

AGENDA

PLANNING COMMISSION
MONROE COUNTY
November 21, 2013
10:00 A.M.

MARATHON GOV'T CENTER
2798 OVERSEAS HIGHWAY
MARATHON, FL 33050

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSION:

William Wiatt, Chairman
Jeb Hale
Elizabeth Lustberg
Ron Miller
Denise Werling

STAFF:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Susan Grimsley, Ass't County Attorney
John Wolfe, Planning Commission Counsel
Mayte Santamaria, Assistant Director of Planning and Environmental Resources
Joe Haberman, Planning & Development Review Manager
Mitch Harvey, Comp Plan Manager
Mike Roberts, Sr. Administrator, Environmental Resources
Rey Ortiz, Planning & Biological Plans Examiner Supervisor
Emily Schemper, Sr. Planner
Barbara Bauman, Planner
Matt Coyle, Planner
Gail Creech, Planning Commission Coordinator

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

-

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

-

SWEARING OF COUNTY STAFF

CHANGES TO THE AGENDA

-

APPROVAL OF MINUTES

-

MEETING

New Item:

1. Landco, LLC Property, doing business as Tom Thumb, 30662 Overseas Highway (US 1), Big Pine Key, mile marker 30.6: A

request for a time extension to the approved major conditional use permit amendment memorialized by Planning Commission Resolution #P03-11 pursuant to Monroe County Code Section 110-73. The subject property is legally described as Lots 1 through 7, Rogers Subdivision (Plat Book 3, Page 79), Big Pine Key, Monroe County, Florida, having real estate numbers 00275410.000000, 00275430.000000 and 00275450.000000.

(File #2013-124)

[2013-124 SR PC 11.21.13.PDF](#)

[2013-124 FILE.PDF](#)

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

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

BOARD DISCUSSION

GROWTH MANAGEMENT COMMENTS

- Update from Mayte Santamaria on Keith & Schnars progress

RESOLUTIONS FOR SIGNATURE

ADJOURNMENT



**Item #1 Landco LLC-Time Extension
Staff Report**

MEMORANDUM

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

To: The Monroe County Planning Commission
Through: Townsley Schwab, Senior Director of Planning & Environmental Resources
From: Joseph Haberman, AICP, Planning & Development Review Manager
Date: November 14, 2013
Subject: *Request for a time extension to a major conditional use permit memorialized by Planning Commission Resolution #P03-11 for the Landco, LLC, doing business as Tom Thumb, located at 30662 Overseas Highway (US 1), Big Pine Key, Real Estate #'s 00275410.000000, 00275430.000000 and 00275450.000000 (File #2013-124)*

Meeting: November 21, 2013

I REQUEST:

The applicant is requesting approval of a time extension to the major conditional use permit amendment memorialized by Planning Commission Resolution #P03-11 (attached) in order to extend the final expiration date from May 6, 2014 to May 6, 2016.



Subject Property with Land Use Districts Overlaid (2012)

1
2
3 Location:

4 Address: 30662 Overseas Highway (US 1), Big Pine Key, mile marker 30.6 (Atlantic
5 Ocean side of US 1)

6
7 Legal Description: Lots 1 through 7, Rogers Subdivision (Plat Book 3, Page 79)

8
9 Real Estate (RE) Numbers: 00275410.000000, 00275430.000000 and 00275450.000000

10
11 Applicant:

12
13 Owner: Landco, LLC

14
15 Agent: Gay Marie Smith

16
17 **II RELEVANT PRIOR COUNTY ACTIONS:**

18
19 On August 12, 2008, the Planning & Environmental Resources Department issued a letter of
20 development rights determination for the property. Staff determined that 9,446 SF of non-
21 residential floor area and 648 SF of 'canopy' non-residential floor area were lawfully-
22 established on the property and therefore exempt from the NROGO permit allocation system.
23

24 In 2011, the Planning Commission approved a major conditional use permit amendment
25 allowing the redevelopment of the existing gas station and convenience store on the subject
26 property. The approval was memorialized in Planning Commission Resolution #P03-11,
27 signed by the Planning Commission Chair on February 9, 2011. Following its passing of
28 appeal periods, the document was filed and recorded in the official records of the Monroe
29 County on May 6, 2011.
30

31 On March 5, 2013, the Director of Planning & Environmental Resources approved a minor
32 deviation to the approved phasing plan associated with the major conditional use permit
33 amendment.
34

35 **III BACKGROUND INFORMATION:**

36
37 A. Size of Site: 71,396 SF (1.64 acres)

38 B. Land Use District: Suburban Commercial (SC)

39 C. Future Land Use Map (FLUM) Designation: Mixed Use/Commercial (MC)

40 D. Tier Designation: Tier III

41 E. Flood Zone: AE – EL 8

42 F. Existing Use: High and Medium Intensity Commercial Retail

43 G. Existing Vegetation / Habitat: Predominately scarified, with an area of vegetation in the
44 southern portion of the site behind buildings

45 H. Community Character of Immediate Vicinity: Mixed Use – Commercial Retail, Office,
46 Light Industrial (Storage) and Residential

47 I. Miscellaneous: Each of the three parcels identified by different real estate numbers have
48 been historically occupied by three independent businesses. Landco LLC has acquired all
49 three parcels and brought them under common ownership. RE 00275410.000000 is
50 currently vacant, but was most recently occupied by KD's Steak & Seafood House until

1 the building's demolition in 2009. RE 00275430.000000 is currently occupied by
2 Underseas Dive Shop. RE 00275450.000000 is currently occupied by Tom Thumb Food
3 Store.
4

5 **IV REVIEW OF APPLICATION:**
6

7 Pursuant to MCC §110-73(a)(1) unless otherwise specified in a major conditional use
8 approval, all required building permits and certificates of occupancy (CO's) shall be
9 procured within three years of the date on which the major conditional use approval is
10 recorded and filed in the official records of Monroe County, or the major conditional use
11 approval shall become null and void with no further action required by the county. Approval
12 time frames do not change with successive owners. Extensions of time to a major conditional
13 use approval may be granted only by the planning commission for periods not to exceed two
14 years, unless otherwise specified. Applications for extensions shall be made prior to the
15 expiration dates. Extensions to expired major conditional use approvals shall be
16 accomplished only by re-application for the major conditional uses.
17

18 Pursuant to Monroe County Code §110-73(a)(1) and Planning Commission Resolution #P03-
19 11, the major conditional use permit approval is effective for three years from the date on
20 which the conditional use permit is recorded and filed in the official records of Monroe
21 County. Therefore, the expiration date of the minor conditional use permit is May 6, 2014.
22

23 Pursuant to §110-73(a)(1) of the Monroe County Code, an extension of time to a major
24 conditional use approval may be granted only by the Planning Commission for a period not
25 to exceed two years. Applications for extensions shall be made prior to the expiration dates.
26

27 The Applicant is requesting additional time to complete the project due to economic reasons.
28 In addition, the property owner is considering minor changes to the approved project and
29 awaiting more information concerning the County's central wastewater treatment system.
30 The current approval includes an on-site wastewater treatment system; however this on-site
31 system would not necessary when the central system becomes available.
32

33 **V RECOMMENDED ACTION:**
34

35 Staff recommends approval of the time extension to the major conditional use permit
36 application to the Planning Commission with the following condition:
37

- 38 A. The deadline to complete the project approved by Planning Commission Resolution
39 #P03-11 is hereby extended to May 6, 2016. All certificates of occupancies shall be
40 acquired by this date unless an additional time extension is granted.

Doc# 1938098
Bk# 2635 Pg# 309

*



Doc# 1834927
Bk# 2516 Pg# 1327

**MONROE COUNTY, FLORIDA
PLANNING COMMISSION RESOLUTION NO. P03-11**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING THE REQUEST BY LANDCO LLC FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE PERMIT IN ORDER TO REDEVELOP THE EXISTING GAS STATION AND CONVENIENCE STORE BY DEMOLISHING ALL EXISTING BUILDINGS, CONSTRUCTING A NEW CONVENIENCE STORE / COMMERCIAL RETAIL BUILDING, RELOCATING THE TWO (2) EXISTING FUEL PUMPS AND CONSTRUCTING FIVE (5) NEW FUEL PUMPS- THUS ESTABLISHING A TOTAL OF SEVEN (7) FUEL PUMPS WITH FOURTEEN (14) FUELING STATIONS; DEMOLISHING THE EXISTING FUEL PUMP CANOPY; CONSTRUCTING A NEW FUEL PUMP CANOPY; CONSTRUCTING A CAR WASH; AND CARRYING OUT ASSOCIATED IMPROVEMENTS, AT PROPERTY LEGALLY DESCRIBED AS LOTS 1 THROUGH 7, ROGERS SUBDIVISION (PB3-79), BIG PINE KEY, MONROE COUNTY, FLORIDA AND HAVING REAL ESTATE NUMBERS 00275410.000000, 00275430.000000 AND 00275450.000000.

WHEREAS, during a regularly scheduled public meeting held on January 12, 2011, the Monroe County Planning Commission conducted a review and consideration of a request filed by Soleria Design & Consulting Co., on behalf of Landco LLC, for an amendment to a major conditional use permit in accordance with §110-70, §110-74 and §130-93 of the Monroe County Code; and

WHEREAS, the subject property is located at 30662 Overseas Highway (US 1) on Big Pine Key, approximate mile marker 30.6 and is legally described as Lots 1 through 7, Rogers Subdivision (PB3-79), Big Pine Key, Monroe County, Florida, having real estate numbers 00275410.000000, 00275430.000000 and 00275450.000000; and

WHEREAS, the applicant requested approval to amend the site's major conditional use permit in order to redevelop the existing gas station, convenience store and commercial retail store by demolishing all existing buildings, constructing a new convenience store / commercial retail building, relocating the two (2) existing fuel pumps and constructing five (5) new fuel pumps (thus establishing a total of seven (7) fuel pumps with fourteen (14) fueling stations);



demolishing the existing fuel pump canopy; constructing a new fuel pump canopy; constructing a car wash; and carrying out associated improvements; and

WHEREAS, following a review of the major conditional use permit application's initial site plan, Planning & Environmental Resources Department staff determined that variances to the required setbacks and access standards would be necessary in order to have the site plan approved; and

WHEREAS, the required variance application was processed concurrently with the major conditional use permit application and was also heard and decided upon by the Planning Commission on January 12, 2011. The Planning Commission approved the variance application, with the approval memorialized as Planning Commission Resolution No. P02-11; and

WHEREAS, the Planning Commission was presented with the following documents and other information relevant to the request, which by reference is hereby incorporated as part of the record of said hearing:

1. Major conditional use permit application (File No. 2010-128), received by the Monroe County Planning & Environmental Resources Department on October 29, 2010; and
2. Preliminary Site Plan (C-1) by Soleria Design and Consulting Co., dated October 21, 2010 (reviewed by the Planning Commission at public meeting); and
3. Preliminary Site Plan (C-1) by Soleria Design and Consulting Co., dated October 21, 2010 and revised February 2, 2011 (submitted after public meeting to address Planning Commission and staff revisions); and
4. Preliminary Landscape Plan (L-1) by Soleria Design and Consulting Co., dated October 21, 2010 (reviewed by the Planning Commission at public meeting); and
5. Preliminary Landscape Plan (L-1) by Soleria Design and Consulting Co., dated October 21, 2010 and revised February 2, 2011 (submitted after public meeting to address Planning Commission and staff revisions); and
6. Preliminary Drainage Plan (C-2) by Soleria Design and Consulting Co., dated October 21, 2010; and
7. Store Layout Plan (convenience store) by Paragon Solutions, dated October 14, 2010; and
8. Exterior Elevations (convenience store) by Paragon Solutions, dated October 21, 2010; and
9. Carwash Floor Plan and Elevations by Paragon Solutions, dated October 21, 2010; and
10. Canopy Exterior Elevation by Paragon Solutions, dated October 21, 2010; and
11. Boundary Survey by Reece & White, dated March 15, 2007 and revised October 18, 2010; and
12. Level III Traffic Study by Keys Traffic Studies, LLC, dated October 2010; and
13. Development Review Committee Resolution No. 14-10; and
14. Staff report prepared by Joseph Haberman, AICP, Planning & Development Review Manager, dated December 30, 2010; and



15. Sworn testimony of Monroe County Planning & Environmental Resources Department staff; and
16. Sworn testimony of the applicant; and
17. Advice and counsel of Susan Grimsley, Assistant County Attorney, and John Wolfe, Planning Commission Counsel; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Findings of Fact:

1. The subject property is located in a Suburban Commercial (SC) district; and
2. The subject property has a Future Land Use Map (FLUM) designation of Mixed Use / Commercial (MC); and
3. The subject property has a tier designation of tier 3; and
4. On August 12, 2008, the Planning & Environmental Resources Department issued a letter of development rights determination for the subject property. Staff determined that 9,446 SF of non-residential floor area and 648 SF of 'canopy' non-residential floor area were lawfully-established on the property and therefore exempt from the Non-Residential Rate of Growth Ordinance (NROGO) permit allocation system; and
5. On December 13, 2010, the application was reviewed by the Development Review Committee. At the meeting, staff requested that applicant revise the site and landscape plans and provide additional supporting information. In addition, staff requested that certain conditions be applied to any approval; and
6. Pursuant to §130-93 of the Monroe County Code, in the Suburban Commercial (SC) district, high-intensity commercial retail uses of greater than 2,500 SF of floor area may be permitted with major conditional use permit approval, provided that there is access to US 1 by way of a) an existing curb cut; b) a signalized intersection; or c) a curb cut that is separated from any other curb cut on the same side of US 1 by at least 400 feet; and
7. §110-67 of the Monroe County Code provides the standards which are applicable to all conditional uses. When considering applications for a conditional use permit, the Planning Commission shall consider the extent to which:
 - (a) The conditional use is consistent with the purposes, goals, objectives and standards of the Monroe County Year 2010 Comprehensive Plan and Monroe County Code; and
 - (b) The conditional use is consistent with the community character of the immediate vicinity of the parcel proposed for development; and
 - (c) The design of the proposed development minimizes adverse effects, including visual impacts, or the proposed use on adjacent properties; and



- (d) The proposed use will have an adverse effect on the value of surrounding properties; and
 - (e) 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 Monroe County Code; and
 - (f) 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; and
 - (g) The development will adversely affect a known archaeological, historical or cultural resource; and
 - (h) Public access to public beaches and other waterfront areas is preserved as a part of the proposed development; and
 - (i) 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 the Monroe County Code; and
8. Developments requiring a conditional use permit shall be consistent with the Monroe County Year 2010 Comprehensive Plan; and
9. Developments on Big Pine Key shall be consistent with the Master Plan for Future Development of Big Pine Key and No Name Key; and
10. Developments on Big Pine Key shall have to comply with the regulations of the Habitat Conservation Plan (HCP); and
11. Developments requiring a conditional use permit shall be consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Conclusions of Law:

1. The major conditional use permit request is consistent with the provisions and intent of the Land Development Code of the Monroe County Code; specifically:
- a. With execution of attached conditions, the redevelopment is consistent with the purpose of the Suburban Commercial (SC) district, as set forth in §130-43; and
 - b. With execution of attached conditions, the land uses of the redevelopment are permitted uses in the Suburban Commercial (SC) district, as set forth in §130-93; and
 - c. With execution of attached conditions, the redevelopment shall meet all of the standards for a conditional use permit as set forth in §110-67; and



2. The major conditional use permit request is consistent with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan; specifically:
 - a. The redevelopment is consistent with the purpose of the Mixed Use / Commercial (MC) future land use category, as set forth in Policy 101.4.5; and
3. The major conditional use permit request is consistent with the provisions and intent of the Master Plan for Future Development of Big Pine Key and No Name Key, specifically:
 - a. Action Item 4.1.3: Direct non-residential development and redevelopment to infill in existing non-residential areas on Tier II and Tier III lands, mainly in the US 1 Corridor Area. New commercial development will be limited to disturbed or scarified land – no clearing of pinelands and/or hammock will be permitted; and
 - b. Action Item 14.2.3: Only require new design guidelines for new development, the replacement of an existing building or if 2,500 SF is added. Ensure that new commercial design guidelines do not create a burden on existing businesses with potential for redevelopment.; and
4. The redevelopment shall have to comply with the regulations of the Habitat Conservation Plan (HCP). The (H) value on this property (combination of all three parcels) is 0.0124. In order to proceed with development plans, in Big Pine Key, a mitigation fee, at a rate of 3H to 1H, representing three (3) units of (H) for mitigation for every one unit of (H) impacted by development, is required. This ensures that development bears its fair share of the required mitigation under the conditions of the Incidental Take Permit (ITP). Mitigation fees will be assessed on a per permit basis. An exemption is subject to the County having sufficient inventory of qualified government-owned mitigation land. At the time of this resolution, Monroe County continues to provide mitigation for 'H' impacts without charge to the applicant/landowner. However this mitigation is based on availability and is subject to change if the Board of County Commissioners determines that it is in the best interest of the County to charge for the mitigation provided; and
5. The major conditional use permit request is not inconsistent with any of the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

WHEREAS, at the January 12, 2011 public meeting, the Planning Commission considered the recommendations of staff and applied the following conditions to be met prior to the issuance of a resolution for approval by the Planning Commission:

1. Prior to the issuance of a resolution for approval by the Planning Commission, a) the applicant shall receive a variance to the setback and access standard requirements or b) the applicant shall submit a revised site plan and landscape plan showing that all setback and access standard regulations shall be met; and



2. Prior to the issuance of a resolution for approval by the Planning Commission, the applicant shall submit a revised building elevation for the new convenience store that indicates the structure would be in full compliance with the 35' maximum height requirement; and
3. Prior to the issuance of a resolution for approval by the Planning Commission, the applicant shall submit a revised site plan completing the following: a) Revise to have the floor area of structure illustrations match that provided in the tables; b) Revise Planning and Environmental Open Space and Density table by removing references to "Existing Uses"; c) Revise Required Off-Street Parking table to state 38 spaces provided; and d) Remove incorrect reference to "5,593 SQ FT" on illustration of convenience store; and
4. Prior to the issuance of a resolution for approval by the Planning Commission, the applicant shall submit a revised landscape plan completing the following: a) Revise Required Off-Street Parking table to state 38 spaces provided and modify parking lot landscaping totals if necessary; and
5. Prior to the issuance of a resolution for approval by the Planning Commission, a county biologist must visit the site and confirm no native habitat exists. If such an area does exist, all necessary changes must be made to the site plan; and

WHEREAS, concerning the first condition required to be met prior to the issuance of a resolution, this approval is reliant on the additional approval of the concurrently filed and approved variance application, memorialized as Planning Commission Resolution No. P02-11. An appeal of Resolution No. P02-11, as provided in §102-185 of the Monroe County Code and/or Chapter 9J-1, Florida Administrative Code, stays the effectiveness of this instrument until the appeal is resolved by agreement or order. If an appeal of Resolution No. P02-11 results in an overturning of the decision of approval as requested, this instrument shall be null and void and additional consideration of this application shall be required by the Planning Commission; and

WHEREAS, concerning the second condition required to be met prior to the issuance of a resolution, the applicant provided several elevations on the subject property and adjacent road, as shown on a boundary survey by Reece & White dated March 15, 2007 and revised October 18, 2010, which support that the proposed building will be in compliance with the maximum height requirements. Full compliance with the maximum height requirements will be determined upon review of the building permit application for the building; and

WHEREAS, concerning the third condition required to be met prior to the issuance of a resolution, following the January 12, 2011 public meeting, the applicant submitted a revised site plan by Soleria Design and Consulting Co., dated October 21, 2010 and revised February 2, 2011; and

WHEREAS, concerning the fourth condition required to be met prior to the issuance of a resolution, following the January 12, 2011 public meeting, the applicant submitted a revised



landscape plan by Soleria Design and Consulting Co., dated October 21, 2010 and revised February 2, 2011; and

WHEREAS, concerning the fifth condition required to be met prior to the issuance of a resolution, following the January 12, 2011 public meeting, a Monroe County Biologist conducted a site visit and determined that there was no native pinelands or hammock on the subject property; and

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support its decision to **APPROVE** the request by Landco LLC for an amendment to a major conditional use permit, subject to the following conditions:

1. Prior to the issuance of a building permit(s), the proposed development and structures shall be found in compliance by the Monroe County Building Department, Floodplain Administrator, Office of the Fire Marshal and Project Management Department.
2. Prior to the issuance of a building permit(s) for the construction of the buildings and fuel canopy, all necessary allocation(s) for its area shall be acquired through the NROGO permit allocation system.
3. Similar and consistent design, materials and colors shall be utilized for all new structures, including signage, in order to make the development more attractive and cohesive. The architecture of the buildings and fuel canopy shall be compatible with the architectural guidelines set forth within the Big Pine Key / US 1 Corridor Area Enhancement Plan. The applicant may not deviate from the designs depicted on building elevations and site plan without approval from the Director of Planning. Any modifications and/or alterations to the buildings and fuel canopy, as well as accessory structures, must adhere to the standards set forth in the Big Pine Key / US 1 Corridor Area Enhancement Plan, to be determined by the Director of Planning and, if necessary, the Planning Commission.
4. There shall be curbing to delineate between the roadways and their adjacent walkways.
5. There shall be directional signage to direct motorists though the site.

(This area is intentionally left blank)



PASSED AND ADOPTED BY THE PLANNING COMMISSION of Monroe County, Florida, at a regular meeting held on the 12th of January, 2011.

Chair Wall	<u>YES</u>
Vice Chair Cameron	<u>YES</u>
Commissioner Hale	<u>YES</u>
Commissioner Lustberg	<u>YES</u>
Commissioner Werling	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY Randolph D. Wall
Randolph D. Wall, Chair

Signed this 9th day of Feb, 2011.

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 2/9/11



NOTICE

§110-73(a) of the Monroe County Code states that a conditional use permit shall not be transferred to a successive owner without notification to the Planning Director 15 days of the transfer.

Pursuant to §110-73(a) of the Monroe County Code, all required building permits and certificates of occupancy shall be procured within three (3) years of the date on which the conditional use approval is recorded and filed in the official records of Monroe County, or the conditional use approval shall become null and void with no further action required by the county. Approval time frames do not change with successive owners. Extensions of time to a major conditional use approval may be granted only by the Planning Commission for periods not to exceed two (2) years. There may be no more than two (2) extensions. Applications for extensions shall be made prior to the expiration dates. Extensions to expired major conditional use approvals shall be accomplished only by re-application for the major conditional uses. When a hearing officer has ordered a conditional use approval initially denied by the Planning Commission, the Planning Commission shall nonetheless have the authority to grant or deny a time extension under §110-73 of the Monroe County Code. If the Planning Commission denies a time extension, the holder of the conditional use may request an appeal of that decision under Chapter 102, Article VI, Division 2 of the Monroe County Code by filing the notice required by that article within 30 days of the written denial of the Planning Commission.

This instrument shall not take effect for 30 days following the date in which the document is signed by the Planning Commission Chair. During these 30 days, this instrument shall be subject to appeal as provided in Chapter 102, Article VI, Division 2 of the Monroe County Code. Such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order. In addition, please be advised that pursuant to Chapter 9J-1, Florida Administrative Code, this instrument shall not take effect for 45 days following the rendition of the Florida Department of Community Affairs. During these 45 days, the Florida Department of Community Affairs may appeal this instrument to the Florida Land and Water Adjudicatory Commission. Such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

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

March 5, 2013

Gay Marie Smith
P.O. Box 1638
Tavernier, FL 33070

**Subject: Minor Deviation to an Amended Major Conditional Use Permit
Landco LLC (AKA Tom Thumb), 30662 Overseas Highway, Big Pine Key, Real
Estate #00275410.000000, #0000275430.000000 and #00275450.000000
(File #2012-149)**

Mr. Smith,

The Planning & Environmental Resources Department has approved your request for a minor deviation to the amended major conditional use permit for the above referenced site. The minor deviation was required in order to allow for the redevelopment of the property in two (2) phases consisting of the following:

Phase 1 will involve the demolition of an approximate 30' by 20' one-story building, the demolition of an approximate 60' by 44' one-story building (dive shop), the construction of a new 4,056 SF Tom Thumb convenience store and Subway restaurant, construct 6 new fuel pumps with 12 dispensers, and carry out associated improvements such as new parking areas.

Phase 2 will consist of demolishing the existing Tom Thumb convenience store, existing 2 fuel pumps with 4 dispensers and the existing canopy, and construct a 1,584 SF car wash as shown on a proposed site plan by Robert Barnes & Associates, signed and sealed February 4, 2013. The Department has determined that the application complies with the requirements and standards set forth in the Monroe County Code.

The following conditions apply:

1. All conditions and provisions set forth in Planning Commission Resolution #P03-11 shall be met.
2. Any additional revisions to the site plan or future improvements to the property are subject to further review as a deviation or as an amendment to the major conditional use permit approval provided under Planning Commission Resolution #P03-11.
3. A Monroe County building permit(s) is also required for the scope of work. The Monroe County Office of the Fire Marshal and the Monroe County Building Department have not

reviewed this application. The applicant shall meet any additional requirements required by the Fire Marshal and the Building Department.

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.

Respectfully,



Doc# 1938098
Bk# 2635 Pg# 319

Townsley Schwab, Senior Director of Planning & Environmental Resources

ANNUAL SERVICE REQUIREMENTS SEC 130-108		REQUIRED OFF-STREET PARKING		BUILDING LOT COVERAGE		OPEN SPACE & DENSITY CALCULATIONS		SITE DATA		SITE OPEN SPACE AND DENSITY DATA	
Category	Requirement	Category	Requirement	Category	Requirement	Category	Requirement	Category	Requirement	Category	Requirement
1.0	...	1.0	...	1.0	...	1.0	...	1.0	...	1.0	...
2.0	...	2.0	...	2.0	...	2.0	...	2.0	...	2.0	...
3.0	...	3.0	...	3.0	...	3.0	...	3.0	...	3.0	...
4.0	...	4.0	...	4.0	...	4.0	...	4.0	...	4.0	...
5.0	...	5.0	...	5.0	...	5.0	...	5.0	...	5.0	...
6.0	...	6.0	...	6.0	...	6.0	...	6.0	...	6.0	...
7.0	...	7.0	...	7.0	...	7.0	...	7.0	...	7.0	...
8.0	...	8.0	...	8.0	...	8.0	...	8.0	...	8.0	...
9.0	...	9.0	...	9.0	...	9.0	...	9.0	...	9.0	...
10.0	...	10.0	...	10.0	...	10.0	...	10.0	...	10.0	...
11.0	...	11.0	...	11.0	...	11.0	...	11.0	...	11.0	...
12.0	...	12.0	...	12.0	...	12.0	...	12.0	...	12.0	...
13.0	...	13.0	...	13.0	...	13.0	...	13.0	...	13.0	...
14.0	...	14.0	...	14.0	...	14.0	...	14.0	...	14.0	...
15.0	...	15.0	...	15.0	...	15.0	...	15.0	...	15.0	...
16.0	...	16.0	...	16.0	...	16.0	...	16.0	...	16.0	...
17.0	...	17.0	...	17.0	...	17.0	...	17.0	...	17.0	...
18.0	...	18.0	...	18.0	...	18.0	...	18.0	...	18.0	...
19.0	...	19.0	...	19.0	...	19.0	...	19.0	...	19.0	...
20.0	...	20.0	...	20.0	...	20.0	...	20.0	...	20.0	...



SECTION 130-108

1.0 USE AND OCCUPANCY CLASSIFICATION:
 - Per FC 2014, Chapter 8
 - Residential Group M
 - For multiple units
 - For use as a residence
 - For use as a dwelling unit

2.0 TYPE OF CONSTRUCTION:
 - Per FC 2014, Chapter 8
 - Construction Classification: Type B
 - For use as a residence
 - For use as a dwelling unit

3.0 GENERAL REGULATIONS:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

4.0 INTERIOR FINISHES:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

5.0 EXTERIOR FINISHES:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

6.0 SIGNAGE:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

7.0 LIGHTING:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

8.0 SOUND AND VIBRATION:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

9.0 ENERGY EFFICIENCY:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

10.0 ACCESSIBILITY:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

11.0 SAFETY:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

12.0 FIRE PROTECTION:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

13.0 PLUMBING AND MECHANICAL:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

14.0 ELECTRICAL:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

15.0 TELECOMMUNICATIONS:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

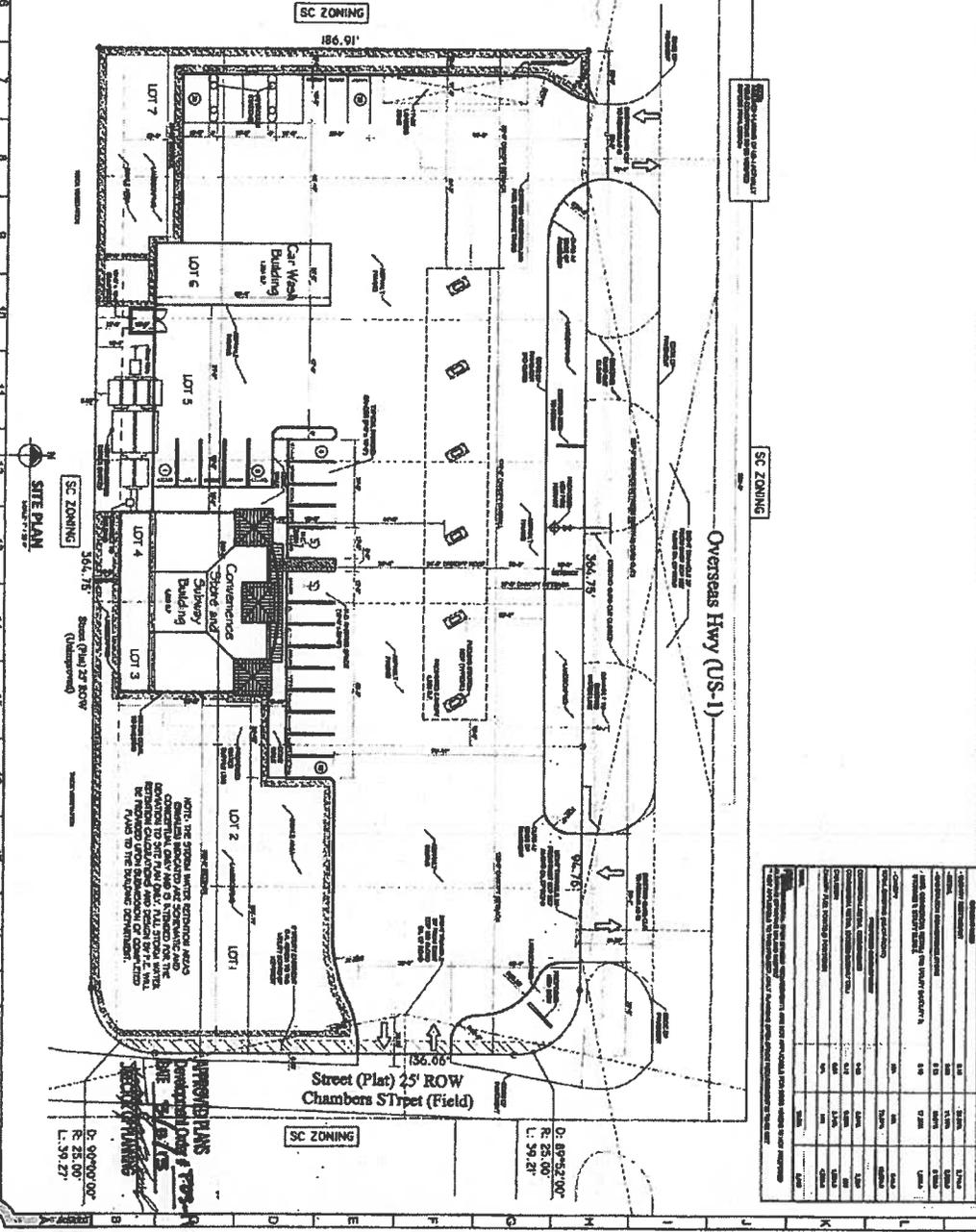
16.0 ENVIRONMENTAL:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

17.0 HISTORIC PRESERVATION:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

18.0 TRANSPORTATION:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

19.0 UTILITIES:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit

20.0 OTHER:
 - Per FC 2014, Chapter 8
 - For use as a residence
 - For use as a dwelling unit



Doc# 1938098
 BKN 2635 Pgh 320

<p>A-1</p> <p>SITE PLAN</p> <p>DATE: 11/15/13</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: TOM THUMB STORE #211</p> <p>OWNER: TAMBAC LLC - JERRY BOCARMI</p> <p>DESIGNER: ROBERT BARNES ASSOCIATES, INC.</p> <p>REGISTERED PROFESSIONAL ENGINEER</p> <p>NO. 12111</p> <p>FLORIDA</p> <p>EXPIRES: 12/31/14</p> <p>PROJECT NO. 13-00000000000000000000</p> <p>DATE: 11/15/13</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: TOM THUMB STORE #211</p> <p>OWNER: TAMBAC LLC - JERRY BOCARMI</p> <p>DESIGNER: ROBERT BARNES ASSOCIATES, INC.</p> <p>REGISTERED PROFESSIONAL ENGINEER</p> <p>NO. 12111</p> <p>FLORIDA</p> <p>EXPIRES: 12/31/14</p> <p>PROJECT NO. 13-00000000000000000000</p>		<p>TOM THUMB STORE #211</p> <p>3062 OVERSEAS HIGHWAY, BIG PINE KEY, FLORIDA</p> <p>TAMBAC LLC - JERRY BOCARMI</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION			
		NO.	DATE	DESCRIPTION					
<p>DATE: 11/15/13</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: TOM THUMB STORE #211</p> <p>OWNER: TAMBAC LLC - JERRY BOCARMI</p> <p>DESIGNER: ROBERT BARNES ASSOCIATES, INC.</p> <p>REGISTERED PROFESSIONAL ENGINEER</p> <p>NO. 12111</p> <p>FLORIDA</p> <p>EXPIRES: 12/31/14</p> <p>PROJECT NO. 13-00000000000000000000</p>	<p>DATE: 11/15/13</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: TOM THUMB STORE #211</p> <p>OWNER: TAMBAC LLC - JERRY BOCARMI</p> <p>DESIGNER: ROBERT BARNES ASSOCIATES, INC.</p> <p>REGISTERED PROFESSIONAL ENGINEER</p> <p>NO. 12111</p> <p>FLORIDA</p> <p>EXPIRES: 12/31/14</p> <p>PROJECT NO. 13-00000000000000000000</p>								

Item #1 Landco LLC-Time Extension
File

File #: **2013-124**

Owner's Name: Landco, LLC

Applicant: Landco, LLC

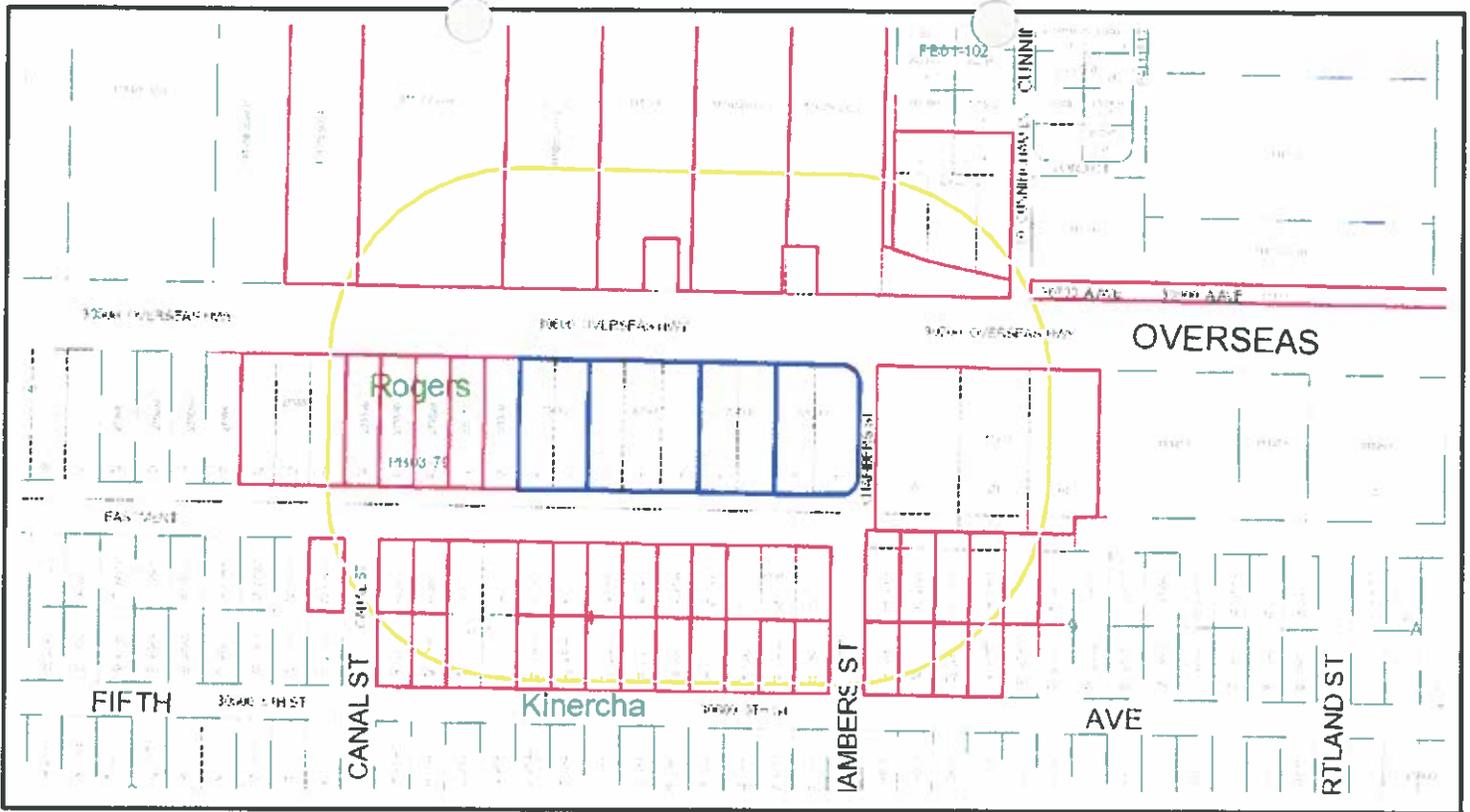
Agent: Gay Marie Smith

Type of Application: Time Extension to a Conditional
Use Permit

Key: Big Pine Key

RE: 00275410-000000
00275430-000000
00275450-000000

Additional Information added to File 2013-124



Monroe County, Florida

MCPA GIS Public Portal

by GC

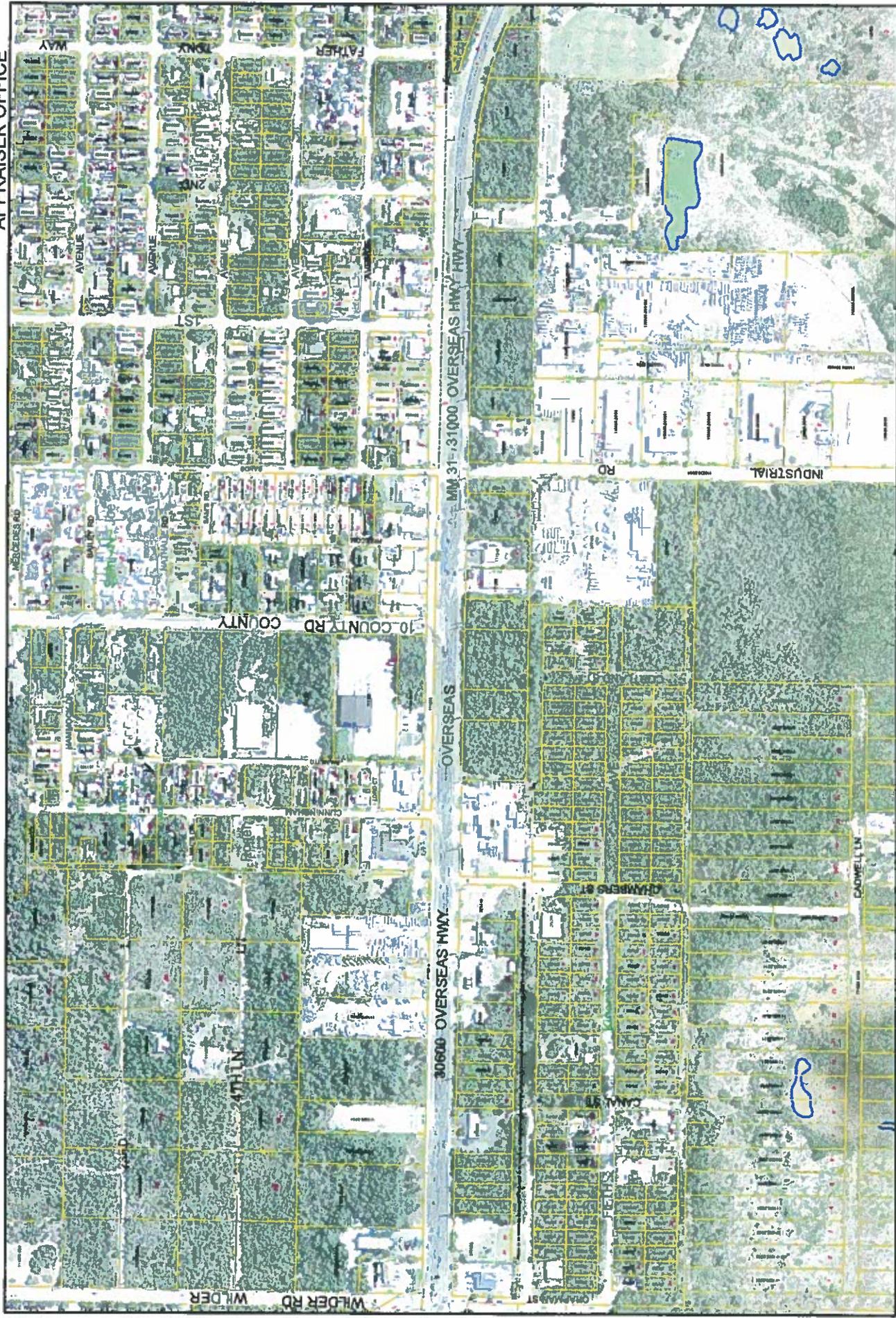
Printed: Oct 16, 2013



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

2013-124
Landco LLC

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.

by GC

1:5,805
Date: 10/16/2013

BARRINGTON WILLIAM L AND AMY
30625 5TH AVE
BIG PINE KEY, FL 33043

BILECKY EVELYN K REV LIV TR DTD
6/2/08
79 WARD RD
MAGGIE VALLEY, NC 28751

COUNTY OF MONROE THE
% BOARD OF COUNTY COMMISSIONERS
500 WHITEHEAD STREET
KEY WEST, FL 33040

DOT/ST.OF FL
(STATE OF FL DEPT OF
TRANSPORTATION)
TALLAHASSEE, FL 32399

ROBERTS PAUL F JR ESTATE
C/O ROBERTS LOLA M
496 RADFORD RD
PIKEVILLE, NC 27863-8699

SO BELL TEL CO
C/O BELLSOUTH TELECOMMUNICATIONS INC
D/B/A A T & T FL
PO BOX 7207
BEDMINSTER, NJ 07921-7207

BD OF TRUSTEES OF THE INT IMP TR FUND OF
THE ST OF FLORIDA
C/O FL DEPT OF ENV PROT DIV OF ST LANDS
3900 COMMONWEALTH BLVD
TALLAHASSEE, FL 32399-3000

C B SCHMITT REAL ESTATE CO INC
11100 OVERSEAS HWY
MARATHON, FL 33050

D NORMAN ENTERPRISES INC
30677 OVERSEAS HWY
BIG PINE KEY, FL 33043

KOLEDA JOHN REV TR AGR 5/27/2010
PO BOX 430211
BIG PINE KEY, FL 33043-0211

ROMEO WILLIAM
5318 VIRGINIA AVE
CHARLESTON, WV 25304

TIITF
C/O DEP
3900 COMMONWEALTH BLVD
TALLAHASSEE, FL 32399-3000

BEAL RICHARD C
PO BOX 430273
BIG PINE KEY, FL 33043-0273

CITY OF MARATHON
9805 OVERSEAS HWY
MARATHON, FL 33050-3339

DARVILLE JAMES G SR
4070 N HIGHWAY 1
COCOA, FL 32927-5915

MCCLENDON STEPHEN L
30725 OVERSEAS HWY
BIG PINE KEY, FL 33043-3411

SCHARCH JOHN BRUCE DEC OF TRUST
DTD 7/28/2000
3070 SPRING LAKE HWY
BROOKSVILLE, FL 34602-8239

UNITED STATES OF AMERICA
WASHINGTON, DC 20240

by GC

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 George Neugent, Dist. 2

Mayor Pro Tem Heather Carruthers, Dist. 3

Danny Kolhage, Dist. 1

David Rice, Dist. 4

Sylvia J. Murphy, Dist. 5

Date: 9.13.13

Time: _____

Dear Applicant:

This is to acknowledge submittal of your application for Time Extension to a Conditional Use Permit
Type of application

Landco, LLC to the Monroe County Planning Department.
Project / Name

Thank you.

Jail Creech

Planning Staff

End of Additional File 2013-124

APPLICATION
MONROE COUNTY
 PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Request for a Time Extension to a 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. Such extensions are limited by the regulations provided in Monroe County Code Section 110-73(a)

Time Extension to a Conditional Use Permit Application Fee: \$986.00

Date of Submittal: 09 / 13 / 13
 Month Day Year

Applicant/Agent Authorized to Act for the Property Owner:

Gay Marie Smith
 Applicant (Name of Person, Business or Organization) Name of Person Submitting this Application

PO Box 1638, Tavernier, FL 33070
 Mailing Address (Street, City, State and Zip Code)

305-394-8004 gaymarie21@yahoo.com
 Daytime Phone Email Address

Property Owner:

Landco LLC
 (Name/Entity) Contact Person

97 W Okeechobee Road, Hialeah, FL 33010
 Mailing Address (Street, City, State and Zip Code)

305-885-5451 jmccarthy@tomthumbfl.com
 Daytime Phone Email Address

Approval (Development Order / Resolution) #: P02-11 & P03-11

Legal Description of Property:

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

1 - 7	Rogers	Big Pine Key
Block	Subdivision	Key
<u>00275410.000000, 00275430.000000</u>	<u>1347418, 1347434, 1347451</u>	
00275450.000000	Alternate Key Number	
<u>30662 Overseas Highway, Big Pine Key, FL 33043</u>	<u>MM 30.6</u>	
Street Address (Street, City, State, Zip Code)	Approximate Mile Marker	

APPLICATION

Please describe why the time extension is necessary. (If necessary, attach additional sheets)

The property owner, Landco LLC, wishes to request a time extension due to economic reasons. There will be changes made to the project which will require a Deviation.

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
Copy of the recorded conditional use permit and any previous modification approvals

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

- Notarized Agent Authorization
Proposed phasing plan

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: Sandra J. McCarthy Date: 8/29/13

Sworn before me this 29th day of August, 2013.

Sandra J. McCarthy
Notary Public
My Commission Expires
Notary Public State of Florida
Sandra J. McCarthy
My Commission EE138321
Expires 10/31/2015

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.

Date: 9/11/13

I hereby authorize Gay Marie Smith be listed as authorized agent for Landco LLC for the Request for Time Extension to a Conditional Use Permit for property described as Lots 1-7 of Rogers Subdivision on 30662 Overseas Highway, Big Pine Key, FL 33043 RE# 00275410.000000, 00275430.000000 & 00275450.000000.

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purpose stated.

The undersigned understands the liabilities involved in the granting of this agency and accepts full responsibility (thus holding Monroe County harmless) for any and all of the actions of the agent named, related to the acquisition of permits for the aforementioned applicant.

Note: Authorization is needed from each owner of the subject property. Therefore, one or more authorization forms must be submitted with the application if there are multiple owners.



Sandra McCarthy

NOTARY:
STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 11 day of SEPTEMBER 2013 by Sandra McCarthy who is personally known _____ produced identification (FLORIDA DRIVERS LICENSE Type of Identification) and did/did not take an oath.



Notary Public Signature



Allan Sequeira
COMMISSION # DD971648
EXPIRES: MAR. 21, 2014
WWW.AARONNOTARY.COM

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: 1347418 Parcel ID: 00275410-000000

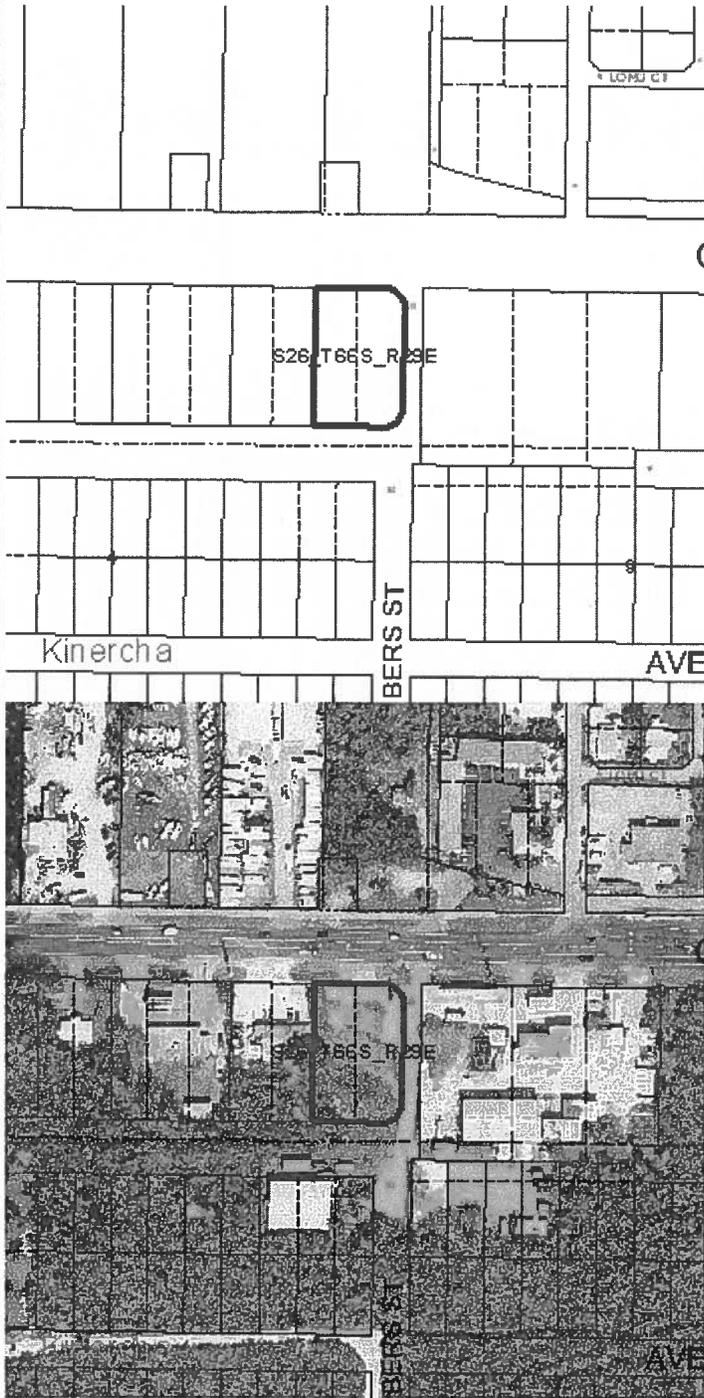
Ownership Details

Mailing Address:
LANDCO LLC
97 WEST OKEECHOBEE RD
HIALEAH, FL 33010

Property Details

PC Code: 10 - VACANT COMMERCIAL
Millage Group: 100H
Affordable Housing: No
Section-Township-Range: 26-66-29
Property Location: OVERSEAS HWY BIG PINE KEY
Subdivision: ROGERS' SUBD
Legal Description: LOTS 1 & 2 ROGERS SUB PB3-79 BIG PINE KEY OR467-831E OR508-0632 OR678-166 OR832-1444 OR867-58 OR1126-1924 OR1158-50 OR1494-1099C OR1963-2339/40 OR2291-2346C/T OR2323-83

Click Map Image to open interactive viewer



Land Details

Land Use Code	Frontage	Depth	Land Area
100H - COMMERCIAL HIGHWAY	0	0	11,889.00 SF
100H - COMMERCIAL HIGHWAY	0	0	10,238.00 SF

Appraiser Notes

DEMO ALL STRUCTURES FOR 2010TR, LEAVE AS 100H FOR RIGHT-TO-REBUILD,NL108

BUILDING IS VACANT AND IN POOR CONDITION; ELECTRIC SERVICE DISCONNECTED; TARPS ON ROOF; SIGN DAMAGED; TEMP CL FN UP TO PREVENT TRESPASSING.NL108

BUILDING FROM RE#00275420-000000 WAS ADDED TO RE#27541.3-23-93. K.D. BIG PINE STEAK HOUSE CHANGED SFR TO COMM @ REQ OF OWNER.....BC 2000/6/12 PER OWNERS REQUEST WE WERE ASKED TO CHECK THE MEASUREMENTS ON K.D.'S STEAKHOUSE. BARRY LOPEZ AND JOE PINDER DID THE AUDIT AND FOUND THE LENGTH AND WIDTH OF THE BLDG WERE INCORRECT. WE ALSO FOUND THAT SOME OF THE CALLS ON THE BLDG WERE INCORRECT,SO THEY WERE CHANGED TO THE RIGHT CALLSJHP

2013/05/17 COMBINATION REQUEST RECEIVED AND FORWARDED TO APPRAISER FOR REVIEW (JDC)

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
09100997	03/24/2009	12/23/2009	12,000		DEMOLITION OF ALL STRUCTURES
94-1068	09/01/1994	12/01/1995	360		60X4 CHAINLINK FENCE
96-1105	07/01/1996	12/01/1996	10,800		VINYL SIDING
98-1104	10/23/1998	12/16/1999	11,000		CHICKI HUTS
98-0967	03/23/1999	12/16/1999	7,000		COMMERCIAL MISCELLANOUS
98-3117	03/02/1999	12/16/1999	1,200		ELECRIC MISCELLANEOUS
98-0967	07/15/1999	12/16/1999	1		COMM/MISC.
07102565	06/14/2007	11/30/2007	3,000		Temp chain link fence & sign removal from top of building

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
2013	0	0	143,826	143,826	143,826	0	143,826
2012	0	0	143,826	143,826	143,826	0	143,826
2011	0	0	143,826	143,826	143,826	0	143,826
2010	0	0	177,016	177,016	177,016	0	177,016
2009	118,727	15,852	254,461	389,040	389,040	0	389,040
2008	118,727	16,345	298,715	433,787	433,787	0	433,787
2007	154,596	21,000	298,715	474,311	474,311	0	474,311
2006	152,238	21,639	298,715	472,592	472,592	0	472,592
2005	158,795	22,147	199,143	380,085	380,085	0	380,085
2004	158,790	22,762	199,143	380,695	380,695	0	380,695
2003	158,790	23,292	132,762	314,844	314,844	0	314,844
2002	168,625	23,175	132,762	324,562	324,562	0	324,562
2001	168,625	23,608	89,614	281,847	281,847	0	281,847
2000	167,678	13,698	89,614	270,990	270,990	0	270,990
1999	160,635	4,593	89,614	254,842	254,842	0	254,842
1998	121,940	4,650	89,614	216,204	216,204	0	216,204
1997	121,940	4,706	89,614	216,260	216,260	0	216,260
1996	90,314	4,458	89,614	184,386	184,386	0	184,386

1995	81,837	1,716	89,614	173,167	173,167	0	173,167
1994	81,837	1,743	89,614	173,194	173,194	0	173,194
1993	168,552	1,816	89,614	259,982	259,982	0	259,982
1992	100,175	733	48,150	149,058	149,058	0	149,058
1991	100,175	780	48,150	149,105	149,105	0	149,105
1990	100,175	826	48,150	149,151	149,151	0	149,151
1989	100,175	889	48,150	149,214	149,214	0	149,214
1988	91,523	935	41,612	134,070	134,070	0	134,070
1987	89,618	982	41,612	132,212	132,212	0	132,212
1986	90,014	1,045	29,723	120,782	120,782	0	120,782
1985	55,036	1,130	29,032	85,198	85,198	0	85,198
1984	53,898	1,130	29,032	84,060	84,060	0	84,060
1983	53,898	1,130	29,032	84,060	84,060	0	84,060
1982	45,401	1,130	23,041	69,572	69,572	0	69,572

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
9/11/2007	2323 / 83	550,000	WD	Q
5/4/2007	2291 / 2346	1,000	WD	T
12/23/2003	1963 / 2339	791,100	WD	Q
12/1/1997	1494 / 1099	245,000	QC	U
6/1/1981	832 / 1444	249,000	WD	U

This page has been visited 290,159 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 -
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Website tested on IE8,
IE9, & Firefox.
Requires Adobe Flash
10.3 or higher

Alternate Key: 1347434 Parcel ID: 00275430-000000

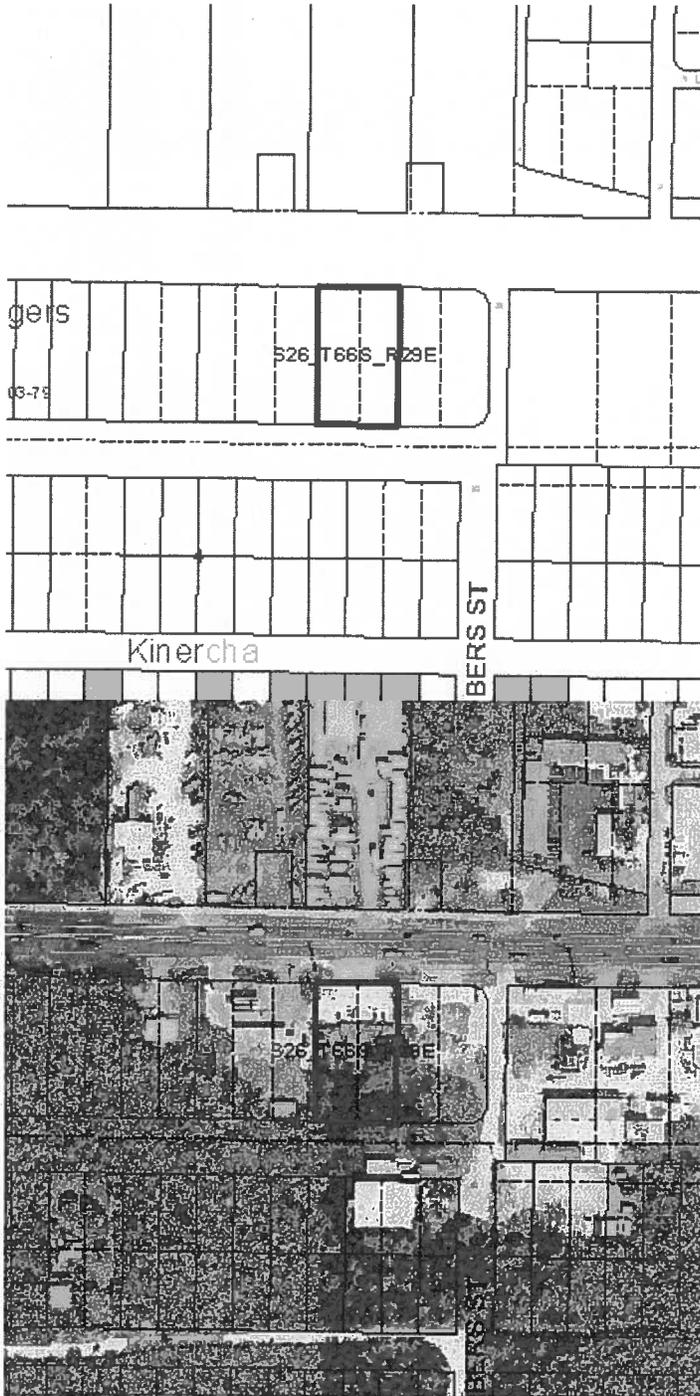
Ownership Details

Mailing Address:
LANDCO LLC
97 WEST OKEECHOBEE RD
HIALEAH, FL 33010

Property Details

PC Code: 11 - STORES ONE STORY
Millage Group: 100H
Affordable Housing: No
Section-Township-Range: 26-66-29
Property Location: 30670 OVERSEAS HWY BIG PINE KEY
Subdivision: ROGERS' SUBD
Legal Description: ROGERS SUBD PB3-79 BIG PINE KEY LOTS 3 & 4 OR30-499/500 OR506-110/111 OR537-624 OR1027-817 OR2321-2436/37

Click Map Image to open interactive viewer



Land Details

Land Use Code	Frontage	Depth	Land Area
100H - COMMERCIAL HIGHWAY	0	0	10,238.00 SF
100H - COMMERCIAL HIGHWAY	0	0	10,238.00 SF

Building Summary

Number of Buildings: 1

Number of Commercial Buildings: 1
 Total Living Area: 2780
 Year Built: 1971

Building 1 Details

Building Type
 Effective Age 47
 Year Built 1971
 Functional Obs 0

Condition F
 Perimeter 350
 Special Arch 0
 Economic Obs 0

Quality Grade 250
 Depreciation % 60
 Grnd Floor Area 2,780

Inclusions:

Roof Type
 Heat 1
 Heat Src 1

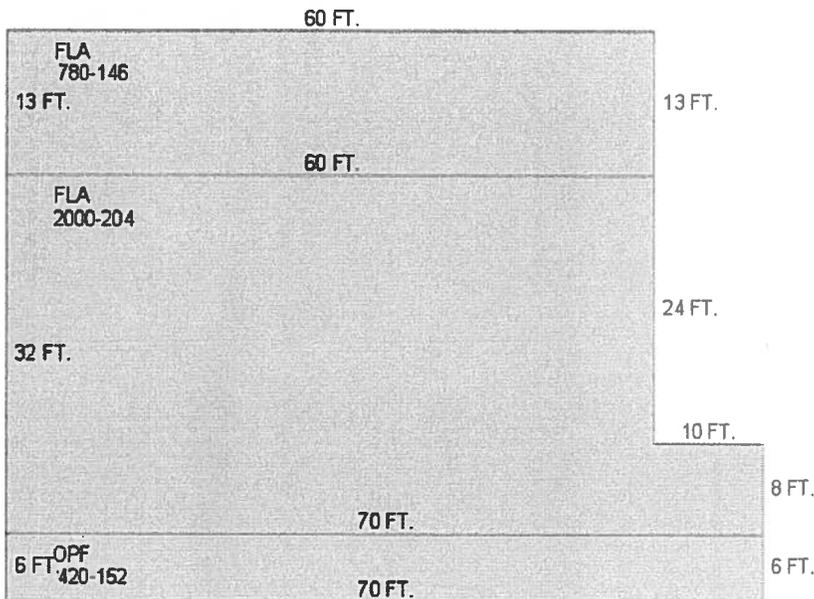
Roof Cover
 Heat 2
 Heat Src 2

Foundation
 Bedrooms 0

Extra Features:

2 Fix Bath 0
 3 Fix Bath 0
 4 Fix Bath 0
 5 Fix Bath 0
 6 Fix Bath 0
 7 Fix Bath 0
 Extra Fix 6

Vacuum 0
 Garbage Disposal 0
 Compactor 0
 Security 0
 Intercom 0
 Fireplaces 0
 Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
1	OPF		1	1971				420
2	FLA		1	1971				2,000
3	FLA		1	1971				780

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	10611	1 STORY STORES	100	N	N
	10612	WAREHOUSE/MARINA B	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
3494	C.B.S.	79
3495	METAL SIDING	21

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	AC2:WALL AIR COND	3 UT	0	0	2001	2002	3	20
2	CL2:CH LINK FENCE	900 SF	150	6	1979	1980	2	30
3	UB2:UTILITY BLDG	153 SF	17	9	1984	1985	2	50
4	UB2:UTILITY BLDG	80 SF	10	8	1979	1980	2	50
5	UB3:LC UTIL BLDG	80 SF	10	8	1974	1975	1	30

Appraiser Notes

2013/05/17 COMBINATION REQUEST RECEIVED AND FORWARDED TO APPRAISER FOR REVIEW (JDC)

UNDERSEAS DIVE SHOP

"UNDERSEA,S INC.-PRO DIVE SHOP"

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	10101325	06/02/2010		1,800		REMOVE BRAZILIAN PEPPERS

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
2013	97,036	3,213	133,094	356,204	356,204	0	356,204
2012	97,036	3,351	133,094	367,885	367,885	0	367,885
2011	109,166	3,488	133,094	376,455	376,455	0	376,455
2010	109,166	3,626	163,808	444,837	444,837	0	444,837
2009	109,166	3,338	235,474	599,702	599,702	0	599,702
2008	109,166	3,411	276,426	659,204	659,204	0	659,204
2007	134,756	4,405	276,426	588,717	588,717	0	588,717
2006	137,926	4,477	276,426	518,436	518,436	0	518,436

2005	137,926	4,550	184,284	326,760	326,760	0	326,760
2004	139,491	4,623	184,284	328,398	328,398	0	328,398
2003	139,491	4,695	122,856	267,042	267,042	0	267,042
2002	139,491	4,767	122,856	267,114	267,114	0	267,114
2001	139,491	4,959	82,928	227,378	227,378	0	227,378
2000	139,491	3,467	82,928	225,886	225,886	0	225,886
1999	139,491	3,628	82,928	226,047	226,047	0	226,047
1998	93,251	3,791	82,928	179,970	179,970	0	179,970
1997	93,251	4,012	82,928	180,191	180,191	0	180,191
1996	84,774	4,234	82,928	171,936	171,936	0	171,936
1995	84,774	4,456	82,928	172,158	172,158	0	172,158
1994	84,774	4,666	82,928	172,368	172,368	0	172,368
1993	0	1,065	41,464	42,529	42,529	0	42,529
1992	0	1,065	41,464	42,529	42,529	0	42,529
1991	0	1,065	41,464	42,529	42,529	0	42,529
1990	0	1,065	41,464	42,529	42,529	0	42,529
1989	0	1,065	41,464	42,529	42,529	0	42,529
1988	0	1,065	35,833	36,898	36,898	0	36,898
1987	0	1,065	35,833	36,898	36,898	0	36,898
1986	0	1,065	25,595	26,660	26,660	0	26,660
1985	0	1,065	24,565	25,630	25,630	0	25,630
1984	0	1,065	24,565	25,630	25,630	0	25,630
1983	0	1,065	24,565	25,630	25,630	0	25,630
1982	0	1,065	19,496	20,561	20,561	0	20,561

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
9/18/2007	2321 / 2436	680,000	WD	Q

This page has been visited 290,162 times.

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: 1347451 Parcel ID: 00275450-000000

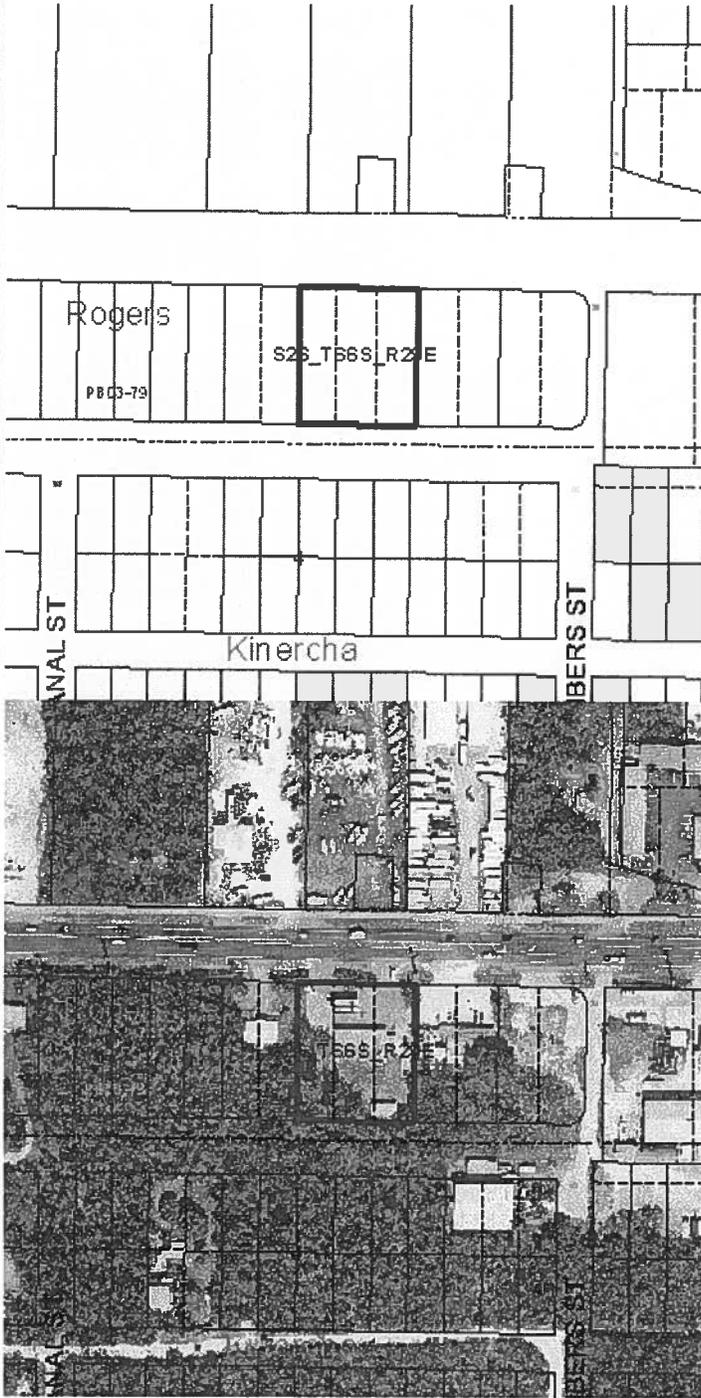
Ownership Details

Mailing Address:
LANDCO LLC
97 WEST OKEECHOBEE RD
HIALEAH, FL 33010

Property Details

PC Code: 26 - GAS STATION / CONVENIENCE STORE
Millage Group: 100H
Affordable Housing: No
Section-Township-Range: 26-66-29
Property Location: 30662 OVERSEAS HWY BIG PINE KEY
Subdivision: ROGERS' SUBD
Legal Description: LOTS 5 AND 6 AND 7 ROGERS SUBD PB3-79 BIG PINE KEY OR486-3 OR999-1230Q/C OR1118-232 OR2345-1674/1675 OR2347-2362/64 OR2349-1895/96

Click Map Image to open interactive viewer



Land Details

Land Use Code	Frontage	Depth	Land Area
2600 - SERVICE STATION	0	0	10,238.00 SF
2600 - SERVICE STATION	0	0	10,256.00 SF
2600 - SERVICE STATION	0	0	9,340.00 SF

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 1
 Total Living Area: 1952
 Year Built: 1969

Building 1 Details

Building Type
 Effective Age 31
 Year Built 1969
 Functional Obs 0

Condition A
 Perimeter 196
 Special Arch 0
 Economic Obs 0

Quality Grade 300
 Depreciation % 40
 Grnd Floor Area 1,952

Inclusions:

Roof Type
 Heat 1
 Heat Src 1

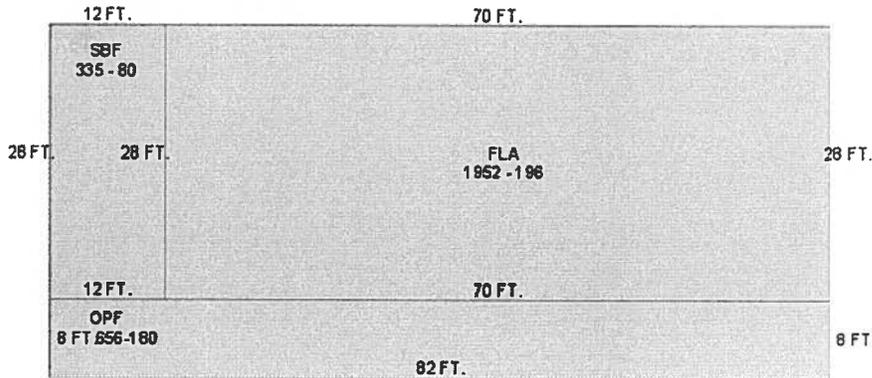
Roof Cover METAL
 Heat 2
 Heat Src 2

Foundation
 Bedrooms 0

Extra Features:

2 Fix Bath 0
 3 Fix Bath 0
 4 Fix Bath 0
 5 Fix Bath 0
 6 Fix Bath 0
 7 Fix Bath 0
 Extra Fix 8

Vacuum 0
 Garbage Disposal 0
 Compactor 0
 Security 0
 Intercom 0
 Fireplaces 0
 Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
0	SBF		1	1969					335
1	FLA		1	1969					1,952
3	OPF		1	1969					656

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	10613	SERVICE STATIONS-B-	100	N	Y
	10615	OPF	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
3496	C.B.S.	75
3497	BRICK	25

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	AP2:ASPHALT PAVING	12,000 SF	0	0	1989	1990	2	25
2	UB2:UTILITY BLDG	496 SF	31	16	1975	1976	5	50
3	CL2:CH LINK FENCE	600 SF	100	6	1975	1976	2	30
4	CL2:CH LINK FENCE	450 SF	30	15	1984	1985	2	30
5	CC2:COM CANOPY	612 SF	36	17	1999	2000	3	40

Appraiser Notes

2013/05/17 COMBINATION REQUEST RECEIVED AND FORWARDED TO APPRAISER FOR REVIEW (JDC)
TOM THUMB
RE 27546 & 27547 COMBINED FOR ASSESSING PURPOSES 3-6-95JMH

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
7102663	06/20/2007	12/30/2007	0		REPL A/C
09101777	07/13/2009	12/11/2009	214,074		New Fuel Tanks
90-0916	05/01/1990	12/01/1990	28,000		PAVING & DUMPSTER ENCLOSE
96-0650	05/01/1996	12/01/1996	5,000		A/C
05100406	08/04/2005	12/29/2005	3,700		re roof
05102458	09/13/2005	12/29/2005	8,079		REPLACE RAFTERS/SHEATHING ROOF

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
2013	136,290	29,922	716,016	882,228	882,228	0	882,228
2012	136,290	30,197	716,016	882,503	882,503	0	882,503

2011	145,376	30,610	716,016	892,002	833,827	0	892,002
2010	145,376	30,886	581,763	758,025	758,025	0	758,025
2009	167,177	31,463	626,514	825,154	825,154	0	825,154
2008	174,341	31,738	783,143	989,222	989,222	0	989,222
2007	118,906	28,192	402,759	549,857	549,857	0	549,857
2006	118,906	28,267	402,759	549,932	549,932	0	549,932
2005	124,002	28,856	268,506	421,364	421,364	0	421,364
2004	123,968	30,406	268,506	422,880	422,880	0	422,880
2003	123,968	31,955	179,004	334,927	334,927	0	334,927
2002	113,779	28,130	179,004	320,913	320,913	0	320,913
2001	113,779	29,713	120,828	264,320	264,320	0	264,320
2000	113,667	13,793	120,828	248,288	248,288	0	248,288
1999	113,667	14,536	120,828	249,031	249,031	0	249,031
1998	75,778	15,283	120,828	211,889	211,889	0	211,889
1997	75,778	16,026	120,828	212,632	212,632	0	212,632
1996	68,889	16,769	120,828	206,486	206,486	0	206,486
1995	68,889	17,517	120,828	207,234	207,234	0	207,234
1994	80,885	17,165	41,464	139,514	139,514	0	139,514
1993	80,885	17,896	41,464	140,245	140,245	0	140,245
1992	80,885	18,632	41,464	140,981	140,981	0	140,981
1991	80,885	19,361	41,464	141,710	141,710	0	141,710
1990	80,908	12,699	41,464	135,071	135,071	0	135,071
1989	80,908	13,435	41,464	135,807	135,807	0	135,807
1988	75,047	10,406	35,833	121,286	121,286	0	121,286
1987	73,594	10,910	35,833	120,337	120,337	0	120,337
1986	73,770	11,421	25,595	110,786	110,786	0	110,786
1985	58,645	7,816	24,565	91,026	91,026	0	91,026
1984	57,270	7,816	24,565	89,651	89,651	0	89,651
1983	57,454	7,816	24,565	89,835	89,835	0	89,835
1982	50,625	7,816	19,496	77,937	77,937	0	77,937

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.

There are no sales to display for this parcel.

This page has been visited 290,162 times.

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

This Document Prepared By and Return to:
Thomas M. Clark, Esq.
Thomas M. Clark, PA
2400 E. Commercial Blvd. #820
Ft. Lauderdale, FL 33308

Doc# 1664259 09/27/2007 3:50PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

09/27/2007 3:50PM
DEED DOC STAMP CL: PW \$3,850.00

Parcel ID Number: 00275410-000000

SPECIAL
Warranty Deed

Doc# 1664259
Bk# 2323 Pg# 83

This Indenture, Made this 11 day of September, 2007 A.D., **Between**
LANDSOUTH PARTNERS, a South Carolina General Partnership

of the County of Florence, State of South Carolina, **grantor**, and
LANDCO, LLC, a Florida limited liability company

whose address is:

of the County of _____, 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 1 and 2, Rogers Subdivision On Big Pine Key, according to the plat thereof as recorded in Plat
Book 3, Page(s) 79, Public Records of Monroe County, Florida

Subject to restrictions, reservations and easements of record, if any, and taxes for the year 2007 and
subsequent years.

*claiming by, through or under Grantor, but not otherwise.

and the grantor does hereby ~~warranty~~ 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:

LANDSOUTH PARTNERS, a South Carolina General Partnership by Ocean Park
of SC, LLC, General Partner

[Signature]
Printed Name: LYNN SCANLON
Witness

By: [Signature] (Seal)
Carey E. Graham, Member
P.O. Address: 4736B Highway 17 Bypass South #8
Myrtle Beach, SC 29588

[Signature]
Printed Name: PATRICIA P. SELBY
Witness

STATE OF South Carolina
COUNTY OF Horry

The foregoing instrument was acknowledged before me this 11th day of September, 2007 by
Carey E. Graham, Member of Ocean Park of SC, LLC, General Partner of LANDSOUTH PARTNERS, a
South Carolina General Partnership
he is personally known to me or he has produced his _____
_____ as identification.

[Signature]
Printed Name: PATRICIA P. SELBY
Notary Public
My Commission Expires: 2/10/15

MONROE COUNTY
OFFICIAL RECORDS

Doc# 1663365 09/21/2007 1:30PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

HOWARD W. MAZLOFF, ESQ.
LAW OFFICES OF HOWARD W. MAZLOFF, P.A.
9200 SOUTH DADELAND BOULEVARD
SUITE 420
MIAMI, FLORIDA 33156

09/21/2007 1:30PM
DEED DOC STAMP CL: TRINA \$4,760.00

Parcel ID Number: 1347434

Doc# 1663365
Bk# 2321 Pg# 2436

Warranty Deed

This Indenture, Made this 18 day of SEPTEMBER, 2007 A.D., Between
RICHARD BLACK, a married man

of the County of MARTIN, State of FLORIDA, grantor, and
LANDCO, LLC., a Florida limited liability company

whose address is:

of the County of _____, 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 3 AND 4, ROGERS SUBDIVISION OF BIG PINE KEY, ACCORDING TO THE PLAT
THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 79, OF THE PUBLIC RECORDS OF
MONROE COUNTY, FLORIDA.**

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 2006.

The property herein conveyed DOES NOT constitute the HOMESTEAD property of the Grantor.
The Grantor's HOMESTEAD address is 5051 S.E. MATOUSEK STREET, STUART, FLORIDA
34997.

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

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

Signed, sealed and delivered in our presence:

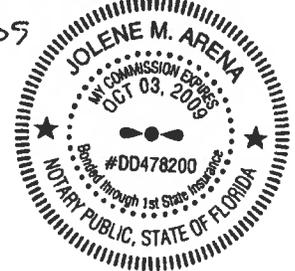
Howard M. Amour
Printed Name: Howard M Amour Witness
Richard Black
Printed Name: RICHARD BLACK (Seal)
P.O. Address: 5051 S.E. MATOUSEK STREET, STUART, FL 34997

Reba K Amour
Printed Name: REBA K Amour
Witness

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 18 day of Sept., 2007 by
RICHARD BLACK, a married man
he is personally known to me or he has produced his Florida driver's license as identification.

Jolene M. Arena
Printed Name: JOLENE M. ARENA
Notary Public
My Commission Expires: 10/03/2009



MONROE COUNTY
OFFICIAL RECORDS

Prepared by and return to:
Christopher W. Boyett
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131

Doc# 1685880 03/11/2008 3:02PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

03/11/2008 3:02PM
DEED DOC STAMP CL: TRINA \$0.70

Doc# 1685880
Bk# 2349 Pg# 1895

WARRANTY DEED

This Warranty Deed is made by J & S Limited, Inc., a Florida corporation, whose address is 97 West Okeechobee Road, Hialeah, Florida 33010 (the "Grantor"), to Landco, LLC, a Florida limited liability company, whose address is 97 West Okeechobee Road, Hialeah, Florida 33010 (the "Grantee").

The Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other good and valuable consideration paid to the Grantor by the Grantee, the receipt and sufficiency of which are hereby acknowledged, grants, bargains, sells and conveys to the Grantee the following described land, situate, lying and being in Monroe County, Florida (the "Property"):

Lots 5, 6 & 7, ROGERS SUBDIVISION, on Big Pine Key, Florida, according to the Plat thereof, recorded in Plat Book 3, Page 79, of the Public Records of Monroe County, Florida.

Property Address: 30662 Overseas Highway, Big Pine Key, Florida 33043-0227

Together With all easements, tenements, hereditaments and appurtenances belonging to the Property and all buildings and other improvements now or hereafter located on the Property; and

Together With all of the Grantor's right, title and interest, if any, in and to the streets, avenues, roads, ways and alleys necessary for its proper use which in any way belongs to the Property;

To Have and To Hold the same in fee simple forever.

The Grantee is given the power and authority to protect, conserve, sell, lease, encumber and otherwise to manage and dispose of the Property.

This conveyance is made free and clear of all liens and encumbrances except:

- (a) Taxes and assessments for the year 2008 and subsequent years;
- (b) Applicable zoning ordinances; and
- (c) Easements, covenants, limitations, restrictions and reservations of record, if any, without the intent to reimpose the same.

The Grantor warrants to the Grantee that: the Grantor lawfully owns the Property in fee simple; the Grantor has the lawful authority to sell and convey the Property; the Grantor fully warrants the title to the Property and will defend the Property against the lawful claims and demands of all persons whomsoever.

The Grantor has signed this Warranty Deed in the presence of the witnesses signing below on this 31st day of January, 2008.

GRANTOR:

J & S LIMITED, INC., a Florida corporation

Diana R. Abreu
Print Name: Diana R. Abreu
Arydsa Ramos
Print Name: Arydsa Ramos

By: *James A. McCarthy, Jr.*
Name: James A. McCarthy, Jr.
Its: President

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 31st day of January, 2008, by James A. McCarthy, Jr., as President of J & S Limited, Inc., a Florida corporation, who [] is personally known to me or [] has produced _____ as identification.



(S) *Sandra Isham*
Notary Public, State of Florida
Print name: Sandra Isham
My commission expires: October 31, 2011

MONROE COUNTY
OFFICIAL RECORDS



**MONROE COUNTY, FLORIDA
PLANNING COMMISSION RESOLUTION NO. P02-11**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING THE REQUEST BY LANDCO LLC FOR A VARIANCE OF TEN (10) FEET FROM THE REQUIRED TWENTY-FIVE (25)-FOOT FRONT YARD SETBACK ALONG US HIGHWAY 1 AND A VARIANCE TO THE REQUIRED FOUR HUNDRED (400)-FOOT ACCESS DRIVE SEPARATION REQUIREMENTS FOR TWO (2) RECONFIGURED MAJOR ROAD (US HIGHWAY 1) ACCESS DRIVES, AT PROPERTY LEGALLY DESCRIBED AS LOTS 1 THROUGH 7, ROGERS SUBDIVISION (PB3-79), BIG PINE KEY, MONROE COUNTY, FLORIDA AND HAVING REAL ESTATE NUMBERS 00275410.000000, 00275430.000000 AND 00275450.000000.

WHEREAS, during a regularly scheduled public meeting held on January 12, 2011, the Monroe County Planning Commission conducted a review and consideration of a request filed by Soleria Design & Consulting Co., on behalf of Landco LLC, for variances to the setback requirements in chapter 130, article VI of the Monroe County Code and to the access standards in chapter 114, article VII of the Monroe County Code in accordance with §102-187 of the Monroe County Code; and

WHEREAS, the subject property is located at 30662 Overseas Highway (US 1) on Big Pine Key, approximate mile marker 30.6 and is legally described as Lots 1 through 7, Rogers Subdivision (PB3-79), Big Pine Key, Monroe County, Florida, having real estate numbers 00275410.000000, 00275430.000000 and 00275450.000000; and

WHEREAS, the applicant applied for an amendment to a major conditional use permit (File No. 2010-128) on October 29, 2010 in order to redevelop the existing gas station, convenience store and commercial retail store by demolishing all existing buildings, constructing a new convenience store / commercial retail building, relocating the two existing fuel pumps and constructing five new fuel pumps; demolishing the existing fuel pump canopy; constructing a new fuel pump canopy; constructing a car wash; and carrying out associated improvements; and

WHEREAS, Following a review of the site plan submitted with the application, Planning & Environmental Resources Department staff found that variances would be necessary in order to have the site plan approved; and

WHEREAS, the applicant requested approval of all necessary variances by submitting a variance application on November 3, 2010; and

WHEREAS, the applicant requested a variance of 10 feet from the required 25-foot front yard setback along US Highway 1 and a variance to the required 400-foot access drive separation requirements for two reconfigured major road (US Highway 1) access drives; and

WHEREAS, the amendment to a major conditional use permit application was processed concurrently with the variance application and was also heard and decided upon by the Planning Commission on January 12, 2011; and

WHEREAS, the Planning Commission was presented with the following documents and other information relevant to the request, which by reference is hereby incorporated as part of the record of said hearing:

1. Variance application (File No. 2010-129) received by the Monroe County Planning & Environmental Resources Department on November 3, 2010; and
2. Preliminary Site Plan (C-1) by Soleria Design and Consulting Co., dated October 21, 2010 (reviewed by the Planning Commission at public meeting); and
3. Preliminary Site Plan (C-1) by Soleria Design and Consulting Co., dated October 21, 2010 and revised February 2, 2011 (submitted after public meeting to address Planning Commission and staff revisions); and
4. Preliminary Landscape Plan (L-1) by Soleria Design and Consulting Co., dated October 21, 2010 (reviewed by the Planning Commission at public meeting); and
5. Preliminary Landscape Plan (L-1) by Soleria Design and Consulting Co., dated October 21, 2010 and revised February 2, 2011 (submitted after public meeting to address Planning Commission and staff revisions); and
6. Boundary Survey by Reece & White, dated March 15, 2007 and revised October 18, 2010; and
7. Staff report prepared by Joseph Haberman, AICP, Planning & Development Review Manager, dated December 30, 2010; and
8. Sworn testimony of Monroe County Planning & Environmental Resources Department staff; and
9. Sworn testimony of the applicant and the general public; and
10. Advice and counsel of Susan Grimsley, Assistant County Attorney, and John Wolfe, Planning Commission Counsel; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Findings of Fact:

1. The subject property is located in a Suburban Commercial (SC) district; and
2. The subject property has a Future Land Use Map (FLUM) designation of Mixed Use / Commercial (MC); and
3. The subject property has a tier designation of tier 3; and

4. As set forth in §130-186 of the Monroe County Code, the required non-shoreline setbacks in the SC district are as follows: Front yard – 25 feet; Rear yard – 10 feet; and Side yard – 10 feet/15 feet; and
5. The property is a double-frontage, corner lot. It has a front yard requirement of 25 feet along the right-of-way of US Highway 1 to the north, a front yard requirement of 25 feet along the right-of-way of Chambers Street to the east, a rear yard requirement of 10 feet along the property line to the south and a side yard requirement of 10 feet along the property line to the west; and
6. Proposed paving (other than that for the permissible direct ingress/egress drives) is located in the required setback along US Highway 1. This paved area runs parallel to US Highway 1, between the proposed fuel canopy and a proposed 15-foot landscaping bufferyard; and
7. As set forth in §114-195 of the Monroe County Code, no structure or land shall be developed, used or occupied unless direct access to US Highway 1 or County Road 905 is by way of a curb cut that is spaced at least 400 feet from any other curb cut that meets the access standards of the Florida Department of Transportation or an existing street on the same side of US Highway 1 or County Road 905; and
8. There are five existing access drives to the site, four to/from US Highway 1 and one to/from Chambers Street (the number of access drives is attributed to the three parcels being developed independently). The access would be reconfigured with removal of two of the access drives along US Highway 1. The existing and proposed access drives from US 1 are nonconforming in that their separation is less than the minimum standard of at least 400 feet; and
9. Pursuant to §102-187 of the Monroe County Code, the Planning Commission is authorized to grant a variance to the non-shoreline setback requirements and access standards in accordance with the standards provided in §102-186(f); and
10. §102-186(f) of the Monroe County Code provides the following eight standards that must be met for variance application approval by the Planning Commission:
 - (a) The applicant shall demonstrate a showing of good and sufficient cause; and
 - (b) Failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance, or cause fraud or victimization of the public; and
 - (d) Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district; and
 - (e) Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of the provisions of this chapter or established development patterns; and

- (f) Granting the variance is not based on disabilities, handicaps or health of the applicant or members of his or her family; and
- (g) Granting the variance is not based on the domestic difficulties of the applicant or his or her family; and
- (h) The variance is the minimum necessary to provide relief to the applicant; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Conclusions of Law:

1. With the fulfillment of conditions, the applicant has demonstrated that all of the required standards set forth in §102-186(f) of the Monroe County Code shall be met; and

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support its decision to **APPROVE** the request by Landco LLC for a variance of 10 feet from the required 25-foot front yard setback along US Highway 1 and a variance to the required 400-foot access drive separation requirements for two reconfigured major road (US Highway 1) access drives, subject to the following conditions:

1. The proposed site plan shall be approved by a major conditional use permit. If the major conditional use permit application is denied for any reason, this variance approval is null and void.
2. This variance is based on the design of the development as shown on the site plan submitted with the variance and major conditional use permit applications. Work not specified or alterations to the site plan may not be carried out without additional Planning & Environmental Resources Department approval.
3. This variance does not waive the required front yard setback along US 1 for any future structures or additions.

PASSED AND ADOPTED BY THE PLANNING COMMISSION of Monroe County, Florida, at a regular meeting held on the 12th of January, 2011.

Chair Wall	<u>YES</u>
Vice Chair Cameron	<u>YES</u>
Commissioner Hale	<u>YES</u>
Commissioner Lustberg	<u>YES</u>
Commissioner Werling	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY

Randolph D. Wall
Randolph D. Wall, Chair

Doc# 1834928
Bk# 2516 Pg# 1339

Signed this 9th day of Feb, 2011.



**MONROE COUNTY, FLORIDA
PLANNING COMMISSION RESOLUTION NO. P03-11**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING THE REQUEST BY LANDCO LLC FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE PERMIT IN ORDER TO REDEVELOP THE EXISTING GAS STATION AND CONVENIENCE STORE BY DEMOLISHING ALL EXISTING BUILDINGS, CONSTRUCTING A NEW CONVENIENCE STORE / COMMERCIAL RETAIL BUILDING, RELOCATING THE TWO (2) EXISTING FUEL PUMPS AND CONSTRUCTING FIVE (5) NEW FUEL PUMPS- THUS ESTABLISHING A TOTAL OF SEVEN (7) FUEL PUMPS WITH FOURTEEN (14) FUELING STATIONS; DEMOLISHING THE EXISTING FUEL PUMP CANOPY; CONSTRUCTING A NEW FUEL PUMP CANOPY; CONSTRUCTING A CAR WASH; AND CARRYING OUT ASSOCIATED IMPROVEMENTS, AT PROPERTY LEGALLY DESCRIBED AS LOTS 1 THROUGH 7, ROGERS SUBDIVISION (PB3-79), BIG PINE KEY, MONROE COUNTY, FLORIDA AND HAVING REAL ESTATE NUMBERS 00275410.000000, 00275430.000000 AND 00275450.000000.

WHEREAS, during a regularly scheduled public meeting held on January 12, 2011, the Monroe County Planning Commission conducted a review and consideration of a request filed by Soleria Design & Consulting Co., on behalf of Landco LLC, for an amendment to a major conditional use permit in accordance with §110-70, §110-74 and §130-93 of the Monroe County Code; and

WHEREAS, the subject property is located at 30662 Overseas Highway (US 1) on Big Pine Key, approximate mile marker 30.6 and is legally described as Lots 1 through 7, Rogers Subdivision (PB3-79), Big Pine Key, Monroe County, Florida, having real estate numbers 00275410.000000, 00275430.000000 and 00275450.000000; and

WHEREAS, the applicant requested approval to amend the site's major conditional use permit in order to redevelop the existing gas station, convenience store and commercial retail store by demolishing all existing buildings, constructing a new convenience store / commercial retail building, relocating the two (2) existing fuel pumps and constructing five (5) new fuel pumps (thus establishing a total of seven (7) fuel pumps with fourteen (14) fueling stations);

demolishing the existing fuel pump canopy; constructing a new fuel pump canopy; constructing a car wash; and carrying out associated improvements; and

WHEREAS, following a review of the major conditional use permit application's initial site plan, Planning & Environmental Resources Department staff determined that variances to the required setbacks and access standards would be necessary in order to have the site plan approved; and

WHEREAS, the required variance application was processed concurrently with the major conditional use permit application and was also heard and decided upon by the Planning Commission on January 12, 2011. The Planning Commission approved the variance application, with the approval memorialized as Planning Commission Resolution No. P02-11; and

WHEREAS, the Planning Commission was presented with the following documents and other information relevant to the request, which by reference is hereby incorporated as part of the record of said hearing:

1. Major conditional use permit application (File No. 2010-128), received by the Monroe County Planning & Environmental Resources Department on October 29, 2010; and
2. Preliminary Site Plan (C-1) by Soleria Design and Consulting Co., dated October 21, 2010 (reviewed by the Planning Commission at public meeting); and
3. Preliminary Site Plan (C-1) by Soleria Design and Consulting Co., dated October 21, 2010 and revised February 2, 2011 (submitted after public meeting to address Planning Commission and staff revisions); and
4. Preliminary Landscape Plan (L-1) by Soleria Design and Consulting Co., dated October 21, 2010 (reviewed by the Planning Commission at public meeting); and
5. Preliminary Landscape Plan (L-1) by Soleria Design and Consulting Co., dated October 21, 2010 and revised February 2, 2011 (submitted after public meeting to address Planning Commission and staff revisions); and
6. Preliminary Drainage Plan (C-2) by Soleria Design and Consulting Co., dated October 21, 2010; and
7. Store Layout Plan (convenience store) by Paragon Solutions, dated October 14, 2010; and
8. Exterior Elevations (convenience store) by Paragon Solutions, dated October 21, 2010; and
9. Carwash Floor Plan and Elevations by Paragon Solutions, dated October 21, 2010; and
10. Canopy Exterior Elevation by Paragon Solutions, dated October 21, 2010; and
11. Boundary Survey by Reece & White, dated March 15, 2007 and revised October 18, 2010; and
12. Level III Traffic Study by Keys Traffic Studies, LLC, dated October 2010; and
13. Development Review Committee Resolution No. 14-10; and
14. Staff report prepared by Joseph Haberman, AICP, Planning & Development Review Manager, dated December 30, 2010; and

**Doc# 1834927
Bk# 2516 Pg# 1328**

15. Sworn testimony of Monroe County Planning & Environmental Resources Department staff; and
16. Sworn testimony of the applicant; and
17. Advice and counsel of Susan Grimsley, Assistant County Attorney, and John Wolfe, Planning Commission Counsel; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Findings of Fact:

1. The subject property is located in a Suburban Commercial (SC) district; and
2. The subject property has a Future Land Use Map (FLUM) designation of Mixed Use / Commercial (MC); and
3. The subject property has a tier designation of tier 3; and
4. On August 12, 2008, the Planning & Environmental Resources Department issued a letter of development rights determination for the subject property. Staff determined that 9,446 SF of non-residential floor area and 648 SF of 'canopy' non-residential floor area were lawfully-established on the property and therefore exempt from the Non-Residential Rate of Growth Ordinance (NROGO) permit allocation system; and
5. On December 13, 2010, the application was reviewed by the Development Review Committee. At the meeting, staff requested that applicant revise the site and landscape plans and provide additional supporting information. In addition, staff requested that certain conditions be applied to any approval; and
6. Pursuant to §130-93 of the Monroe County Code, in the Suburban Commercial (SC) district, high-intensity commercial retail uses of greater than 2,500 SF of floor area may be permitted with major conditional use permit approval, provided that there is access to US 1 by way of a) an existing curb cut; b) a signalized intersection; or c) a curb cut that is separated from any other curb cut on the same side of US 1 by at least 400 feet; and
7. §110-67 of the Monroe County Code provides the standards which are applicable to all conditional uses. When considering applications for a conditional use permit, the Planning Commission shall consider the extent to which:
 - (a) The conditional use is consistent with the purposes, goals, objectives and standards of the Monroe County Year 2010 Comprehensive Plan and Monroe County Code; and
 - (b) The conditional use is consistent with the community character of the immediate vicinity of the parcel proposed for development; and
 - (c) The design of the proposed development minimizes adverse effects, including visual impacts, or the proposed use on adjacent properties; and

**Doc# 1834927
Bk# 2516 Pg# 1329**

- (d) The proposed use will have an adverse effect on the value of surrounding properties; and
 - (e) 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 Monroe County Code; and
 - (f) 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; and
 - (g) The development will adversely affect a known archaeological, historical or cultural resource; and
 - (h) Public access to public beaches and other waterfront areas is preserved as a part of the proposed development; and
 - (i) 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 the Monroe County Code; and
8. Developments requiring a conditional use permit shall be consistent with the Monroe County Year 2010 Comprehensive Plan; and
 9. Developments on Big Pine Key shall be consistent with the Master Plan for Future Development of Big Pine Key and No Name Key; and
 10. Developments on Big Pine Key shall have to comply with the regulations of the Habitat Conservation Plan (HCP); and
 11. Developments requiring a conditional use permit shall be consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Conclusions of Law:

1. The major conditional use permit request is consistent with the provisions and intent of the Land Development Code of the Monroe County Code; specifically:
 - a. With execution of attached conditions, the redevelopment is consistent with the purpose of the Suburban Commercial (SC) district , as set forth in §130-43; and
 - b. With execution of attached conditions, the land uses of the redevelopment are permitted uses in the Suburban Commercial (SC) district, as set forth in §130-93; and
 - c. With execution of attached conditions, the redevelopment shall meet all of the standards for a conditional use permit as set forth in §110-67; and

2. The major conditional use permit request is consistent with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan; specifically:
 - a. The redevelopment is consistent with the purpose of the Mixed Use / Commercial (MC) future land use category, as set forth in Policy 101.4.5; and
3. The major conditional use permit request is consistent with the provisions and intent of the Master Plan for Future Development of Big Pine Key and No Name Key, specifically:
 - a. Action Item 4.1.3: Direct non-residential development and redevelopment to infill in existing non-residential areas on Tier II and Tier III lands, mainly in the US 1 Corridor Area. New commercial development will be limited to disturbed or scarified land – no clearing of pinelands and/or hammock will be permitted; and
 - b. Action Item 14.2.3: Only require new design guidelines for new development, the replacement of an existing building or if 2,500 SF is added. Ensure that new commercial design guidelines do not create a burden on existing businesses with potential for redevelopment.; and
4. The redevelopment shall have to comply with the regulations of the Habitat Conservation Plan (HCP). The (H) value on this property (combination of all three parcels) is 0.0124. In order to proceed with development plans, in Big Pine Key, a mitigation fee, at a rate of 3H to 1H, representing three (3) units of (H) for mitigation for every one unit of (H) impacted by development, is required. This ensures that development bears its fair share of the required mitigation under the conditions of the Incidental Take Permit (ITP). Mitigation fees will be assessed on a per permit basis. An exemption is subject to the County having sufficient inventory of qualified government-owned mitigation land. At the time of this resolution, Monroe County continues to provide mitigation for 'H' impacts without charge to the applicant/landowner. However this mitigation is based on availability and is subject to change if the Board of County Commissioners determines that it is in the best interest of the County to charge for the mitigation provided; and
5. The major conditional use permit request is not inconsistent with any of the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

WHEREAS, at the January 12, 2011 public meeting, the Planning Commission considered the recommendations of staff and applied the following conditions to be met prior to the issuance of a resolution for approval by the Planning Commission:

1. Prior to the issuance of a resolution for approval by the Planning Commission, a) the applicant shall receive a variance to the setback and access standard requirements or b) the applicant shall submit a revised site plan and landscape plan showing that all setback and access standard regulations shall be met; and

2. Prior to the issuance of a resolution for approval by the Planning Commission, the applicant shall submit a revised building elevation for the new convenience store that indicates the structure would be in full compliance with the 35' maximum height requirement; and
3. Prior to the issuance of a resolution for approval by the Planning Commission, the applicant shall submit a revised site plan completing the following: a) Revise to have the floor area of structure illustrations match that provided in the tables; b) Revise Planning and Environmental Open Space and Density table by removing references to "Existing Uses"; c) Revise Required Off-Street Parking table to state 38 spaces provided; and d) Remove incorrect reference to "5,593 SQ FT" on illustration of convenience store; and
4. Prior to the issuance of a resolution for approval by the Planning Commission, the applicant shall submit a revised landscape plan completing the following: a) Revise Required Off-Street Parking table to state 38 spaces provided and modify parking lot landscaping totals if necessary; and
5. Prior to the issuance of a resolution for approval by the Planning Commission, a county biologist must visit the site and confirm no native habitat exists. If such an area does exist, all necessary changes must be made to the site plan; and

WHEREAS, concerning the first condition required to be met prior to the issuance of a resolution, this approval is reliant on the additional approval of the concurrently filed and approved variance application, memorialized as Planning Commission Resolution No. P02-11. An appeal of Resolution No. P02-11, as provided in §102-185 of the Monroe County Code and/or Chapter 9J-1, Florida Administrative Code, stays the effectiveness of this instrument until the appeal is resolved by agreement or order. If an appeal of Resolution No. P02-11 results in an overturning of the decision of approval as requested, this instrument shall be null and void and additional consideration of this application shall be required by the Planning Commission; and

WHEREAS, concerning the second condition required to be met prior to the issuance of a resolution, the applicant provided several elevations on the subject property and adjacent road, as shown on a boundary survey by Reece & White dated March 15, 2007 and revised October 18, 2010, which support that the proposed building will be in compliance with the maximum height requirements. Full compliance with the maximum height requirements will be determined upon review of the building permit application for the building; and

WHEREAS, concerning the third condition required to be met prior to the issuance of a resolution, following the January 12, 2011 public meeting, the applicant submitted a revised site plan by Soteria Design and Consulting Co., dated October 21, 2010 and revised February 2, 2011; and

WHEREAS, concerning the fourth condition required to be met prior to the issuance of a resolution, following the January 12, 2011 public meeting, the applicant submitted a revised

Doc# 1834927
Bk# 2516 Pg# 1332

landscape plan by Soleria Design and Consulting Co., dated October 21, 2010 and revised February 2, 2011; and

WHEREAS, concerning the fifth condition required to be met prior to the issuance of a resolution, following the January 12, 2011 public meeting, a Monroe County Biologist conducted a site visit and determined that there was no native pinelands or hammock on the subject property; and

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support its decision to **APPROVE** the request by Landco LLC for an amendment to a major conditional use permit, subject to the following conditions:

1. Prior to the issuance of a building permit(s), the proposed development and structures shall be found in compliance by the Monroe County Building Department, Floodplain Administrator, Office of the Fire Marshal and Project Management Department.
2. Prior to the issuance of a building permit(s) for the construction of the buildings and fuel canopy, all necessary allocation(s) for its area shall be acquired through the NROGO permit allocation system.
3. Similar and consistent design, materials and colors shall be utilized for all new structures, including signage, in order to make the development more attractive and cohesive. The architecture of the buildings and fuel canopy shall be compatible with the architectural guidelines set forth within the Big Pine Key / US 1 Corridor Area Enhancement Plan. The applicant may not deviate from the designs depicted on building elevations and site plan without approval from the Director of Planning. Any modifications and/or alterations to the buildings and fuel canopy, as well as accessory structures, must adhere to the standards set forth in the Big Pine Key / US 1 Corridor Area Enhancement Plan, to be determined by the Director of Planning and, if necessary, the Planning Commission.
4. There shall be curbing to delineate between the roadways and their adjacent walkways.
5. There shall be directional signage to direct motorists though the site.

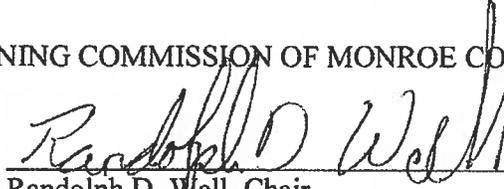
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PASSED AND ADOPTED BY THE PLANNING COMMISSION of Monroe County, Florida, at a regular meeting held on the 12th of January, 2011.

Chair Wall	<u>YES</u>
Vice Chair Cameron	<u>YES</u>
Commissioner Hale	<u>YES</u>
Commissioner Lustberg	<u>YES</u>
Commissioner Werling	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY


Randolph D. Wall, Chair

Signed this 9th day of Feb, 2011.

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

Date: 2/2/11

NOTICE

§110-73(a) of the Monroe County Code states that a conditional use permit shall not be transferred to a successive owner without notification to the Planning Director 15 days of the transfer.

Pursuant to §110-73(a) of the Monroe County Code, all required building permits and certificates of occupancy shall be procured within three (3) years of the date on which the conditional use approval is recorded and filed in the official records of Monroe County, or the conditional use approval shall become null and void with no further action required by the county. Approval time frames do not change with successive owners. Extensions of time to a major conditional use approval may be granted only by the Planning Commission for periods not to exceed two (2) years. There may be no more than two (2) extensions. Applications for extensions shall be made prior to the expiration dates. Extensions to expired major conditional use approvals shall be accomplished only by re-application for the major conditional uses. When a hearing officer has ordered a conditional use approval initially denied by the Planning Commission, the Planning Commission shall nonetheless have the authority to grant or deny a time extension under §110-73 of the Monroe County Code. If the Planning Commission denies a time extension, the holder of the conditional use may request an appeal of that decision under Chapter 102, Article VI, Division 2 of the Monroe County Code by filing the notice required by that article within 30 days of the written denial of the Planning Commission.

This instrument shall not take effect for 30 days following the date in which the document is signed by the Planning Commission Chair. During these 30 days, this instrument shall be subject to appeal as provided in Chapter 102, Article VI, Division 2 of the Monroe County Code. Such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order. In addition, please be advised that pursuant to Chapter 9J-1, Florida Administrative Code, this instrument shall not take effect for 45 days following the rendition of the Florida Department of Community Affairs. During these 45 days, the Florida Department of Community Affairs may appeal this instrument to the Florida Land and Water Adjudicatory Commission. Such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

Doc# 1834927
BK# 2516 Pg# 1335