.78	$148.91		
July	$129.03	$119.55	$122.89	$152.33	$163.68		
August	$99.40	$94.46	$94.12	$116.14	$120.58		
September	$50.12	$90.42	$70.22	$85.75	$94.95		
October	$90.09	$97.08	$97.74	$113.16	$123.18		
November	$104.65	$102.08	$106.58	$136.88	$141.31		
December	$117.68	$119.42	$120.54	$150.79	$162.66		
Total	$131.59	$125.32	$126.26	$148.28	$161.53	$213.31	**8.9%**



Prior year performance numbers may be updated with current data due to new participants providing their historic information and/or past participants providing updated prior year performance numbers.

Source 2013 Smith Travel Research, Inc./STR Global, Ltd. This document contains confidential trade information and can only be released to third parties in response to a public records request pursuant to Chapter 119, Florida Statutes

Number of Units by type by District

Hotels, Motels, B&B, Resort Condos, etc.

		TDC Region					
Rank Code		**1**	**2**	**3**	**4**	**5**	**Grand Total**
Hotel		1625	30	312	104	625	2696
Motel		2016	172	630	1228	734	4780
Bed and Breakfast		425	8	13	11		457
Condo (Resort Condo)	GRP	497		516	258	201	1472
Transient Apartment Total*		657	9	75	24	22	787
Transient Rooming House Total		179	1	3	1		184
Total		**5399**	**220**	**1549**	**1626**	**1582**	**10376**

Vacation Rentals (less than 30 days/1 calendar month)

		TDC Region					
Rank Code	**Modifier Code**	**1**	**2**	**3**	**4**	**5**	**Grand Total**
Condo	CLCT	154	59	381	19	248	861
	SNGL	117	10	104	42	41	314
Dwelling	CLCT	343	95	407	114	84	1043
	GRP	3	27	44	4	75	153
	SNGL	97	45	176	59	23	400
Total		**714**	**236**	**1112**	**238**	**471**	**2771**

Non Transient		6113	1783	3352	2195	2243	13147

		TDC Region					
Rank Code	**Modifier Code**	**1**	**2**	**3**	**4**	**5**	**Grand Total**
Non Transient Apartment**		1115	67	216	60	186	1644
Non Transient Rooming House		5	5	5	0	0	15
Total		1120	72	221	60	186	1659

*Mostly the Transient Apartments are Guest House/Inns

**Examples of Non Transient Apartments from the data include Ocean Walk and Stadium Apartments.

Exhibit 2

MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Development Review Committee

From: Mitchell N Harvey, AICP, Comprehensive Planning Manager

Date: August 23, 2013

Subject: Amendment of Section 138-23, Monroe County Code Regarding Transient Residential Units

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Meeting: August 27, 2013

I REQUEST

Amend Section 138-23 of the Monroe County Code to extend the transient unit moratorium from May 1, 2014 to May 1, 2022 to coincide with the adoption of next round of EAR-related amendments [schedule set by Florida Department of Economic Opportunity (DEO) in Rule 73C-49.002, F.A.C.].

II BACKGROUND INFORMATION

During the review of the 2010 transient use amendment, the Florida Department of Economic Opportunity (DEO) in its Objections, Recommendations and Comments (ORC) Report 02-10 ORC, dated September 20 2010, recommended that the transient use moratorium be continued until the adoption of Evaluation and Appraisal Report (EAR)-related amendments. The new EAR scheduled released in 2011 amended Monroe County's EAR due date to May 1, 2014. EAR-related amendments are required to be adopted within one year of the EAR.

Section 138-23 of the Monroe County Code currently states:

> *New transient residential units, such as hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces, shall not be eligible for residential ROGO allocations until May 1, 2014.*

The Board of County Commissioners (BOCC) at a public hearing on December 14, 2011, adopted Ordinance No. 025-2011, which amended Section 138-23 of the Monroe County Code to extend the existing transient unit moratorium until May 1, 2014.

Chapter 163, FS encourages local government to regularly update its comprehensive plan. Section 163.3202(1), F.S. also requires land development regulations to be consistent with and implement the adopted comprehensive plan. Monroe County has recently updated the Technical Document of

the Monroe County Comprehensive Plan and adopted an Evaluation and Appraisal Report (EAR) in May, 2012 (Resolution No. 150-2012) based upon the updated Technical Document (which serves as the data and analysis for EAR-based comprehensive plan amendments).

As part of the 2010 Comprehensive Plan Update, the firm of Fishkind and Associates (Fishkind) prepared a document titled "Economic Trends & Opportunities in Unincorporated Monroe County" which is Appendix 4 of the Monroe County Comprehensive Plan EAR. Section 3.1.3 *Effects of the Hotel Moratorium on Tourism in Unincorporated Monroe County* states:

> *At present there is a Monroe County ordinance and Comprehensive Plan policy effective in the unincorporated area which prohibits any new hotel development throughout the unincorporated keys. This ordinance precludes all new hotel room/unit development. The development prohibition is in place due to the county designation as an area of critical state concern (ACSC). Under the ACSC designation hotel rooms are considered residential units and therefore would require allocation from ROGO, further reducing available increments of new housing supply under ROGO. In the past there has been a policy recommendation suggesting annual hotel occupancy must exceed 90% in order for new hotels to be warranted. There are no historic records which indicate hotel occupancy has ever exceeded 90% on an annual basis. Further, generally accepted standard operating hotel financial performance norms indicate hotel operations are at a financial breakeven point near 65%. It is for these reasons that in unrestricted markets, there are usually few new hotels built when the annual occupancy is consistently below 65%, but, when annual occupancy us consistency above 65%, the market typically responds by adding new hotel rooms until annual occupancy falls back to approximately 65%. Throughout the hotel industry, occupancy runs between 63% and 73% on an annual basis, under normal market conditions.*

According to Smith Travel Research, the annual occupancy rate for Monroe County has increased from 67.5% in 2008 to 75.9% in 2013 (See Exhibit A). In light of this data and analysis during the development of the EAR, staff and Keith & Schnars presented several alternative strategies to address the transient use moratorium. Following Keith & Schnars' presentation, Board discussion and public comment, the BOCC made a motion to not include any of the proposed transient use alternative strategies within the EAR. Since the BOCC directed staff to not include changes to the current Transient Use Moratorium within the EAR, there will be no EAR-related amendments to the current Policy 101.2.6.

Monroe County is located entirely within the Florida Key Area of Critical State Concern. The Governor and Cabinet, sitting as the State Administration Commission, annually reviews the Monroe County Work Program as specified within Rule 28-20.140, F.A.C. One of the mandates is to maintain a 24-hour evacuation level of service standard. Following the review the Work Program, the Florida Administration Commission sets the annual allocation of units allowed under the Rate of Growth Ordinance (ROGO) permit system.

In March 2013, the State Administration Commission, approved the recommendation to allocate 10 years' worth of growth (197 x 10 = 1,970 permits) to Monroe County while maintaining an evacuation clearance time of 24 hours, through the year 2023. There are 8,168 privately owned vacant parcels within unincorporated Monroe County. With just 197 permits per year, it would

take over 41 years' worth of annual allocations (at the current rate of 197) to absorb these parcels. This may result in a balance of 6,198 privately held vacant parcels at risk of not obtaining permits in the future. This deficit of building permit allocations could trigger takings suits against both the State and Monroe County, if no additional permits are allowed beyond the year 2023.

TIER	NUMBER OF VACANT PARCELS	YEARS TO ALLOCATE PERMITS	THEORETICAL MAXIMUM DENSITY**
No Tier (ORCA, etc.)	235		766
Tier I	3,979		4,806
Tier II	393		590
Tier III-A	260		553
Tier III	3,301		5,048
TOTAL	**8,168***	**41.5**	**11,763**
TOTAL ALLOCATIONS	**1,970**		
POTENTIAL LIABILITY	**6,198***		

**Assumes one (1) unit per parcel and does not take into account additional density potential.*
*** Theoretical density analysis is based on acreage multiplied by the maximum allocated residential density for each FLUM category. This data is provided for illustrative purposes only; conditions specific to the individual parcel, including physical size, environmental sensitivity, zoning and tier designation and other regulatory constraints, such as ROGO are the final determinant of development potential.*

The Florida Department of Economic Opportunity (DEO) administers the Area of Critical State Concern program and provides recommendations to the Administration Commission on the number of ROGO allocations base upon results of hurricane evacuation time modeling and progress on work program tasks. Providing allocations for transient units would reduce the available allocations necessary to address the residential allocation deficit. Staff is consequently recommending that Policy 101.2.6 be amended to prohibit the allocation of new ROGO units for transient uses until the next round of EAR-related amendments, which will be due on May 1, 2022. The proposed extension of the transient unit moratorium provides the opportunity to use 2020 census data, when it becomes available, to update and run the Florida Keys hurricane evacuation model as required by Rule 28-20.140, F.A.C., to reevaluate whether Monroe County has met its obligation to maintain the 24-hour evacuation clearance time.

III PROPOSED AMENDMENT

Section 138-23 of the Monroe County Code:

New transient residential units, such as hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces, shall not be eligible for residential ROGO allocations until May 1, 20~~14~~22.

IV RELEVANT PRIOR COUNTY ACTIONS

The Board of County Commissions previously adopted Ordinance No. 47-1999 on November 10, 1999, Creating Sec. 9.5-120.5: New transient residential units, such as hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces, shall not be eligible for residential ROGO allocations until January 1, 2002.

The Board of County Commissions previously adopted Ordinance No. 001-2002 on January 17, 2002, amending Section 9.5-120.5, Monroe County Code to extend the moratorium of new transient units from to December 31, 2006.

The Board of County Commissions previously adopted Ordinance No. 001-2007 on January 17, 2007, amending Section 9.5-120.5, Monroe County Code to extend the moratorium of new transient units to December 31, 2007.

The Board of County Commissions previously adopted Ordinance No. 003-2008 on January 16, 2008, amending Section 9.5-120.5, Monroe County Code to extend the moratorium of new transient units to December 31, 2008.

The Board of County Commissions previously adopted Ordinance No. 023-2010 on June 29, 2010, amending Section 138-23, Monroe County Code to extend the moratorium on new transient units to December 31, 2011.

The Board of County Commissions previously adopted Ordinance No. 025-2011 on December 14, 2011, amending Section 138-23, Monroe County Code to extend the moratorium on new transient units to May 1, 2014.

V REVIEW OF APPLICATION

Existing Transient Uses

The Monroe County Tourist Development Council (TDC) gets their lodging counts from the Florida Department of Business & Professional Regulation license database (See Exhibit B). According to the TDC, in 2012 there were 10,376 actively licensed hotels, motels, B&Bs and condo hotels in Monroe County. In addition there were 2,771 vacation rentals, resulting in a total of 13,147 transient rental units. In addition, there are about 2,700 Campground/RV park units for a grand total of just under 16,000 transient accommodations in Monroe County.

Hotel Occupancy Rates

Occupancy rates are a travel industry standard for assessing the ability of available beds to meet existing and anticipated demands. The Monroe County Tourist Development Council (TDC) maintains a database for occupancy rates which is prepared by Smith Travel Research. Between 2008 and 2012, the average annual county-wide occupancy rate for Monroe County has varied from 67.5% (2008) to 75.9% (2012) (See Exhibit A).

Monroe County has contracted with the firm Keith & Schnars to prepare an update of the Monroe County Comprehensive Plan and Evaluation and Appraisal Report (EAR). As part of this process,

Keith & Schnars together with Fishkind and Associates, prepared an economic base analysis with updated economic and population projections, titled "Economic Trends & Opportunities in Unincorporated Monroe County", which evaluated the need for expanding Monroe County's tourist based economy. This document serves as the data and analysis for any future amendments regarding the transient use moratorium.

The economic study determined that when annual occupancy is consistency above 65%, the market typically responds by adding new hotel rooms until annual occupancy falls back to approximately 65%.
Occupancy data provided by the Tourist Development Council indicates that although the occupancy rate can be as high as 90% during peak season, holidays, or special events, the average annual occupancy rate for 2012 was 75.9%. This indicates that there may be need to expand the available amount of transient units in Monroe County; however, at its special meeting of March 19, 2012, the Board of County Commissioners questioned the validity of the 65% transient unit need threshold and moved to not include any changes to the current transient use policy in the EAR.

Hurricane Evacuation

Policy 216.1.8 of the Monroe County 2010 Comprehensive Plan states:

> *Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of non-residents, visitors, recreational vehicles (RV's), travel trailers, live-aboards (transient and non-transient) and military personnel from the Keys shall be initiated.*

The occupants of transient uses would therefore evacuate ahead of the permanent resident population who require evacuation 24 hours prior to landfall of a major hurricane. The proposed amendment would therefore not impact the County's adopted hurricane evacuation level of service standard. As noted above, DEO completed hurricane evacuation modeling tasks and based on their results, recommended 1970 allocations for the next ten years (2023) while maintaining an evacuation clearance time of 24 hours.

VI CONSISTENCY OF THE PROPOSED AMENDMENT WITH THE PROVISIONS AND INTENT OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN

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

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

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.

Objective 101.2: Monroe County shall reduce hurricane evacuation clearance times to 24 hours by the year 2010.

Policy 101.2.13: Monroe County shall establish an interim Permit Allocation System for new residential development. The interim Permit Allocation System shall supersede Policy 101.2.1 and remain in place until such time as Monroe County determines its future growth capacity based on hurricane evacuation, public safety and environmental needs including water quality and habitat protection, and amends its plan consistent with such determination, based on the results of the work program as set forth below. DEP, HRS, DCA and Monroe County shall develop a coordinated permit review process that will insure that no state agency shall issue a wastewater disposal permit that would allow development in excess of the number of permits that Monroe County may issue under this interim policy. Similarly, Monroe County shall not issue development permits under this interim policy in excess of wastewater disposal permits that DEP or DOH may issue. For years 3 and 4 of the work program the interim Permit Allocation System shall allow a minimum of 88 new residential permits per year which may be used to address the backlog of ROGO allocations.

Policy 101.5.8: Monroe County may develop a program, called Transfer of ROGO Exemption (TRE), that would allow for the transfer off-site of dwelling units, hotel rooms, campground/recreational vehicle spaces and/or mobile homes to another site in the same ROGO sub-area, provided that they are lawfully existing and can be accounted for in the County's hurricane evacuation model. In addition, the receiver site shall be located within a Tier III area outside a designated Special Protection Area and for a receiver site on Big Pine Key and No Name Key, the sending site shall also be located on one of those two islands.

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

Objective 216.1: Monroe County shall reduce hurricane evacuation clearance time to 24 hours by the year 2010.

Policy 216.1.1: Within one year of the effective date of this plan, Monroe County shall adopt Land Development Regulations which establish a Permit Allocation System for new residential development. The Permit Allocation System shall limit the number of permits issued for new residential development to be consistent with the Future Land Use Element in order to maintain hurricane evacuation clearance times at a maximum of 24 hours.

VII CONSISTENCY OF THE PROPOSED AMENDMENT WITH THE PROVISIONS AND INTENT OF THE MONROE COUNTY CODE, LAND DEVELOPMENT CODE

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

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

NA

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

NA

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

NA

4. *New issues;*

See Data Updates

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

NA

6. *Data updates.*

New 2010 Census Data
New Run of the Florida Keys Hurricane Evacuation Model
New ROGO Allocations by the State Administration Commission
New 2012 Evaluation and Appraisal Report (EAR)
New EAR Schedule, Rule 73C-49.002, F.A.C.

VIII RECOMMENDATION

Staff recommends **approval**.

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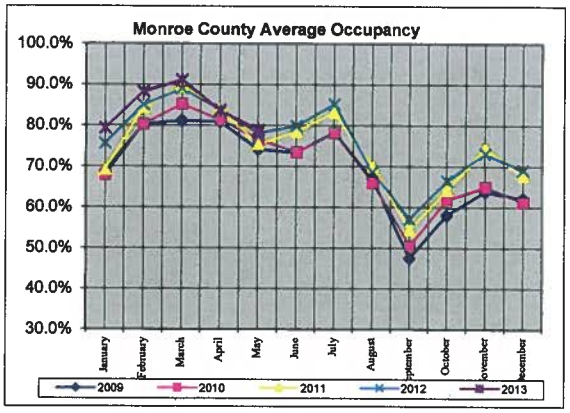

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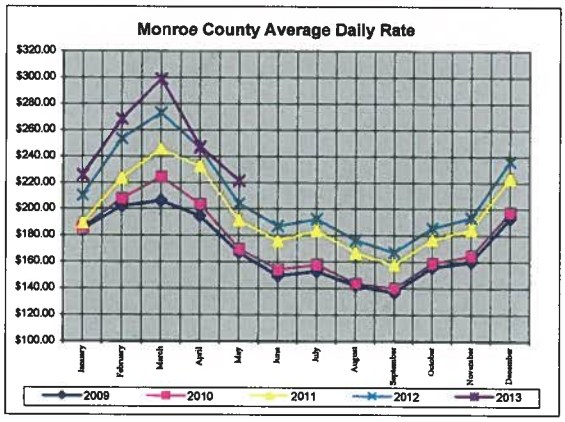
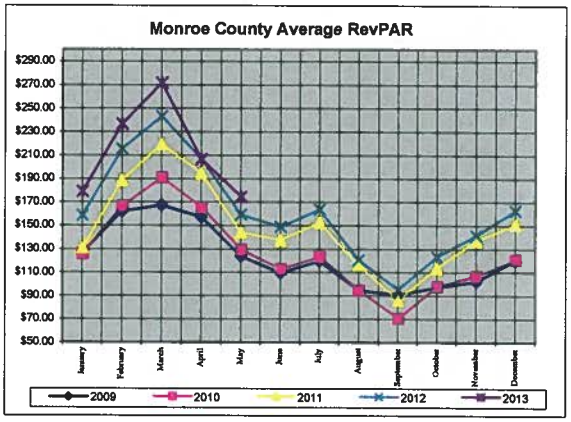
March	$259.40	$206.17	$223.89	$245.29	$272.56	$298.26	9.4%
April	$205.24	$194.62	$203.21	$232.23	$246.21	$246.97	0.3%
May	$189.17	$166.80	$169.18	$191.22	$203.82	$221.16	8.5%
June	$168.34	$149.21	$153.56	$175.81	$186.67		
July	$170.72	$152.80	$157.52	$183.28	$192.36		
August	$160.70	$141.82	$143.10	$166.69	$176.06		
September	$140.36	$136.57	$139.64	$157.60	$166.71		
October	$164.36	$155.79	$158.37	$176.72	$185.45		
November	$165.80	$159.91	$164.42	$184.39	$193.22		
December	$198.54	$192.72	$197.32	$222.86	$235.79		
Total	$194.68	$172.10	$179.71	$199.44	$212.87	$253.99	6.6%



RevPAR

	2008	2009	2010	2011	2012	2013	% Chg
January	$153.11	$126.36	$125.45	$130.39	$158.50	$178.53	12.6%
February	$194.24	$162.09	$166.42	$188.61	$214.88	$236.39	10.0%
March	$215.20	$167.28	$190.64	$219.44	$242.60	$271.34	11.8%
April	$161.90	$157.40	$165.04	$194.76	$206.40	$206.25	-0.1%
May	$140.67	$123.53	$129.20	$144.02	$159.16	$174.28	9.5%
June	$120.23	$109.38	$112.56	$137.78	$148.91		
July	$129.03	$119.55	$122.89	$152.33	$163.68		
August	$99.40	$94.46	$94.12	$116.14	$120.58		
September	$50.12	$90.42	$70.22	$85.75	$94.95		
October	$90.09	$97.08	$97.74	$113.16	$123.18		
November	$104.65	$102.08	$106.58	$136.88	$141.31		
December	$117.68	$119.42	$120.54	$150.79	$162.66		
Total	$131.59	$125.32	$126.26	$148.28	$161.53	$213.31	8.9%



Prior year performance numbers may be updated with current data due to new participants providing their historic information and/or past participants providing updated prior year performance numbers.

Source 2013 Smith Travel Research, Inc./STR Global, Ltd. This document contains confidential trade information and can only be released to third parties in response to a public records request pursuant to Chapter 119, Florida Statutes

Number of Units by type by District

Hotels, Motels, B&B, Resort Condos, etc.

		TDC Region					
Rank Code		**1**	**2**	**3**	**4**	**5**	**Grand Total**
Hotel		1625	30	312	104	625	2696
Motel		2016	172	630	1228	734	4780
Bed and Breakfast		425	8	13	11		457
Condo (Resort Condo)	GRP	497		516	258	201	1472
Transient Apartment Total*		657	9	75	24	22	787
Transient Rooming House Total		179	1	3	1		184
Total		**5399**	**220**	**1549**	**1626**	**1582**	**10376**

Vacation Rentals (less than 30 days/1 calendar month)

		TDC Region					
Rank Code	**Modifier Code**	**1**	**2**	**3**	**4**	**5**	**Grand Total**
Condo	CLCT	154	59	381	19	248	861
	SNGL	117	10	104	42	41	314
Dwelling	CLCT	343	95	407	114	84	1043
	GRP	3	27	44	4	75	153
	SNGL	97	45	176	59	23	400
Total		**714**	**236**	**1112**	**238**	**471**	**2771**

Non Transient		6113	1783	3352	2195	2243	13147

		TDC Region					
Rank Code	**Modifier Code**	**1**	**2**	**3**	**4**	**5**	**Grand Total**
Non Transient Apartment**		1115	67	216	60	186	1644
Non Transient Rooming House		5	5	5	0	0	15
Total		1120	72	221	60	186	1659

*Mostly the Transient Apartments are Guest House/Inns

**Examples of Non Transient Apartments from the data include Ocean Walk and Stadium Apartments.

Exhibit 2

MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Development Review Committee

Through: Townsley Schwab, Senior Director of Planning & Environmental Resources

From: Mayté Santamaria, Assistant Director of Planning

Date: August 23, 2013

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTIONS 114-1, STANDARDS, AND 114-2, ADEQUATE FACILITIES AND DEVELOPMENT REVIEW PROCEDURES, CLARIFYING AND AMENDING THE LEVEL OF SERVICE STANDARDS, ADDING A SANITARY SEWER LEVEL OF SERVICE; AND AMENDING THE SCHEDULE FOR THE PUBLIC FACILITIES ASSESSMENT REPORT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.*

Meeting: August 27, 2013

I REQUEST

The Planning & Environmental Resources Department is proposing amendments to the text of §114-2 of the Monroe County Code. The purposes of the proposed amendment are to:

a) clarify and amend the level of service standards (including revising the segment level of service standard to an overall level of service standard for traffic concurrency on U.S. 1 to an overall level of service),
b) add a sanitary sewer level of service; and
c) amend the schedule for the public facilities assessment report

II RELEVANT PRIOR COUNTY ACTIONS AND BACKGROUND INFORMATION:

Provisions of the Monroe County Comprehensive Plan

Policy 101.1.1 Monroe County shall adopt level of service (LOS) standards for the following public facility types required by Chapter 9J-5, F.A.C: roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and paratransit. The LOS standards are established in the following sections of the Comprehensive Plan:

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

Objective 301.1 Establish level of service (LOS) standards for all roads in Monroe County for the purpose of determining existing and future roadway needs.

Policy 301.1.1 For all County roads, Monroe County hereby adopts a minimum peak hour level of service (LOS) standard of D, based on the Florida Department of Transportation (FDOT) methodology for determination of LOS, as measured by peak hour traffic volume. *The County shall maintain the level of service on County roads within five percent (5%) of LOS D.*

Policy 301.1.2 For US-1, Monroe County hereby adopts a level of service (LOS) standard of C based on the methodology developed by the US-1 LOS Task Force and adopted by the Board of County Commissioners in August 1991, for analyzing the LOS on US-1 in Monroe County. This methodology replaces a peak hour volume standard for US-1. *The level of service on US-1 shall be maintained within five percent (5%) of LOS C.*

To satisfy the direction provided within Objective 301.1 and related policies the County established Article I, In General, within Chapter 114 of the Land Development Code. Pursuant to MCC §114-1, the standard of this article is to ensure "no structure or land shall be developed, used or occupied except in accordance with the standards of this chapter and other applicable standards of this chapter or the Florida Building Code, nor shall any building permit be issued unless the *proposed use is or will be served by adequate public or private facilities.*" MCC §114-2, specifies that "*all development or land shall be served by adequate public facilities in accordance with*" the standards for roads, solid waste, potable water and schools and provides a review process for development permits for an orderly and equitable procedure for those permit applications that require additional public facility capacity.

MCC §114-2, also requires the preparation of a Public Facilities Capacity Assessment Report which evaluates areas of adequate, inadequate and marginally adequate facility capacity. Inadequate facility capacity is defined as those areas with capacity below the adopted LOS standard. Marginally adequate capacity is defined as those areas at the adopted LOS standard or that are projected to reach inadequate capacity within the next 12 months.

MCC §114-2 has been amended via Ordinances #006-1990 and #007-1992.

Recent County Actions:
Section 163.3180 Florida Statute, was amended in 2011 (2011-139 and 2011-14 Laws of Florida), to only require concurrency for sanitary sewer, solid waste, drainage and potable water – *transportation concurrency is now optional.*

On May 22, 2012, the BOCC adopted the Evaluation and Appraisal Report (EAR) of the 2010 Monroe County Comprehensive Plan, which evaluates the existing goals, objectives, and policies as well as determines if updates are necessary to reflect state requirements. During the EAR, while no longer statutorily required, the BOCC directed staff to maintain traffic concurrency.

On December 12, 2012, the BOCC directed staff to send a letter to the Florida Department of Transportation recommending, as follows: 1) Explore improvements to county roads that could help increase LOS on US 1; 2) Continue coordination efforts with FDOT to enhance signal hardware, software, and timing to improve traffic flow along US 1; 3) Continue coordination efforts with FDOT to address inadequate LOS in conjunction with FDOT work program projects; 4) Discourage additional signalized intersections along US 1; 5) Require developers to make LOS improvements as part of the development process in areas of inadequate capacity; and 6) *Revise Section 114-2 to require area wide LOS C only (delete segment requirement).* Motion carried unanimously

Florida Department of Transportation (FDOT) is responsible for maintaining U.S. 1. Monroe County has adopted provisions to ensure coordination with FDOT to maintain U.S. 1 concurrency, such as:

Objective 1301.3
Level of service standards established by the Comprehensive Plan shall be reviewed with the entity actually responsible for providing the facilities to ensure that adequate capacity is available to meet the needs of existing and future residents.

Objective 1301.4
Establish or maintain coordination mechanisms to ensure transportation related programs, plans, and facility improvements are fully considered by the appropriate federal, state, regional or local agency.

Objective 1301.5
Ensure that implementation, monitoring, and evaluation of the Monroe County Comprehensive Plan is coordinated with the plans and programs of:
The Land Authority of Monroe County,
The Monroe County Property Appraiser's Office
The District School Board of Monroe County
The Florida Department of Transportation
The South Florida Regional Planning Council
The South Florida Water Management District
The Florida Department of Environmental Regulation
The Florida Keys Aqueduct Authority

The City Electric Service,
The Florida Department of Health and Rehabilitative Services
The Florida Keys Electric Cooperative
The Monroe County Sheriff's Department
Monroe County Housing Authority
The Key West Port and Transit Authority

and other providers of health, safety, and educational services not having regulatory authority over the use of land.

III REVIEW

The U.S. 1 Level of Service Task Force, a multi-agency group comprised of the County, FDOT, and Department of Economic Opportunity (formerly DCA), prepared the methodology used for monitoring conditions on U.S. 1 in the Florida Keys.

The U.S. 1 Methodology developed utilizes an empirical relationship between the volume-based capacities and the speed-based level of service (LOS) methodology. It established a procedure for using travel speeds on U.S. 1 as a means of assessing LOS and reserve capacity. *The method considers both the overall LOS of the entire 108-mile stretch of U.S. 1 from Key West to the mainland, as well as the LOS for 24 smaller roadway segments.*

Based on the current methodology to assess LOS on U.S. 1 in the Florida Keys, LOS is based on a comparison between average posted speed limits and average travel speed between average posted speed limits and average travel speeds for individual segments along U.S. 1.

The proposed amendment will maintain and continue the speed based U.S. 1 Methodology as well as the data produced for the entire length (overall) of U.S. 1 and the segment analysis. The primary subject of the amendment is to remove the U.S. 1 segment LOS and biennially review the overall operating condition of U.S. 1.

IV PROPOSED AMENDMENT

Therefore, staff recommends the following changes (Deletions are ~~stricken through~~ and additions are underlined. Text to remain the same is in black):

Sec. 114-1. - Standards.

No structure or land shall be developed, used or occupied except in accordance with the standards of this section ~~chapter~~ and other applicable standards of this article ~~chapter~~ or the Florida Building Code, nor shall any building permit be issued unless the proposed use is or will be served by adequate public or private facilities.

Sec. 114-2. - Adequate facilities and development review procedures.

(a) Service standards.

After February 28, 1988, all development or land shall be served by adequate public facilities in accordance with the following standards:

(1) Roads.

a. For all County roads, Monroe County hereby adopts a minimum peak hour level of service (LOS) standard of D, to be measured by methods identified in the most recent edition of the Highway Capacity Manual, at the BOCC's request.

b. For U.S. 1, Monroe County hereby adopts a LOS standard of C on an overall basis (entire length of U.S. 1 not dependent on any single road segment), as measured by the U.S. 1 Level of Service Task Force Methodology.

c. Monroe County shall utilize the results of the U.S. 1 Arterial Travel Time and Delay Study (segment analysis) for local transportation and development approval process to evaluate any potential drops in LOS and evaluate the need for improvements.

1. ~~a.~~ County Road 905 within three miles of a parcel proposed for development shall have sufficient available capacity to operate at ~~level of service~~ LOS D ~~as measured on an annual average daily traffic (AADT) basis at all intersections and/or roadway segments~~.

2. ~~b.~~ U.S. 1 shall have sufficient available capacity to operate at ~~level of service~~ LOS C on an overall basis as measured by the U.S. 1 Level of Service Task Force Methodology. ~~In addition, the segments of U.S. 1, as identified in the U.S. 1 Level of Service Task Force Methodology, which would be directly impacted by a proposed development's access to U.S. 1, shall have sufficient available capacity to operate at level of service C as measured by the U.S. 1 Level of Service Task Force Methodology~~.

3. ~~c.~~ All secondary roads to which traffic entering or leaving the development or use will have direct access shall have sufficient available capacity to operate at ~~level of service~~ LOS D ~~as measured on an annual average daily traffic (AADT) basis.~~

4. ~~c.~~ In areas that are served by inadequate transportation facilities on a segment of U.S. 1, as identified in the U.S. 1 Arterial Travel Time and Delay Study, development may be approved, ~~provided that the~~ pursuant to a binding and legally enforceable commitment requiring the necessary facilities and services be in place a) when the impacts of the development occur. The proposed development in combination with all other permitted development shall ~~will~~ not decrease travel speed on the pertinent segment(s) of U.S. 1 by more than five percent below ~~level of service~~ LOS C, as measured by the U.S. 1 Level of Service Task Force Methodology. The development of a single family residential unit shall not be subject to this requirement.

~~d. Within 30 days of the receipt of the official 1989 FDOT traffic counts of U.S. Highway 1 the county shall publish a notice informing the public of the available transportation capacity for each road segment of U.S. 1 as described in the county's annual public facilities capacity report. The available capacity shall be~~

~~expressed in terms of number of trips remaining until the adequate transportation facilities standard is exceeded. The notice shall be published in the nonlegal section of the local newspapers of greatest general circulation in the Lower, Middle and Upper Keys.~~

(2) Solid waste.

a. Sufficient capacity shall be available at a solid waste disposal site to accommodate all existing and approved development for a period of at least three years from the projected date of completion of the proposed development or use. The county solid waste and resource recovery authority may enter into agreements, including agreements under F.S. § 163.01, to dispose of solid waste outside of the county.

b. Monroe County shall ensure that, at the time a certificate of occupancy or its functional equivalent is issued, adequate solid waste disposal capacity is available to support the new development at the adopted LOS standards.

(3) Potable water.

a. Sufficient potable water from an approved and permitted source shall be available to satisfy the projected water needs of the proposed development or use. Approved and permitted sources shall include cisterns, wells, FKAA distribution systems, individual water condensation systems, and any other system that complies with state standards for potable water.

b. Monroe County shall ensure that, at the time a certificate of occupancy or its functional equivalent is issued, adequate water supplies are available to support the new development at the adopted LOS standards.

(4) Sanitary Sewer.

Monroe County shall ensure that, at the time a certificate of occupancy or its functional equivalent is issued, adequate sanitary wastewater treatment and disposal facilities, including wastewater treatment facilities and onsite sewage treatment and disposal systems, are available to support the development at the adopted LOS standards.

(5 ~~4~~) Schools.

Monroe County shall coordinate with the Monroe County School Board to ensure a~~A~~dequate school classroom capacity shall be available to accommodate all school-age children to be generated by the proposed development or use.

(6) Definitions.

For the purposes of this section, the following terms mean:

"Inadequate facility capacities" are those areas with capacity below the adopted level of service standards.

"Marginally adequate facility capacities" are those areas at the adopted level of service standard or which are projected to reach inadequate capacity within the next 24 months.

~~**(5) Reports required.**~~

~~The county shall provide monthly reports to the administration commission on the status of implementing the provisions of this section and the provisions of new public facilities required by this section until the submittal of its comprehensive plan to the department of community affairs for review under F.A.C. 9J-5.~~

(b) Public Facility Assessment for r~~R~~eview of development permits and review that level of service standards can be reasonably met.

(1) Purpose.

It is the purpose of this subsection to provide an orderly and equitable procedure for the issuance of development permits, other than permits for additions to existing structures and other development activity not requiring additional public facilities, whenever the rate of intensity of growth and development is likely to exceed the capacity of essential public facilities in order to ensure that the purposes and level of service standards of the Monroe County Comprehensive Plan are achieved.

(2) Service areas.

For the purposes of this subsection, the unincorporated areas of the county shall be divided into the following three public facilities service areas:

a. Upper Keys Service Area: The unincorporated areas of the county north of the Whale Harbor Bridge;

b. Middle Keys Service Area: The unincorporated areas of the county between the Seven Mile Bridge and Whale Harbor Bridge; and

c. Lower Keys Service Area: The unincorporated areas of the county south and/or west of the Seven Mile Bridge.

(3) ~~Annual~~ Biennial assessment of public facilities capacity.

~~On or before June 15 of each year,~~ Biennially, the director of planning shall submit to the board of county commissioners a report of the capacity of available public facilities in each of the service areas established in subsection (b)(2) of this section. The report shall be based on standard analytical methodologies and shall include a projection of the amount of residential and nonresidential growth that can be accommodated in each of the service areas during the ensuing two-year period without exceeding safe and efficient provision of essential public services. The report shall clearly identify areas of inadequate facility capacity, which are those areas with capacity below the adopted level of service standards as provided in subsection (a)(1)—(4) of this section, and areas of marginally adequate facility capacity, which are those areas at the adopted level of service standard or which are projected to reach inadequate capacity within the next ~~12~~ 24 months. In addition, the report shall include growth trends and projections and a development permit monitoring system for each service area.

(4) Ratification of the ~~annual~~ service capacity report.

~~No later than July 1 of each year,~~ Biennially, the board of county commissioners shall consider and approve or approve with modifications the ~~annual~~ assessment of public facilities capacity. In the event the board

acts to increase the development capacity of any service area, the board shall make specific findings of fact as to the reasons for the increase, including the source of funds to be used to pay for the additional capacity required to serve additional development to be permitted during the next 24 ~~12~~-month period.

(5) Review procedure.

a. Applicability. In the event the approved ~~annual~~ public facility assessment shows that projected growth and development during the next 24 ~~12~~ months exceeds the capacity of public facilities, described in subsection (a)(1)—(4) ~~capacity that will be available to serve the projected growth~~, development in one or more of the service areas that will require any of the public facilities enumerated in subsection (a) of this section that have insufficient capacity to provide safe and efficient public services shall be subject to the procedure established in this section. Development that does not require the public facilities enumerated in subsection (a) of this section and that has sufficient capacity to provide safe and efficient public services shall not be subject to the procedure established in this section.

b. Areas of inadequate facility capacity. The county shall not approve applications for development in areas of the county that are served by inadequate facilities identified in the annual adequate facilities report, except the county may approve development that will have no reduction in the capacity of the facility or where the developer agrees to binding and legally enforceable commitment requiring the facilities and services to maintain or increase the level of service of the facility to the adopted level of service standard which will be in place when the impacts of the development occur. In areas that are served by inadequate transportation facilities, development may be approved in accordance with subsection (a)(1)c.4. of this section. An applicant, except for persons applying for a single-family residence, shall prepare a facilities impact report that demonstrates that:

1. The development will not reduce the capacity of the facility;
2. The necessary facilities and services are in place at the time a development permit is issued;
3. A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur;
4. The necessary facilities are under construction at the time a permit is issued;
5. The necessary facilities and services are guaranteed in an enforceable development agreement, which may include, but is not limited to, development agreements pursuant to the Florida Local Government Development Agreement Act (F.S. § 163.3220 et seq.) or an agreement or development order issued pursuant to F.S. ch. 380; or

6. The necessary facilities and services will be served by a concurrency management system that meets the requirements of Chapter 163, F.S. ~~F.A.C. ch. 9J-5, and F.S. ch. 163.~~

c. Areas of marginally adequate facility capacity. In areas of marginal facility capacity (areas projected to reach inadequate capacity within the next 24 months) as identified in the current ~~annual~~ adequate facilities report, the county shall either deny the application or condition the approval so that the level of service standard is not violated. A facilities impact report shall be prepared, except for a single-family residence, in these areas to demonstrate the standards in subsection (b)(5)b. of this section have been met.

d. Facilities impact report requirements. The facilities impact report required by this section shall use acceptable professional methodologies and standards inclusive of a cumulative traffic impact analysis, where necessary, as provided by the director of planning.

(6) Exemptions.

In addition to the exemptions from development described in subsection (3) of the definition of "development" in section 101-1, the following construction activities shall not be considered development for the purposes of this section only:

a. The construction of a single-family residence. The rebuilding or restoration of a single-family home damaged or destroyed by fire, calamity, or natural disaster so long as the rebuilding or restoration takes place within the footprint of the destroyed or damaged structure and as long as there is no increase in density or intensity of use;

b. The replacement of a mobile home upon the same lot where the original was located as long as there is no increase in density or intensity of use;

c. The construction of fences;

d. The construction of slabs for existing buildings;

e. The pavement of driveways;

f. The construction of docks and seawalls;

g. The construction of tikis;

h. The construction of swimming pools; or

i. The installation of storm shutters.

V RECOMMENDATION

Staff has found that the proposed text amendment would be consistent with the provisions of §102-158(d)(5)(b): 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 I of the plan; 4. New issues; 5. Recognition of a need for additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has found that

the proposed text amendments are necessary due to a recognition of a need for additional detail or comprehensiveness.

Staff recommends that the Board of County Commissioners amend the Monroe County Code as stated in the text of this staff report.

VI. EXHIBITS

1. Consistency with the Florida Keys Principles for Guiding Development and Florida Statutes
2. December 12, 2012, BOCC minutes for Item K2
3. Methodology To Assess Level-Of-Service On Us-1 In The Florida Keys, Florida Department of Transportation, January 1993.

EXHIBIT 1

The proposed 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 postdisaster 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.

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

163.3164 Community Planning Act; definitions.—As used in this act:

(7) "Capital improvement" means physical assets constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multiyear financing. For the purposes of this part, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements.

(28) "Level of service" means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

(38) "Public facilities" means major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities.

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities and set forth:

1. A component that outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component that outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities to meet established acceptable levels of service.

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(b) A transportation element addressing mobility issues in relationship to the size and character of the local government. The purpose of the transportation element shall be to plan for a multimodal transportation system that places emphasis on public transportation systems, where feasible. The element shall provide for a safe, convenient multimodal transportation system, coordinated with the future land use map or map series and designed to support all elements of the comprehensive plan. A local government that has all or part of its jurisdiction included within the metropolitan planning area of a metropolitan planning organization (M.P.O.) pursuant to s. 339.175 shall prepare and adopt a transportation element consistent with this subsection. Local governments that are not located within the metropolitan planning area of an M.P.O. shall address traffic circulation, mass transit, and ports, and aviation and related facilities consistent with this subsection, except that local governments with a population of 50,000 or less shall only be required to address transportation circulation. The element shall be coordinated with the plans and programs of any applicable metropolitan planning organization, transportation authority, Florida Transportation Plan, and Department of Transportation adopted work program.

1. Each local government's transportation element shall address traffic circulation, including the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the transportation element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance. The element shall include a map or map series showing the general location of the existing and proposed transportation system features and shall be coordinated with the future land use map or map series. The element shall reflect the data, analysis, and associated principles and strategies relating to:

a. The existing transportation system levels of service and system needs and the availability of transportation facilities and services.

b. The growth trends and travel patterns and interactions between land use and transportation.

c. Existing and projected intermodal deficiencies and needs.

d. The projected transportation system levels of service and system needs based upon the future land use map and the projected integrated transportation system.

e. How the local government will correct existing facility deficiencies, meet the identified needs of the projected transportation system, and advance the purpose of this paragraph and the other elements of the comprehensive plan.

163.3180 Concurrency.—

(1) Sanitary sewer, solid waste, drainage, and potable water are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

(a) If concurrency is applied to other public facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application. In order for a local government to rescind any optional concurrency provisions, a comprehensive plan amendment is required. An amendment rescinding optional concurrency issues shall be processed under the expedited state review process in s. 163.3184(3), but the amendment is not subject to state review and is not required to be transmitted to the reviewing agencies for comments, except that the local government shall transmit the amendment to any local government or government agency that has filed a request with the governing body and, for municipal amendments, the amendment shall be transmitted to the county in which the municipality is located. For informational purposes only, a copy of the adopted amendment shall be provided to the state land planning agency. A copy of the adopted amendment shall also be provided to the Department of Transportation if the amendment rescinds transportation concurrency and to the Department of Education if the amendment rescinds school concurrency.

(b) The local government comprehensive plan must demonstrate, for required or optional concurrency requirements, that the levels of service adopted can be reasonably met. Infrastructure needed to ensure that adopted level-of-service standards are achieved and maintained for the 5-year period of the capital improvement schedule must be identified pursuant to the requirements of s. 163.3177(3). The comprehensive plan must include principles, guidelines, standards, and strategies for the establishment of a concurrency management system.

(2) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. A local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Health to serve new development.

(3) Governmental entities that are not responsible for providing, financing, operating, or regulating public facilities needed to serve development may not establish binding level-of-service standards on governmental entities that do bear those responsibilities.

(4) The concurrency requirement as implemented in local comprehensive plans applies to state and other public facilities and development to the same extent that it applies to all other facilities and development, as provided by law.

(5)(a) If concurrency is applied to transportation facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service to guide its application.

(b) Local governments shall use professionally accepted studies to evaluate the appropriate levels of service. Local governments should consider the number of facilities that will be necessary to meet level-of-service demands when determining the appropriate levels of service. The schedule of facilities that are necessary to meet the adopted level of service shall be reflected in the capital improvement element.

(c) Local governments shall use professionally accepted techniques for measuring levels of service when evaluating potential impacts of a proposed development.

(d) The premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level of service standard. A comprehensive plan that imposes transportation concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3). The capital improvements element shall identify facilities necessary to meet adopted levels of service during a 5-year period.

(e) If a local government applies transportation concurrency in its jurisdiction, it is encouraged to develop policy guidelines and techniques to address potential negative impacts on future development:

1. In urban infill and redevelopment, and urban service areas.
2. With special part-time demands on the transportation system.
3. With de minimis impacts.
4. On community desired types of development, such as redevelopment, or job creation projects.

(f) Local governments are encouraged to develop tools and techniques to complement the application of transportation concurrency such as:

1. Adoption of long-term strategies to facilitate development patterns that support multimodal solutions, including urban design, and appropriate land use mixes, including intensity and density.
2. Adoption of an areawide level of service not dependent on any single road segment function.
3. Exempting or discounting impacts of locally desired development, such as development in urban areas, redevelopment, job creation, and mixed use on the transportation system.
4. Assigning secondary priority to vehicle mobility and primary priority to ensuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit.
5. Establishing multimodal level of service standards that rely primarily on nonvehicular modes of transportation where existing or planned community design will provide adequate level of mobility.
6. Reducing impact fees or local access fees to promote development within urban areas, multimodal transportation districts, and a balance of mixed-use development in certain areas or districts, or for affordable or workforce housing.

(g) Local governments are encouraged to coordinate with adjacent local governments for the purpose of using common methodologies for measuring impacts on transportation facilities.

(h) Local governments that implement transportation concurrency must:

1. Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.
2. Exempt public transit facilities from concurrency. For the purposes of this subparagraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of

aircraft. As used in this subparagraph, the terms “terminals” and “transit facilities” do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

3. Allow an applicant for a development-of-regional-impact development order, a rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local comprehensive plan, the local government’s concurrency management system, and s. 380.06, when applicable, if:

a. The applicant enters into a binding agreement to pay for or construct its proportionate share of required improvements.

b. The proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility.

c. (I) The local government has provided a means by which the landowner will be assessed a proportionate share of the cost of providing the transportation facilities necessary to serve the proposed development. An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies.

(II) When an applicant contributes or constructs its proportionate share pursuant to this subparagraph, a local government may not require payment or construction of transportation facilities whose costs would be greater than a development’s proportionate share of the improvements necessary to mitigate the development’s impacts.

DIVISION OF GROWTH MANAGEMENT

Item K2 Christine Hurley, Growth Management Director addressed the Board. Patricia Smith, Transportation Planning Manager addressed the Board and introduced Rajendran Shanmugam, P.E. representing URS Southern Corporation. Mr. Shanmugam made a presentation regarding the results of the 2012 US 1 Arterial Travel Time and Delay Study. Mayte Santamaria, Assistant Director Planning & Environmental Resources addressed the Board. After discussion, motion was made by Commissioner Murphy and seconded by Commissioner Rice authorizing the Mayor to send a letter to the Florida Department of Transportation recommending everything that was printed in green in the study, as follows: 1) Explore improvements to county roads that could help increase LOS on US1; 2) Continue coordination efforts with FDOT to enhance signal hardware, software, and timing to improve traffic flow along US1; 3) Continue coordination efforts with FDOT to address inadequate LOS in conjunction with FDOT work program projects; 4) Discourage additional signalized intersections along US1; 5) Require developers to make LOS improvements as part of the development process in areas of inadequate capacity; and 6) Revise Section 114-2 to require area wide LOS C only (delete segment requirement). Motion carried unanimously.

ENGINEERING

Item H1 Judy Hull read a statement from Terri Strickland, President of the Florida Keys Scenic Corridor, into the record concerning the Florida Department of Transportation presentation of the Florida Department of Transportation (FDOT) Tentative Five Year Work Program for Fiscal years 2013-2014 through 2017-2018.

COUNTY ADMINISTRATOR

Item O6 Kelly McKinnon, Executive Director of Pigeon Key made a presentation of the Pigeon Key Foundation's Annual Report.

COMMISSIONERS' ITEMS

Item M5 Board discussed requesting favorable consideration to waive and exempt the Pigeon Key Foundation from having to carry the high cost of Wind, Flood and Fire Insurance premiums on buildings the county owns. Roman Gastesi, County Administrator and Teresa Aguiar, Director Employee Services addressed the Board. After discussion, motion was made by Commissioner Murphy and seconded by Commissioner Rice granting approval of the item. Roll call vote was unanimous. Bob Shillinger, County Attorney advised the Board that he will bring back to the Board a Lease Amendment to reflect the Boards action on this item.

STAFF REPORTS

Item E5 Kevin Wilson, Senior Director of Engineering advised the Board that the current CDBG Grants for sewer funds expire next year and that he anticipates receiving additional

Exhibit 3

A METHODOLOGY TO ASSESS LEVEL-OF-SERVICE ON US-1 IN THE FLORIDA KEYS

By

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For Presentation at the
Transportation Research Board Annual Meeting
January 1993

R.E. De Arazoza
D.S. MaCleod

ABSTRACT

This paper presents the methodology developed to assess level-of-service (LOS) on US-1 in the Florida Keys. Although predominantly an uninterrupted flow two-lane roadway in the Keys, US-1's uniqueness warrants all alternative LOS evaluation process to that found in the 1985 Highway Capacity Manual.

U.S.-1 extends from the Key West to the Florida mainland with no major roads intersecting it. Furthermore, no other principal arterial serves the Keys or the Keys' resident and tourist population, over 100,000. Its unique geography, land use patterns, trip making characteristics presented a challenge in developing and applying a reasonable and acceptable method to assess its LOS.

A uniform method was developed to assess LOS on U.S.-1 to cover both its overall arterial length from Key West to the Florida mainland, and 24 roadway segments delineated. The methodology employs average travel speed as the main measure of effectiveness. It was developed from basic criteria and principles contained in Chapters 7 (Rural Multilane Highways), 8 (Rural Two-Lane Highways) and 11 (Urban and Suburban Arterials) of the 1985 Highway Capacity Manual.

The results of the study correlate well with perceived operating conditions on US-1 and over a two-year period the methodology appears to have a good level of reliability. The authors recommend that for uninterrupted flow conditions in developed areas, Chapters 7 and 8 of the Highway Capacity Manual incorporates average travel speed as the main measure of effectiveness to determine LOS.

R.E. De Arazoza
D.S. MaCleod

A METHOD TO ASSESS LEVEL-OF-SERVICE ON US-1 IN THE FLORIDA KEYS

INTRODUCTION

The purpose of this paper is to present the methodology developed by the Monroe County US-1 level-of-service (LOS) Task Force to assess LOS on US-1 (the Overseas Highway) in the Florida Keys (1). The authors are members of the referenced task force.

US-1 which is mostly two-lanes, has unique geographic and trip characteristics. It extends through the Florida Keys covering approximately 180 kilometers (112 miles) from the City of Key West to the Florida mainland (Figure 1). There are 48 bridges crossing water for a total length of 35 km (22 mi), with the longest bridge approximately 11 km (7 mi) long. There is no other road, to provide vehicular access to the Florida Keys from the rest of Florida or anywhere else. Few local roads are 5 km (3 mi) in length. Consequently, US-1 serves not only as a regional principal arterial which serves intra as well as interstate travel, but also serves as the local road for most of the trips within the Keys. US-1 Annual average daily traffic (AADT) volumes range from a low of 4700 to a high of 34200. The road serves a large tourist demand and is one of the most scenic in the United States. The linear geography with the narrow land width of most of the Florida Keys are further characteristics.

Most of the surrounding land use is rural developed and suburban in nature; however, some areas are totally rural and others are urban, such as the Key West and its suburbs. With the exception of the few completely rural segments and the bridges, strip commercial stores, motels and restaurants are very common throughout the Keys along US-1. Numerous driveways and intersecting local roads provide access to the surrounding residential areas.

The US-1 LOS study encompassed approximately 174 km (108 mi) of US-1 from Key West/Stock Island to the Monroe/Dade County Line, broken down as follows:

- **129 km (80 mi) (74%) two-lane uninterrupted flow;**
- **32 km (20 mi) (19 %) four-lane uninterrupted flow; and**
- **13 km (8 mi) (7%) four-lane urban/suburban interrupted flow.**

Part of the growth management process in Florida is to assess roadway LOS to determine if roadway facilities meet standards established by state regulations. The Transportation Research Board Special Report 209 Highway Capacity Manual (HCM) (2) is extensively used throughout Florida as the source document to determine highway capacities and LOS.

HCM Chapter 7 (Rural Multilane Highways), 8 (Rural Two-Lane Highways) and 11 (Urban and Suburban Arterials) were consulted to determine applicability to the unique conditions and vehicular traffic operations and characteristics of the Florida Keys. Only the 13 km (8 mi) of urban/suburban interrupted flow and the small percentage of the two-lane truly rural portions correlate directly to the HCM Chapters 11 and 8.

Thus, the challenge was to develop a methodology to assess arterial LOS along US-1 without deviating from the principles of the HCM. Towards that end a task force was created consisting of representatives from State and local agencies and an engineering consulting firm.

THE NEED TO DEVELOP A LOS MEASUREMENT METHOD

From a state transportation perspective, the overall operating condition of US-1 is important, not the condition of any smaller segment. With Key West as a major tourist destination at the southern end of the Keys and no alternative routes, the logical analysis section of highway extends from Key West to the mainland. From local transportation and development approval perspectives, shorter segments for analysis are desirable.

Chapter 8 of the HCM presents a methodology which applies to typical rural two-lane highways with basically long stretches of roads, and few side intersecting streets and driveways directly connecting to the roads. Chapter 8 methodology relies mainly on "percent time delay" to assess LOS. The HCM further states that "Percent time delay...is defined as the average percent of time that all vehicles are delayed while traveling in platoons due to inability to pass. Percent time delay is difficult to measure directly in the field. The percent of vehicles traveling at headways less than 5 seconds can be used as a surrogate measure in field studies."

Chapter 8 of the HCM also uses average travel speed and capacity utilization as additional measures of effectiveness to assess LOS. However, the HCM states clearly that percent time delay is the primary measure of service quality. Further inspection of the average speeds for level terrain depicted by Table 8-1 of the HCM do not correspond well with the typical operating speeds of US-1 in the Florida Keys. For instance, Table 8-1 shows average speeds ranging from 58 mph (93 kmh) (LOS A) to 45 mph (72 kmh) (LOS D).

The overall weighted posted speed limit for US-1 in the Florida Keys is 79.7 kmh (49.5 mph). The overall median operating speeds along US-1 according to the 1991 and 1992 field studies (3, 4) were 76.8 and 75.5 kmh (47.7 and 46.9 mph), respectively. The field studies showed, for the most part, the survey vehicle(s) was traveling close to the posted speed limit.

It is believed the average motorist in the Florida Keys is mostly concerned with operating at an acceptable average travel speed rather than being concerned about the ability to pass. This is supported by the physical and traffic characteristics of the Keys (e.g., adjacent land development, sight seeing tourists), local knowledge, and discussions with motorists.

From the above statements, it was clear to the task team that HCM Chapter 8 methodology could not be applied to US-1 for analysis of its two-lane sections.

With regards to the four-lane uninterrupted flow portions of US-1, a similar dilemma occurred. HCM Chapter 7 methodology applies to multi-lane highways with operating characteristics generally unlike those of US-1 through the Florida Keys. For instance, average travel speeds depicted by Table 7-1 of the HCM are also higher than those encountered in the Keys. Further, the methodology inherent in equations (7-1), (7-2) and (7-3)are closely related to those of freeways with their higher service flow rates, which again neither simulate nor resemble those of US-1 in the Keys. The Four-lane portion is found mostly in Key Largo (the northeastern end of the Keys) which has a weighted posted speed limit of 72.5 kmh (45 mph). Key largo is developed with strip commercial and residential development. It has numerous driveway connections and side streets directly accessing US-1.

The remaining 7% of the total US-1 mileage is four-lane interrupted flow. These are the portions encompassing Marathon (in the middle of the Keys) and Stock Island (near Key West). The operating characteristics here are truly urban/suburban and interrupted flow in nature resembling those of HCM Chapter 11. Thus, the methodology of Chapter 11 was employed in assessing LOS on these segments.

From the preceding discussion, it was evident that a distinct method to assess LOS on US-1 had to be developed. The task team's efforts concentrated on keeping consistency with the basic philosophy of the HCM, and yet be sensitive to the Keys uniqueness. Thus, the proposed methodology correlates measured travel speeds along US-1 with LOS speed thresholds developed as part of this study. This is in line with the concept behind the HCM of average travel speed being the main parameter to measure arterial LOS.

METHODOLOGY

Considering the types of trips served by US-1, it was decided to conduct travel time and delay runs to cover both the entire length of US-1 from Key West to the Monroe/Dade County Line (mainland) and for each segment of the highway along the way. Twenty-four segments were selected as depicted by Table 1. Each segment is fairly homogeneous in nature having a uniform roadway cross section and traffic flow.

Travel speeds for the overall length (from Key West to the mainland) provide an indication of the LOS for the regional trips. Travel speeds for each segment also provides an opportunity to assess the impact of local trips. Establishing speed criteria for both the overall length and for each roadway segment satisfies the requirements of the Florida growth management process.

The next step in the process was to determine the number of travel time runs and how, when and to/from where. Runs were started at both ends of US-1. For example, one run started on Stock Island (Key West City limits) and proceeded to the mainland (Dade County). After reaching this point, the vehicle turned back and proceeded to end the run where it started, on Stock Island. On another day the reverse was true (i.e., the run started in Dade County instead of Stock Island). It was decided to perform a total of fourteen two-way runs or twenty-eight in each direction covering the 174 km (108 mi) study portion of US-1. Twenty-eight runs provide enough data for statistical significance. Control points were established at each of the 24 segments to record travel time and speed data specific to each one of those segments. Seven runs were started at Stock Island and seven in Dade County. Each began at staggered hours to cover the varied trip purposes and time frames within the Keys. The surveys were conducted during March, reflecting the area's peak traffic season.

For each run the process provided data, such as running speed and travel speed, in each direction of US-1. Vehicular traffic counts were also collected at three locations covering seven days.

The travel time runs yielded a total of 28 one-way travel speed values for the overall length of US-1 and for each of the 24 segments. The value selected for analysis was the median speed which would reflect a "typical peak period during the peak season." In other developed parts of Florida the typical peak hour of the peak season approximates the 100th highest hour of the year (5).

The median value was also selected, instead of the average, to avoid the influence of extremely high or low speed value at either end of the survey population.

The process up to this point provided median travel speeds. The question then became, what LOS do these speeds represent.

The next step was to develop a set of LOS/Speed threshold values for both the overall length of US-1 and the pertinent segments of the highway. Towards this end, the speed ratios between LOS thresholds from Tables 7-1, 8-1 and 11-1 of the HCM were used in the analysis. These ratios were weighted against actual mileage of US-1 in the Florida Keys to represent the prevailing type of flow; two-lane uninterrupted flow, four-lane uninterrupted flow and four-lane interrupted flow. For example, from the level terrain portion of HCM Table 8-1, the ratio between LOS B speed and LOS A speed is 55/58 = 0.948. The ratio between LOS C/LOS A = 52/58 = 0.897; the ratio between LOS D/LOS A = 50/58 = 0.862 and so on. The same process was applied to Tables 7-1 (96.6 kmh) (60 mph) and 11-1. Then each ratio was weighted to take into account the length of the section of US-1 to which that type of traffic flow applied. Once all the ratios were developed, the weight criteria was applied as in the following example:

TYPE OF FLOW	LOS C/LOS A RATIO	WEIGHT
Two-lane uninterrupted	52/58 = 0.897	74
Four-lane uninterrupted	44/50 = 0.880	19
Four-lane interrupted	22/35 = 0.629	07

Therefore, the overall speed ratio between LOS C and LOS A is:

$$[74(0.897)+19(0.880)+7(0.629)]+100=0.875$$

The above process was applied to develop all the required ratios.
Further observations with reference to Tables 8-1, 7-1 and 11-1 yielded the following. From Table 8-1 the difference between LOS A and LOS B speeds is 4.8 kmh (3 mph), or 4.8 kmh (3 mph) above an assumed posted speed limit of 88 kmh (55 mph). From Tables 7-1 and 11-1 the differences are 3.2 kmh and 11.3 kmh (2 mph and 7 mph), respectively, with LOS lower than assumed speed limits. Therefore, from these observations plus local knowledge, it was determined that the overall US-1 posted speed limit is 79.7 kmh (49.5 mph) reasonably fell between the LOS A and B thresholds. This

assumption is not far away from the premise that if a vehicle is able to sustain a travel speed equal to the posted speed limit, then it will correspond typically with the upper ranges of LOS (i.e., LOS A or B).

With the above speed differentials and LOS range premise in mind, the US-1 overall speed thresholds for LOS A and B became 82.1 kmh (51 mph) (2.4 kmh (1.5 mph) above 79.7 kmh (49.5) and 77.3 kmh (48 mph), respectively. Applying the developed ratio between LOS C/LOS A to the LOS A speed resulted in 72.5 kmh (45 mph), rounded off (i.e., 0.875 x 82.1 kmh (51 mph) = 71.8 kmh (44.6 mph)), which then became the threshold for LOS C. After applying all the ratios the overall LOS criteria for US-1 became:

LOS	Speed
A	≥ 82 kmh (51 mph)
B	≥ 77 kmh (48 mph)
C	≥ 72 kmh (45 mph)
D	≥ 68 kmh (42 mph)
E	≥ 58 kmh (36 mph)
F	< 58 kmh (36 mph)

Inspection of the criteria above indicates a close relationship with the speed differentials of both Tables 8-1 and 7-1 of the HCM. Comparing the median speed data for US-1 from the 1991 and 1992 field studies to the above criteria resulted in an overall LOS of C for both years, i.e., 76.8 kmh (47.7 mph) for 1991 and 75.5 kmh (46.9 mph) for 1992. These speeds are 2.9 kmh (1.8 mph) and 4.2 kmh (2.6 mph) below the overall weighted 79.7 kmh (49.5 mph) speed limit, which would correspond to the upper range of LOS C. The authors also believe that LOS C is the appropriate LOS designation for the whole of US-1 from Key West to the mainland.

A final step was still needed to complete the task of developing LOS/Speed threshold values for the segments of US-1. No further work was needed to cover the 7% mileage of the interrupted portions of US-1 found on Marathon and Stock Island, adjacent to Key West. As discussed earlier, these segments correlate with Chapter 11 of the HCM. Therefore, direct application of Table 11-1 LOS/speed criteria for a Class I arterial was made.

The remaining segments fell within the two-lane and four lane uninterrupted flow criteria. It was decided to make LOS A speed criterion 2.4 kmh (1.5 mph) above the weighted posted speed limit in order to keep consistency with the overall criteria. LOS C speed was set 9.7 kmh (6 mph) below LOS A speed consistent with Tables 7-1 and 8-1 of the HCM. LOS B and D speed criteria were set to provide equal increments between LOS A and LOS D (i.e., LOS B 4.8 kmh (3 mph) below LOS A speed and LOS D 4.8 kmh (3 mph) below LOS C speed). LOS E was set 9.7 kmh (6 mph) below the LOS D Speed. This makes the segmental speed differential between LOS thresholds consistent with the differentials in the overall criteria, except for one consideration. On any segment, intersection delay would be deducted from the segment's travel time to account for the influence of that signal on the segment (i.e., signal delay = 1.0 x 15 seconds average stopped delay). This corresponds to an LOS C delay due to isolated signals. LOS C delay was chosen because LOS C is the state LOS standard for US-1 in the Florida Keys. The rationale behind deducting signal delay from the segment analysis was to recognize for the impact of signals in reducing travel time. This provides the required sensitivity in the segment which is not only to assess the impact of regional vehicular trips, but also those that are local in nature. The following illustrates the concept plus one example for the US-1 Segmental LOS/speed relationship.

- **The uninterrupted flow segment criteria are:**

LOS	SPEED
A	≥ 2.4 kmh (1.5 mph) above the posted speed limit
B	≥ 4.8 kmh (3.0 mph) below LOS A
C	≥ 9.7 kmh (6.0 mph) below LOS A
D	≥ 14.5 kmh (9.0 mph) below LOS A
E	≥ 24 kmh (15.0 mph) below LOS A
F	< 24 kmh (15.0 mph) below LOS A

- **A segment having a weighted posted speed limit of 72 kmh (45 mph) would then have this criteria:**

LOS	SPEED
A	≥ 74.9 kmh (46.5 mph)
B	≥ 70.0 kmh (43.5 mph)
C	≥ 65.2 kmh (40.5 mph)
D	≥ 60.4 kmh (37.5 mph)
E	≥ 50.7 kmh (31.5 mph)
F	< 50.7 kmh (31.5 mph)

- **The LOS/Speed criteria for interrupted flow segments (marathon and Stock Island) are based directly on a Class I arterial from Table 11-1 of the HCM.**

LOS	SPEED
A	≥ 56.4 kmh (35 mph)
B	≥ 45.1 kmh (28 mph)
C	≥ 35.4 kmh (22 mph)
D	≥ 27.4 kmh (17 mph)
E	≥ 20.9 kmh (13 mph)
F	< 20.9 kmh (13 mph)

Speed data from both the overall length of US-1 and the individual segments were compared against the applicable LOS/speed thresholds. This provided for an assessment of the facility LOS plus an indication of reserve speed, if any.

Under Florida's and Monroe County's growth management process if the overall LOS for US-1 fell below the LOS C standard, then no additional land development would be allowed to proceed in the Florida Keys. Unless the proposed new development traffic impact were mitigated. If the overall LOS for US-1 was C or better, then additional development could take place in those segments where there was reserve speed available (i.e., segment's speed was higher than the standard threshold).

Besides meeting highway LOS standards there are numerous other considerations in Florida's growth management process pertaining to the Florida Keys that are beyond the scope of this paper. As mentioned in the introduction, the purpose of this study was to present the methodology to assess LOS on US-1.

MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional, and fair.

DATE: August 20, 2013

TO: DEVELOPMENT REVIEW COMMITTEE

THROUGH: TOWNSLEY SCHWAB; SENIOR PLANNING & ENVIRONMENTAL RESOURCES DIRECTOR

FROM: LAURIE MCHARGUE, PH.D.; SENIOR BIOLOGIST, PLANNING & ENVIRONMENTAL RESOURCES

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 122-2(b)3 PROVIDING A NEW DATE FOR REVISED SPECIES ASSESSMENT GUIDES FOR PERMIT REFERRAL PROCESS DETERMINATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Meeting: August 27, 2013

I REQUEST

The Planning & Environmental Resources Department is proposing to amend the text of the Monroe County Floodplain Ordinance §122-2(b)3 of the Monroe County Code to reflect the date of the most recently revised version of the Species Assessment Guides (SAGs) for Permit Referral Process determinations in the review of development permits that may affect federally listed species. Specifically, the proposed text amendment would change the date of the SAGs to July 29, 2013.

II RELEVANT PRIOR COUNTY ACTIONS AND BACKGROUND INFORMATION:

On June 20, 2012 the Board of County Commissioners (BOCC) approved Ordinance No. 015-2012 that created Section 122-8 which made the May 20, 2012 SAGs part of the Ordinance.

In April 2013 the U.S. Fish and Wildlife Service (Service) provided updated SAGs to the County for staff review and comment. In a transmittal letter dated July 29, 2013, the Service notified the Federal Emergency Management Agency (FEMA) of the updated 2013 SAGs for Monroe County and the Florida Keys' municipalities, provided final copies of the revised documents, and posted digital copies on the Service's website.

III REVIEW

The Growth Management Division, the County Attorney, and the County's outside Counsel worked closely with FEMA and the Service following the BOCC meeting of March 16, 2011 to reach agreement on the implementation of the Reasonable and Prudent Alternative (RPA) of the Service's revised April 30, 2010 Biological Opinion and the language for the required Ordinance.

FEMA provided a draft of items for adoption to Monroe County on June 15, 2011 and provided further recommendations via e-mail on October 3, 2011. These Ordinance recommendations were developed by FEMA to meet the requirements of the RPA and would require the County to make permit determinations based on the SAGs. The Service provided draft SAGs that required Monroe County to review each floodplain development permit application to determine if the parcel was on the list of RE #s that are within the species focus areas or buffers, and to confirm this by reviewing the Species Focus Area Maps provided by FEMA. If the parcel is on the list, then Monroe County staff evaluates the application in accordance with the SAGs and makes the permit determination.

On February 16, 2012 the Service provided draft revisions to the SAGs for the Lower Keys marsh rabbit that would allow the County to pre-determine that the development of certain parcels within canal subdivisions and substantially developed subdivisions would "Not Likely to Adversely Affect" the Lower Keys marsh rabbit. In addition, the Service stated that a similar revision would be made to the SAGs for the Key Largo cotton mouse, the Key Largo wood rat and the silver rice rat. These provisions substantially reduce the County's potential exposure for liability for inverse condemnation or takings claims.

On May 20, 2012 the Service provided revised versions of the SAGs. These revisions included clarification on development of parcels that contain and/or are adjacent to contiguous hammock greater than one acre in size. In addition, the revised SAGs decreased the potential for exceeding the allowable take for each species.

Following a public hearing, staff requested further revisions to the SAGs concerning recommended fencing guidelines for Key deer outside of Big Pine Key and No Name Key. The Service revised the guidelines to remove the setback restrictions and the "net buildable area" limit originally provided in the SAG guidelines, and provided a revised version to the County on June 18, 2012.

Implementation of the use of the May 20, 2012 SAGs for permit referral process determinations revealed some inconsistencies and contradictions in the wording and ordering of the assessment keys. Following consultation with the Service, further clarification and

reorganization of the assessment keys produced a revised version that was finalized and provided to the County on July 29, 2013. The revisions to each SAG are summarized below: Eastern Indigo Snake: reorders assessment keys for clarification; requires deduction of habitat area in lieu of technical assistance; refers to a generic signature form; specifies calculation of percent development by area and not by parcel; eliminates adjacency to hammock area as an assessment criterion; requires quarterly habitat "take" summary for parcels

Key Deer: corrects wording to account for map habitat labeling errors; corrects semantic problem that gave conflicting determinations; provides date of fencing guidelines

Keys Tree Cactus: simplifies assessment key by reordering criteria

Key Largo Woodrat and Key Largo Cotton Mouse: improves assessment key with more concise wording; specifies calculation of percent development by area and not by parcel; clarifies requirements for covenant restriction prohibiting keeping free-roaming cats

Lower Keys Marsh Rabbit: specifies calculation of percent development by area and not by parcel; clarifies requirements for covenant restriction prohibiting keeping free-roaming cats

Schaus Swallowtail Butterfly: specifies calculation of percent development by area and not by parcel

Silver Rice Rat Critical Habitat: reorganizes assessment key wording for clarity

Silver Rice Rat: clarifies requirements for covenant restriction prohibiting keeping free-roaming cats; eliminates assessment key for occurrence on Big Pine Key and No Name Key; specifies calculation of percent development by area and not by parcel

Stock Island Tree Snail: eliminates stipulation of 25 known snail locations to allow for inclusion of new findings; eliminates percent surrounding development as an assessment key criterion; requires a Stock Island tree snail survey if native habitat is removed

Based on the above, staff is recommending the following amendment to Section 122-2(b)3 Floodplain Management:

Section 1. **Section 122-2(b)3 of the Monroe County Land Development Code shall be amended as follows:** (additions are underlined; deletions are ~~struck through~~**)**

122-2(b)3. Species Assessment Guides (SAGs). FEMA and FWS have provided the Species Assessment Guides (SAGs) ~~mailed~~ to Monroe County ~~and~~ dated ~~May 20, 2012~~ July 29, 2013. These SAGs are declared to be a part of this chapter. The SAGs are on file at the Monroe County Clerk's office and the Monroe County Growth Management Division Office.

Section 2. **Severability.**

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be

adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 3. **Conflicting Provisions.**

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

Section 4. **Filing, Transmittal, and Effective Date.**

This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, and transmitted to the State Land Planning Agency, but shall not become effective until a notice is issued by the State Land Planning Agency or Administrative Commission approving the ordinance pursuant to Chapter 380, Florida Statutes, and after any appeal period has expired.

Section 5. **Codification**

The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto and shall be appropriately numbered to conform to the uniform numbering system of the Code.

IV RECOMMENDATION

Staff has found that the proposed text amendment would be consistent with the provisions of §102-158(d)(5)(b): 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 I of the plan; 4. New issues; 5. Recognition of a need for additional detail or comprehensiveness; or 6. Data updates.

Specifically, staff has found that the proposed text amendment is necessary due to the revision of the Species Assessment Guides.

Staff recommends that the Board of County Commissioners amend the Monroe County Code as stated in the text of this staff report.

Attachments:
A. Revised Species Assessment Guides dated July 29, 2013

Eastern Indigo Snake Species Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 14,413 at-risk parcels, representing 14,960 acres, intersecting habitats that may occasionally be used by the threatened eastern indigo snake (indigo snake; *Drymarchon corais couperi*) in Monroe County. There are at-risk 10,921 acres and 10,711 parcels in unincorporated Monroe County; 1,406 acres and 1,433 parcels in Islamorada; 20 acres and 112 parcels in Key Colony Beach; 703 acres and 433 parcels in Key West; 1 acre and 6 parcels in Layton; and 1,910 acres and 1,718 parcels in Marathon. The BO also identified an additional 8,580 acres of at-risk lands outside Monroe County's parcel layer not subject to the Rate of Growth Ordinance program.

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing suitable habitat for the indigo snake include undeveloped land, hammock, pineland, exotic, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm.

Species Profile: The Florida Keys are on the extreme southern end of the indigo snake's range. The indigo snake population in the Florida Keys is very small (Cox and Kautz 2000). Verified observations are rare and scattered; the latest was in 2009 on Little Knockemdown Key (Service 2010). In the last several years, three unsubstantiated observations of the indigo snake were reported, two on Grassy Key (City of Marathon) and one in the Village of Islamorada (Sheahan 2006). Indigo snake surveys were conducted on Big Pine and No Name Key in 2006 and 2007 (Schmidt et al. 2008) and, although 27 species of reptiles were noted (973 total observations), the indigo snake was not observed.

The Service issued a Section 10(a)(1)(B) Incidental Take Permit (ITP) to Monroe County, Florida Department of Transportation, and Florida Department of Community Affairs (applicants) in June 2006 for adverse effects from development on Big Pine and No Name Keys. The ITP authorizes take of 168 acres of suitable indigo snake habitat. The take will be incidental to land clearing for development and recreational improvements. The Service issued the ITP to the applicants based upon their development of a Habitat Conservation Plan (HCP) that sets guidelines for development activities on Big Pine and No Name Keys to occur progressively over the permit period (20 years). The HCP provides avoidance, minimization, and mitigation measures to offset impacts to covered species, including the indigo snake. Mitigation includes the protection of three mitigation units for each development unit of suitable habitat within the plan area.

Threats: Although the species may occur in all referenced habitats, it is suspected that they prefer hammocks and pine forest, because most observations occur in these habitats disproportionately to their presence in the landscape (Steiner et al. 1983). In the Florida Keys, the primary threat to the indigo snake is native habitat loss and fragmentation due to development. Residential housing is also a threat because it increases the likelihood of indigo snakes being killed by property owners.

Assessment Guide: In order to provide assistance in assessing threats to the indigo snake from a given project, the Service has developed the following guidance and recommendations that, if implemented, will minimize adverse effects to the indigo snake. If the use of this guide results in a determination of "no effect" for a particular project, the Service supports this determination. If the use of this guide results in a determination of "not likely to adversely affect" (NLAA), the Service concurs with this determination and no additional correspondence is necessary. If the use of this guide results in a "may affect" determination, the acreage of impacts will be subtracted from the take limits provided in the BO and/or the HCP. This guide is subject to revision as necessary.

A. Parcel is not in the species focus area and/or on the Real Estate (RE) parcel list.....***no effect***

Parcel is in the species focus area or on the RE parcel list.....***go to B***

B. Parcel is on Big Pine Key or No Name Key.....***refer to HCP for coverage***

Parcel is not on Big Pine Key or No Name Key.....***go to C***

C. Parcel contains the indigo snake's native habitat (*i.e.*, hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, or beach berm).....***go to D***

Parcel contains only non-native habitat (undeveloped land or exotic).....***go to G***

D. The proposed action will not remove or modify the indigo snake's native habitat.....***go to G***

The proposed action will remove or modify the indigo snake's native habitat.....***go to E***

E. The property is within a developed subdivision or canal subdivision and the area within 500 feet of the parcel is greater than 60 percent developed or scarified.....***go to G***

The property is not as above..... ***go to F***

F. The applicant has proposed either on-site or off-site habitat compensation* commensurate with the amount of native habitat lost, has received a copy of the Service's indigo snake protection measures (attached), and has agreed to implement the measures and post the information sign on-site. Signed verification of this is in the permit file maintained by the NFIP participant community. Permit with indigo snake protection measures and habitat compensation* .....***NLAA***

The applicant will not agree to the indigo snake protection measures, is not proposing habitat compensation* or the proposed habitat compensation* does not meet minimum compensation requirements ..... ***may affect, subtract project footprint from authorized Take****

G. The applicant has received a copy of the Service's indigo snake protection measures and has agreed to implement the measures and post the information sign on-site. Signed verification of this is in the permit file maintained by the NFIP participant community. Permit with indigo snake protection measures ..... ***NLAA***

Not as above ..... ***may affect, subtract project footprint from authorized Take****

***Habitat Compensation**

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community's land development regulations. The Service has reviewed the following participating communities' Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have ordinances that meet the minimum recommended habitat compensation. If the participating community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional compensation are provided, the credit granted would be 2 acres. This partial credit is considered appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

**For projects where take is subtracted, the participating community shall transmit a list of parcel numbers and acreage of take to the Service quarterly.

Monitoring and Reporting Effects

For the Service to monitor cumulative effects and to track incidental take exempted for the indigo snake, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits issued. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

Literature Cited

Cox, J. and R.S. Kautz. 2000. Habitat conservation needs for rare and imperiled wildlife in Florida. Florida Game and Freshwater Fish Commission, Office of Environmental Services; Tallahassee, Florida.

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Schmidt, P.M., R.R. Lopez, R.N. Wilkins, and N.J. Silvy. 2008. Recovery Permit # TE125517-0 Final Report to the U.S. Fish and Wildlife Service, Vero Beach, Florida.

Sheahan, B. 2006. Personal communication. Senior planner. Village of Islamorada, Florida.

Steiner, T.M., O.L. Bass, Jr., and J.A. Kushlan. 1983. Status of the eastern indigo snake in southern Florida National Parks and vicinity. South Florida Research Center Report SFRC-83i0 1, Everglades National Park; Homestead, Florida.

U.S. Fish and Wildlife Service. 2010. Eastern indigo snake observation; Little Knockemdown Key. Email and photo provided to KDNWR, Big Pine Key, Florida.

Eastern Indigo Snake Protection Measures

It appears that harm to the eastern indigo snake occurs primarily through construction accidents, vehicular strikes, and habitat loss and/or degradation. These adverse effects can be minimized by maintaining a careful watch during construction and when traveling onsite to avoid killing snakes. In addition, protecting burrows and leaving native vegetation as refugia onsite for indigo snakes displaced by construction activity can benefit this species.

The eastern indigo snake is not likely to be adversely affected if the following measures are implemented for the project.

1) Burrows and onsite native vegetation should be protected. If such habitat must be disturbed, limit disturbance to a minimum and improve remaining habitat through exotic vegetation removal. Maintain native vegetation onsite as refuges for the snake.

2) Clearing and grading activities should be performed outside high activity months (June to November). Winter months (January to March) provide the best opportunity to initiate and complete construction activities that will not impact this species.

3) Post informational signs containing the following information throughout the construction site and along any proposed access road:
   a) A description and picture of the eastern indigo snake, its habits, and protection under Federal Law;
   b) Instructions not to injure, harass, or kill this species;
   c) Directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
   d) Telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered.

   Other useful educational materials may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could instruct construction personnel before any clearing activities occur).

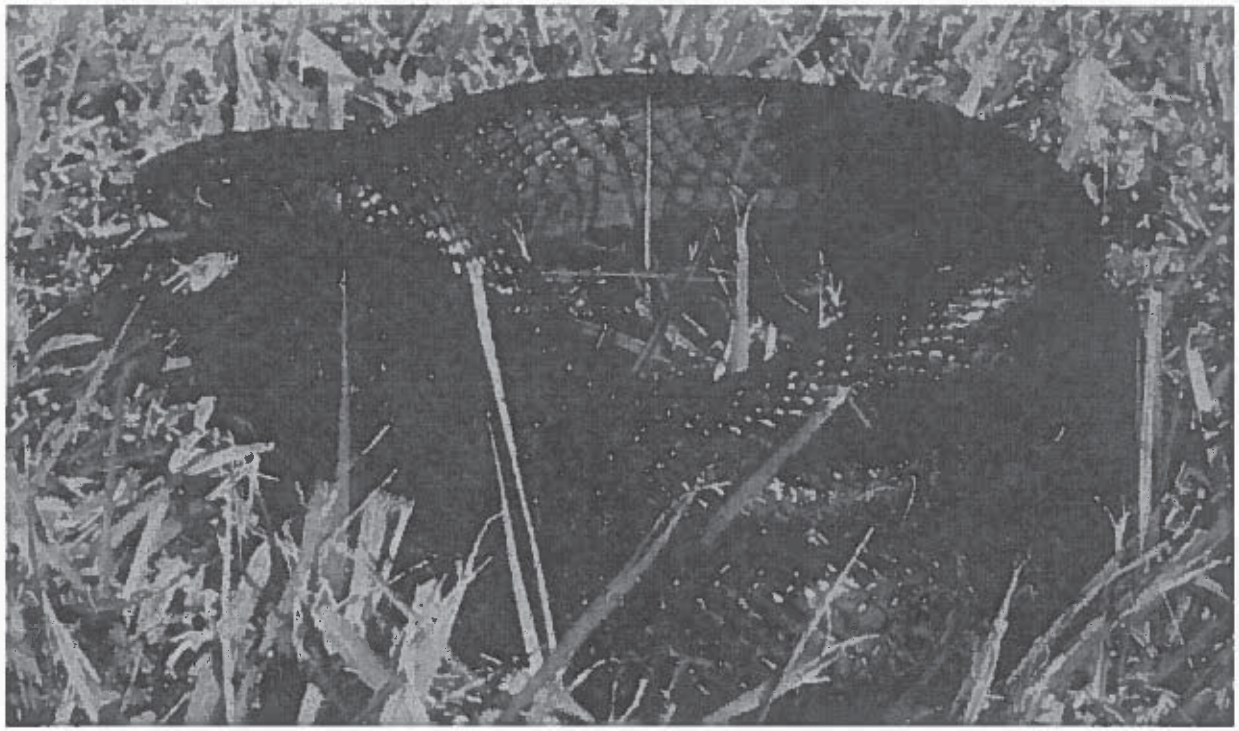
4) Monitor eastern indigo snake activity onsite. Report any eastern indigo snake observations that occur during project activities (see monitoring report below). Document with photograph, if possible. If large snake skins are found, they may belong to an eastern indigo snake. Skins can be collected and sent to the Service's South Florida Ecological Services Office (attention: Monroe County FEMA Biologist, U.S. Fish and Wildlife Service, South Florida Ecological Services Office, 1339 20th Street, Vero Beach, Florida 32960) for positive identification. Provide information on the date and location collected.

Monitoring Report: A monitoring report should contain the following information: location, dates, and times for any sightings of eastern indigo snakes. Also include the results any of burrow searches and observations. If a snake is encountered during a burrow search, then a description of the outcome for the snake is needed. Document by photograph, if possible. Was the snake left in an intact burrow? Was the burrow excavated? If so, did the snake leave and where did it go? A site map with sighting locations marked would be helpful. If an indigo snake is observed onsite a copy of the report is to be sent to the Service at the address listed above within 60 days of the conclusion of the project.

Dead, injured, or sick animals: If a dead, injured, or sick eastern indigo snake is found onsite, notification should be made to the Service at the address listed above. Secondary notification should be made to the Florida Fish and Wildlife Conservation Commission; South Region; 3900 Drane Field Road; Lakeland, FL 33811; Wildlife Alert Number 1-800-404-3922.

Example Eastern indigo snake informational sign.

WATCH OUT FOR THE EASTERN INDIGO SNAKE



The Eastern Indigo Snake is the largest nonpoisonous snake in North America, growing up to 8 feet in length. The color of both adults and young is shiny bluish-black with some red or cream coloring on the chin or sides of the head. The indigo snake is usually found in high, dry, well-drained sandy soils, but may also be found in hammocks, swamps, and flatwoods habitats in south Florida. Burrows are used by many prey animals that are easily captured by the indigo snake in the burrow. Indigo snakes also use the burrows as dens for cover, and laying eggs. Other potential dens are stumps of trees, cavities in the soil, and under piles of debris.

The decline in the population of indigo snakes is attributed to habitat loss due to development and overcollecting for the pet trade. Fragmentation of habitat by roads results in many indigo snakes killed by vehicle traffic.

Every effort should be undertaken to avoid harming any snake observed during work on this construction site. Any indigo snakes encountered during construction activity should be allowed to crawl off on its own before continuing construction activities. If it appears that the construction activities will cause harm to the snake, construction must be stopped until the proper action can be determined.

These rare snakes are protected by the U.S. Endangered Species Act (ESA) of 1973 makes it a violation to "harass, harm, pursue, hunt, shoot, wound, kill, capture, or collect endangered or threatened species." Violations can result in fines of up to $20,000 and/or up to one year in prison. Only permitted personnel are allowed to handle the snakes.

Contact the following agencies if indigo snakes are observed:
U.S. Fish and Wildlife Service 772-562-3909
Florida Fish and Wildlife Conservation Commission
800-282-8002

Key Tree-Cactus Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 5,607 at-risk parcels, representing 2,322 acres, intersecting habitats that may support populations of endangered Key tree-cactus (*Pilosocereus robinii*) in Monroe County. There are 1,725 acres and 4,101 at-risk parcels in unincorporated Monroe County; 300 acres and 779 parcels in Islamorada; 5 acres and 5 parcels in Key Colony Beach; 43 acres and 102 parcels in Key West; less than 1 acre and 1 parcel in Layton; and 249 acres and 579 parcels in Marathon. The BO also identified an additional 436 acres of at-risk lands outside Monroe County's parcel layer not subject to the Rate of Growth Ordinance program.

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing suitable habitat for the Key tree-cactus include hammock and beach berm. Beach berm cover types were included as this mapping unit could also include small inclusions of tropical hardwood hammock.

Species Profile: As of 2009, the known distribution of this species is restricted to seven populations on four islands of the Florida Keys including Big Pine Key, Long Key, Lower Matecumbe Key, and Upper Matecumbe Key (Adams and Lima 1994; Service 1999; Maschinski 2009; Florida Natural Areas Inventory 2008). Six of seven populations are located on lands protected through acquisition or agreements (Maschinski et al. 2009). One is located on private, developable property currently used for aquaculture.

Long distance dispersal and establishment of new tree-cactus populations are dependent upon the production of seed. However, reproduction within a single population (a clump) is mostly, if not entirely, vegetative (asexual). Seed dispersal by birds (*Cardinalis cardinalis*, for example) is indicated for this species (Austin 1980). Given the Key tree-cactus' preference for naturally disturbed patches of hammock and the fact that these patches are subject to change as a result of natural succession and disturbance events, predicting where a new population may be found is problematic.

The preferred habitat for the Key tree-cactus is naturally disturbed patches in hammock (Avery [no date], Small 1917, 1921). It grows only on lightly shaded, upland sites on a limerock substrate. This habitat is not common in the Florida Keys, and, furthermore, is transient in nature. The location and number of these patches changes with time as disturbed areas re-grow and new sites are disturbed (e.g., from tropical weather events). The primary cause for the cactus' rarity seems to be its rather restrictive habitat requirements.

Threats: In the Florida Keys, the primary threat to the Key tree-cactus is native habitat loss and fragmentation due to development, although much of the suitable protected habitat is currently unoccupied. Natural disasters such as hurricanes and drought can have a significant effect.

Assessment Guide: In order to provide assistance in assessing threats to the Key tree-cactus from a given project, the Service has developed the following guidance and recommendations that, if implemented, will minimize adverse effects to the species. If the use of this guide results in a determination of "no effect" for a particular project, the Service supports this determination. If the use of this guide results in a determination of "not likely to adversely affect" (NLAA) for the Key tree-cactus, the Service concurs with this determination and no additional correspondence is necessary. If the use of this guide results in a "may affect" determination, then additional coordination with the Service is necessary prior to permit issuance. For projects that result in a "*may affect*" determination, if, after reviewing the specific project and assessing its potential effects to federally listed species, the Service determines that the project will result in take, the Service will notify FEMA and the acreage of impacts will be subtracted from the take limits provided in the BO. This guide is subject to revision as necessary.

A. Parcel is not in the species focus area and/or on the Real Estate (RE) parcel list.....***no effect***

Parcel is in the species focus area or is on the RE parcel list.....***go to B***

B. The applicant proposes no removal or modification of the Key tree-cactus' native habitat (*i.e.,* hammock or beach berm).....***NLAA***

The applicant proposes removal or modification of the Key tree-cactus' native habitat (*i.e.,* hammock or beach berm). A vegetation survey is required to document plant species and size present prior to construction impact. A general description of the surrounding properties within 500 feet is also required.....***go to C***

C. The Key tree-cactus is not present on the property.....***NLAA***

The Key tree-cactus is present on the property..... ***may affect***

Habitat Compensation

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community's land development regulations. The Service has reviewed the following participating communities' Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have ordinances that meet the minimum recommended habitat compensation. If the participating

Key Deer Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 8,205 at-risk parcels intersecting 6,746 acres of habitats that may occasionally be used by the endangered Key deer (*Odocoileus virginianus clavium*) in Monroe County, Florida. The BO also identified an additional 3,510 acres of at-risk lands outside Monroe County's parcel layer not subject to the Rate of Growth Ordinance (ROGO) program.

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing suitable habitat for the Key deer included all 13 land cover types. We also noted that potential habitat is present only in unincorporated Monroe County (Lower Keys only).

Species Profile: The Key deer's historical range was thought to extend from Key Vaca to Key West (Klimstra et al. 1978), although the current range is restricted to 20 to 26 islands within and adjacent to the boundaries of the National Key Deer Refuge and the Great White Heron National Wildlife Refuge. The largest concentration (about 75 percent of the overall population) is found on Big Pine Key (Lopez et al., 2004a). The principal factor influencing the distribution and movement of Key deer is the location and availability of freshwater. Key deer swim easily between keys and use all islands in their range during the wet season, but suitable water is available on only 13 of the 26 islands during the dry season (Folk 1991). Key deer use all habitat types including pine rocklands, hardwood hammocks, buttonwood salt marshes, mangrove wetlands, freshwater wetlands, and disturbed/developed areas (Lopez 2001). The deer use uplands more than wetlands (Lopez et al. 2004b). Key deer use these habitats for foraging, cover, shelter, fawning, and bedding. Pine rocklands hold freshwater year round and are especially important to Key deer survival. About 34 percent of the range is pine rocklands and hardwood hammocks (Lopez et al. 2004c), and over 85 percent of fawning occurs in these two habitats (Hardin 1974). Five of 26 islands occupied by Key deer have significant pine rocklands. Key deer also use residential and commercial areas extensively where they feed on ornamental plants and grasses and can seek refuge from biting insects.

The greatest number of at-risk parcels (4,925 parcels or 60 percent) are on Big Pine and No Name Keys. The Service issued a Section 10(a)(1)(B) Incidental Take Permit (ITP) to Monroe County, Florida Department of Transportation, and Florida Department of Community Affairs in June 2006 for adverse effects from development on Big Pine and No Name Keys. The ITP authorizes take of 4 Key deer per year and 168 acres of Key deer habitat. The take will be incidental to land clearing for development and recreational improvements. The Service issued

the ITP to the applicants based upon their development of a Habitat Conservation Plan (HCP) that sets guidelines for development activities on Big Pine and No Name Keys to occur progressively over the permit period (20 years). The HCP provides avoidance, minimization, and mitigation measures to offset impacts to covered species, including the Key deer. Mitigation includes the protection of three mitigation units for each development unit of suitable habitat within the plan area.

Threats: The principle threat to Key deer is native habitat loss and fragmentation due to development (Klimstra et al., 1974). Fencing associated with development may cause direct Key deer habitat loss by preventing access to areas used for breeding, feeding, and sheltering. Native habitat that is fenced is no longer available for use by the Key deer and the fencing may block access to other areas. Residential and commercial development over the past 20 years has increased the number of vehicles and vehicular traffic in the Keys. This additional traffic has increased the likelihood of Key deer/vehicle collisions

Assessment Guide: In order to provide assistance in assessing threats to the Key deer from a given project, the Service has developed the following guidance and recommendations that, if implemented, will minimize adverse effects to the Key deer. If the use of this guide results in a determination of "no effect" for a particular project, the Service supports this determination. If the use of this guide results in a determination of "not likely to adversely affect" (NLAA), the Service concurs with this determination and no additional correspondence is necessary. If the use of this guide results in a "may affect" determination, then additional coordination with the Service is necessary prior to permit issuance. For projects that result in a "*may affect*" determination, if, after reviewing the specific project and assessing its potential effects to federally listed species, the Service determines that the project will result in take, the Service will notify FEMA and the acreage of impacts will be subtracted from the take limits provided in the BO. This guide is subject to revision as necessary.

A. Parcel is not in the species focus area and/or on the Real Estate (RE) parcel list.... ***no effect***

Parcel is in the species focus area or on the RE parcel list.....***go to B***

B. Parcel is on Big Pine Key or No Name Key..... ***refer to HCP for coverage***

Parcel is not on Big Pine Key or No Name Key.....***go to C***

C. Parcel includes one of referenced permanent freshwater sources.....***go to D***

Not as above.....***go to E***

D. The applicant's proposed action does not restrict access to the referenced permanent freshwater.....***go to E***

Not as above ..... ***may affect***

E. Parcel contains only non-native habitat (developed land, undeveloped land, impervious surfaces, or exotic).....***go to H***

Parcel contains native habitat (hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, or beach berm).....*go to F*

F. The proposed action will not remove or modify native habitat..... *go to H*

The proposed action will remove or modify native habitat. A vegetation survey is required to document the native plant species and size present on the property and a general description of the surrounding properties within 500 feet is also required. Once complete ... .*go to G*

G. The property is less than 1 acre **AND** is **not** adjacent to contiguous native habitat greater than 1 acre ..... *go to H*

The property is greater than 1 acre OR the property (regardless of size) is adjacent to contiguous native habitat greater than 1 acre in size..... *may affect*

H. The applicant has proposed either on-site or off-site habitat compensation* commensurate with the amount of native habitat lost.....*go to I*

The applicant is not proposing habitat compensation* or the proposed habitat compensation* does not meet minimum compensation requirements.....*may affect*

I. The proposed action does not include fencing or includes fencing that complies with the attached May 2012 Key deer fencing guidelines.....*NLAA*

The proposed action includes fencing that is not compliant with the attached Key deer fencing guidelines. Habitat fragmented by non-compliant fencing will be considered a deduction from the not-to-exceed habitat acreage losses referenced in the BO...*may affect*

***Habitat Compensation**

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community's land development regulations. The Service has reviewed the following participating communities' Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have ordinances that meet the minimum recommended habitat compensation. If the participating community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional

compensation are provided, the credit granted would be 2 acres. This partial credit is considered appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

Monitoring and Reporting Effects

For the Service to monitor cumulative effects and to track incidental take exempted for the Key deer, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits issued. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

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KEY DEER FENCING GUIDELINES
May 2012

The Key deer is a federally-listed endangered species endemic to the Lower Florida Keys. Loss of habitat is the major threat to the future of the Key deer. Nearly half of the islands in the range of the deer are currently inhabited by people, and eight have large subdivisions and commercial areas. Habitat degradation and fragmentation have reduced the Key deer's distribution and affected behavior. Habitat fragmentation from fencing and development restricts deer movements, creating bottlenecks that interfere with their ability to reach permanent water and feeding areas and often forcing them to cross roads in areas of heavy traffic where they are susceptible to roadkill. Vehicular strikes are the greatest known source of deer deaths, and typically account for about 70 percent of all known deaths.

Fencing of private property throughout the range of the Key deer is currently regulated by the Monroe County Comprehensive Plan and Land Development Regulation (114-20), with more stringent rules in effect for Big Pine and No Name Keys (114-20(3)). Specific deer-friendly design standards are incorporated in the code and include fence setbacks from roadways and maximum fencing allowances under various zoning and habitat conditions. As fencing of private lands throughout the range of the Key deer proceeds, comprehensive fencing guidelines are needed that recognize the needs of the private citizens and the cumulative impacts of fencing on the Key deer herd.

To this end, we are applying the Monroe County Comprehensive Plan and Land Development Regulation below, in its entirety, to Big Pine and No Name Keys. For other islands with parcels that fall within the Key deer focus area but outside of Big Pine and No Name Keys, we are only applying items c. through f. of Sec. 114-20(3) (below). Only a minor segment of the Key deer population (about 10%) occurs outside of Big Pine and No Name Keys, and there are no prior records of negative fencing effects on Key deer on other islands where habitat occurs in large, native patches and is less likely to be fragmented by fencing.

Monroe County Big Pine and No Name Keys Fencing Regulations 114-20(3)

Sec. 114-20(3). Big Pine and No Name Key.

The purpose of this section is to recognize and provide for the particular habitat needs of the Florida Key Deer (*Odocoileus virginianus clavium*) on Big Pine Key and No Name Key so that deer movement throughout Big Pine Key and No Name Key is not hindered while allowing for reasonable use of minimal fencing for the purposes of safety and protection of property. In addition to all other standards set forth in this section, all fences located on Big Pine Key and No Name Key shall meet the standards of this subsection as listed below:

a. In the improved subdivision (IS) land use district, fences shall be set back as follows:

1. On canal lots, fences shall be set back at least 15 feet from the edge of abutting street rights-of-way; and built to the edge of all other property lines or as approved through a U.S. Fish and Wildlife Service coordination letter; and

2. On all other lots, fences shall be set back at least 15 feet from the edge of abutting street rights-of-way, at least five feet from side property lines and at least ten feet from the rear property line, or as approved through a U.S. Fish and Wildlife Service coordination letter.

b. In all other land use districts, fences may enclose up to a maximum of and not to exceed the net buildable area of the parcel only.

c. Enclosure of the freshwater wetlands by fences is prohibited.

d. All fences shall be designed and located such that Key Deer access to native habitat, including pinelands, hammocks, beach berms, salt marshes, buttonwoods and mangroves is maintained wherever possible.

e. All fences shall be designed and located such that Key Deer corridors, as identified by the U.S. Fish and Wildlife Service, shall be maintained.

f. Fences shall not be permitted without a principal use except where the enclosed area consists of disturbed lands or disturbed land with exotics.

community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional compensation are provided, the credit granted would be 2 acres. This partial credit is considered appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

Monitoring and Reporting Effects

The "take" (removal) of plants on private property is not a violation of the Act (unless State law also prohibits take). Therefore, authorization to "take" plants on private property is not required under section 10(a)(1)(B) nor exempted under section 7. However, Federal agencies are required under section 7(a)(2) to make sure that their actions do not jeopardize the continued existence of listed plants. Therefore, to monitor the Key tree-cactus populations and avoid jeopardy to the species from FEMA's actions, the Service, in coordination with FEMA, will monitor the amount of habitat impacted by proposed actions as a surrogate for avoiding jeopardy of the Key tree-cactus.

For the Service to monitor cumulative effects for the Key tree-cactus, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

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Key Largo Woodrat and Key Largo Cotton Mouse Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 3,261 at-risk parcels, representing 977 acres, intersecting habitats that may occasionally be used by the endangered Key Largo woodrat (*Neotoma floridana smalli*) and/or the endangered Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*), all within unincorporated Monroe County. The BO also identified an additional 287 acres of at-risk lands outside Monroe County's parcel layer not subject to the Rate of Growth Ordinance (ROGO) program. In addition, the BO noted that the ROGO program would allow for the construction of 153 new residences (with a potential for 139 associated cats); 77 residences (70 cats) in potentially suitable Key Largo woodrat and/or cotton mouse habitat and 76 residences (69 cats) in adjacent buffer lands. New residences in the buffer areas may have an indirect effect on predation of the Key Largo woodrat and/or cotton mouse due to associated free-roaming cats (see Tables 19, EA-8a and EA-8b in the BO).

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing suitable habitat for the Key Largo woodrat and cotton mouse included undeveloped land, hammock, and beach berm. Undeveloped land and beach berm cover types were included as these mapping units could also include small inclusions of tropical hardwood hammock. Based on the mapping, there are 413 parcels, representing 251 acres in North Key Largo and 2,848 parcels, representing 1,013 acres in South Key Largo.

The Key Largo woodrat and cotton mouse occupy the same area of the Keys and have nearly identical habitat requirements. Suitable habitat is tropical hardwood hammock in North Key Largo, north of the U.S. 1 and S.R. 905 intersection, and tropical hardwood hammock extending south of this intersection to South Key Largo, but not including Tavernier. Although suitable hardwood hammock exists in South Key Largo, there have been no documented occurrences of either woodrats or cotton mice on South Key Largo in recent years.

Species Profile: The Key Largo cotton mouse builds leaf-lined nests in logs, tree hollows, and rock crevices. The entrances measure 1.2 to 3.5 inches in diameter. The cotton mouse often partially covers entrances with leaves or bark. Their holes are usually located at the bases of trees, or near or in woodrat nests. They also use recently burned areas where bracken fern *(Pteridium aquilinum)* dominates ground layers (Goodyear 1985).

The Key Largo cotton mouse feeds on leaves, buds, seeds, and fruits. They breed throughout the year and produce two to three litters annually. The average litter is four and the cotton mouse's average life expectancy is 5 months. However, individuals may live for 2 to 3 years (Service 2009).

Key Largo woodrats are active climbers, seem to have definite trails, and often use fallen trees to move over the forest floor. They, like other members of the genus *Neotoma,* have a habit of building large stick nests. Woodrats construct their nests out of sticks, twigs, and various other objects that they assemble into mounds that can reach 4 feet high and 6 to 7 feet in diameter. They frequently build their nests against a stump, fallen tree, or boulder and may use old sheds, abandoned cars, rock piles, and machinery as nest sites. Their nests have several entrances and a single, central nest chamber.

Key Largo woodrats feed on a variety of leaves, buds, seeds, and fruits. They are capable of reproducing all year, although there are seasonal peaks. Reproductive activity is highest during the summer and lowest during the winter. Litter sizes range from one to four although a litter typically contains two young. Females can produce two litters per year, with both sexes reaching sexual maturity in about 5 months. The life expectancy of the Key Largo woodrat is unknown, but is probably similar to other subspecies of *N. floridana*, which may live for 3 years, but probably averages less than 1 year in the wild.

Threats: The Key Largo woodrat and cotton mouse were formerly distributed throughout Key Largo, but are now restricted to hardwood hammocks on North Key Largo (Frank et al. 1997). The majority of high quality hammock available on North Key Largo has been protected through acquisition and is being managed for conservation by the Service and State of Florida. Because of these efforts and current land use regulations in place by Monroe County, the threat of occupied habitat loss from development on North Key Largo is low.

Contiguous tracts of hammock remain on South Key Largo, but no longer appear to support these species (Frank et al. 1997). Brown (1978 and 1978b) and Hersh (1981) attributed the possible extirpation of the cotton mouse in South Key Largo to land clearing and development. In addition, predation by feral and domestic cats is also suspected (Frank et al. 1997). However, given the historic presence of the species in this area, the secretive nature of these species and the lack of systematic trapping on South Key Largo, the Service considers these habitats suitable and potentially occupied.

Assessment Guide: In order to provide assistance in assessing threats to the Key Largo woodrat and cotton mouse from a given project, the Service has developed the following guidance and recommendations that, if implemented, will minimize adverse effects to these species. If this guide results in a determination of "no effect," the Service supports this determination. If this guide results in a determination of "not likely to adversely affect" (NLAA) for these species and a cat brochure is provided, then the Service concurs and no additional correspondence is necessary. If the use of this guide results in a "may affect" determination, then additional coordination with the Service is necessary prior to permit issuance. For projects that result in a "*may affect*" determination, if, after reviewing the specific project and assessing its potential effects to federally listed species, the Service determines that the project will result in take, the

Service will notify FEMA and the acreage of impacts will be subtracted from the take limits provided in the BO. This guide is subject to revision as necessary.

NOTE: The Service recommends that all new residences in the Key Largo woodrat and Key Largo cotton mouse focus area or buffer, except on South Key Largo or as outlined in couplet G (below), be subject to a covenant restriction which prohibits keeping free-ranging cats, per Monroe County Ordinance 015-2012, Section 122-8(d)2-i. A new residence for which the applicant does not agree to such a restriction shall be subtracted from the allocated residences take (couplet H).**

A. Parcel is located in the species focus area, buffer area, or on the Real Estate (RE) parcel list.....***go to B***

Parcel is not in the species focus area, the buffer area, or on the RE parcel list.....***no effect***

B. Parcel is in the species focus area in North Key Largo. The Service will examine the site-specific parameters of the habitat and proposed development.....***may affect***

Parcel is located in the buffer area (a zone extending 500 meters [1,641 feet] from the focus area). If a parcel is mapped as being both within the species focus area and the buffer zone, it should be wholly considered a species focus area.....***go to F***

Parcel is in South Key Largo.....***go to C***

C. The applicant proposes no removal or modification of these species' native habitat (hammock, beach berm, and native habitat in the undeveloped lands classification).. .....***NLAA***

The applicant proposes removal or modification of these species' native habitat (hammock, beach berm, and native habitat in the undeveloped lands classification). A vegetation survey is required to document the native plant species and size present on the property and a general description of the surrounding properties within 500 feet is also required. Once these have been completed ..... ***go to D***

D. The property is within a developed subdivision or canal subdivision and the area within 500 feet of the parcel is greater than 60 percent developed or scarified .....***NLAA***

The property is not as above and contains and/or is adjacent to contiguous tracts of this species' native habitat greater than 1 acre in size. Further coordination with the Service is necessary and a small mammal survey may be required.....***may affect***

Native habitat (hammock, beach berm, and native habitat in the undeveloped lands classification) will be impacted but neither of the above applies to the property.....***go to E***

E. The applicant has proposed either on-site or off-site habitat compensation* commensurate with the amount of native habitat lost.....***NLAA***

The applicant is not proposing habitat compensation* or habitat compensation* does not meet minimum compensation requirements.....***may affect***

F. The applicant proposes the construction of a new residence and does not agree to enforceable cat restrictions**.....***go to G***

Proposal is for actions other than a new residence OR is for a residence with enforceable cat restrictions**. Provide cat brochure .....***NLAA***

G. Parcel is within a canal subdivision and is separated by a canal, open water, or US-1 from these species' native habitat in the buffered woodrat/cotton mouse focus area OR the parcel is adjacent to less than 1 acre of these species' native habitat in the buffered woodrat/cotton mouse focus area. Provide cat brochure.....***NLAA***

The parcel is not as above..... ***go to H***

H. The new residence is proposed in the buffer area, does not result in a cumulative loss of species habitat, and the total number of new residential permits issued in buffer lands has not exceeded 76. Provide cat brochure.....***take exempted in BO, additional consultation with the Service not required***

The proposed new residence in the buffer exceeds the limits of take in the 2010 BO (76 residences)..... ***may affect***

***Habitat Compensation**

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community's land development regulations. The Service has reviewed the following participating communities' Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have ordinances that meet the minimum recommended habitat compensation. If the participating community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional compensation are provided, the credit granted would be 2 acres. This partial credit is considered

appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

****Enforceable Cat Restrictions**

On June 20, 2012, the Monroe County Board of Commissioners passed Ordinance 015-2012. Section 122-8(d)2-i of this ordinance requires property owners applying for new construction permits in Key Largo wood rat and Key Largo cotton mouse habitat to agree to execute and record a covenant restriction in favor of Monroe County which prohibits keeping free-ranging cats.

Monitoring and Reporting Effects

For the Service to monitor cumulative effects and to track incidental take exempted for these species, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits issued. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

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Lower Keys Marsh Rabbit Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 3,710 at-risk parcels, representing 4,331 acres, intersecting habitats that may occasionally be used by the endangered Lower Keys marsh rabbit (LKMR; *Sylvilagus palustris hefneri*) in Monroe County. The BO also identified an additional 1,427 acres of at-risk lands outside Monroe County's parcel layer not subject to the Rate of Growth Ordinance (ROGO) program. In addition, the BO noted that the ROGO program would allow for the construction of 871 new residences (with a potential for 787 associated cats); 296 residences (268 cats) in potentially suitable LKMR habitat and 575 residences (520 cats) in adjacent buffer lands. New residences in the buffer areas may have an indirect effect on predation of the LKMR due to associated free-roaming cats (see Tables 19, EA-11a and EA-11b in the BO).

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing suitable habitat for the LKMR included pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, and beach berm. We also noted that potential habitat is present only in unincorporated Monroe County (Lower Keys only).

Species Profile: The LKMR's historic range extended from Big Pine Key to Key West, encompassing a linear distance of about 30 miles. It occurs on some of the larger keys from Boca Chica, just north of Key West, to Big Pine Key. The LKMR is habitat specific, depending upon a transition zone of grasses and sedges for feeding, shelter, and nesting. The majority of potential suitable habitat areas lie in transitional zones between marine environments and uplands. The current population estimate is about 500 rabbits in the Lower Florida Keys (Perry, personal communication, 2006). Although habitat loss is responsible for the original decline of the LKMR, high mortality from predation from feral cats has also occurred and may be the greatest current threat. Feral cat control is an ongoing operation on Naval Air Station Key West (NASKW) and lands within the National Key Deer Refuge (NKDR). However, feral cat control activities outside NASKW and the NKDR are unknown.

Typical LKMR habitat includes wetlands with a dense herbaceous cover that is dominated by a mixture of grasses, sedges, and forbs. This community is considered a transitional plant community that is similar in form and species composition to comparable communities interspersed among the mangrove forests of mainland Florida (Forys and Humphrey 1994). Forys (1995) concluded that marsh rabbits spend most of their time in the mid-marsh (seaside

oxeye) and high-marsh (cordgrasses and marsh fimbry) and avoid areas with mature buttonwoods and high canopy cover.

Marsh rabbits have been documented to feed on at least 19 different plant species (Forys 1995). However, the most abundant species in the rabbit's diet is seashore dropseed, glassworts, cordgrass, seaside oxeye, red mangrove, and white mangrove.

Marsh rabbits are sexually mature at about 9 months of age. During this time, the majority of the males disperse. Sexually maturing females are not as likely as males to disperse. Like other marsh rabbit subspecies, LKMRs are polygamous, and generally breed throughout the year (Holler and Conway 1979). Although LKMRs do not display an apparent seasonal breeding pattern (Service 1994), the highest proportion of females with litters occurs in March and September; the lowest proportion occurs in April and December.

The Service issued a Section 10(a)(1)(B) Incidental Take Permit (ITP) to Monroe County, Florida Department of Transportation, and Florida Department of Community Affairs (applicants) in June 2006 for adverse effects from development on Big Pine and No Name Keys. The ITP was issued to the applicants based upon their development of a Habitat Conservation Plan (HCP) that sets guidelines for development activities on Big Pine and No Name Keys to occur progressively over the permit period (20 years). The take will be incidental to land clearing for development and recreational improvements. The HCP provides avoidance, minimization, and mitigation measures to offset impacts to covered species. Mitigation includes the protection of three mitigation units for each development unit of suitable habitat within the plan area.

The HCP includes specific development restrictions in LKMR habitat and within a 1,640-foot (500 meter) buffer surrounding this habitat. The distance of 1,640-feet is based on the use of upland areas by this species and the estimated distance domestic cats will travel from their homes (Frank, personal communication, 1996). The ITP does not authorize incidental take of suitable marsh rabbit habitat, but does authorize incidental take of up to 40 acres of buffer lands surrounding suitable marsh rabbit habitat. Since incidental take of suitable marsh rabbit habitat was not exempted in the Big Pine and No Name HCP, the potential direct, indirect, and cumulative effects of NFIP actions on at-risk marsh rabbit habitat were addressed in the 2010 FEMA BO.

Threats: The LKMR is vulnerable to predation by free-roaming cats, habitat loss and degradation, fire suppression, vehicular traffic, hurricanes, sea level rise, fire ants, and exotic constrictor snakes. The greatest threats to the continued existence of the LKMR are predation by cats, habitat loss and degradation, and hurricanes (Service 2007). These threats not only directly affect the viability of local subpopulations, but also reduce the probability of successful dispersal among the increasingly fragmented habitats. Connectivity among suitable habitat patches is necessary for LKMR dispersal among patches (Forys and Humphrey 1999), and dispersal is a necessary process if rabbit metapopulations are to remain self-sustainable.

Assessment Guide: In order to provide assistance in assessing threats to the LKMR from a given project, the Service has developed the following guidance and recommendations that, if

implemented, will minimize adverse effects to this species. If this guide results in a determination of "no effect," the Service supports this determination. If this guide results in a determination of "not likely to adversely affect" (NLAA) for these species and a cat brochure is provided, then the Service concurs and no additional correspondence is necessary. If the use of this guide results in a "may affect" determination, then additional coordination with the Service is necessary prior to permit issuance. For projects that result in a "*may affect*" determination, if, after reviewing the specific project and assessing its potential effects to federally listed species, the Service determines that the project will result in take, the Service will notify FEMA and the acreage of impacts will be subtracted from the take limits provided in the BO. This guide is subject to revision as necessary.

NOTE: The Service recommends that all new residences in the LKMR focus area or buffer, except as outlined in couplet G (below), be subject to a covenant restriction which prohibits keeping free-ranging cats, per Monroe County Ordinance 015-2012, Section 122-8(d)2-i. A new residence for which the applicant does not agree to such a restriction shall be subtracted from the allocated residences take (couplet H).**

A. Parcel is located in the species focus area or on the Real Estate (RE) parcel list.....***go to B***

Parcel is located in the buffer area (a zone extending 500 meters [1,641 feet] from the focus area). If a parcel is mapped as being both within the species focus area and the buffer zone, it should be wholly considered as being in the species focus area.....***go to F***

Parcel is not in the species focus area, the buffer area, or on the RE parcel list...***no effect***

B. Parcel is on Big Pine Key or No Name Key..... ***refer to HCP for coverage***

Parcel is not on Big Pine Key or No Name Key.....***go to C***

C. The applicant proposes no removal or modification of this species' native habitat (pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, and beach berm).....***go to F***

The applicant proposes removal or modification of this species' native habitat (pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, and beach berm). A vegetation survey is required to document the native plant species and size present on the property and a general description of the surrounding properties within 500 feet is also required. Once these have been completed..... ***go to D***

D. The property is within a developed subdivision or canal subdivision and the area within 500 feet of the parcel is greater than 60 percent developed or scarified ..... ***go to F***

The property is not as above, and contains and/or is adjacent to contiguous tracts of this species' native habitat greater than 1 acre in size. Further coordination with the Service is necessary and a small mammal survey may be required.....***may affect***

Native habitat (pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, and beach berm) will be impacted, but neither of the above applies to the property…***go to E***

E. The applicant has proposed either on-site or off-site habitat compensation* commensurate with the amount of native habitat lost……***go to F***

The applicant is not proposing habitat compensation* or habitat compensation* does not meet minimum compensation requirements……***may affect***

F. The applicant proposes the construction of a new residence and does not agree to enforceable cat restrictions**……***go to G***

Proposal is for actions other than a new residence OR is for a residence with enforceable cat restrictions**. Provide cat brochure ……***NLAA***

G. Parcel is within a canal subdivision and is separated by a canal, open water, and/or US-1 from this species' native habitat in the buffered LKMR focus area OR the parcel is adjacent to less than 1 acre of this species' native habitat in the buffered LKMR focus area. Provide cat brochure……***NLAA***

The parcel is not as above…… ***go to H***

H. The new residence is proposed in the species focus area, does not result in a cumulative loss of species habitat, and the total of new residential permits issued in the focus area lands has not exceeded 296. Provide cat brochure……***take exempted in BO, additional consultation with the Service not required***

The new residence is proposed in the buffer area and the total number of new residential permits issued in buffer lands has not exceeded 575. Provide cat brochure. ……***take exempted in BO, additional consultation with the Service not required***

The proposed new residence exceeds the limits of take in the 2010 BO (296 residences in the focus area, 575 residences in buffer lands)……***may affect***

***Habitat Compensation**

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community's land development regulations. The Service has reviewed the following participating communities' Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have

ordinances that meet the minimum recommended habitat compensation. If the participating community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional compensation are provided, the credit granted would be 2 acres. This partial credit is considered appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

****Enforceable Cat Restrictions**

On June 20, 2012, the Monroe County Board of Commissioners passed Ordinance 015-2012. Section 122-8(d)2-i of this ordinance requires property owners applying for new construction permits in LKMR habitat to agree to execute and record a covenant restriction in favor of Monroe County which prohibits keeping free-ranging cats.

Monitoring and Reporting Effects

For the Service to monitor cumulative effects and to track incidental take exempted for the LKMR, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits issued. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

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Schaus Swallowtail Butterfly Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 4,312 at-risk parcels representing 1,414 acres, intersecting habitats that may be used by the endangered Schaus swallowtail butterfly (*Heraclides aristodemus ponceanus*) in Monroe County. Specifically, we noted that potential habitat is present in unincorporated Monroe County and in the Village of Islamorada. There are 411 parcels with potential habitat representing 247 acres, in North Key Largo; 2,846 parcels, representing 725 acres, in South Key Largo; and 1,055 parcels, representing 442 acres, in Islamorada. The BO also identified an additional 349 acres of at-risk lands outside of Monroe County's parcel layer not subject to the Rate of Growth Ordinance program.

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing suitable habitat for the Schaus swallowtail butterfly include undeveloped land, hammock, and beach berm. Undeveloped land and beach berm cover types were included as these mapping units could also include small inclusions of tropical hardwood hammock.

Species Profile: The Schaus swallowtail butterfly is a large blackish-brown swallowtail butterfly with contrasting markings that are mostly dull yellow (Klots 1951, Pyle 1981, Opler and Krizek 1984). This subspecies is most easily confused with the giant swallowtail (*Papilio cresphontes*), which is widespread in eastern North America and occurs in habitat occupied by the Schaus swallowtail butterfly. Although 30 different wild plant species may be exploited as a nectaring food source (Emmel 1988, 1995a), only torchwood (*Amyris elemifera*) and wild lime (*Zanthoxylum fagara*) are known to be used by larvae for development. Nectaring activity usually occurs on blossoms of wild coffee (*Psychotria nervosa*), guava (*Psidium guajava*), or cheese shrub (*Morinda royoc*), also known as yellowroot. Adults may fly in clearings and along roads and trails, or even out over the ocean for short distances (Rutkowski 1971, Brown 1973), but typically remain in the hammocks proper and rarely feed in areas open to direct sunlight (Service 1982, Rutkowski 1971).

Suitable habitat for the Schaus swallowtail butterfly is tropical hardwood hammock in the northern Keys (north Key Largo through Upper Matecumbe Key). Within this area, the Schaus swallowtail appears to be restricted to northern Key Largo, as well as a few islands within Biscayne National Park. However, potential suitable habitat within the subspecies' historic range extends southward to the Matecumbe Keys in Islamorada. Schaus swallowtail butterflies have rarely been reported south of northern Key Largo in recent years, but occurrence has not

been assessed on a frequent or widespread basis (Service 2008). The amount of suitable habitat undoubtedly fluctuates depending on hurricanes, wildfires, and subsequent vegetation succession, but the primary upland habitat is hardwood hammocks.

Threats: Contiguous tracts of hammock remain on South Key Largo and portions of Upper Matecumbe Key, but no longer appear to support the Schaus swallowtail butterfly (Salvato, personal communication, 2006). However, the Service considers these habitats potentially suitable for this subspecies. The reasons these lands likely no longer support the subspecies are not known. A wide array of factors may be contributing to their absence including use of mosquito control pesticides (Service 2008). Prior to human influences, populations of this butterfly were probably subject to naturally occurring population depressions caused by hurricane damage, drought, and rare freezes (Covell 1976).

Assessment Guide: In order to provide assistance in assessing threats to the Schaus swallowtail butterfly, the Service has developed the following guidance and recommendations that, if implemented, will minimize adverse effects to the Schaus swallowtail butterfly. If the use of this guide results in a determination of "no effect" for a particular project, the Service supports this determination. If the use of this guide results in a determination of "not likely to adversely affect" (NLAA) for the Schaus swallowtail butterfly, the Service concurs with this determination and no additional correspondence is necessary. If the use of this guide results in a "may affect" determination, then additional coordination with the Service is necessary prior to permit issuance. For projects that result in a "*may affect*" determination, if, after reviewing the specific project and assessing its potential effects to federally listed species, the Service determines that the project will result in take, the Service will notify FEMA and the acreage of impacts will be subtracted from the take limits provided in the BO. This guide is subject to revision as necessary.

A. Parcel is not in the species focus area or on the Real Estate (RE) parcel list.....***no effect***

Parcel is in the species focus area or is on the RE parcel list.....***go to B***

B. The applicant proposes no removal or modification of the Schaus swallowtail butterfly's native habitat (i.e., beach berm, hammock, and native habitat in the undeveloped lands classification).....***NLAA***

The applicant proposes removal or modification of the Schaus swallowtail butterfly's native habitat. A vegetation survey is required to document the native plant species and size present on the property and a general description of the surrounding properties within 500 feet is also required.....***go to C***

C. The property is in North Key Largo. The Service will examine the site-specific parameters of the habitat and proposed development.....***may affect***

The property is in South Key Largo or Islamorada.....***go to D***

D. The property is within a developed subdivision or canal subdivision and the area within 500 feet of the parcel is greater than 60 percent developed or scarified .....***NLAA***

Not as above.....go to E

E. The vegetation survey documents the presence of torchwood and/or wild lime, and any of the above referenced nectaring food source plant species (wild coffee, guava, or cheese shrub/yellowroot) and the parcel is adjacent to contiguous tracts of this species' native habitat greater than 1 acre in size .....*may affect*

The property is not as above .....*go to F*

F. The property is less than 1 acre and/or is not adjacent to contiguous native habitat greater than 1 acre. The applicant has proposed either on-site or off-site habitat compensation* commensurate with the amount of native habitat lost. Permit with habitat compensation*..... *NLAA*

The property contains and/or is adjacent to contiguous native habitat greater than 1 acre in size AND/OR the applicant is not proposing habitat compensation* or the proposed habitat compensation* does not meet minimum compensation requirements..... *may affect*

***Habitat Compensation**

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community's land development regulations. The Service has reviewed the following participating communities' Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have ordinances that meet the minimum recommended habitat compensation. If the participating community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional compensation are provided, the credit granted would be 2 acres. This partial credit is considered appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

Monitoring and Reporting Effects

For the Service to monitor cumulative effects and to track incidental take exempted for the Schaus swallowtail butterfly, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits issued. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

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Silver Rice Rat Critical Habitat Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 644 at-risk parcels (representing 1,316 acres) that: (1) are located within designated critical habitat for the endangered silver rice rat (rice rat) (*Oryzomys palustris natator [=O. argentatus]*) and (2) may contain the critical habitat's constituent elements. The BO also identified an additional 466 acres of at-risk lands outside Monroe County's parcel layer not subject to the Rate of Growth Ordinance program.

Critical habitat for the rice rat includes areas containing mangrove swamps, salt marsh flats, and buttonwood transition vegetation. The major constituent elements of this critical habitat that require special management considerations or protection are:

(1) mangrove swamps containing red mangrove, black mangrove, white mangrove, and buttonwood;
(2) salt marshes, swales, and adjacent transitional wetlands containing saltwort, perennial glasswort, saltgrass, sea ox-eye, Key grass and
(3) coastal dropseed and freshwater marshes containing cattails, sawgrass, and cordgrass.

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing critical habitat constituent elements for the rice rat include six habitat classifications. These land cover types include scrub mangrove, freshwater wetland, salt marsh, and buttonwood. We also noted that potential habitat is present only in unincorporated Monroe County (Lower Keys only).

Critical Habitat Profile: The Service's designated critical habitat for the rice rat includes all lands and waters above mean low tide on the following Keys: Little Pine, Big Torch, Middle Torch, Johnston, Raccoon, and the Water Keys. In addition, it includes Summerland Key north of U.S. 1, and the Saddlebunch Keys south of U.S. 1; but not lands in Township 67S, Range 27E, Section 8, nor the northern 1/5 of Section 17 (50 CFR 17.95) (Service 1993). The critical habitat boundary encompasses an area of about 9,362 acres, all of which fall within unincorporated Monroe County. Within the designated boundary, only 8,532 acres have the constituent elements required to be critical habitat for the rice rat.

Critical habitat only affects Federal agency actions and does not apply to private or local or State government activities that are not subject to Federal authorization or funding. Federal agencies that may be affected by the designation of rice rat critical habitat include, but are not limited to the Service (National Key Deer Refuge [NKDR]), Corps, FEMA, U.S. Navy, and the Federal

Highway Administration. Seven of the nine Keys in critical habitat are within the NKDR boundaries. Although the NKDR is managed for Key deer, the habitat requirements and biological needs of the two species do not conflict (Service 2006).

Threats: The primary threat to rice rat critical habitat is degradation and loss of wetland habitat (Barbour and Humphrey 1982). Construction activities typically result in the direct loss of habitat as well as secondary effects that extend into surrounding habitats. Related secondary effects include habitat fragmentation.

Assessment Guide: In order to provide assistance in assessing threats to rice rat critical habitat, the Service has developed the following guidance and recommendations that, if implemented, will minimize adverse effects to rice rat critical habitat. If the use of this guide results in a determination of "no effect" for a particular project, the Service supports this determination. If the use of this guide results in a determination of "not likely to adversely affect (NLAA)" for a particular project and the applicant is provided with a copy of the cat brochure, then the Service concurs with this determination and no additional correspondence is necessary. If the use of this guide results in a "may affect" determination, then additional coordination with the Service is necessary prior to permit issuance. For projects that result in a "*may affect*" determination, if, after reviewing the specific project and assessing its potential effects to federally listed species, the Service determines that the project will result in take, the Service will notify FEMA and the acreage of impacts will be subtracted from the take limits provided in the BO. This guide is subject to revision as necessary.

A. Parcel is not located within designated rice rat critical habitat and/or on the Real Estate (RE) parcel list.....***no effect***

   Parcel is located within designated rice rat critical habitat or is on the RE parcel list .....***go to B***

B. The applicant proposes no removal or modification of the rice rat's native habitat (scrub mangrove, freshwater wetland, salt marsh, or buttonwood).....***NLAA***

   The applicant proposes removal or modification of this species' native habitat (hammock, pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm). A vegetation survey is required to document the native plant species and size present on the property and a general description of the surrounding properties within 500 feet is also required. Once these have been completed.....***go to C***

C. The property contains and/or is adjacent to contiguous tracts of the rice rat's native habitat greater than 1 acre in size.....***may affect***

   The property is not as above.....***go to D***

D. The applicant has proposed either on-site or off-site habitat compensation* commensurate with the amount of native habitat lost. Permit with habitat compensation* and provide cat brochure.....***NLAA***

The applicant **is not** proposing habitat compensation* or habitat compensation* does not meet minimum compensation requirements..... ***may affect***

***Habitat Compensation**

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community's land development regulations. The Service has reviewed the following participating communities' Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have ordinances that meet the minimum recommended habitat compensation. If the participating community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional compensation are provided, the credit granted would be 2 acres. This partial credit is considered appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

Monitoring and Reporting Effects

For the Service to monitor cumulative effects and to track incidental take exempted for the silver rice rat critical habitat, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits issued. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

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Silver Rice Rat Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 3,985 at-risk parcels, representing 4,134 acres, intersecting habitats that may occasionally be used by the endangered silver rice rat (rice rat) (*Oryzomys palustris natator [=O. argentatus]*) in Monroe County. The BO also identified an additional 3,358 acres of at-risk lands outside Monroe County's parcel layer not subject to the Rate of Growth Ordinance (ROGO) program. The BO noted that the ROGO program would allow for the construction of 871 new residences; 522 in potentially suitable rice rat habitat and 349 in adjacent buffer lands. New residences in the buffer areas may have an indirect effect on predation of the rice rat due to associated free-roaming cats (see Tables 19, EA-14a and EA-14b in the BO).

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing suitable habitat for the rice rat include hammock, pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm. We also noted that potential habitat is present only in unincorporated Monroe County (Lower Keys only).

Species Profile: The rice rat occurs on 13 islands in the Lower Keys: Big Pine, Little Pine, Howe, Water, Middle Torch, Big Torch, Summerland, Raccoon, Johnston, Ramrod, Cudjoe, Upper Sugarloaf, and Saddlebunch Keys (Vessey et al. 1976, Goodyear 1984, Wolfe 1987, Forys et al. 1996, Perry 2006, Service 2008). Based on the availability of suitable habitat and proximity to existing populations, the rice rat may also occur on several other islands in the Lower Keys such as Little Torch. Range-wide surveys confirmed that rice rat populations are not established on Boca Chica, Geiger, East Rockland, or Big Coppit Keys (the islands that encompass Naval Air Station Key West) (Perry 2006).

The rice rat is restricted to a narrow range of wetland habitat types. Populations are widely distributed and occur at extremely low densities. Rice rats use low intertidal and low salt marsh habitats during activity periods, and swales in the low salt marsh are primary foraging sites. Buttonwood transitional salt marsh is at a higher elevation than other salt marsh habitats, and is used for foraging and nesting (Goodyear 1987). Forys et al. (1996) found that the rice rat occurs at comparable densities in both scrub and fringe mangrove communities. Mitchell (1996) conducted additional work on rice rats and found that reproductive activity occurs in freshwater habitat and that animals regularly use freshwater marsh on Big Torch Key.

Silver rice rats are generalized omnivores that eat a variety of plant and animal material (Wolfe 1982). The diet of the rice rat includes seeds of saltwort, mangroves, *Borrichia* spp., coconut palm (*Cocos nucifera*), and invertebrates, including isopods (Spitzer 1983; Goodyear 1992). However, they probably eat a greater variety of foods than those listed above.

A variety of ecological factors likely influence reproduction in rice rats throughout the year (Wolfe 1982). The reproduction peak occurs after the wet season, from October to November. The gestation period for rice rats is 21 to 28 days, with litter sizes ranging from 4 to 6. Spitzer (1983) studied a pregnant female rice rat during winter and observed litter sizes of 3 to 5. The average number of litters that are produced in a year has not been documented. Forys et al. (1996) found that juvenile rice rats comprised only 14 percent of the total number of individuals captured in their study. Although there is high survivorship of rice rats in the Keys, the low proportion of juveniles in this population may indicate a low reproductive rate.

Threats: The primary threat to the rice rat is degradation and loss of wetland habitat (Barbour and Humphrey 1982). Rice rats require expanses of high quality salt marsh habitat. They are extremely limited in habitat occupancy, occurring in salt marsh and transitional buttonwood habitats. Construction activities typically result in the direct loss of habitat, as well as secondary effects that extend into surrounding habitats. Related secondary effects include habitat fragmentation and an increase in the densities of black rats and domestic cats. Cats are predators of rice rats and there is evidence of habitat competition between rice rats and black rats.

Assessment Guide: In order to provide assistance in assessing threats to the rice rat from a given project, the Service has developed the following guidance and recommendations that, if implemented, will minimize adverse effects to this species. If this guide results in a determination of "no effect," the Service supports this determination. If this guide results in a determination of "not likely to adversely affect" (NLAA) for these species and a cat brochure is provided, then the Service concurs and no additional correspondence is necessary. If the use of this guide results in a "may affect" determination, then additional coordination with the Service is necessary prior to permit issuance. For projects that result in a "*may affect*" determination, if, after reviewing the specific project and assessing its potential effects to federally listed species, the Service determines that the project will result in take, the Service will notify FEMA and the acreage of impacts will be subtracted from the take limits provided in the BO. This guide is subject to revision as necessary.

NOTE: The Service recommends that all new residences in the rice rat focus area or buffer, except as outlined in couplet F (below), be subject to a covenant restriction which prohibits keeping free-ranging cats, per Monroe County Ordinance 015-2012, Section 122-8(d)2-i. A new residence for which the applicant does not agree to such a restriction shall be subtracted from the allocated residences take (couplet G).**

A. Parcel is located in the species focus area or on the Real Estate (RE) parcel list.....***go to B***

Parcel is located in the buffer area (a zone extending 500 meters [1,641 feet] from the focus area). If a parcel is mapped as being both within the species focus area and the buffer zone, it should be wholly considered a species focus area.....***go to E***

Parcel is not in the species focus area, the buffer area, or on the RE parcel list.....***no effect***

B. The applicant proposes no removal or modification of this species' native habitat (hammock, pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm).....***go to E***

The applicant proposes removal or modification of this species' native habitat (hammock, pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm). A vegetation survey is required to document the native plant species and size present on the property and a general description of the surrounding properties within 500 feet is also required. Once these have been completed..... ***go to C***

C. The property is within a developed subdivision or canal subdivision and the area within 500 feet of the parcel is greater than 60 percent developed or scarified ..... ***go to E***

The property is not as above, and contains and/or is adjacent to contiguous tracts of this species' native habitat greater than 1 acre in size. Further coordination with the Service is necessary and a small mammal survey may be required.....***may affect***

Native habitat (hammock, pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm) will be impacted but neither of the above applies to the property.....***go to D***

D. The applicant has proposed either on-site or off-site habitat compensation* commensurate with the amount of native habitat lost.....***go to E***

The applicant is not proposing habitat compensation* or habitat compensation* does not meet minimum compensation requirements.....***may affect***

E. The applicant proposes the construction of a new residence and does not agree to enforceable cat restrictions**.....***go to F***

Proposal is for actions other than a new residence OR is for a residence with enforceable cat restrictions**. Provide cat brochure .....***NLAA***

F. Parcel is within a canal subdivision and is separated by a canal, open water, and/or US-1 from this species' native habitat in the buffered rice rat focus area OR the parcel is adjacent to less than 1 acre of this species' native habitat in the buffered rice rat focus area. Provide cat brochure.....***NLAA***

The parcel is not as above.....***go to G***

G. The new residence is proposed in the species focus area, does not result in a cumulative loss of species habitat, and the total of new residential permits issued in the focus area

lands has not exceeded 522. Provide cat brochure.....***take exempted in BO, additional consultation with the Service not required***

The new residence is proposed in the buffer area and the total number of new residential permits issued in buffer lands has not exceeded 349. Provide cat brochure. .....***take exempted in BO, additional consultation with the Service not required***

The proposed new residence exceeds the limits of take in the 2010 BO (522 residences in the focus area, 349 residences in buffer lands).....***may affect***

***Habitat Compensation**

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community's land development regulations. The Service has reviewed the following participating communities' Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have ordinances that meet the minimum recommended habitat compensation. If the participating community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional compensation are provided, the credit granted would be 2 acres. This partial credit is considered appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

****Enforceable Cat Restrictions**

On June 20, 2012, the Monroe County Board of Commissioners passed Ordinance 015-2012. Section 122-8(d)2-i of this ordinance requires property owners applying for new construction permits in silver rice rat habitat to agree to execute and record a covenant restriction in favor of Monroe County which prohibits keeping free-ranging cats.

Monitoring and Reporting Effects

For the Service to monitor cumulative effects and to track incidental take exempted for the silver rice rat, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits issued. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send

to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

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Stock Island Tree Snail Assessment Guide

July 29, 2013

The U.S. Fish and Wildlife Service's (Service) FEMA Biological Opinion (BO) dated April 30, 2010, and modified on December 14, 2010, identified 5,607 at-risk parcels, representing 2,322 acres, intersecting habitats that may be used by the threatened Stock Island tree snail (*Orthalicus reses*, not incl. *nesodryas*) in Monroe County. There are 1,725 acres and 4,101 at-risk parcels in unincorporated Monroe County; 300 acres and 779 parcels in Islamorada; 5 acres and 5 parcels in Key Colony Beach; 43 acres and 102 parcels in Key West; less than 1 acre and 1 parcel in Layton; and 249 acres and 579 parcels in Marathon. The BO also identified an additional 436 acres of at-risk lands outside Monroe County's parcel layer not subject to the Rate of Growth Ordinance program.

The at-risk properties were determined by overlaying the County's property parcel layer onto the County's 2009 land cover boundary maps (Monroe County 2009). The County's land cover boundary maps included 13 land cover types. Developed land, undeveloped land, impervious surface, and exotic are considered non-native land cover types. Hammock, pineland, scrub mangrove, freshwater wetland, salt marsh, buttonwood, mangrove, and beach berm are considered native land cover types. The water classification is also considered a native cover type. The minimum mapping unit for land cover polygons was 0.35 acre for hammock and 0.5 acre for all other cover types.

The County's boundary map land cover types containing suitable habitat for the Stock Island tree snail include hammock and beach berm. Beach berm cover types were included as this mapping unit could also include small inclusions of tropical hardwood hammock.

Species Profile: The Stock Island tree snail is an arboreal snail inhabiting hardwood hammocks of the Keys (Deisler 1987). Its historic range includes the islands of Stock Island and Key West (Voss 1976). Individuals of the species have since been relocated to other hammocks in the Keys and the mainland. Today, populations of snails occur throughout the Keys in hardwood hammocks. As of 2006, the Service had records of 27 populations, 25 in the Keys and 2 in mainland Miami-Dade County (Service 2006). However, for most populations, the area occupied is poorly defined (Service 2009). Survey and monitoring efforts have been limited and highly variable, and methodologies are not usually reported in detail (Service 2009). The Service will provide updated information to the County and municipalities on known locations of the Stock Island tree snail as new data become available. Since 2006, an additional 15 population locations have been reported.

Threats: Although the predominant threat described at the time of listing was habitat destruction (Service 2009), much of the suitable protected habitat is currently unoccupied. Additional threats include: non-native predators, inadequacy of existing regulatory mechanisms, climate change, hurricane winds, right-of-way maintenance, and Key deer browsing. Natural disasters such as hurricanes and drought can have a significant effect. The snails are also faced with predation by invertebrate predators, such as fire ants (Service 2009).

Assessment Guide: In order to provide assistance in assessing threats to the Stock Island tree snail from a given project, the Service has developed the following guidance and

recommendations that, if implemented, will minimize adverse effects to the Stock Island tree snail. If the use of this guide results in a determination of "no effect" for a particular project, the Service supports this determination. If the use of this guide results in a determination of "not likely to adversely affect" (NLAA) for the Stock Island tree snail, the Service concurs with this determination and no additional correspondence is necessary. If the use of this guide results in a "may affect" determination, then additional coordination with the Service is necessary prior to permit issuance. For projects that result in a "*may affect*" determination, if, after reviewing the specific project and assessing its potential effects to federally listed species, the Service determines that the project will result in take, the Service will notify FEMA and the acreage of impacts will be subtracted from the take limits provided in the BO. This guide is subject to revision as necessary.

A. The parcel **IS** in a known location of the Stock Island tree snail, in the species focus area and/or on the RE parcel list..... ***go to B***

   The parcel **IS NOT** in a known location of the Stock Island tree snail, in the species focus area and/or on the RE parcel list.....***no effect***

B. The applicant proposes no removal or modification of the Stock Island tree snail's native habitat (hammock and beach berm).....***NLAA***

   The applicant proposes removal or modification of the Stock Island tree snail's native habitat. A Stock Island tree snail survey and a vegetation survey are required. Once these have been completed.....***go to C***

C. A negative Stock Island tree snail survey, following Service protocol, has been provided to and accepted as valid by the Service (*i.e.*, Stock Island tree snails are not present). The applicant has proposed either on-site or off-site habitat compensation* commensurate with the amount of native habitat lost. Permit with habitat compensation*.....***NLAA***

   A Stock Island tree snail survey documents presence, or habitat compensation* is either not proposed or not sufficient..... ***may affect***

***Habitat Compensation**

The minimum recommended habitat compensation is replacement of lost vegetation through protection or restoration of habitat, and/or monetary contributions to accomplish the aforementioned activities, according to the participating community's land development regulations. The Service has reviewed the following participating communities' Codes of Ordinances governing habitat compensation and found them to meet minimum recommended habitat compensation: Monroe County, Part II, Chapter 18, Sections 118-2 and 118-8; City of Marathon, Article 2, Chapter 106; Village of Islamorada, Part II, Chapter 30, Article VII, Division 4, Section 30-1616; and Key West, Part II, Subpart B, Chapter 110, Article V, Section 110-223 and Section 110-225, and Article VI, Division 2, Section 110-287 and Division 3, Section 324 and 327. The cities of Key Colony Beach and Layton were determined to not have ordinances that meet the minimum recommended habitat compensation. If the participating

community proposes to modify the habitat compensation requirements of their ordinance, additional review by the Service will be necessary.

If habitat compensation is being provided in excess of the minimum recommended, the Service may consider the additional compensation as a credit to the not-to-exceed habitat acreage losses referenced in the BO. To be considered for credit, the compensation must be like for like habitat compensation and credit will be granted at half value. For example, if 4 acres of additional compensation are provided, the credit granted would be 2 acres. This partial credit is considered appropriate as existing vegetation currently provides benefit and the credit vegetation may not provide the same habitat benefit until later in time.

Monitoring and Reporting Effects

For the Service to monitor cumulative effects and to track incidental take exempted for the Stock Island tree snail, it is important for FEMA and the NFIP participants to monitor the number of permits and provide information to the Service regarding the number of permits issued. In order to meet the reporting requirements in the BO, we request that FEMA and/or the NFIP participants send to the Service an annual database summary consisting of: project date, permit number, project acreage, native impact acreage, amount of acres and/or number of trees/plants replaced as habitat compensation, and project location in latitude and longitude in decimal degrees.

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MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Development Review Committee

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

Date: August 23, 2013

Subject: Amend the Monroe County Comprehensive Plan, Creating Goal 106, Objective 106.1, Policy 106.1.1, and Policy 106.1.2

Meeting: August 27, 2013

I. REQUEST

Amend the Monroe County Comprehensive Plan, Creating Goal 106, Objective 106.1, Policy106.1.1 and Policy 106.1.2 relating to the Tier System and to implement Rule 28-20.140 Work Program Tasks (5)(a)2, 5,and 6.

II. BACKGROUND INFORMATION

Administration Commission Rule 28-20.140, F.A.C., which was ratified by the Legislature in 2011, includes six Work Program Tasks [28-20.140(5)(a)1, 2, 3, 4, 5, and 6] requiring the County to adjust Tier boundaries Tier Zoning Overlay maps [(5)(a)2] and amend its Comprehensive Plan to adopt the Tier System Maps onto the Future Land Use Map Series [(5)(a)1, 3 and 4].

Monroe County has completed Work Program task (5)(a)2 with the adoption of four (4) ordinances [Ordinance 005-2011, 006-2011, 007-2011, and 008-2011] on May 4, 2011, revising or assigning the tier overlay designation for 3,394 parcels based upon recommendations from the Tier Designation Review Committee Work Group, Monroe County staff, the Planning Commission, Board of County Commissioners and the public. The Administration Commission and the Department of Economic Opportunity (DEO) have also reported that the County has completed Work Program task (5)(a)2, which is to amend the Tier Overlay Maps to more accurately reflect the criteria for that Tier as amended by Final Order DCA07-GM166.

The County processed additional revisions to the tier designations for 393 parcels that were not included in the challenge and requested by the plaintiff. Further, the County identified 77 offshore island parcels for review because these parcels were not given a tier designation at the time of the adoption of the original Tier Ordinances in 2006. These were adopted by the Board of County Commissioners on March 20, 2013. The amendments (Ordinances 14-2013 and 15-2013) have been approved by DEO and became effective on July 12, 2013.

Throughout the process of updating information and adopting the tier amendments, the County was concerned with the possibility of new administrative proceedings pursuant to Section 120.569 and 120.57, F.S., which could delay the effectiveness of the ordinances and create significant cost and legal demands on the County. At this point, all 44,000 parcels in the County presently have a Tier designation.

The County could not really proceed with the next steps of completing Work Program Tasks (5)(a)1, 3 and 4 to adopt of the entire set of Tier Overlay maps into the Comprehensive Plan until all 44,000 parcels had an effective tier designation. Now that all of the undesignated or invalidated parcels have a tier designation and are effective as an overlay district on the County's Land Use District (Zoning) Maps, starting the process over and adopting the maps (approximately 44,000 parcels) as a Comprehensive Plan Future Land Use Map overlay district could expose the County and every parcel with a Tier designation to potential challenges by affected persons, as defined by Section 163.3184, F.S. County legal staff have studied the legal differences in the maps being in the Comprehensive Plan and the LUD (Zoning) Maps. A legal opinion is included as Exhibit 1.

On July 17, 2013, the Monroe County Board of County Commissioners discussed the requirement of the Administrative Commission Rule to adopt the Tier Overlay Zoning Maps into the Comprehensive Plan. This discussion included the significant exposure (including restarting the appeal clock and adding a possible takings claim against the County), costs, and demands to the County. Further, the duplication of maps in the Comprehensive Plan and Zoning Maps when DEO reviews both Future Land Use Map and Zoning Maps in the Florida Keys Area of Critical State Concern.

Following a presentation by County Growth Management and legal staff, the BOCC unanimously approved a motion to direct staff to write a letter to the Administration Commission to request that Rule 28-20.140, F.A.C. be amended to remove the requirement to adopt the Tier Overlay Zoning Maps into the Comprehensive Plan (See Exhibit 2). Monroe County has consequently sent a letter the Administration Commission consider amending Rule 28-20.140 F.A.C., to delete Work Program Tasks (5)(a)1, 3 and 4:

> *1. By July 1, 2012, Monroe County shall adopt the conservation planning mapping (the Tier Zoning Overlay Maps and System) into the Comprehensive Plan based upon the recommendations of the Tier Designation Review Committee with the adjusted Tier boundaries.*
> *3. By July 1, 2012, Monroe County shall create Goal 106 to complete the 10 Year Work Program found in Rule 28-20.110, F.A.C., and to establish objectives to develop a build-out horizon in the Florida Keys and adopt conservation planning mapping into the Comprehensive Plan.*
> *4. By July 1, 2012, Monroe County shall create Objective 106.2 to adopt conservation planning mapping (Tier Maps) into the Monroe Comprehensive Plan based upon the recommendations of the Tier Designation Review Committee Work Group.*

Such action will not impede DEO's authority to review and approve all future amendments to the adopted Tier Zoning Overlay Maps, will not lessen any protection of habitat, and will protect both the State and Monroe County from new potential challenges to the Tier Overlay Zoning Map system that is presently in effect.

While Monroe County is requesting the deletion of tasks which require the adoption of the tier maps into the Comprehensive Plan, the County will pursue the completion of Work Program Tasks (5)(a)2, 5,and 6:

> *2. By July 1, 2012, Monroe County shall adjust the Tier I and Tier IIIA (SPA) boundaries to more accurately reflect the criteria for that Tier as amended by Final Order DCA07-GM166 and implement the Florida Keys Carrying Capacity Study, utilizing the updated habitat data, and based upon the recommendations of the Tier Designation Review Committee Work Group.*
> *5. By July 1, 2012, Monroe County shall adopt Policy 106.2.1 to require the preparation of updated habitat data and establish a regular schedule for continued update to coincide with evaluation and appraisal report timelines.*
> *6. By July 1, 2012, Monroe County shall adopt Policy 106.2.2 to establish the Tier Designation Work Group Review Committee to consist of representatives selected by the Florida Department of Community Affairs from Monroe County, Florida Fish & Wildlife Conservation Commission, United States Fish & Wildlife Service, Department of Environmental Protection and environmental and other relevant interests. This Committee shall be tasked with the responsibility of Tier designation review utilizing the criteria for Tier placement and best available data to recommend amendments to ensure implementation of and adherence to the Florida Keys Carrying Capacity Study. These proposed amendments shall be recommended during 2009 and subsequently coincide with the Evaluation and Appraisal report timelines beginning with the second Evaluation and Appraisal review which follows the adoption of the revised Tier System and Maps as required above adopted in 2011. Each evaluation and appraisal report submitted following the 2011 evaluation and appraisal report shall also include an analysis and recommendations based upon the process described above.*

These tasks require the adoption of policies which require the continued update of the habitat data and the adjustment to the tier boundaries following a review by the Tier Designation Review Committee Work Group. These reviews will coincide with the State Evaluation and Appraisal Report timelines.
The following comprehensive plan amendment will implement Work Program Tasks (5)(a)2, 5,and 6.

III. PROPOSED AMENDMENT

Goal 106
Monroe County shall continue to update the Tier System to ensure growth initiatives recognize the natural and man-made systems in the Florida Keys, the carrying capacity to accommodate further development, the need for the significant expansion of the public acquisition of vacant developable lands, and to equitably balance the rights and expectations of private property owners.

Objective 106.1
Monroe County shall adjust the tier boundaries and implement the Florida Keys Carrying Capacity Study, utilizing updated habitat data and recommendations of the Tier Designation Review Committee (TDRC) Work Group. [Note: As amended by Final Order DCA07-GM166, parcels included in the challenge with Tier I and Tier IIIA (SPA) boundaries have been adjusted to reflect the amended Tier Criteria resulting from the DOAH Case 06-2449(GM)].

Policy106.1.1
Monroe County shall update habitat data and the Land Development Code Tier (Zoning) Overlay District Maps to coincide with the State comprehensive plan evaluation and appraisal schedule.

Policy 106.1.2
Monroe County shall establish the Tier Designation Review Committee (TDRC) Work Group to consist of representatives selected by the Florida Department of Economic Opportunity (DEO) from Monroe County, Florida Fish & Wildlife Conservation Commission, United States Fish & Wildlife Service, Department of Environmental Protection and environmental and other relevant interests. The TDRC shall be tasked with the responsibility of tier designation review utilizing the criteria for tier placement and best available data to recommend amendments to ensure implementation of and adherence to the Florida Keys Carrying Capacity Study. These proposed Land Development Code Tier (Zoning) Overlay District Map amendments shall coincide with the Sate comprehensive plan evaluation and appraisal schedule. Each comprehensive plan evaluation and appraisal submitted shall also include an analysis and recommendations based upon the TDRC review process.

IV. CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, THE KEY LARGO COMMUNIKEYS PLAN, THE FLORIDA STATUTES, AND PRINCIPLES FOR GUIDING DEVELOPMENT

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

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

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.

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

Policy 101.4.20: In order to implement the Florida Keys Carrying Capacity Study, Monroe County shall promote the reduction in overall County density and intensity and the preservation of Monroe County's native habitat by enacting legislation which implements the following policy statements for private applications for future land use map amendments which increase allowable density and/or intensity. Private application(s) means those applications from private entities with ownership of the upland development and parcel(s) of land or includes private upland development on County-owned land.

Policy 105.2.2
Monroe County shall prepare an overlay map(s) designating geographic areas of the County as one of the three Tiers in accordance with the guidance in Policy 105.2.1, which shall be incorporated as an overlay on the zoning map(s) with supporting text amendments in the Land Development Regulations. These maps are to be used to guide the Land Acquisition Program

and the smart growth initiatives in conjunction with the Livable CommuniKeys Program (Policy 101.20.1).

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

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

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

1. The Florida Keys Aqueduct and water supply facilities;
2. Sewage collection, treatment, and disposal facilities;
3. Solid waste treatment, collection, and disposal facilities;
4. Key West Naval Air Station and other military facilities;
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 postdisaster 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 Part II of Chapter 163, Florida Statutes (F.S.). Specifically, the amendment furthers:

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

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

163.3194(1)(b), F.S. – All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent. If a local government allows an existing land development regulation which is inconsistent with the most recently adopted comprehensive plan, or element or portion thereof, to remain in effect, the local government shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted comprehensive plan, or element or portion thereof. During the interim period when the provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.

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

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

V. 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 State Land Planning Agency. The amendment is transmitted to State Land Planning Agency, 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.

VI. STAFF RECOMMENDATION

Staff recommends **approval**.

VII. EXHIBITS

1. Legal opinion regarding standing to appeal a land use decision.
2. July 17, 2013 BOCC Meeting Minutes for Item I1.

evaluation of the Contractor's performance in January, 2014. After discussion, a motion was made by Commissioner Kolhage and seconded by Commissioner Murphy requesting the Clerk of Courts, Amy Heavilin, to perform an audit at the end of the first Fiscal Period to ascertain what the costs actually are, to determine any subsequent contracts. Motion carried unanimously.

GROWTH MANAGEMENT

Item I1 Mayte Santamaria, Assistant Director of Planning and Environmental Resources and Christine Hurley, Growth Management Director addressed the Board concerning the requirement of Administration Commission Rule to adopt the Tier Overlay Zoning Maps into the Comprehensive Plan. After discussion, a motion was made by Commissioner Kolhage and seconded by Commissioner Carruthers to direct staff and County Attorney to proceed to request for the Administration Committee to change the Rule and eliminate the requirements that the County adopted as the Tier Overlay Zoning Map into the Comprehensive Plan. Motion carried unanimously.

WASTEWATER ISSUES

Item J1 Kevin Wilson, Public Works & Engineering Director addressed the Board concerning the approval for Amendment #7 for the Interlocal Agreement (ILA) with the Florida Keys Aqueduct Authority to establish a revised method for determining the cash advance scheduling for the project. *(This item was postponed for a later time in the meeting so FKAA staff could be present.)*

GROWTH MANAGEMENT

Item I2 Christine Hurley, Growth Management Director addressed the Board concerning adoption of a proposed County Ordinance amending Section 17-2 and Section 17-6, of the Monroe County Code to clarify prohibitions regarding the parking and storage of vehicles; watercraft; and/or wrecked, inoperative or partially dismantle vehicles and watercraft on County roads, rights-of-ways, on private property and in residential districts throughout Monroe County. After discussion, a motion was made by Commissioner Murphy and seconded by Commissioner Carruthers to direct staff to bring back an Ordinance. Motion carried unanimously.

COUNTY ADMINISTRATOR

Item O3 Rhonda Haag, Sustainability Program Manager addressed the Board concerning the approval of the Resolution endorsing the Southeast Florida Mayors' Climate Action Pledge, urging municipal mayors in Monroe County to join the Action Pledge, and reaffirming support for the Southeast Florida Regional Climate Change Compact and collaborative implementation of the Regional Climate Action Plan. After discussion, a motion was made by Commissioner Kolhage and seconded by Commissioner Rice to adopt the following Resolution. Motion carried unanimously.

RESOLUTION NO. 210-2013

Said Resolution is incorporated herein by reference.

Exhibit 2

COUNTY of MONROE
KEY WEST FLORIDA 33040
(305) 294-4641

BOARD OF COUNTY COMMISSIONERS
Mayor George Neugent, District 2
Mayor Pro Tem, Heather Carruthers, District 3
Danny L. Kolhage, District 1
David Rice, District 4
Sylvia J. Murphy, District 5

Robert B. Shillinger, County Attorney**
Pedro J. Mercado, Assistant County Attorney **
Susan M. Grimsley, Assistant County Attorney**
Natileene W. Cassel, Assistant County Attorney**
Cynthia L. Hall, Assistant County Attorney **
Christine Limbert-Barrows, Assistant County Attorney **
Derek V. Howard, Assistant County Attorney**
Lisa Granger, Assistant County Attorney
Steven T. Williams, Assistant County Attorney

** Board Certified in City, County & Local Govt. Law

Office of the County Attorney
1111 12th Street, Suite 408
Key West, FL 33040
(305) 292-3470 – Phone
(305) 292-3516 – Fax

MEMORANDUM

TO: Christine Hurley, Growth Management Director

FROM: Susan Grimsley, Assistant County Attorney

DATE: August 13, 2013

RE: Standing of Affected Persons to Challenge FLUM Overlay

You requested an explanation of the process for challenging a county wide zoning map amendment in the County's Land Development Regulations as opposed to challenging a future land use map amendment, and who may challenge each type of amendment.

For purposes of this memo, I will assume you are talking about adoption of the Tier Overlay Maps in the Monroe County Land Development Regulations on the Land Use District (Zoning) Map, which was recently completed, and the adoption of a tier overlay on the Monroe County Future Land Use Map as part of the Monroe County Year 2010 Comprehensive Plan. The initial Tier Maps were adopted in 2006 by Ordinance 013-2006 along with other land development regulations implementing their use. Environmental groups whose "substantial interests" could have been adversely affected challenged the consistency of the criteria and the mapping with the Comprehensive Plan.

The completion of the final tier map amendments was accomplished by the adoption of Ordinances 014-2013 and 015-2013, which included other parcels that the challengers wanted reviewed along with some un-tiered properties. The entire process for all 44,000 parcels to be assigned a tier and be effective took approximately 7 years.

1. Land Development Regulations and Challenges

In an area of critical state concern, land development regulations are reviewed by the state land planning agency and a final order is published in the Florida Administrative Register.[1] The tier maps, as part of the

[1] Fla. Stat. §380.05(6) (2012).

land development regulations, may be challenged by filing a petition pursuant to Chapter 120, Section 120.57.[2]

The challenge must be filed within 21 days of publication. Pursuant to Florida Statutes, Section 120.569, the proceedings under Chapter 120 may be used in all proceedings in which the "substantial interests" of a party are determined by an agency. To be a substantially interested party it must be shown that: (1) The party will suffer injury-in-fact which is of sufficient immediacy to entitle him to a hearing, and (2) the party's substantial injury is of a type or nature which the proceeding is designed to protect.[3]

There are further requirements for standing of an association to show it is substantially affected. Those requirements are: (1) A substantial number of its members, although not necessarily a majority, are substantially affected; (2) The subject matter is within the association's general scope of interest and activity; (3) The relief is of the type appropriate for an association to receive on behalf of its members.[4]

There is, in the case of a challenge to land development regulations, at least some requirement of an injury for individual standing and the standing of associations, and therefore, some limitation on standing to challenge the County's Land Development Regulations pursuant to Florida Statutes, Section 380.05(6) and Florida Statutes, Chapter 120.

The state land planning agency has the burden of proving the validity of the final order.

2. Challenges to the Comprehensive Plan including the Future Land Use Map

"No proposed local government comprehensive plan or plan amendment that is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in paragraph (1)(b)."[5]

Challenges to the comprehensive plan are brought pursuant to Florida Statutes, Section 163.3184,[6] which states as follows:

> (5) Administrative Challenges to Plans and Plan Amendments.
>
> > (a) Any affected person as defined in paragraph (1)(a) may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendments are in compliance as defined in paragraph (1)(b). This petition must be filed with the division within 30 days after the local government adopts the amendment. The state land planning agency may not intervene in a proceeding initiated by an affected person.

---

[2] *Id.*("No proposed land development regulation within an area of critical state concern becomes effective under [§380.05(6)] until the state land planning agency issues its final order or, if the final order is challenged, until the challenge to the order is resolved pursuant to Chapter 120.").

[3] *See Palm Beach County Envtl. Coalition v. Fla. Dep't of Envtl. Prot.*, 14 So. 3d 1077 (Fla. Dist. Ct. App. 4th Dist. 2009); *see also Donna Melzer et al. v. Martin County*, 2010 Fla. ENV LEXIS 109, Case No. DCA 10-GM-063, 1 F.A.L.R. 170 (Fla. Dep't Community Aff. 2010); *see also Agrico Chem. Co. v. Dep't of Envtl. Regulation*, 406 So. 2d 482 (Fla. Dist. Ct. App. 2d Dist. 1981).

[4] *See Melzer et al., supra* note 3, at 12; *see also Rosenzweig v. DOT*, 979 So. 2d 1050 (Fla. Dist. Ct. App. 1st Dist. 2008); *see also NAACP v. Fla. Bd. of Regents*, 822 So. 2d 1 (Fla. Dist. Ct. App. 1st Dist. 2002); *see also Fla. Home Builders Asso v. Dep't of Labor & Employment Sec.*, 412 So. 2d 351 (Fla. 1982).

[5] Fla. Stat. §163.3184(13) (2012).

[6] *See* Fla. Stat. §163.3184(5); *see also* Fla. Stat. §380.05(6) (2012).

The definition is provided in Florida Statutes, Section 163.3184 as follows:

(1) Definitions.—As used in this section, the term:

(a) "Affected person" includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction.

(b) Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

The definition of "affected person" as provided in the statute is broader than those of a person whose "substantial interests" are affected for a challenge to the ordinances which approved the Tier Maps in the Monroe County Land Development Regulations since the definition of an affected person for purposes of challenging a comprehensive plan amendment requires only residency, property ownership, or operation of a business within the boundaries of the local government or jurisdiction, whereas a challenger to a Land Development Regulation must demonstrate some sort of injury to establish standing. Clearly, the category of challengers to a comprehensive plan amendment is far more expansive than what is usually required in a Chapter 120 proceeding.

Public participation in the Tier Map process will not be inconsequential as demonstrated by the "re-tiering" hearings after the challenge in 2006 resulted in new map adoption hearings. The requirement to have made comments during the comment period provided will not deter citizens from qualifying under the statute. This will open the door to more challenges to the adoption of the tier maps into the comprehensive plan than the adoption of the tier maps into the land development code. More persons may be statutorily permitted to file a challenge.

Please note that the challenge to a comprehensive plan amendment is not dependent on the Notice of Intent from the Department of Economic Opportunity, but simply has to be done within 30 days of the adoption of the amendment. The state land planning agency may not intervene in an action by an affected party; the County is left to defend the adoption.[7]

[7] Fla. Stat. §163.3184(5)(a) (2012).

MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Development Review Committee &
Townsley Schwab, Senior Director of Planning & Environmental Resources

From: Joseph Haberman, AICP, Planning & Development Review Manager

Date: August 23, 2013

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 130-83, IMPROVED SUBDIVISION DISTRICT (IS), SECTION 130-98, URBAN RESIDENTIAL, SECTION 130-99, URBAN RESIDENTIAL-MOBILE HOME DISTRICT (URM), SECTION 130-100, URBAN RESIDENTIAL MOBILE HOME-LIMITED DISTRICT (URM-L), AND SECTION 130-164, MAXIMUM NONRESIDENTIAL LAND USE INTENSITIES AND DISTRICT OPEN SPACE; PROVIDING CONSISTENCY BETWEEN LAND DEVELOPMENT REGULATIONS IN THE LAND DEVELOPMENT CODE AND POLICIES IN THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.*

Meeting: August 27, 2013

I REQUEST

The Planning & Environmental Resources Department is proposing amendments to the text of §130-83, §130-98, §130-99, §130-100 and §130-164 of the Monroe County Code (MCC). The purposes of the proposed amendments are to provide consistency between land development regulations provided Monroe County Land Development Code and policies in the Monroe County Comprehensive Plan.

II RELEVANT PRIOR COUNTY ACTIONS:

The Monroe County Year 2010 Comprehensive Plan became effective on January 2, 1996. Policies 101.4.3, 101.4.4 and 101.4.21, which are those pertinent to this proposed ordinance, were established at that time.

III REVIEW

The current regulations within the land development code related to the permitted uses in the Improved Subdivision (IS), Urban Residential (UR), Urban Residential Mobile Home (URM) and Urban Residential Mobile Home – Limited (URM-L) districts are not entirely consistent

with Monroe County Comprehensive Plan (CP) Policies 101.4.3, 101.4.4 and 101.4.21. Land development regulations are required to be consistent with related comprehensive plan policies.

CP Policy 101.4.3, which provides the purpose of the Residential Medium (RM) future land use category (in which the IS district is consistent) and CP Policy 101.4.4, which provides the purpose of the Residential High (RH) future land use category (in which the UR, URM and URM-L districts are consistent) do not allow for new nonresidential uses regardless of their attributes, character and/or locations. Inconsistently, the MCC permitted use sections related to the IS, UR, URM and URM-L districts allow for a variety of new nonresidential uses.

In addition, CP Policies 101.4.3 and 101.4.4 allow for eligible lawfully-established nonconforming nonresidential uses to develop, redevelop, reestablish and/or substantially improve. The types of nonresidential uses are not specifically restricted, only requiring such nonresidential uses to be listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the Year 2010 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996. Inconsistently, the MCC permitted use sections related to the IS, UR, URM and URM-L districts restrict the types of nonconforming nonresidential uses that may developed, redeveloped, reestablished and/or substantially improved. (Note: As part of the CP update, staff is proposing that that this nonconforming use provision be relocated into Policy 101.5.5)

CP Policy 101.4.21, which provides the maximum nonresidential intensity standards for future land use categories states that the maximum nonresidential floor area ratio for both the RM and RH categories is 0.

> **Policy 101.4.3**: The principal purpose of the Residential Medium land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each such platted lot or parcel which existed at the time of plan adoption. However, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is more restricted. Lands within this land use category shall not be further subdivided.
>
> **Policy 101.4.4:** The principal purpose of the Residential High category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing,

located near employment centers. In addition, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is more restricted.

Policy 101.4.21: Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the Future Land Use Map and described in Policies 101.4.1 - 101.4.17:

Future Land Use Densities and Intensities			
Future Land Use Category And Corresponding Zoning	Allocated Density (per acre)	Maximum Net Density (per buildable acre)	Maximum Intensity (floor area ratio)
* * * * *			
Residential Medium (RM) (IS zoning)	approx. 0.5-8 du (1 du/lot) 0 rooms/spaces	N/A N/A	0
Residential High (RH) (IS-D(e), URM(e), and UR(f) zoning)	approx. 3-16 du (1-2 du/lot) 10 rooms/spaces	12 du 20 rooms/spaces	0

Notes:
(a) "N/A" means that maximum net density bonuses shall not be available.
(b) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net densities bonuses shall not be available.
(c) The allocated density for CFV zoning shall be 1 dwelling unit per lot and the maximum net density bonuses shall not be available.
(d) Maximum net density bonuses shall not be available to the SS district.
(e) The allocated density for IS-D and URM zoning shall be 2 and 1 dwelling units per lot, respectively and the maximum net density bonuses shall not be available.
(f) The maximum net density for the UR district shall be 25 for units where all units are designated as affordable housing.
(g) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing land use categories, the floor area ratio shall be 0.10 and the maximum net residential density bonuses not apply.
(h) Uses under the categories of Agriculture, Education, Institutional, Public Facilities, and Public Buildings and Uses, which have no directly corresponding zoning, may be incorporated into new or existing zoning districts as appropriate.
(i) The Maximum Net Density is the maximum density allowable with the use of TDRs.

Policy 101.5.5 (***proposed as part of CP update***): Monroe County shall maintain Land Development Regulations which allow nonconforming nonresidential uses in the RC, RL, RM and RH future land use categories that

lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996.

In order to bring consistency between the CP and MCC as required by Florida Statutes, staff is proposing the following changes:

Section 130-83, IS District Permitted Uses:

[Note: the following section numbers are the existing numbers, not the proposed numbers which may be different]

- Amend §130-83(a)(2), concerning the requirement for masonry construction in the IS-M district, to be consistent with a Third District Court of Appeal decision and Administration Interpretation #AI-04-126 (attached). The Court determined that requiring residences in a RU-1 M district (now IS-M) to be constructed of masonry to the roof line, with no showing of a relationship of that requirement to aesthetic or safety, the ordinance in effect discriminates against factory built housing in violation of state statutes. [Note: upon approval of this amendment, #AI-04-126 would no longer be necessary and shall be rescinded];
- Amend §130-83(a)(4), concerning home occupations, to provide the section # which contains the additional requirements and process for home occupation special use permits [note: no proposed change in requirements related to home occupations in the IS district];
- Relocate the provisions of §130-83(b), concerning vacation rentals, into §130-83(a) with other as of right provisions to be consistent with other permitted use sections [note: no proposed change in requirements related to vacation rentals in the IS district];
- Amend §130-83(c)(2) to eliminate public parks as a permitted use. Public park is not a defined term or use; however parks and community parks, which may be public, are defined terms and already allowed, so this change would not affect any approvals;
- Amend §130-83(c)(3), concerning schools, to be consistent with other provisions throughout the MCC and CP by replacing the term schools with Educational use overlay (E). School is not a defined term or use; however educational uses within the Educational use overlay (E), are defined in §130-123;
- Amend §130-83(d)(1) to eliminate commercial retail and office uses as permitted uses. These uses are not consistent with the RM purpose and RM FAR as required and set forth in the CP;
- Amend §130-83(e) to be consistent with the language set forth in the RM purpose. The existing MCC language limits nonconforming uses to commercial retail and office of less than 2,500 SF. Also relocate this section into the major conditional use subsection.
- Reorder permitted uses to be consistent with the order/sequence of other permitted use sections; and
- Modify other language/terminology for consistency with language/terminology within the greater MCC.

Section 130-98, UR District Permitted Uses:

[Note: the following section numbers are the existing numbers, not the proposed numbers which may be different]

- Amend §130-98(a)(2) to eliminate public buildings and uses as permitted uses. These uses are not consistent with the RH purpose and RH FAR as required and set forth in the CP [note: however staff is proposing an amendment to allow an overlay that allows public uses with an appropriate PF FLUM designation and major conditional use permit approval];
- Amend §130-98(a)(3), concerning home occupations, to provide the section # which contains the additional requirements and process for home occupation special use permits [note: no proposed change in requirements related to home occupations in the UR district];
- Amend §130-98(b)(2) to eliminate institutional uses as permitted uses. These uses are not consistent with the RH purpose and RH FAR as required and set forth in the CP. [note: however staff is proposing an amendment to allow an overlay that allows institutional uses with an appropriate INS FLUM designation and minor conditional use permit approval];
- Amend §130-98(c)(1) to eliminate marina uses as permitted uses. These uses are not consistent with the RH purpose and RH FAR as required and set forth in the CP;
- Amend §130-98(d) to be consistent with the language set forth in the RH purpose. The existing MCC language limits nonconforming uses to marinas. Also relocate this section into the major conditional use subsection.
- Reorder permitted uses to be consistent with the order/sequence of other permitted use sections; and
- Modify other language/terminology for consistency with language/terminology within the greater MCC.

Section 130-99, URM District Permitted Uses:

[Note: the following section numbers are the existing numbers, not the proposed numbers which may be different]

- Amend §130-99(a)(4), concerning home occupations, to provide the section # which contains the additional requirements and process for home occupation special use permits [note: no proposed change in requirements related to home occupations in the URM district];
- Amend §130-99(c)(1) to eliminate marina uses as permitted uses. These uses are not consistent with the RH purpose and RH FAR as required and set forth in the CP;
- Amend §130-99(c)(2) to eliminate commercial retail and office as permitted uses. These uses are not consistent with the RH purpose and RH FAR as required and set forth in the CP;
- Amend §130-99(c) to allow institutional uses with an INS FLUM and major conditional use permit (omitted yet A, E and PF are permitted);

- Amend §130-99(c) to allow wastewater treatment facilities with a major conditional use permit;
- Amend §130-99(d) to be consistent with the language set forth in the RH purpose. The existing MCC language limits nonconforming uses to marinas, commercial retail and office. Also relocate this section into the major conditional use subsection.
- Reorder permitted uses to be consistent with the order/sequence of other permitted use sections; and
- Modify other language/terminology for consistency with language/terminology within the greater MCC.

Section 130-100, URM-L District Permitted Uses:

[Note: the following section numbers are the existing numbers, not the proposed numbers which may be different]

- Amend §130-100(a)(3), concerning home occupations, to provide the section # which contains the additional requirements and process for home occupation special use permits [note: no proposed change in requirements related to home occupations in the URM-L district];
- Amend §130-100(c)(1) to eliminate marina uses as permitted uses. These uses are not consistent with the RH purpose and RH FAR as required and set forth in the CP;
- Amend §130-100(c)(2) to eliminate commercial retail and office as permitted uses. These uses are not consistent with the RH purpose and RH FAR as required and set forth in the CP;
- Amend §130-100(c) to allow parks with a major conditional use permit;
- Amend §130-100(c) to allow community parks with a major conditional use permit;
- Amend §130-100(c) to allow wastewater treatment facilities with a major conditional use permit;
- Amend §130-100(c) to be consistent with the language set forth in the RH purpose. There is no language concerning nonconforming uses established by January 4, 1996 such as in the URM district permitted use section;
- Reorder permitted uses to be consistent with the order/sequence of other permitted use sections; and
- Modify other language/terminology for consistency with language/terminology within the greater MCC.

Section 130-164, IS, UR, URM and URM-L Maximum Nonresidential Land Use Intensities:

- Delete FAR's for outdoor recreation in UC, SC, and MU districts (floor area is defined as space between walls and this FAR requirement is contradictory);
- Delete FAR for institutional and public buildings and uses in the UR district. The superseding RH category has a 0.00 FAR;
- Delete FAR for commercial retail and offices in the URM district. The superseding RH category has a 0.00 FAR;

- Delete FAR for commercial retail and offices in the IS district. The superseding RM category has a 0.00 FAR;
- Reorder permitted uses to be consistent with the order/sequence of other permitted use sections; and
- Modify other language/terminology for consistency with language/terminology within the greater MCC.

In conclusion, the inconsistencies between the IS district and RM category and between the UR, URM and URM-L districts and RH category must be corrected. Since the policies of the comprehensive plan supersede the regulations of the land development code, staff is suggesting the following amendments. In addition, staff is recommending amendments to correct errors and provide better readability within the sections, all of which do not pertain to correcting a comprehensive plan/land development code inconsistency.

Existing non-residential uses in the RM and RH categories that were lawfully-established would not be affected by the proposed amendments. Those uses are allowed to improve and possibly substantial improve or reestablish in accordance with Policies 101.4.3 and 101.4.4 or in accordance with the nonconformity provisions of the land development code. However, staff is recommending amendments to the existing land development code language to directly state the language as provided in the comprehensive plan's Policies 101.4.3 and 101.4.4. Under the current land development code regulations, reestablishment is limited only to specific types, intensities and sizes of commercial retail and office. The comprehensive plan provides no limitations; therefore such limitations are not consistent with the comprehensive plan.

Therefore, staff recommends the following changes (Deletions are ~~stricken through~~ and additions are underlined. Text to remain the same is in black):

* * * * * * *

Sec. 130-83. Improved subdivision district (IS).

(a) The following uses are permitted as of right in the ~~improved subdivision~~ IS district:
  (1) In ~~those improved subdivision~~ IS districts with no subdistrict indicator, detached dwellings ~~of all types~~;
  (2) In ~~those improved subdivision districts~~ IS-M sub-districts with an M ~~subdistrict~~ indicator, ~~only~~ detached dwellings ~~of~~ with masonry ~~construction~~ façades, such as stucco;
  (3) In ~~those improved subdivision district~~ IS-D sub-districts with a D ~~subdistrict~~ indicator:
    a. Detached dwellings; and
    b. Duplexes;
  (4) Home occupations, with an approved home occupation special ~~Special~~ use permit ~~required~~ in accordance with section 130-124;
  (5) Accessory uses;
  (6) Collocations on existing antenna-supporting structures, pursuant to section 146-5(3);

(7) Satellite earth stations less than two meters in diameter, as accessory uses, pursuant to section 146-5(6); ~~and~~

(8) Wastewater nutrient reduction cluster systems that serve less than ten residences~~.~~; and

(9) ~~(b)~~ Vacation rental ~~use is~~ and tourist housing uses are prohibited ~~in all IS district and subdistricts~~, except in:

a. ~~(1)~~ IS-V sub-districts with a V indicator (~~as set forth in~~ subject to the provisions of sections ~~130-83~~ 130-84 and 134-1); and

b. ~~(2) In gated~~ Gated communities that have:

1. ~~a.~~ Controlled access; and

2. ~~b.~~ A homeowner's or property owner's association that expressly regulates or manages vacation rental uses.

(b)~~(c)~~ The following uses are permitted as minor conditional uses in the ~~improved subdivision~~ IS district, subject to the standards and procedures set forth in chapter 110, article III:

(1) Parks ~~and community parks~~;

(2) ~~Public parks~~ Community parks;

(3) ~~Schools~~ Educational use overlay (E), subject to the provisions of section 130-123:

a. Any use identified in the Monroe County Comprehensive Plan as permitted in the Educational (E) future land use category that is on a parcel of land identified on the Monroe County Future Land Use Map with a designation of "E"; and

(4) Satellite earth stations greater than or equal to two meters in diameter, as accessory uses, pursuant to section 146-5(6).

(c) ~~(d)~~ The following uses are permitted as major conditional uses in the ~~improved subdivision~~ IS district, subject to the standards and procedures set forth in chapter 110, article III:

~~(1) Commercial retail of low-and medium-intensity and office uses or any combination thereof of less than 2,500 square feet of floor area, provided that:~~

~~a. The parcel of land on which the commercial retail use is to be located abuts the right-of-way of U.S. 1, or a dedicated right-of-way to serve as a frontage road for U.S. 1;~~

~~b. The structure must be located within 200 feet of the centerline of U.S. 1;~~

~~c. The commercial retail use does not involve the sale of petroleum products;~~

~~d. The commercial retail use does not involve the outside storage or display of goods or merchandise;~~

~~e. There is no direct access to U.S. 1 from the parcel of land on which the commercial retail use is to be located;~~

~~f. The structure in which the commercial retail use is to be located is separated from the U.S. 1 right-of-way by a class C bufferyard;~~

~~g. The structure in which the commercial retail use is to be located is separated from any existing residential structure by a class C bufferyard; and~~

~~h. No signage other than one identification sign of no more than four square feet shall be placed in any yard or on the wall of the structure in which the commercial retail use is to be located except for the yard or wall that abuts the right-of-way for U.S. 1;~~

(1) ~~(2)~~ Stealth wireless communications facilities, as accessory uses, pursuant to section 146-5(5);

(2) ~~(3) Land use overlays A, INS, PF, subject to the provisions of article IV of this chapter~~ Agricultural/aquacultural use overlay (A), subject to the provisions of section 130-120:

a. Any use identified in the Monroe County Comprehensive Plan as permitted in the Agriculture/Aquaculture (A) future land use category that is on a parcel of land identified on the Monroe County Future Land Use Map with a designation of "A";

(3) Institutional use overlay (I), subject to the provisions of section 130-125:

a. Any use identified in the Monroe County Comprehensive Plan as permitted in the Institutional (I) future land use category that is on a parcel of land identified on the Monroe County Future Land Use Map with a designation of "I";

(4) Public buildings/grounds overlay (PB), subject to the provisions of section 130-126:

a. Any use identified in the Monroe County Comprehensive Plan as permitted in the Public Facilities (PF) future land use category that is on a parcel of land identified on the Monroe County Future Land Use Map with a designation of "PF"; ~~and~~

(5) ~~(4)~~ Wastewater treatment facilities and wastewater treatment collection systems serving uses located in any land use district, provided that:

a. The wastewater treatment facility and wastewater treatment collection systems are in compliance with all federal, state, and local requirements;

b. The wastewater treatment facility, wastewater treatment collection systems and accessory uses shall be screened by structures designed to be architecturally consistent with the character of the surrounding community and shall minimize the impact of any outdoor storage, temporary or permanent; and

c. In addition to any district boundary buffers set forth in chapter 114, article ~~IV~~ V, a planting bed, eight feet in width, to be measured perpendicular to the exterior of the screening structure shall be established with the following:

1. One native canopy tree for every 25 linear feet of screening structure; and one understory tree for every ten linear feet of screening structure;
2. The required trees shall be evenly distributed throughout the planting bed;
3. The planting bed shall be installed as set forth in chapter 114, article IV, and maintained in perpetuity; and
4. A solid fence may be required upon determination by the planning director~~.~~; and

(6) Lawfully-established nonresidential uses that were listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the Monroe County Year 2010 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996, may develop, redevelop, reestablish and/or substantially improve provided that the nonresidential uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the land development regulations that were in effect immediately prior to the institution of the Monroe County Year 2010 Comprehensive Plan allowed, whichever is more restricted.

~~(e) The following lawfully established nonresidential uses in the suburban residential land use district, which were rendered nonconforming by the 2010 Comprehensive Plan, but listed as permitted uses in the land development regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDRs) and lawfully existed on such lands on January 4, 1996, which are damaged or destroyed may be permitted to be redeveloped, make substantial improvements, or be reestablished as an amendment to a major conditional use, subject to the standards and procedures set forth in chapter 110, article III: Commercial retail of low- and medium-intensity or office uses or any combination thereof of less than 2,500 square feet of floor area, provided that:~~

~~(1) The parcel of land on which the commercial retail use is to be located abuts the right-of-way of U.S. 1, or a dedicated right-of-way to serve as a frontage road for U.S. 1;~~

~~(2) The structure must be located within 200 feet of the centerline of U.S. 1;~~

~~(3) The commercial retail use does not involve the sale of petroleum products;~~

~~(4) The commercial retail use does not involve the outside storage or display of goods or merchandise;~~

~~(5) There is no direct access to U.S. 1 from the parcel of land on which the commercial retail use is to be located;~~

~~(6) The structure in which the commercial retail use is to be located is separated from the U.S. 1 right-of-way by a class C bufferyard;~~

~~(7) The structure in which the commercial retail use is to be located is separated from any existing residential structure by a class C bufferyard;~~

~~(8) No signage other than one identification sign of no more than four square feet shall be placed in any yard or on the wall of the structure in which the commercial retail use is to be located except for the yard or wall that abuts the right-of-way for U.S. 1; and~~

~~(9) The use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996, or limited to the permitted uses and/or the provisions for minor or major conditional uses allowed in the pre-1996 LDRs for this district, whichever is more restrictive.~~

* * * * * * *

Sec. 130-98. Urban residential district (UR).

(a) The following uses are permitted as of right in the ~~urban residential~~ UR district:

(1) Detached residential dwellings;

~~(2) Public buildings and uses;~~

(2) ~~(3)~~ Home occupations, with an approved home occupation special ~~Special~~ use permit ~~required~~ in accordance with section 130-124;

(3) ~~(4)~~ Accessory uses;

(4) ~~(5)~~ Vacation rental use if a special vacation rental permit is obtained under the regulations established in section 134-1;

(5) ~~(6)~~ Attached wireless communications facilities, as accessory uses, pursuant to section 146-5(4);

(6) ~~(7)~~ Collocations on existing antenna-supporting structures, pursuant to section 146-5(3);

(7) ~~(8)~~ Satellite earth stations less than two meters in diameter, as accessory uses, pursuant to section 146-5(6); and

(8) ~~(9)~~ Wastewater nutrient reduction cluster systems that serve less than ten residences.

(b) The following uses are permitted as minor conditional uses in the ~~urban residential~~ UR district, subject to the standards and procedures set forth in chapter 110, article III:

(1) Attached residential dwelling units, provided that:

a. Sufficient common areas for recreation are provided to serve the number of dwelling units proposed to be developed;

b. All entryways are designed and lighted to allow safe and secure access to all structures from walks and parking areas; and

c. Access to U.S. 1 is by way of:

1. An existing curb cut;

2. A signalized intersection; or

3. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet;

(2) Institutional ~~and institutional~~ residential uses, provided that:

a. Access ~~access~~ to U.S. 1 is by way of:

1. ~~a.~~ An existing curb cut;

2. ~~b.~~ A signalized intersection; or

3. ~~c.~~ A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet;

(3) Parks and community parks;

(4) Replacement of an existing antenna-supporting structure pursuant to section 146-5(2);

(5) Stealth wireless communications facilities, as accessory uses, pursuant to section 146-5(5);

(6) Satellite earth stations greater than or equal to two meters in diameter, as accessory uses, pursuant to section 146-5(6)~~.~~; and

(7) Institutional use overlay (I), subject to the provisions of section 130-125:

a. Any use identified in the Monroe County Comprehensive Plan as permitted in the Institutional (I) future land use category that is on a parcel of land identified on the Monroe County Future Land Use Map with a designation of "I".

(c) The following uses are permitted as major conditional uses in the ~~urban residential~~ UR district, subject to the standards and procedures set forth in chapter 110, article III:

~~(1) Marinas, provided that:~~

~~a. The parcel provided for development has access to water at least four feet below mean sea level at mean low tide;~~

~~b. The sale of goods and services is limited to fuel, food, boating, diving and sport fishing products;~~

~~c. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six feet in height;~~

~~d. Vessels docked or stored shall not be used for live-aboard purposes; and~~

~~e. Each nonwaterside perimeter setback of the parcel proposed for development must have a class C bufferyard within a side yard setback of ten feet;~~

(1) ~~(2)~~ Time-share estates, including uses accessory thereto, provided that:

a. The use is compatible with established land uses in the immediate vicinity;

b. Access to U.S. 1 is by way of:

1. An existing curb cut;
2. A signalized intersection; or
3. A curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet;

c. The parcel proposed for development is separated from any established residential use by a class C bufferyard;

d. Time-share units shall have a minimum living area of 950 square feet;

e. The parcel proposed for development shall have a minimum size of four acres;

f. The density does not exceed four dwelling units per acre; and

g. The time share units comply with the requirements of the Florida Vacation Plan and Timesharing Act (F.S. § 721.01 et seq.);

(2) ~~(3) Land use overlays A, E, PF, subject to the provisions of article IV of this chapter.~~ Agricultural/aquacultural use overlay (A), subject to the provisions of section 130-120:

a. Any use identified in the Monroe County Comprehensive Plan as permitted in the Agriculture/Aquaculture (A) future land use category that is on a parcel of land identified on the Monroe County Future Land Use Map with a designation of "A";

(3) Educational use overlay (E), subject to the provisions of section 130-123:

a. Any use identified in the Monroe County Comprehensive Plan as permitted in the Educational (E) future land use category that is on a parcel of land identified on the Monroe County Future Land Use Map with a designation of "E";

(4) Public buildings/grounds overlay (PB), subject to the provisions of section 130-126:

a. Any use identified in the Monroe County Comprehensive Plan as permitted in the Public Facilities (PF) future land use category that is on a parcel of land identified on the Monroe County Future Land Use Map with a designation of "PF"; and

(5) Lawfully-established nonresidential uses that were listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the Monroe County Year 2010 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996, may develop, redevelop, reestablish and/or substantially improve provided that the nonresidential uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the land development regulations that were in effect immediately prior to the institution of the Monroe County Year 2010 Comprehensive Plan allowed, whichever is more restricted.

~~(d) The following lawfully established nonresidential uses in the urban residential land use district, which were rendered nonconforming by the 2010 Comprehensive Plan, but listed as permitted uses in the land development regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDRs) and lawfully existed on such lands on January 4, 1996, which are damaged or destroyed~~

~~may be permitted to be redeveloped, make substantial improvements, or be reestablished as an amendment to a major conditional use, subject to the standards and procedures set forth in chapter 110, article III: marinas, provided that:~~

~~(1) The parcel has access to water at least four feet below mean sea level at mean low tide;~~

~~(2) The sale of goods and services is limited to fuel, food, boating, diving, and sport fishing producers;~~

~~(3) All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six feet in height;~~

~~(4) Vessels docked or stored shall not be used for live-aboard purposes; and~~

~~(5) The use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996, or limited to the permitted uses and/or the provisions for minor or major conditional uses allowed in the pre-1996 LDRs for this district, whichever is more restrictive.~~

* * * * * * *

Sec. 130-99. Urban residential-mobile home district (URM).

(a) The following uses are permitted, as of right in the ~~urban residential-mobile home~~ URM district:

(1) Mobile homes;

(2) Detached residential dwellings;

(3) Recreational vehicles as provided in F.S. ch. 513;

(4) Home occupations, with an approved home occupation special ~~Special~~ use permit ~~required~~ in accordance with section 130-124;

(5) Accessory uses;

~~(6) Tourist housing uses, including vacation rental uses, are prohibited except in gated communities that have:~~

~~a. Controlled access; and~~

~~b. A homeowner's or property owner's association that expressly regulates or manages vacation rental uses;~~

(6) ~~(7)~~ Collocations on existing antenna-supporting structures, pursuant to section 146-5(3);

(7) ~~(8)~~ Satellite earth stations less than two meters in diameter, as accessory uses, pursuant to section 146-5(6); ~~and~~

(8) ~~(9)~~ Wastewater nutrient reduction cluster systems that serve less than ten residences~~.~~; and

(9) Vacation rental and tourist housing uses are prohibited, except in:

a. Gated communities that have:

1. Controlled access; and

2. A homeowner's or property owner's association that expressly regulates or manages vacation rental uses.

(b) The following are permitted as minor conditional uses in the ~~urban residential-mobile home~~ URM district ~~(URM)~~, subject to the standards and procedures set forth in chapter 110, article III:

(1) Replacement of an existing antenna-supporting structure pursuant to section 146-5(2);

(2) Stealth wireless communications facilities, as accessory uses, pursuant to section 146-5(5); and

(3) Satellite earth stations greater than or equal to two meters in diameter, as accessory uses, pursuant to section 146-5(6).

(c) The following uses are permitted as major conditional uses in the ~~urban residential-mobile home~~ URM district, subject to the standards and procedures set forth in chapter 110, article III:

~~(1) Marinas, provided that:~~

~~a. The parcel proposed for development has access to water at least four feet below mean sea level at mean low tide;~~

~~b. The sale of goods and services is limited to fuel, food, boating, diving and sport fishing products;~~

~~c. Vessels docked or stored shall not be used for live-aboard purposes; and~~

~~d. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six feet in height;~~

~~e. Each nonwaterside perimeter setback of the parcel proposed for development must have a class C bufferyard within a side yard setback of ten feet;~~

~~(2) Commercial retail of low- and medium-intensity and office uses or any combination thereof of less than 2,500 square feet of floor area, provided that:~~

~~a. The parcel of land on which the commercial retail use is to be located abuts the right-of-way of U.S. 1;~~

~~b. The structure must be located within 200 feet of the centerline of U.S. 1;~~

~~c. The commercial retail use does not involve the sale of petroleum products;~~

~~d. The commercial retail use does not involve the outside storage or display of goods or merchandise;~~

~~e. There is no direct access to U.S. 1 from the parcel of land on which the commercial retail use is to be located;~~

~~f. The structure in which the commercial retail use is to be located is separated from the U.S. 1 right-of-way by a class C bufferyard;~~

~~g. The structure in which the commercial retail use is to be located is separated from any existing residential structure by a class C bufferyard; and~~

~~h. No signage other than one identification sign of no more than four square feet shall be placed in any yard or on the wall of the structure in which the commercial retail use is to be located except for the yard or wall that abuts the right-of-way for U.S. 1;~~

(1) ~~(3)~~ Parks ~~and community parks~~; ~~and~~

(2) Community parks;

(3) ~~(4) Land use overlays A, E, PF, subject to the provisions of article IV of this chapter.~~ Agricultural/aquacultural use overlay (A), subject to the provisions of section 130-120:

a. Any use identified in the Monroe County Comprehensive Plan as permitted in the Agriculture/Aquaculture (A) future land use category that is on a parcel of land identified on the Monroe County Future Land Use Map with a designation of "A";

(4) Educational use overlay (E), subject to the provisions of section 130-123:

a. Any use identified in the Monroe County Comprehensive Plan as permitted in the Educational (E) future land use category that is on a parcel of land identified on the Monroe County Future Land Use Map with a designation of "E";

(5) Institutional use overlay (I), subject to the provisions of section 130-125:

a. Any use identified in the Monroe County Comprehensive Plan as permitted in the Institutional (I) future land use category that is on a parcel of land identified on the Monroe County Future Land Use Map with a designation of "I";

(6) Public buildings/grounds overlay (PB), subject to the provisions of section 130-126:

a. Any use identified in the Monroe County Comprehensive Plan as permitted in the Public Facilities (PF) future land use category that is on a parcel of land identified on the Monroe County Future Land Use Map with a designation of "PF";

(7) Wastewater treatment facilities and wastewater treatment collection systems serving uses located in any land use district, provided that:

a. The wastewater treatment facility and wastewater treatment collection systems are in compliance with all federal, state, and local requirements;

b. The wastewater treatment facility, wastewater treatment collection systems and accessory uses shall be screened by structures designed to be architecturally consistent with the character of the surrounding community and shall minimize the impact of any outdoor storage, temporary or permanent; and

c. In addition to any district boundary buffers set forth in chapter 114, article V, a planting bed, eight feet in width, to be measured perpendicular to the exterior of the screening structure shall be established with the following:

1. One native canopy tree for every 25 linear feet of screening structure; and one understory tree for every ten linear feet of screening structure;

2. The required trees shall be evenly distributed throughout the planting bed;

3. The planting bed shall be installed as set forth in chapter 114, article IV, and maintained in perpetuity; and

4. A solid fence may be required upon determination by the planning director; and

(8) Lawfully-established nonresidential uses that were listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the Monroe County Year 2010 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996, may develop, redevelop, reestablish and/or substantially improve provided that the nonresidential uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the land development regulations that were in effect immediately prior to the institution of the Monroe County Year 2010 Comprehensive Plan allowed, whichever is more restricted.

~~(d) The following lawfully established nonresidential uses in the urban residential-mobile home land use district, which were rendered nonconforming by the 2010 Comprehensive Plan, but listed as permitted uses in the land development regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's) and lawfully existed on such lands on January 4, 1996, which are damaged or destroyed may be permitted to be redeveloped, make substantial~~

~~improvements, or be reestablished as an amendment to a major conditional use, subject to the standards and procedures set forth in chapter 110, article III:~~

~~(1) Marinas, provided that:~~

~~a. The parcel has access to water at least four feet below mean sea level at mean low tide;~~

~~b. The sale of goods and services is limited to fuel, food, boating, diving, and sport fishing producers;~~

~~c. Vessels docked or stored shall not be used for live-aboard purposes;~~

~~d. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six feet in height; and~~

~~e. The use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996, or limited to the permitted uses and/or the provisions for minor or major conditional uses allowed in the pre-1996 LDR's for this district, whichever is more restrictive;~~

~~(2) Commercial retail of low- and medium-intensity or office uses or any combination thereof of less than 2,500 square feet of floor area, provided that:~~

~~a. The parcel of land on which the commercial retail use is to be located abuts the right-of-way of U.S. 1, or a dedicated right-of-way to serve as a frontage road for U.S. 1;~~

~~b. The commercial retail use does not involve the sale of petroleum products;~~

~~c. The commercial retail use does not involve the outside storage or display of goods or merchandise with the exception that outside sales and display for nurseries may be permitted with the stipulation that required open space and required bufferyards may not be used for display and sales;~~

~~d. The structure in which the commercial retail use is to be located is separated from the U.S. 1 right-of-way by a class C bufferyard;~~

~~e. The structure in which the commercial retail use is to be located is separated from any existing residential structure by a class C bufferyard;~~

~~f. No signage other than one identification sign of no more than four square feet shall be placed in any yard or on the wall of the structure in which the commercial retail use is to be located except for the yard or wall that abuts the right-of-way for U.S. 1; and~~

~~g. The use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996, or limited to the permitted uses and/or the provisions for minor or major conditional uses allowed in the pre-1996 LDR's for this district, whichever is more restrictive.~~

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Sec. 130-100. Urban residential mobile home-limited district (URM-L).

(a) The following uses are permitted as of right in the URM-L district:

(1) Mobile homes;

(2) Recreational vehicles~~,~~ as provided in F.S. ch. 513;

(3) Home occupations, with an approved home occupation special ~~Special~~ use permit ~~required~~ in accordance with section 130-124;

(4) Accessory uses;

~~(5) Tourist housing uses, including vacation rental uses, are prohibited except in gated communities that have:~~

~~a. Controlled access; and~~

~~b. A homeowner's or property owner's association that expressly regulates or manages vacation rental uses;~~

(5) ~~(6)~~ Collocations on existing antenna-supporting structures, pursuant to section 146-5(3);

(6) ~~(7)~~ Satellite earth stations less than two meters in diameter, as accessory uses, pursuant to section 146-5(6); and

(7) ~~(8)~~ Wastewater nutrient reduction cluster systems that serve less than ten residences~~.~~; and

(8) Vacation rental and tourist housing uses are prohibited, except in:

a. Gated communities that have:

1. Controlled access; and

2. A homeowner's or property owner's association that expressly regulates or manages vacation rental uses.

(b) The following uses are permitted as minor conditional uses in the ~~urban mobile home limited~~ URM-L district ~~(URM-L)~~, subject to the standards and procedures set forth in chapter 110, article III:

(1) Replacement of an existing antenna-supporting structure pursuant to section 146-5(2);

(2) Stealth wireless communications facilities, as accessory uses, pursuant to section 146-5(5); and

(3) Satellite earth stations greater than or equal to two meters in diameter, as accessory uses, pursuant to section 146-5(6).

(c) The following uses are permitted as major conditional uses in the URM-L district subject to the standards and procedures set forth in chapter 110, article III:

~~(1) Marinas, provided that:~~

~~a. The marina is primarily intended and designed to serve the residents of the district in which it is located;~~

~~b. The parcel proposed for development has access to water of at least four feet below mean sea level at mean low tide;~~

~~c. The sale of goods and services is limited to fuel, food, boating, and diving and sport fishing products;~~

~~d. Vessels docked or stored shall not be used for live-aboard purposes; and~~

~~e. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six feet in height;~~

~~(2) Commercial retail of low intensity of less than 2,500 square feet of floor area, provided that:~~

~~a. The parcel of land on which the commercial retail use is to be located abuts the right-of-way of U.S. 1;~~

~~b. The primary structure must be located within 200 feet of the centerline of U.S. 1;~~

~~c. The commercial retail use does not involve the sale of petroleum products;~~

~~d. The commercial retail use does not involve the outside storage of merchandise;~~

~~e. There is no direct access to U.S. 1 from the parcel of land on which the commercial retail use is to be located;~~

~~f. The structure in which the commercial retail use is to be located is separated from the U.S. 1 right-of-way by a class C bufferyard;~~

~~g. The structure in which the commercial retail use is to be located is separated from any existing residential structure by a class C bufferyard; and~~

~~h. No signage other than one identification sign of no more than four square feet shall be placed in any yard or on the wall of the structure in which the commercial retail use is to be located except for the yard or wall that abuts the right-of-way of U.S. 1;~~

(1) Parks;

(2) Community parks;

(3) ~~Land use overlays A, E, INS, PF, PB, subject to the provisions of article IV of this chapter.~~ Agricultural/aquacultural use overlay (A), subject to the provisions of section 130-120:

a. Any use identified in the Monroe County Comprehensive Plan as permitted in the Agriculture/Aquaculture (A) future land use category that is on a parcel of land identified on the Monroe County Future Land Use Map with a designation of "A";

(4) Educational use overlay (E), subject to the provisions of section 130-123:

a. Any use identified in the Monroe County Comprehensive Plan as permitted in the Educational (E) future land use category that is on a parcel of land identified on the Monroe County Future Land Use Map with a designation of "E";

(5) Institutional use overlay (I), subject to the provisions of section 130-125:

a. Any use identified in the Monroe County Comprehensive Plan as permitted in the Institutional (I) future land use category that is on a parcel of land identified on the Monroe County Future Land Use Map with a designation of "I";

(6) Public buildings/grounds overlay (PB), subject to the provisions of section 130-126:

a. Any use identified in the Monroe County Comprehensive Plan as permitted in the Public Facilities (PF) future land use category that is on a parcel of land identified on the Monroe County Future Land Use Map with a designation of "PF";

(7) Wastewater treatment facilities and wastewater treatment collection systems serving uses located in any land use district, provided that:

a. The wastewater treatment facility and wastewater treatment collection systems are in compliance with all federal, state, and local requirements;

b. The wastewater treatment facility, wastewater treatment collection systems and accessory uses shall be screened by structures designed to be architecturally consistent with the character of the surrounding community and shall minimize the impact of any outdoor storage, temporary or permanent; and

c. In addition to any district boundary buffers set forth in chapter 114, article V, a planting bed, eight feet in width, to be measured perpendicular to the exterior of the screening structure shall be established with the following:

1. One native canopy tree for every 25 linear feet of screening structure; and one understory tree for every ten linear feet of screening structure;
2. The required trees shall be evenly distributed throughout the planting bed;
3. The planting bed shall be installed as set forth in chapter 114, article IV, and maintained in perpetuity; and
4. A solid fence may be required upon determination by the planning director; and

(8) Lawfully-established nonresidential uses that were listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the Monroe County Year 2010 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996, may develop, redevelop, reestablish and/or substantially improve provided that the nonresidential uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the land development regulations that were in effect immediately prior to the institution of the Monroe County Year 2010 Comprehensive Plan allowed, whichever is more restricted.

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Sec. 130-164. Maximum nonresidential land use intensities and district open space.

Maximum nonresidential land use intensities and land use district open space shall be in accordance with the following table:

Land Use District	*Maximum Floor Area Ratio (F.A.R.)*	*Minimum Open Space Ration (O.S.R.)**
Urban commercial:		
Commercial retail:		
Low intensity	0.45	0.20
Medium intensity	0.40	0.20
High intensity	0.35	0.20
Offices	0.45	0.20
Commercial recreation	0.15	0.20
Institutional	0.40	0.20
~~Outdoor recreational~~	~~0.15~~	~~0.20~~
Public buildings and uses	0.35	0.20
~~Urban residential:~~		
~~Institutional~~	~~0.30~~	~~0.20~~
~~Public buildings and uses~~	~~0.30~~	~~0.20~~
~~Urban residential mobile home:~~		

	~~Commercial retail:~~		
	~~Low intensity~~	~~**~~	~~0.20~~
	~~Medium intensity~~	~~**~~	~~0.20~~
	~~Offices~~	~~**~~	~~0.20~~
Commercial 1:			
	Commercial retail:		
	Low intensity	0.35	0.20
	Medium intensity	0.25	0.20
	High intensity	0.15	0.20
	Offices	0.40	0.20
	Commercial recreation~~al~~	0.15	0.20
	Institutional	0.30	0.20
	Public buildings and uses	0.30	0.20
	Light ~~industry~~ industrial	0.30	0.20
Commercial 2:			
	Commercial retail:		
	Low intensity	0.50	0.20
	Medium intensity	0.40	0.20
	High intensity	0.35	0.20
	Offices	0.45	0.20
	Commercial recreation~~al~~	0.25	0.20
	Institutional	0.40	0.20
	Public buildings and uses	0.35	0.20
	Light ~~industry~~ industrial	0.40	0.20
Suburban commercial:			
	Commercial retail:		
	Low intensity	0.35	0.20
	Medium intensity	0.25	0.20
	High intensity	0.15	0.20
	Offices	0.40	0.20
	Commercial recreation~~al~~	0.10	0.20
	Institutional	0.30	0.20
	~~Outdoor recreational~~	~~0.10~~	~~0.20~~

		Public buildings and uses	0.30	0.20
		Light ~~industry~~ industrial	0.30	0.20
Suburban residential:				
	Commercial retail:			
		Low intensity	**	0.50
		Medium intensity	**	0.50
		Offices	**	0.50
	Public buildings and uses		0.25	0.50
	Institutional		0.25	0.50
	Sparsely settled:			
		Public buildings and uses	0.20	0.20
	Native area:			
		Public buildings and uses	0.20	0.20
	Mainland native area:			
		Educational/research centers	0.30	0.20
~~Improved subdivision:~~				
	~~Commercial retail:~~			
		~~Low intensity~~	~~0.25**~~	~~0.20~~
		~~Medium intensity~~	~~0.20**~~	~~0.20~~
		~~Offices~~	~~0.25**~~	~~0.20~~
	Destination resort:			
		Commercial retail	**	0.20
		Institutional	0.30	0.20
	Recreational vehicle:			
		Commercial retail	**	0.20
	Commercial fishing area:			
		Commercial fishing	0.40	0.20
		Light ~~industry~~ industrial	0.40	0.20
	Commercial retail:			
		Low intensity	0.40	0.20
		Medium intensity	0.40	0.20
	Commercial fishing village:			
		Commercial fishing	0.40	0.20

Commercial fishing special districts (all):				
	Commercial retail:			
		Low intensity	0.35	0.20
		Medium intensity	0.25	0.20
	Commercial fishing		0.40	0.20
	Light ~~industry~~ industrial		0.30	0.20
Mixed use:				
	Commercial retail:			
		Low intensity	0.35	0.20
		Medium intensity	0.25	0.20
		High intensity	0.15	0.20
		Offices	0.40	0.20
	Commercial recreational		0.10	0.20
	Institutional		0.30	0.20
	~~Outdoor recreational~~		~~0.10~~	~~0.20~~
	Public buildings and uses		0.30	0.20
	Commercial fishing		0.40	0.20
	Light ~~industry~~ industrial		0.30	0.20
Industrial:				
	Light ~~industry~~ industrial		0.40	0.20
	Heavy ~~industry~~ industrial		0.25	0.20
	Public buildings and uses		0.40	0.20
	Restaurants		0.30	0.20
	Offices		0.40	0.20
	Commercial fishing		0.40	0.20
Maritime ~~industrial~~ industries:				
	Commercial retail:			
		Low intensity	0.30	0.20
		Medium intensity	0.30	0.20
		High intensity	0.40	0.20
		Offices	0.50	0.20
	Public buildings and uses		0.60	0.20
	Commercial fishing		0.45	0.20

	Light ~~industry~~ industrial	0.35	0.20
	Heavy ~~industry:~~ industrial	0.35	0.20
Military facilities:			
	Military uses	0.50	0.20
	Commercial retail:		
	Low intensity	0.30	0.20
	Medium intensity	0.30	0.20
	Offices	0.40	0.20
	Public buildings and uses	0.30	0.20
Airport:			
	Airport uses	0.10	0.20
Parks and refuge:			
	Public buildings and uses	0.20	0.90
* See additional open space ratio in this article: in accordance with section 118-12, the most restrictive of these ratios applies.			
**Where commercial uses are allowed as permitted uses, and no FAR is given, the maximum per lot stated in article III of this chapter shall prevail.			

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IV RECOMMENDATION

Staff has found that the proposed text amendment would be consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern, the Monroe County Comprehensive Plan and the Monroe County Code.

Staff has found that the proposed text amendment would be consistent with the provisions of §102-158(d)(5)(b): 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 I of the plan; 4. New issues; 5. Recognition of a need for additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has found that the proposed text amendments are necessary due to a recognition of a need for additional detail or comprehensiveness.

Staff recommends that the Board of County Commissioners amend the Monroe County Code as stated in the text of this staff report.