

## DEVELOPMENT REVIEW COMMITTEE

Tuesday, February 25, 2014

### AGENDA

The Monroe County Development Review Committee will conduct a meeting on Tuesday, February 25, 2014, beginning at 1:00 PM at the Marathon Government Center, Media & Conference Room (1<sup>st</sup> floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL

DRC MEMBERS:

Townsley Schwab, Senior Director of Planning and Environmental Resources

Mike Roberts, Sr. Administrator, Environmental Resources

Joe Haberman, Planning & Development Review Manager

DOT Representative

Steve Zavalney, Captain, Fire Prevention

Public Works Department Representative

STAFF MEMBERS

Christine Hurley, Growth Management Division Director

Jerry Smith, Building Official

Mayte Santamaria, Assistant Planning Director

Mitch Harvey, Comprehensive Plan Manager

Rey Ortiz, Planning & Biological Plans Examiner Supervisor

Emily Schemper, Sr. Planner

Barbara Bauman, Planner

Matt Coyle, Sr. Planner

Karl Bursa, Planner

Gail Creech, Sr. Planning Commission Coordinator

CHANGES TO THE AGENDA

MINUTES FOR APPROVAL:

MEETING

New Item:

1. 95231 Overseas Highway, Key Largo, mile marker 95: A request for approval of a major conditional use permit in order to develop the subject property with a new antenna-supporting structure. The subject property is legally described as Block 4, Lots 1, 2, 27 and 28, Revised Plat of Sunrise Point subdivision (Plat Book 3, Page 11), having real estate number 00484790.000000.

(File 2013-144)

[2013-144 SR DRC 02.25.14.PDF](#)

2. Alvarez Property, Florida Drive, Key Largo, Approximate Mile Marker 100, and Alvarez Property, Overseas Highway, Key Largo, Approximate Mile Marker 96: A request for a minor conditional use permit for the transfer of Transferrable Development Rights (TDRs) from a sender site on Florida Drive in Key Largo to a receiver site on the Overseas Highway in Key Largo. The sender site

is legally described as Block 25, Lot 30, Amended Plat of Key Largo Park, (Plat Book 3, Page 62), Key Largo, Monroe County, Florida, having real estate number 00528840.000000. The receiver site is legally described as Part of Tract 2, Lime Grove Estates Property (Plat Book 5, Page 52), Key Largo, Monroe County, Florida, having real estate number 00486930.000000.

(File 2013-162)

[2013-162 SR DRC 02.25.14.PDF](#)

[2013-162 FILE.PDF](#)

[2013-162 Recvd 12.30.13 Survey.pdf](#)

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 118 ENVIRONMENTAL PROTECTION, CREATING SECTION 118-13 PROVIDING FOR COORDINATION WITH THE UNITED STATES FISH AND WILDLIFE SERVICE FOR FLOODPLAIN DEVELOPMENT PERMIT APPLICATIONS FOR PARCELS LOCATED IN SPECIES FOCUS AREAS OF SPECIES NOT INCLUDED IN THE PERMIT REFERRAL PROCESS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

(File 2013-149)

[2013-149 SR DRC 02.25.14.PDF](#)

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".

ADJOURNMENT



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: The Development Review Committee &  
Townsville Schwab, Sr. Director of Planning and Environmental Resources

From: Reynaldo Ortiz, Assoc. AIA, AICP, Planning & Bio Plans Examiner Supervisor

Date: February 24, 2014

Subject: *Request for a Major Conditional Use Permit for a new antenna supporting structure, to be located at 95231 Overseas Highway, Key Largo, Real Estate #00484790.000000 (File #2013-144)*

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**Meeting: February 25, 2014**

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1  
2 I REQUEST:  
3

4 The applicant is requesting approval a major conditional use permit in order to construct a  
5 new antenna supporting structure on the site. The antenna supporting structure would be a  
6 monopole wireless communication tower (130' in overall height) and related facility. The  
7 tower and facility would be constructed adjacent to an existing commercial retail building on  
8 the subject property.  
9



1 Location:

2 Address: 95231 Overseas Highway, Key Largo, approximate mile marker 95 (Atlantic  
3 Ocean side of US 1)

4  
5 Legal Description: Block 4, Lots 1, 2, 27 and 28, Revised Plat of Sunrise Point  
6 subdivision (Plat Book 3, Page 11)

7  
8 Real Estate (RE) Number: 00484790.000000  
9

10 Applicant:

11 Owner: Christopher D. and Pamela A. Sante

12  
13 Agent: Lauralee G Westine, on behalf of SBA Towers V, LLC  
14

15 II RELEVANT PRIOR COUNTY ACTIONS:  
16

17 The site is being utilized as a low/medium intensity commercial retail use. As shown the  
18 proposed site plan, there is an existing one-story building and two existing sheds. According  
19 to the Monroe County Property Appraiser's records, the one-story building was constructed  
20 in 1958 and consists of 2,247 SF (approximately 80' x 28'), the first shed was installed in  
21 1999 and consists of 200 SF (20' x 10'), and the second shed was installed in 2003 and  
22 consists of 80 SF (10' x 8').  
23

24 There is not a building permit on file in the Building Department's records for the initial  
25 construction of the existing building. The Property Appraiser's records indicate that the  
26 building was constructed in 1958. If this date is accurate, the building was built prior to the  
27 establishment of county planning and building regulations in 1960. In any event, there are  
28 several building permits on file for improvements to the existing building and accessory  
29 structures thereto (including but not limited to Building Permits #C-2093, #C-3651, #C-  
30 18135, #883-0788, #973-3675, #983-0116, #983-0117, #983-0144, #983-0195, #983-0352,  
31 #983-1257, #983-2999, #993-0301, #003-2256, #003-3039, and #133-2401). The existing  
32 buildings related to site are consistent with the plans on file with these subsequent approvals.  
33

34 Building Permit #013-0735 was issued in 2003 for the second 80 SF shed. A building permit  
35 is not on file for the 200 SF shed.  
36

37 In 2013, a pre-application conference concerning was held on April 18, 2013. At the  
38 conference, staff and the applicant discussed the proposed monopole wireless communication  
39 tower and related facility.  
40

41 III BACKGROUND INFORMATION:  
42

- 43 A. Size of Site: 26,607 SF (0.61 acres)  
44 B. Land Use District: Suburban Commercial (SC)  
45 C. Future Land Use Map (FLUM) Designation: Mixed Use/Commercial (MC)  
46 D. Tier Designation: Tier III  
47 E. Flood Zone: AE - EL 8  
48 F. Existing Use: Commercial Retail

1 G. Existing Vegetation / Habitat: Scarified

2 H. Community Character of Immediate Vicinity: Mixed Use; commercial retail, office and  
3 single-family residential  
4

5 IV REVIEW OF APPLICATION:  
6

7 MCC §110-67 provides the standards which are applicable to all conditional uses. When  
8 considering applications for a major conditional use permit, staff and the Planning  
9 Commission shall consider the extent to which:

10  
11 A. *The conditional use is consistent with the purposes, goals, objectives and standards of the*  
12 *comprehensive plan and the land development regulations:*  
13

14 The proposed development is consistent with the purposes, goals, objectives and  
15 standards of the MC future land use category.  
16

17 Policies from the Monroe County Year 2010 Comprehensive Plan that directly pertain to  
18 the proposed redevelopment include:  
19

20 Policy 101.4.5: The principal purpose of the Mixed Use/ Commercial land use  
21 category is to provide for the establishment of commercial land use (zoning) districts  
22 where various types of commercial retail and office may be permitted at intensities  
23 which are consistent with the community character and the natural environment.  
24 Employee housing and commercial apartments are also permitted. In addition, Mixed  
25 Use/Commercial land use districts are to establish and conserve areas of mixed uses,  
26 which may include maritime industry, light industrial uses, commercial fishing,  
27 transient and permanent residential, institutional, public, and commercial retail uses.  
28

29 This land use category is also intended to allow for the establishment of mixed use  
30 development patterns, where appropriate. Various types of residential and non-  
31 residential uses may be permitted; however, heavy industrial uses and similarly  
32 incompatible uses shall be prohibited. The County shall continue to take a proactive  
33 role in encouraging the maintenance and enhancement of community character and  
34 recreational and commercial working waterfronts.  
35

36 Policy 101.5.3: In order to encourage a compact form of non-residential growth, the  
37 Permit Allocation System shall limit and direct new non-residential development  
38 primarily to areas designated as Tier III under Goal 105 not located within a  
39 designated Special Protection Area and provide incentives for redevelopment of  
40 existing developed and vacant infill sites.  
41

42 Policy 101.4.26: In order to preserve the existing community character and natural  
43 environment, Monroe County shall limit the height of structures including landfills to  
44 35 feet. Exceptions will be allowed for appurtenances to buildings, transmission  
45 towers and other similar structures.  
46

1 Action Items from the Key Largo Community Master Plan that directly pertain to the  
2 proposed redevelopment include:

3  
4 Action Item 1.3.1: Continue to use the FLUM and Land Use District Maps to regulate  
5 development of individual parcels with respect to density, intensity, bulk regulations,  
6 and all other land development regulation. This will protect the existing conformance  
7 status of most uses and promote orderly development consistent with the  
8 Comprehensive Plan.  
9

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

11  
12 An existing nonresidential building, currently used for commercial retail, and accessory  
13 structures, including impervious areas currently used for outdoor retail sales, exist on the  
14 property. The site is part of the commercial corridor along Overseas Highway where  
15 vertical structural elements accommodating the technological needs of residents already  
16 exist. In addition, the antenna supporting structures is a necessity for wireless  
17 communication services, a need of the community. Therefore, the proposed development  
18 would be consistent with the community character of the immediate vicinity.  
19

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

22  
23 As part of the redevelopment, it shall be required that additional trees and landscaping  
24 elements be introduced to the site. Therefore, the proposed redevelopment minimizes  
25 adverse effects, including visual impacts, on adjacent properties.  
26

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

28  
29 Staff has no evidence to support or disprove that the proposed redevelopment will have  
30 an adverse impact on the value of the surrounding properties.  
31

32 E. *The adequacy of public facilities and services:*

33  
34 1. Roads:

35  
36 *Localized Impacts & Access Management*: As detailed in a memorandum from the  
37 Monroe County Engineering Department dated November 12, 2013, the proposed  
38 development does not impact any county rights of way. However, the Engineering  
39 Department has requested the entrances to the site to be relocated.  
40

41 *Level of Service (LOS)*: The proposed development does not impact county right of  
42 way and therefore the LOS will remain unaffected.  
43

44 2. Stormwater: The applicant has coordinated with the Public Works Division, and has  
45 confirmed that surface water management plan is not necessary as indicated in a letter  
46 dated April 8, 2013.

1  
2 3. Sewer: The applicant shall coordinate with the Key Largo Wastewater Treatment  
3 District to determine compliance with all applicable regulations (See section I-10).

4  
5 4. Emergency Management: The applicant shall coordinate with the Office of the Fire  
6 Marshal to determine compliance with the Florida Fire Prevention Code.

7  
8 F. *The applicant has the financial and technical capacity to complete the development as*  
9 *proposed:*

10  
11 Staff has no evidence to support or disprove the applicant's financial and technical  
12 capacity.

13  
14 G. *The development will adversely affect a known archaeological, historical or cultural*  
15 *resource:*

16  
17 The proposed development will not adversely affect a known archaeological, historical or  
18 cultural resource.

19  
20 H. *Public access to public beaches and other waterfront areas is preserved as part of the*  
21 *proposed development:*

22  
23 The proposed development will not adversely affect a public beach and other waterfront  
24 areas.

25  
26 I. *The project complies with all additional standards imposed on it by the Land*  
27 *Development Regulations:*

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

30  
31 There are not any existing or proposed residential dwelling units.

32  
33 2. Non-Residential Rate of Growth Ordinance (NROGO) (§138-47 – §138-56): *In*  
34 *compliance.*

35  
36 The NROGO shall not apply to the redevelopment, rehabilitation or replacement of  
37 any lawfully-established non-residential floor area which does not increase the  
38 amount of non-residential floor area greater that which existed on the site prior to the  
39 redevelopment, rehabilitation or replacement. The existing building would not be  
40 modified by this application. Further, the proposed facility would not include any  
41 floor area that would be subject to the NROGO.

42  
43 3. Purpose of the SC District (§130-43): *In compliance.*

44  
45 The purpose is to establish areas for commercial uses designed and intended primarily  
46 to serve the needs of the immediate planning area in which they are located.

1  
2 4. Permitted Uses (§130-93): *In compliance.*

3  
4 Concerning the existing development, in the SC district, commercial retail, low and  
5 medium-intensity and office uses or any combination thereof of less than 2,500 SF of  
6 floor area may be permitted as of right with a building permit.

7  
8 Concerning the proposed development, in the SC district, a new antenna-supporting  
9 structure may be permitted with a major conditional use permit, provided that the  
10 proposed development is compliant with the provisions of MCC §146-5(1).

11  
12 5. Residential Density and Maximum Floor Area Ratio (§130-157, §130-162 & §130-  
13 164): *In compliance.*

14

Land Use	FAR / Density	Size of Site	Max Allowed	Proposed	Potential Used
Commercial Retail (medium-intensity)	0.25 FAR	26,607 SF	6,652 SF	2,527 SF <sup>1</sup>	37.99%
Cumulative Total					37.99%

15 Note 1: There is currently a 2,247 SF building, a 200 SF shed and an 80 SF shed on the  
16 property. These figures are based on the Property Appraiser's records and may be inaccurate.  
17 In order to receive an exact total, a development rights determination is required.

18  
19  
20 6. Required Open Space (§118-9, §118-12, §130-157, §130-162 & §130-164): *In*  
21 *compliance.*

22  
23 In the SC District, there is a required open space ratio of 0.20 or 20%. The site plan  
24 indicates that there 26,607 SF of total upland area. Therefore, at least 5,321 SF of the  
25 total land area must remain open space. Although the proposed open space is not  
26 noted on the proposed site plan, based on a comparison between the proposed site  
27 plan and boundary survey/Monroe County GIS info, the redeveloped site would  
28 provide open space area well in excess of the 20%.

29  
30 7. Minimum Yards (§118-12 & §130-186): *In compliance.*

31  
32 In the SC district, the required non-shoreline setbacks are as follows: Front yard –  
33 25'; Rear yard – 10'; and Side yard – 10'/15' (where 10' is required for one side and  
34 15' is the minimum combined total of both sides). As such, the property has a  
35 required setback requirement of 25' along the three sides adjacent to public rights of  
36 way (Snapper Lane, US 1 and Lobster Lane). In addition, the property has a rear yard  
37 setback requirement of 10' along the southeastern property line.

38  
39 As shown on the proposed site plan, part of the exiting building is located within the  
40 25' front yard setback along the Lobster Lane right of way. This part of the building  
41 was lawfully-established in its current configuration and is lawfully nonconforming to

1 the current setback regulations. It may remain in its current nonconforming footprint  
2 as long as the nonconformity is not expanded or the building substantially improved.

3  
4 The proposed antenna supporting structure and facility would be in compliance with  
5 setback requirements.

6  
7 In addition to the general setback requirements, the proposed antenna supporting  
8 structure and facility shall also adhere to setback requirements outlined in MCC  
9 Chapter 146, which is addressed subsequently and independently in this staff report.

10  
11 8. Maximum Height (§130-187): *In compliance.*

12  
13 No structure or building shall be development that exceeds a maximum height of 35'.  
14 Exceptions will be allowed for chimneys; spires and/or steeples on structures used for  
15 institutional and/or public uses only; radio and/or television antenna; flagpoles; solar  
16 apparatus; utility poles and/or transmission towers; and certain antenna supporting  
17 structures with attached antenna and/or collocations as permitted in MCC Chapter  
18 146. No building addition is being proposed to the existing building.

19  
20 In addition to the general height requirement, the proposed antenna supporting  
21 structure and facility shall also adhere to height requirements outlined in MCC  
22 Chapter 146, which is addressed subsequently and independently in this staff report.

23  
24 9. Surface Water Management Criteria (§114-3): *In compliance.*

25  
26 The applicant has coordinated with the Public Works Division, and has confirmed  
27 that surface water management plan is not necessary as indicated in a letter dated  
28 April 8, 2013.

29  
30 10. Wastewater Treatment Criteria (§114-5): *Full compliance to be determined upon*  
31 *building permit application review.*

32  
33 11. Fencing (§114-20): *Not in compliance.*

34  
35 The maximum height requirement for fencing in the SC district is 6'. The proposed  
36 development includes new fencing that is 8' in height (constructed of wood).

37  
38 Note: MCC §114-20(1)(f) allows when necessary the use of a fence to contain a  
39 public use for safety and/or security purposes (i.e. high voltage substations, pumping  
40 stations, public wastewater treatment facilities), the fence may be erected to a  
41 maximum height provided in national, state or otherwise recognized industry code, if  
42 it is designed in accordance with community character as determined by the planning  
43 director.

44  
45 12. Floodplain Management (§122-1 – §122-6): *Full compliance to be determined upon*  
46 *building permit application review.*

1  
2 The site is designated within an AE – EL 8 flood zone on the Federal Emergency  
3 Management Agency (FEMA)’s flood insurance rate maps. All new structures must  
4 be built to floodplain management standards that meet or exceed those for flood  
5 protection.  
6

- 7 13. Energy Conservation Standards (§114-45): *Full compliance to be determined upon*  
8 *building permit application review.*  
9

10 Not enough information was provided to determine if the development proposal  
11 includes the following required energy conservation measures: Use of energy-  
12 efficient features in window design (e.g., tinting and exterior shading); Use of  
13 operable windows and ceiling fans; Installation of energy-efficient appliances and  
14 equipment; Prohibition of deed restrictions or covenants that would prevent or  
15 unnecessarily hamper energy conservation efforts (e.g., building orientation, clothes  
16 lines, and solar water heating systems); Installation of energy-efficient lighting for  
17 streets, parking areas, recreation areas, and other interior and exterior public areas;  
18 and Orientation of structures, as possible, to reduce solar heat gain by walls and to  
19 use the natural cooling effects of the wind.  
20

- 21 14. Potable Water Conservation Standards (§114-46): *Full compliance to be determined*  
22 *upon building permit application review.*  
23

- 24 15. Environmental Design Criteria and Mitigation Standards (§118-6, §118-7 & §118-8):  
25 *Compliance to be determined.*  
26

- 27 16. Required Parking (§114-67): *In compliance.*  
28

Specific Use	Multiplier	Existing	Required Spaces
Commercial Retail	3 spaces/1000 SF	2,247 SF	7
Total Required			7

29  
30 According to the property records card the site has a ground floor area of 2,247 SF.  
31 The square footage is dominantly being utilized as retail space.  
32

33 The proposed tower shall be unmanned and not require additional parking spaces.  
34 According to the proposed site plan, existing off-street parking spaces would not be  
35 altered.  
36

- 37 17. Required Loading and Unloading Spaces (§114-69): *Not in compliance.*  
38

39 The proposed site plan does not show the required 11’ x 35’ loading/unloading space.  
40

- 41 18. Required Landscaping (§114-99 – §114-105): *Compliance to be determined.*  
42

1 Since the property is within a SC district, a class "A" landscaping standard is required  
2 since six or more parking spaces are sited on the subject property.

3  
4 The proposed site plan does not describe landscaping.

5  
6 19. Required Buffer-yards (§114-124 – §114-130): *Compliance to be determined.*

7  
8 A major street bufferyard is required. Along the US 1 right-of-way, a class "C"  
9 district boundary bufferyard is required. A class "C" bufferyard has a minimum  
10 width of 10' and its planting requirements are described/illustrated in MCC §114-128.

11  
12 A land use district bufferyard is required. To the southeast is an Improved  
13 Subdivision (IS) district. Along the SC/IS boundary line, a class "D" district  
14 boundary bufferyard is required. A class "D" bufferyard has a minimum width of 20'  
15 and its planting requirements are described/illustrated in MCC §114-128.

16  
17 The proposed site plan does not describe landscaping.

18  
19 In addition to the general buffer requirement, the proposed antenna supporting  
20 structure and facility shall also adhere to buffer requirements outlined in MCC  
21 Chapter 146, which is addressed subsequently and independently in this staff report.

22  
23 20. Outdoor Lighting (§114-159 – §114-163): *Full compliance to be determined upon*  
24 *building permit application review.*

25  
26 Outdoor lighting is not being reviewed as part of this application. It shall be reviewed  
27 independently for compliance as an accessory use under a building permit  
28 application.

29  
30 21. Signs (§142-1 – §142-7): *Full compliance to be determined upon building permit*  
31 *application review.*

32  
33 Signage is not being reviewed as part of this application. Any signage shall be  
34 reviewed independently for compliance as an accessory structure under a building  
35 permit application.

36  
37 22. Access Standards (§114-195 – §114-201): *Compliance to be determined.*

38  
39 As detailed in a memorandum from the Monroe County Engineering Department  
40 dated November 12, 2013, the proposed development does not impact any county  
41 rights of way. However, the Engineering Department has requested the entrances to  
42 the site to be relocated.

43  
44 23. Chapter 533, Florida Statutes: *Full compliance to be determined upon submittal to*  
45 *Building Department.*

1 All standards and requirements of the Americans with Disabilities Act (ADA) must  
2 be met.  
3

4 MCC §146-5 provides the standards which are applicable to wireless communications  
5 facilities. When considering applications for wireless communications facilities, staff  
6 and the Planning Commission shall review applications for the following Development  
7 Standards for new antenna supporting structures:  
8

9 Approval criteria for new antenna-supporting structures:  
10

11 1. *Setbacks.*  
12

13 *(i) New antenna-supporting structures and the associated ancillary structures are not*  
14 *considered as utilities, and therefore must meet the environmental design criteria*  
15 *related to wetland setbacks pursuant to MCC §118-7:*  
16

17 According to the available information, there is not wetland on the subject property.  
18 Therefore, the proposed development will not adversely affect a known wetland  
19 habitat.  
20

21 *(ii) Any new antenna-supporting structures, equipment enclosures and ancillary*  
22 *structures shall meet the minimum setback requirements for the land use district*  
23 *where they are located pursuant to MCC §130-186:*  
24

25 According to the proposed site plan, the proposed locations for the new structures  
26 comply with the provisions of MCC §130-186.  
27

28 *(iii) New antenna-supporting structures constructed on properties that are contiguous*  
29 *to the IS, SR, UR or URM zones shall be set back from these zones a distance equal to*  
30 *30 percent of the overall height of the antenna-supporting structure:*  
31

32 The subject property is contiguous to an IS district, which is located to the southeast.  
33 The overall height of the proposed monopole is 130' therefore requiring a setback of  
34 39'. The submitted site plan indicates that the edge of the tower base would be 40'  
35 from the parcel to the southeast.  
36

37 *(iv) New antenna-supporting structures shall be set back from the right-of-way of US*  
38 *1 a distance equal to 30 percent of the overall height of the antenna-supporting*  
39 *structure:*  
40

41 The subject property is contiguous to an US 1, which is located to the northwest. The  
42 overall height of the proposed monopole is 130' therefore requiring a setback of 39'.  
43 The submitted site plan indicates that the edge of the tower base would be 72' from  
44 US 1.  
45

- 1 2. *Height. The overall height of any antenna-supporting structure shall not be greater*  
2 *than 199'.*

3  
4 The proposed antenna-supporting structure shall have an overall height of 130'.

- 5  
6 3. *Construction. New antenna-supporting structures shall have a monopole type*  
7 *construction only, and shall not be guyed or have a lattice type construction; except*  
8 *that AM broadcast facilities may have a guyed type construction.*

9  
10 The proposed structure complies with the definition of monopole as defined in MCC  
11 §146-2.

- 12  
13 4. *Structural integrity.*

14  
15 *(i) The entire antenna-supporting structure and all appurtenances shall be designed*  
16 *pursuant to the wind speed design requirements of ASCE 7-95, including any*  
17 *subsequent modification to those specifications:*

18  
19 The structural requirements shall be reviewed independently for compliance under  
20 any subsequent building permit application by the Building Department.

21  
22 *(ii) A new antenna-supporting structure shall be designed to accommodate the*  
23 *wireless communications equipment of other wireless communication service*  
24 *providers. The exact amount of additional equipment to be accommodated shall be*  
25 *agreed upon during a pre-application conference and recorded in the letter of*  
26 *understanding resulting from the conference:*

27  
28 At the April 18, 2013 pre-application conference, the applicant agreed to include the  
29 minimum amount of equipment necessary to accommodate the facility. A letter of  
30 understanding was not requested by the applicant.

31  
32 The structural requirements shall be reviewed independently for compliance by the  
33 Building Department under any subsequent building permit application.

34  
35 *(iii) The antenna-supporting structure shall be designed to ensure that, in the event of*  
36 *structural failure, the facility will collapse within the boundaries of the property on*  
37 *which the facility is located:*

38  
39 The structural requirements shall be reviewed independently for compliance by the  
40 Building Department under any subsequent building permit application.

- 41  
42 5. *Lighting.*

43  
44 *(i) Except as provided in MCC §146-5(1)a.5(ii), no lights, signals, or other*  
45 *illumination shall be permitted on any wireless communications facility or ancillary*

1 *structure unless the applicant demonstrates that lighting is required by the FAA or*  
2 *the FCC:*

3  
4 Based on the information in the application, there would be no such lights, signals, or  
5 other illumination. In addition, the applicant submitted a Determination of No Hazard  
6 to Air Navigation from the Federal Aviation Administration (FAA), issued April 29,  
7 2013 with an expiration date of October 29, 2014, indicating that lighting is not  
8 required for the proposed antenna.

9  
10 *(ii) Lighting may be placed in association with an approved equipment enclosure, but*  
11 *shall be placed only in accordance with the provisions of MCC §12-116 and §114-*  
12 *162. Lighting associated with an equipment enclosure shall remain unlit except when*  
13 *authorized personnel are present:*

14  
15 As required by MCC §12-116, to prevent exterior artificial lighting from disorienting  
16 sea turtles and illuminating sea turtle nesting areas or nearby areas within the  
17 jurisdictional boundaries of Monroe County or adjacent waters during the nesting  
18 season, all lighting shall be designed with the measures set forth in MCC §12-116 to  
19 reduce or eliminate the negative effects of new or existing artificial lighting.

20  
21 As required by MCC §114-162, all lighting shall be located, screened or shielded so  
22 that adjacent residential lots are not directly illuminated.

23  
24 6. *Collocation and combined antennas.*

25  
26 *(i) No antenna-supporting structure shall be permitted unless the applicant*  
27 *demonstrates that no existing wireless communications facility can accommodate the*  
28 *applicant's proposed facility through either collocation or a combined antenna; or*  
29 *that use of such existing facilities would prohibit personal wireless services in the*  
30 *area of the county to be served by the proposed antenna-supporting structure.*

31  
32 The applicant has submitted an affidavit and supporting documentation confirming  
33 compliance.

34  
35 *(ii) Evidence submitted to demonstrate that no existing wireless communications*  
36 *facility could accommodate the applicant's proposed facility through either*  
37 *collocation or a combined antenna may consist of any of the following:*

38 *(a) No existing wireless communications facilities located within the*  
39 *geographic area meet the applicant's engineering requirements;*

40 *(b) Existing wireless communications facilities are not of sufficient height to*  
41 *meet the applicant's engineering requirements;*

42 *(c) Existing wireless communications facilities do not have sufficient*  
43 *structural strength to support the applicant's proposed wireless communications*  
44 *facilities and related equipment; or*

45 *(d) The applicant demonstrates that there are other limiting factors that*  
46 *render existing wireless communications facilities unsuitable.*

1  
2 The applicant has submitted an affidavit and supporting documentation confirming  
3 compliance.  
4

- 5 7. *Color. New antenna-supporting structures shall maintain a galvanized gray finish or*  
6 *other accepted contextual or compatible color, except as required by federal rules or*  
7 *regulations.*  
8

9 Drawings, as submitted, indicate that the tower shall have a galvanized finish.  
10

- 11 8. *Radio frequency emissions. The radio frequency emissions shall comply with FCC*  
12 *standards for such emissions.*  
13

14 Staff has no evidence to support or disprove that the proposed development will have  
15 an adverse impact on radio frequency emissions.  
16

- 17 9. *Intensity requirements.*  
18

19 *(i) For the purposes of impact fee calculation, the floor area for a wireless*  
20 *communications facility shall be considered as only the total square footage of all*  
21 *equipment enclosures:*  
22

23 Impact fees shall be calculated and collected as part of any subsequent building  
24 permit application.  
25

26 *(ii) The following shall be considered as development area and shall be required to*  
27 *meet the setbacks and open space ratio requirements for the land use district and/or*  
28 *habitat where they are located:*

- 29 (a) The area beneath all equipment enclosures;  
30 (b) The area of the antenna-supporting structure foundation at or above grade;  
31 (c) The area beneath ancillary structures, excluding that which is beneath guy  
32 wires (if applicable); and  
33 (d) The area inside the antenna-supporting structure framework.  
34

35 Based on the proposed site plan, the proposed development would be in compliance  
36 with the setback and open space requirements.  
37

- 38 10. *Security. Fencing, in accordance with MCC §114-20, and/or anticleimbing devices*  
39 *shall be required to preserve security on wireless communication facilities.*  
40

41 The proposed development includes wood fencing to secure the facility and screen  
42 ground-level equipment. The fence enclosure is 8' in height, which is 2' taller than  
43 normally permitted in SC district. MCC §114-20(1)(f) allows when necessary the use  
44 of a fence to contain a public use for safety and/or security purposes (i.e. high voltage  
45 substations, pumping stations, public wastewater treatment facilities), the fence may  
46 be erected to a maximum height provided in national, state or otherwise recognized

1 industry code, if it is designed in accordance with community character as determined  
2 by the planning director. If such documentation is provided to the planning director,  
3 he has the authority to permit the 8' fence enclosure.  
4

- 5 11. *Landscaping. Landscaping and/or screening in the form of at least a class D buffer as*  
6 *drawn in the class D bufferyard figure in MCC §114-128 shall be required around*  
7 *the development area.*  
8

9 Prior to the issuance of any major conditional use permit, the applicant must submit a  
10 revised site plan or landscape plan showing compliance with the buffer requirements.  
11

- 12 12. *Signage. The only signage that is permitted upon an antenna-supporting structure,*  
13 *equipment enclosure, or fence (if applicable) shall be informational, and for the*  
14 *purpose of identifying the antenna-supporting structure, as well as the party*  
15 *responsible for the operation and maintenance of the facility, its current address and*  
16 *telephone number, security or safety signs, and property manager signs (if*  
17 *applicable).*  
18

19 Sheet C-3 of the drawings that were submitted as part of the application states “The  
20 only signage that is permitted upon an antenna-supporting structure, equipment  
21 enclosure, or fence (if applicable) shall be informational, and for the purpose of  
22 identifying the antenna-supporting structure, as well as the party responsible for the  
23 operation and maintenance of the facility, its current address and telephone number,  
24 security or safety signs, and property manager signs (if applicable).”  
25

- 26 13. *Aircraft obstruction. In addition to the provisions of MCC §130-75, the overall height*  
27 *of a new antenna-supporting structure located in the vicinity of a private airport shall*  
28 *be limited by the following:*  
29

30 (i) *A 35:1 glide path ratio in the horizontal zone limiting the heights of new antenna-*  
31 *supporting structures to 150' within one statutory mile (5,280') from the edge of the*  
32 *private airport primary surface; and*  
33

34 (ii) *A 12:1 glide path ratio in the conical zone limiting the heights of new antenna-*  
35 *supporting structures to 600' within one statutory mile (5,280') from the edge of the*  
36 *horizontal zone.*  
37

38 A private airport is not located within one statutory mile of the proposed  
39 development. In addition Sheet C-3 of the drawings that were submitted as part of  
40 the application state “In addition to the provisions of section 130-75, the overall  
41 height of a new antenna-supporting structure located in the vicinity of a private  
42 airport shall be limited by the following: (i) A 35:1 glide path ratio in the horizontal  
43 zone limiting the heights of new antenna-supporting structures to 150 feet within one  
44 statutory mile (5,280 feet) from the edge of the private airport primary surface; and  
45 (ii) A 12:1 glide path ratio in the conical zone limiting the heights of new antenna-

1 supporting structures to 600 feet within one statutory mile (5,280 feet) from the edge  
2 of the horizontal zone.”  
3

4 14. *Adverse effects on adjacent properties and compatibility with community character.*  
5

6 *(i) New antenna-supporting structures shall be configured and located in a manner*  
7 *that is consistent with the community character of the immediate vicinity, and shall*  
8 *minimize adverse effects including visual impacts on adjacent properties pursuant to*  
9 *MCC §110-67(2) and (3). The applicant shall demonstrate that alternative locations,*  
10 *configurations, and facility types have been examined and shall address in narrative*  
11 *form the feasibility of any alternatives that may have fewer adverse effects on*  
12 *adjacent properties or that would be more compatible with the character of the*  
13 *community than the facility, configuration, and location proposed:*  
14

15 *(ii)The following attributes shall be considered from vantage points within three*  
16 *miles of the base of the proposed antenna-supporting structure:*

- 17 *(a) Height;*
- 18 *(b) Mass and scale;*
- 19 *(c) Materials and color; and*
- 20 *(d) Illumination.*

21  
22 The new antenna-supporting structure is configured and located in manner consistent  
23 with community character and the immediate vicinity and has a minimized adverse  
24 effect including visual impact on adjacent properties pursuant to MCC §110-67(2)  
25 and (3). The applicant has demonstrated that alternative locations, configurations,  
26 and facility types have been examined and have addressed in a narrative form the  
27 feasibility of any alternative that may have fewer adverse effects on adjacent  
28 properties or would be more compatible with the character of the community than the  
29 facility, configuration and location proposed.  
30

31 From a vantage point of 3 miles the proposed wireless communication towers  
32 attributes of height, mass and scale, materials and color and illumination are  
33 compatible with neighboring properties.  
34

35 **V RECOMMENDED ACTION:**  
36

37 Staff recommends approval of the major conditional use permit application to the Planning  
38 Commission if all the following conditions are met:  
39

- 40 A. The lease area for collocations shall not be considered part of this approval.
- 41
- 42 B. Prior to 21 days before the Planning Commission public hearing, Prior to the  
43 Planning Commission staff report deadline, the applicant shall provide the following  
44 revisions to the site plan:
  - 45 • Each of the structures shall be labeled with a) a notation as to whether the  
46 structure is proposed or existing; b), the total square footage of the structure’s

1 floor area; and c) a brief description of the use. If a building/structure  
2 accommodates multiple uses, the square footage dedicated to each use shall also  
3 be provided.

- 4 • A table providing the total land area of the site, the total buildable area of the site,  
5 the type and square footage of all nonresidential land uses, the amounts of  
6 impervious and pervious areas, and calculations for land use intensity, open space  
7 ratio, and off-street parking shall be provided.
- 8 • All parking spaces and access drives shall be illustrated. As set forth in MCC  
9 §114-67(c), a minimum of seven off-street parking spaces is required.
- 10 • As required by MCC §114-67(k), at least one bicycle rack shall be provided and  
11 identified.
- 12 • As required by MCC §114-69, an 11' by 35' loading/unloading space shall be  
13 provided and identified.
- 14 • As required by MCC §114-21, a recycling collection area shall be provided and  
15 identified.

16  
17 C. Prior to 21 days before the Planning Commission public hearing, the applicant shall  
18 submit a traffic study or analysis confirming the daily vehicle trips for the  
19 development as a whole.

20  
21 D. Prior to 21 days before the Planning Commission public hearing, the applicant shall  
22 submit a landscape plan showing compliance the landscaping and bufferyard  
23 requirements.

24  
25 E. Prior to the issuance of a certificate of occupancy for any new building, all required  
26 landscaping shall be formally approved by a Building Permit, planted and pass a final  
27 inspection by the County Biologist or his or her designee.

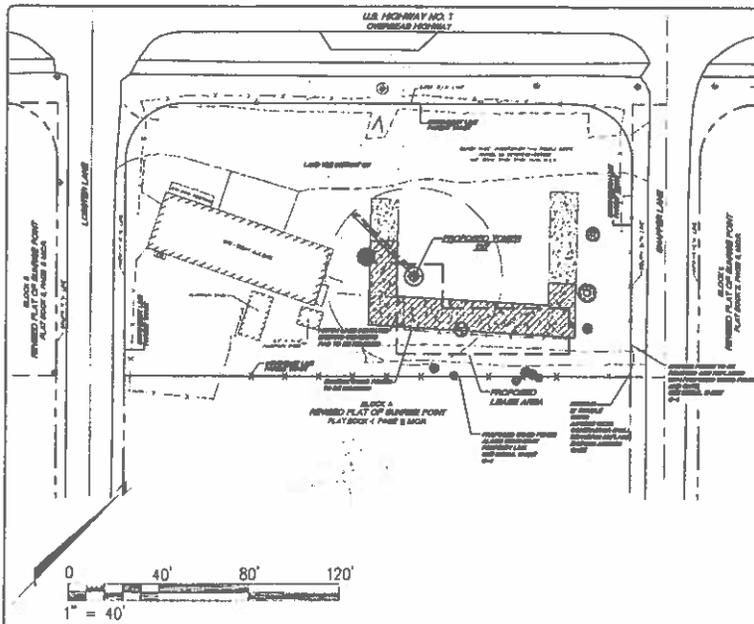
28  
29 F. A major conditional use permit is not a final approval for certain development. The  
30 applicant shall obtain a building permit(s) for any improvement requiring such an  
31 approval.

32  
33 G. The scope of work has not been reviewed for compliance with Florida Building Code.  
34 Prior to the issuance of Building Permits, new development and structures shall be  
35 found in compliance by the Monroe County Building Department, Floodplain  
36 Administrator, and the Office of the Fire Marshal.

37  
38 H. The Public Works Division shall review any proposed work within County public  
39 rights-of-way and the Division maintains the right to request revisions as it carries out  
40 its review of any application for an access permit. It is the responsibility of the  
41 applicant to obtain all required permits before starting work.

42  
43  
44 VI PLANS REVIEWED:  
45

- 1 • Project Number 041384014, Key Largo, Site Number FL-15440, Title Sheet (Sheet T-1)
- 2 by Kimley-Horn and Associates, Inc. signed and sealed by Maria Victoria Martin
- 3 License 72397 October 23, 2013
- 4 • Project Number 041384014, Key Largo, Site Number FL-15440, Abbreviations &
- 5 Symbols Legend (Sheet T-2) by Kimley-Horn and Associates, Inc. signed and sealed by
- 6 Maria Victoria Martin License 72397 September 23, 2013
- 7 • Project Number 041384014, Key Largo, Site Number FL-15440, General Notes (Sheet
- 8 GN-1) by Kimley-Horn and Associates, Inc. signed and sealed by Maria Victoria Martin
- 9 License 72397 September 23, 2013
- 10 • Project Number 041384014, Key Largo, Site Number FL-15440, Conceptual Site Plan
- 11 (Sheet C-1) by Kimley-Horn and Associates, Inc. signed and sealed by Maria Victoria
- 12 Martin License 72397 October 23, 2013
- 13 • Project Number 041384014, Key Largo, Site Number FL-15440, Enlarged Site Plan
- 14 (Sheet C-2) by Kimley-Horn and Associates, Inc. signed and sealed by Maria Victoria
- 15 Martin License 72397 October 23, 2013
- 16 • Project Number 041384014, Key Largo, Site Number FL-15440, Site Elevations (Sheet
- 17 C-3) by Kimley-Horn and Associates, Inc. signed and sealed by Maria Victoria Martin
- 18 License 72397 September 23, 2013
- 19 • Project Number 041384014, Key Largo, Site Number FL-15440, Fence Details (Sheet C-
- 20 4) by Kimley-Horn and Associates, Inc. signed and sealed by Maria Victoria Martin
- 21 License 72397 September 23, 2013
- 22 • Project Number 041384014, Key Largo, Site Number FL-15440, Details (Sheet C-5) by
- 23 Kimley-Horn and Associates, Inc. signed and sealed by Maria Victoria Martin License
- 24 72397 September 23, 2013
- 25 • Project Number 041384014, Key Largo, Site Number FL-15440, Tree Survey Plan (Sheet
- 26 L-1) by Kimley-Horn and Associates, Inc. signed and sealed by Jonathan D. Haigh PLA
- 27 #6666795 September 19, 2013
- 28 • Project Number 041384014, Key Largo, Site Number FL-15440, Landscape Plan (Sheet
- 29 L-2) by Kimley-Horn and Associates, Inc. signed and sealed by Jonathan D. Haigh PLA
- 30 #6666795 September 19, 2013
- 31 • Project Number 041384014, Key Largo, Site Number FL-15440, Landscape Details
- 32 (Sheet L-3) by Kimley-Horn and Associates, Inc. signed and sealed by Jonathan D.
- 33 Haigh PLA #6666795 September 19, 2013
- 34 • Project Number 041384014, Key Largo, Site Number FL-15440, Irrigation Plan (Sheet
- 35 L-4) by Kimley-Horn and Associates, Inc. signed and sealed by Jonathan D. Haigh PLA
- 36 #6666795 September 19, 2013
- 37 • Project Number 041384014, Key Largo, Site Number FL-15440, Irrigation Details (Sheet
- 38 L-5) by Kimley-Horn and Associates, Inc. signed and sealed by Jonathan D. Haigh PLA
- 39 #6666795 September 19, 2013
- 40 • Project Number 041384014, Key Largo, Site Number FL-15440, Title Sheet (Sheet T-1)
- 41 by Kimley-Horn and Associates, Inc. signed and sealed by Maria Victoria Martin
- 42 License 72397 October 23, 2013
- 43 • Map of Boundary and Topographic Survey Key Largo – FL15440-S, prepared for SBA
- 44 Towers IV, LLC (Sheets 1 of 1) by WSP Consultants, Inc. Surveyors and Mapping, Inc.
- 45 dated October 8, 2008.



SITE PLAN SITE PLAN BASE ON SURVEY PROVIDED BY WSP CONSULTANT, INC.

ZONING PARENT PARCEL	SC
NORTH WEST (ACROSS US-1)	SC
NORTHEAST (ACROSS SHAPPER LANE)	SC
SOUTH EAST (CONTIGUOUS PARCELS)	IS
SOUTHWEST (ACROSS LOSSIP LANE)	SC

FLOOD ZONE INFORMATION					
COMMUNITY NUMBER	PANEL NUMBER	SUFFIX	DATE OF FIRM	FIRM ZONE	BASE FLOOD ELEVATION
125129	0636	K	02/18/2005	AZ	5.0 FEET (NOV0 28)

**DESCRIPTION OF SEA TOWER/LEASE PARCEL:**  
 A PARCEL OF LAND BEING A PORTION OF LOTS 1 AND 2, BLOCK 4, REVISED PLAT OF SUNRISE POINT, AS RECORDED IN PLAT BOOK 3, PAGE 11 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCE AT THE SOUTHEAST CORNER OF LOT 28, OF SAID BLOCK 4;  
 THENCE ON A GRID BEARING OF N38°58'00"E ALONG THE EAST LINE OF LOTS 28, 27 AND 1 OF BLOCK 4, A DISTANCE OF 120.70 FEET;  
 THENCE N50°02'00"W A DISTANCE OF 10.00 FEET TO A POINT ON A LINE 10.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOTS 1 AND 2, SAID POINT ALSO BEING THE POINT OF BEGINNING;  
 THENCE N38°58'00"E ALONG SAID PARALLEL LINE, A DISTANCE OF 78.00 FEET;  
 THENCE N50°02'00"W A DISTANCE OF 20.00 FEET;  
 THENCE S38°58'00"W A DISTANCE OF 58.00 FEET;  
 THENCE N50°02'00"W A DISTANCE OF 19.42 FEET;  
 THENCE S38°58'00"W A DISTANCE OF 20.00 FEET;  
 THENCE S50°02'00"E A DISTANCE OF 39.42 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND SITUATE WITHIN MONROE COUNTY, FLORIDA, CONTAINING 1,908.33 SQUARE FEET (0.04+ ACRES), MORE OR LESS.  
**DESCRIPTION OF NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT:**  
 A PARCEL OF LAND BEING A PORTION OF LOT 1, BLOCK 4, REVISED PLAT OF SUNRISE POINT, AS RECORDED IN PLAT BOOK 3, PAGE 11 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCE AT THE SOUTHEAST CORNER OF LOT 28, OF SAID BLOCK 4;

THENCE ON A GRID BEARING OF N38°58'00"E ALONG THE EAST LINE OF LOTS 28, 27 AND 1 OF BLOCK 4, A DISTANCE OF 120.70 FEET;  
 THENCE N50°02'00"W A DISTANCE OF 10.00 FEET TO A POINT ON A LINE 10.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOTS 1 AND 2;  
 THENCE N38°58'00"E ALONG SAID PARALLEL LINE, A DISTANCE OF 18.00 FEET TO THE POINT OF BEGINNING;  
 THENCE N50°02'00"W A DISTANCE OF 20.00 FEET;  
 THENCE N50°02'00"E A DISTANCE OF 29.87 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1, BLOCK 4;  
 THENCE S50°02'00"E ALONG SAID NORTH LINE, A DISTANCE OF 20.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 4;  
 THENCE S60°55'04"W A DISTANCE OF 79.07 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND SITUATE WITHIN MONROE COUNTY, FLORIDA, CONTAINING 5+48.00 SQUARE FEET (0.013 ACRES), MORE OR LESS.

**PROPOSED TOWER INFORMATION:**  
 LATITUDE = 25°02'51.816" NORTH  
 LONGITUDE = 080°23'14.133" WEST  
 NORTH AMERICAN DATUM OF 1983/1990 (NAD 83/1990)  
 EXISTING AVERAGE GROUND ELEVATION AT TOWER = 4.8 FEET  
 NATIONAL GEODESIC VERTICAL DATUM OF 1929 (NOVD 29)  
**DESCRIPTION OF PARENT TRACT:**  
 (PER OFFICIAL RECORD BOOK 1540, PAGE 2425 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA)  
 LOTS 1, 2, 27 AND 28, BLOCK 4, OF THE REVISED PLAT OF SUNRISE POINT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, AT PAGE 11, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.  
**NOTE:**  
 THE PROPOSED DEVELOPMENT DOES NOT PROPOSED IMPACTING JURISDICTION WETLANDS

130' TALL MONOPOLE TOWER SET BACKS	SET BACK REQUIRED	SET BACK PROVIDED
TO NORTH PROPERTY LINE	30'	200'
TO SOUTH PROPERTY LINE	30'	244'
TO EAST PROPERTY LINE	30'	288'
TO WEST PROPERTY LINE	33'	258'
TO NEAREST RESIDENCE PROPERTY LINE	48.7'-0"	229'-0"

COMPOUND SET BACKS	SET BACK REQUIRED	SET BACK PROVIDED
TO NORTH PROPERTY LINE	170'-7"	244'
TO SOUTH PROPERTY LINE	116'	244'
TO EAST PROPERTY LINE	227'-8"	288'
TO WEST PROPERTY LINE	130'-0"	258'

**SBA**  
 SBA TOWERS, INC.  
 1500 BRUCE BLVD., SUITE 1000  
 FORT LAUDERDALE, FLORIDA 33304  
 PHONE: 1 800 341-0376

**Kimley-Horn and Associates, Inc.**  
 1221 W. WYLA AVE.  
 WEST PALM BEACH, FLORIDA 33411  
 TYPIC INC-0481  
 TYPIC 04810000

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY TO KIMLEY-HORN AND ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF KIMLEY-HORN AND ASSOCIATES, INC.

APP. PROJECT # 041384014  
 DRAWN BY: HSB  
 CHECKED BY: HSB

**REVISIONS**

NO.	DATE	DESCRIPTION

**KEY LARGO**  
 FL-15440  
 06331 OVERSEAS HIGHWAY  
 KEY LARGO, FL 33001  
 RAW LAND

**CONCEPTUAL SITE PLAN**

DRAWING NO. **C-1** REVISION **0**



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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

From: Karl Bursa, Planner *KB*  
Mike Roberts, Senior Administrator of Environmental Resources

Date: February 14, 2014

Subject: *Request for a Minor Conditional Use Permit to Transfer 0.7 Transferable Development Rights (TDRs) from a sender site in Amended Plat of Key Largo Park Subdivision in Key Largo to a receiver site in Lime Grove Estates Property Subdivision in Key Largo (File #2013-162)*

1 **I REQUEST:**

2  
3 The applicant is requesting approval of a minor conditional use permit in order to transfer 0.7  
4 TDRs from a sender site located along Florida Drive in Key Largo to a receiver site located  
5 along the Overseas Highway (approximate mile marker 96) in Key Largo. The sender site is  
6 legally described as Block 25, Lot 30, Amended Plat of Key Largo Park, (Plat Book 3, Page  
7 62), Key Largo, Monroe County, Florida having real estate number 00528840.000000. The  
8 receiver site is legally described as Part of Tract 2, Lime Grove Estates Property (Plat Book  
9 5, Page 52), Key Largo, Monroe County, Florida having real estate number  
10 00486930.000000.

11  
12 Applicant: Jose Antonio & Connie Alvarez  
13  
14 Property Owner: Jose Antonio & Connie Alvarez

15  
16 **II RELEVANT PRIOR COUNTY/CITY ACTIONS:**

17  
18 None.

19  
20 **III BACKGROUND INFORMATION:**

21 Sender Site:

22  
23 Legal Description: Block 25, Lot 30, Amended Plat of Key Largo Park

24 Real Estate (RE) Number: 00528840.000000

25  
26 Size of Site: 3,250 SF (0.075 acres)

27  
28 Land Use District: Improved Subdivision (IS)

29  
30 Future Land Use Map (FLUM) Designation: Residential Medium (RM)

31  
32 Tier Designation: Tier I  
33  
34

1  
2  
3  
4  
5  
6  
7

Existing Use: Vacant

Existing Vegetation / Habitat: Tropical hardwood hammock

Community Character of Immediate Vicinity: Mixed use, including undeveloped hammock areas, residential uses and commercial retail/office uses



Subject Property (Sender site) with Land Use Districts Overlaid (Aerial dated 2012)

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31

**Receiver Site:**

Legal Description: Part of Tract 2, Lime Grove Estates Property

Real Estate (RE) Number: 00486930.000000

Size of Site: 27,986 SF (0.64 acres)

Land Use District: Suburban Residential (SR)

Future Land Use Map (FLUM) Designation: Residential Low (RL)

Tier Designation: Tier III

Existing Use: Vacant

Existing Vegetation / Habitat: Scarified with minimal native vegetation

Community Character of Immediate Vicinity: Mixed use, including residential and commercial retail/office uses



Subject Property (Receiver Site) with Land Use Districts Overlaid (Aerial dated 2012)

IV REVIEW OF APPLICATION:

Pursuant to MCC §130-160, all residential development rights allocated or established in MCC §130-157 and MCC §130-162 are transferable from one parcel of land to another parcel of land, provided that the sender and receiver sites meet all of the following criteria:

1. A sender site shall be within one of the following Land Use (Zoning) Districts in (a) and/or contain at least one of the following habitat types in (b):
  - (a) *Land Use (Zoning) Districts:* Conservation (C), Mainland Native (MN), Native Area (NA), Offshore Island (OS), Parks and Refuge (PR) or Sparsely Settled (SS).
  - (b) *Habitat Types:* Freshwater wetlands, Saltmarsh/Buttonwood wetlands, high quality high hammock, high quality low hammock, moderate quality high hammock, moderate quality low hammock, high quality pinelands, low quality pinelands, beach/berm, palm hammock, cactus hammock and/or disturbed wetlands.

*In compliance:* While the property is zoned IS, the vegetation on the site is classified as a high quality, high hammock, a listed habitat type provided for in (b). According to the 2006 Geospatial Land Cover Dataset of the Florida Keys (see attached Habitat Map), the sender site consists of tropical hardwood hammock and as such meets the requirements to serve as a

1 sender site for purposes of §130-160. Preliminary field review of the hammock in which  
 2 this parcel occurs indicated that the hammock would be classified as a high quality, high  
 3 hammock.

- 4  
 5 2. The maximum net densities set forth in MCC §130-157 and MCC §130-162 shall not be  
 6 exceeded on the receiver site and new development on a receiver site shall be developed  
 7 in compliance with each and every requirement of the Land Development Code.

8  
 9 *In compliance:* This application involves transferring TDRs associated with permanent  
 10 residential density. The maximum net density for the SR district, as set forth in MCC  
 11 §130-157, shall not be exceeded on the receiver site.

12  
 13 **Permanent Residential Density on Sender Site:**

Allocated Density (IS)	Size of Site	Allowed w/o TDRs	--	--	--	--
1 unit / lot	1 lot	1.0 unit	--	--	--	--

14 Note: In the IS district, permanent residential density is lot based, not acreage based.

15  
 16 The allocated density of sender site allows 1.0 permanent residential dwelling units.  
 17 Therefore it has 1.0 TDRs that are eligible for transference.

18  
 19 **Permanent Residential Density on Receiver Site:**

Allocated Density (SR)	Size of Site	Allowed w/o TDRs	Open Space Ratio	Buildable Area of Site	Max Net Density (SR)	Max Net Allowed w/ TDRs
0.5 unit / acre	0.64 acres (27,986 SF)	0.3 units	0.50	0.32 acres	5 units / buildable acre	1.6 units

20  
 21 The allocated density for the receiver site allows for only a fraction of a permanent  
 22 residential dwelling unit (0.3). Therefore, 0.7 TDRs are required to permit a single  
 23 permanent residential dwelling unit. After the transfer of 0.7 TDRs from the sender site to  
 24 the receiver site, there would be 1.0 development right on the receiver site, a total less  
 25 that does not exceed the maximum allowed (1.6).

26  
 27 Note: 0.3 TDRs would remain available for transfer to another eligible receiver site under  
 28 a subsequent application; however after any approval of this application, the 0.3 TDRs  
 29 cannot be applied towards any development of the sender site.

30  
 31 Further, any new residential dwelling unit on the receiver site will require a building  
 32 permit and as part of the building permit review, new development will be reviewed for  
 33 compliance with the requirements of the Land Development Code.

- 34  
 35 3. The maximum net densities set forth for the applicable future land use category in the  
 36 comprehensive plan shall not be exceeded and new development on a receiver site shall  
 37 be developed in compliance with each and every requirement of the comprehensive plan.

1  
2 *In compliance:* This application involves transferring TDRs associated with permanent  
3 residential density. The maximum net density for the RL category, as set forth in Policy  
4 101.4.22, shall not be exceeded on the receiver site.  
5

6 In the RL FLUM category, the allocated density is 0.25 to 0.50 dwelling units per acre  
7 and the maximum net density is 5 dwelling units per buildable acre, consistent with the  
8 requirements of the underlying SR district. The allocated density for the receiver site  
9 allows for only a fraction of a permanent residential dwelling unit (0.3). Therefore, 0.7  
10 TDRs are required to permit a single permanent residential dwelling unit. After the  
11 transfer of 0.7 TDRs from the sender site to the receiver site, there would be 1.0  
12 development right on the receiver site, a total less that does not exceed the maximum  
13 allowed (1.6).  
14

15 Further, any new residential dwelling unit on the receiver site will require a building  
16 permit and as part of the building permit review, new development will be reviewed for  
17 compliance with the requirements of the Comprehensive Plan.  
18

- 19 4. The assignment of transferable development rights to receiver sites designated Tier I shall  
20 be discouraged.  
21

22 *In compliance:* This receiver site is designated Tier III.  
23

- 24 5. The assignment of transferable development rights to receiver sites on Big Pine Key, No  
25 Name Key, and North Key Largo from other areas of the County shall be prohibited,  
26 excluding the assignments of transferable development rights a) from sender sites on Big  
27 Pine Key to receiver sites on Big Pine Key; b) from sender sites on No Name Key to  
28 receiver sites on No Name Key, and c) from sender sites within North Key Largo to  
29 receiver sites within North Key Largo.  
30

31 *In compliance:* The receiver site is not located in any of the prohibited areas.  
32

- 33 6. The assignment of transferable development rights to receiver sites with Land Use  
34 (Zoning) Districts that do not have a maximum net densities is prohibited (including, but  
35 not limited to, Improved Subdivision (IS, IS-D, IS-M, or IS-V), Urban Residential  
36 Mobile Home (URM or URM-limited), Sparsely Settled (SS), Native Area (NA),  
37 Offshore Island (OS), and Mainland Native (MN).  
38

39 *In compliance:* The receiver site is not located in any of the prohibited Land Use  
40 (Zoning) Districts.  
41

- 42 7. A development right may be transferred in part, provided it is rounded to the nearest  
43 tenth. However, in accordance with MCC §130-160(a)(8), in no event shall a property  
44 owner utilize part of a sender site's acreage for a TDR and maintain the right to develop  
45 that acreage as the land use intensity shall be exhausted.

1           *In compliance:* The applicant is transferring 0.7 TDRs. Future development of the sender  
2 site shall be restricted.  
3

- 4           8. Prior to application for a building permit authorizing the development of a residential  
5 dwelling unit on a receiver site requiring a TDR, the sender site shall be a) dedicated to  
6 the County or b) placed in a conservation easement prohibiting its future development. A  
7 conservation easement shall be reviewed and approved by the Planning and  
8 Environmental Resources Department prior to its recording in the official records of the  
9 County.

10           *Compliance to be determined:* This requirement shall be found in compliance following  
11 the issuance of a development order approving the transference of the 0.7 TDRs, but prior  
12 to issuance of a building permit for any residential dwelling unit that requires the 0.7  
13 TDR's.  
14

15  
16   V RECOMMENDATION:

17  
18           Staff recommends APPROVAL to the Director of Planning & Environmental Resources with  
19 the following conditions:  
20

- 21           1. Prior to application for a building permit authorizing the development of a residential  
22 dwelling unit on a receiver site requiring a transferable development right, the sender  
23 site(s) shall be a) dedicated to the County or b) placed in a conservation easement  
24 prohibiting its future development. A conservation easement shall be reviewed and  
25 approved by the Planning and Environmental Resources Department prior to its  
26 recording in the official records of the County.  
27
- 28           2. The sender site is eligible to transfer 1.0 TDRs. This application approves the transfer  
29 of 0.7 of those TDRs to the receive site. The non-transferred 0.3 TDRs would remain  
30 associated with the sender site. If the property owner opts for a conservation easement  
31 to satisfy Condition #1 of this approval, the 0.3 TDRs would remain available for  
32 transfer to an eligible receiver site under a subsequent application filed by the  
33 property owner of the receiver site. If the property owner opts for land dedication to  
34 satisfy Condition #1 of this approval, the 0.3 TDRs shall belong to the County as the  
35 County would attain ownership of the sender site.

**File #:** **2013-162**

**Owner's Name:** Alvarez, Jose Antonio & Connie

**Applicant:** Alvarez, Jose Antonio

**Agent:** N/A

---

**Type of Application:** Minor - TDR

**Key:** Key Largo

**RE:** Receiver Site: 00486930-000000  
Sender Site: 00528840-000000

# **Additional Information added to File 2013-162**

---

County of Monroe  
Growth Management Division

Office of the Director  
2798 Overseas Highway  
Suite #400  
Marathon, FL 33050  
Voice: (305) 289-2517  
Fax: (305) 289-2854



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

*We strive to be caring, professional, and fair.*

Date: 12.30.13  
Time: \_\_\_\_\_

Dear Applicant:

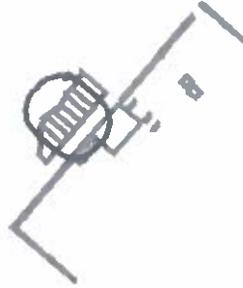
This is to acknowledge submittal of your application for \_\_\_\_\_  
Type of application

Alvarez, Jose Antonio to the Monroe County Planning Department.  
Project / Name

Thank you.

A handwritten signature in blue ink that reads 'Bill Creech'. The signature is written over a horizontal line.

Planning Staff



---

00486930-000000

Receiver Site

✓ ALBURY WILLIAM R  
✓ PO BOX 372297  
KEY LARGO, FL 33037-7297

✓ ALFONSO CHRISTIAN  
✓ 17951 SW 280TH ST  
HOMESTEAD, FL 33031-3310

✓ ~~ALVAREZ JOSE ANTONIO AND  
CONNIE  
9821 SW 130TH ST  
MIAMI, FL 33176-5609~~

✓ ALVAREZ REYNALDO C  
✓ 806 S EMERALD DR  
KEY LARGO, FL 33037-3813

✓ BARRETT EDWARD AND LINDA  
✓ 802 S EMERALD DR  
KEY LARGO, FL 33037

✓ BAXTER JOHN R JR AND CAROL L  
✓ 96030 OVERSEAS  
KEY LARGO, FL 33037

✓ BRENNAN SEAN AND JUDITH A  
✓ 800 S EMERALD DR  
KEY LARGO, FL 33037

✓ DEUEL DENNIS F  
✓ 164 BIG FRESH POND RD  
SOUTHAMPTON, NY 11968

✓ HANSEN JON H REV TRUST 10/5/2009  
✓ 1450 MONROE ST  
HOLLYWOOD, FL 33020

✓ JOLLY JAMES CARL JR  
✓ 27282 CANAL RD APT 204  
ORANGE BEACH, AL 36561-4916

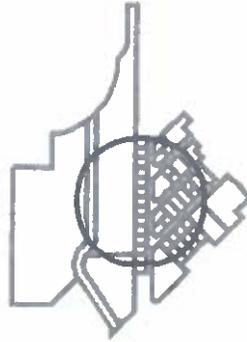
✓ MADIO GRACE A  
✓ 4701 VAN BUREN ST  
HOLLYWOOD, FL 33021-7245

✓ ORTEGA JOSE AND ALODIA FAMILY  
✓ LIMITED PARTNERSHIP  
704 SW 17TH AVE  
MIAMI, FL 33135

✓ SILVER SHORES LEASEHOLDERS  
✓ ASSOCIATION INC  
751 TROPICAL DR  
KEY LARGO, FL 33037

✓ WALKER-KUCERA LYNN  
✓ 66 SACO RD  
HOLLIS CENTER, ME 04042-3418

00486930-000000  
Receiver Site



0052 8840-0000000  
Lender Site

✓ ANDERSON BRUCE WILLIAM  
8 SILVER SPRINGS DR  
KEY LARGO, FL 33037

✓ ARTUSA FRANCESCO AND MARYANN  
574 PETER PAUL DR  
WEST ISLIP, NY 11795-3514

✓ BARTH RONALD N AND KATHLEEN J  
REV TR AGR 5/10/07  
1591 43RD AVE  
KENOSHA, WI 53144-1213

✓ BUCKLES MICHELLE S  
15 SILVER SPRINGS DR  
KEY LARGO, FL 33037-2524

✓ COMMUNITY BANK OF HOMESTEAD  
PO BOX 900400  
HOMESTEAD, FL 33090-0400

✓ COSTA JOSE ANTONIO  
261 BAY DR  
KEY LARGO, FL 33037-2425

✓ COUNTY OF MONROE  
C/O BOARD OF COUNTY COMMISSIONERS  
500 WHITEHEAD ST  
KEY WEST, FL 33040

✓ CUTLER SOPHIE TESTAMENTARY TRUST  
C/O SANFORD DR MARGARGET CUTLER  
2604 WALLINGFORD DR  
BEVERLY HILLS, CA 90210-1039

✓ ETHERIDGE KIMBERLEY M  
5 FLORIDA DR  
KEY LARGO, FL 33037

✓ GEST ALAN B  
20801 BISCAYNE BLVD STE 506  
MIAMI, FL 33180-1400

✓ GOULD JOHN M ESTATE  
8 ORANGE DR  
KEY LARGO, FL 33037-2500

✓ HARRELSON JOHN G  
4 SILVER SPRINGS DR  
KEY LARGO, FL 33037-2525

✓ JEMA INVESTMENTS INC  
PO BOX 370466  
KEY LARGO, FL 33037-0466

✓ JONES RONALD R  
6 SILVER SPRINGS DR  
KEY LARGO, FL 33037

✓ KEY LARGO ACE HARDWARE INC  
405 LAGUNA AVE  
KEY LARGO, FL 33037

✓ LEGATE DEVAN K  
C/O BACOM TRACI  
PO BOX 140652  
GAINESVILLE, FL 32614-0652

✓ MACKEL MICHAEL AND MARILYN  
1205 NE.16TH AVE  
FORT LAUDERDALE, FL 33304-2318

✓ MANN PETER AND ROBIN  
1700 SW 89TH PL  
MIAMI, FL 33165-7850

✓ MARKER 100 LLC  
100210 OVERSEAS HWY  
KEY LARGO, FL 33037

✓ MARTIN JAMIE L  
P O BOX 372911  
KEY LARGO, FL 33037

✓ MISKIN JON J AND LISA M  
734 HEBRON AVE  
GLASTONBURY, CT 6033

✓ MONROE COUNTY  
C/O BD OF COUNTY COMMISSIONERS  
500 WHITEHEAD ST  
KEY WEST, FL 33040

✓ MORRISON DOUGLAS  
17 FLORIDA DR  
KEY LARGO, FL 33037-2508

✓ PALMERO AURELIO AND ZENAIDA  
7475 NW 144 ST  
HIALEAH, FL 33014

✓ PONTE MANUEL J AND MARTHA C  
6 COCONUT DR  
KEY LARGO, FL 33037

✓ R C G T INC  
7950 ASHEVILLE HWY  
SPARTANBURG, SC 29303

✓ SANCTUARY AT KEY LARGO CONDO  
ASSOCIATION INC  
P O BOX 2968  
KEY LARGO, FL 33037

✓ SUAREZ NORMA L/E  
6651 W 11TH CT  
HIALEAH, FL 33012-6437

✓ VIZCARRA ISABEL  
1552 SE 16TH AVE  
HOMESTEAD, FL 33035

00528840-000000  
Sender Site

**End of Additional File 2013-162**

---

**APPLICATION  
MONROE COUNTY  
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**



RECEIVED  
DEC 30 2013  
MONROE CO. PLANNING DEPT

**Request for a Minor Conditional Use Permit to Transfer of Development Rights**

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

Major Conditional Use Permit Application Fee: \$1,239.00

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

Advertising Costs: \$245.00

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

x61 = \$1183.00

Date of Submittal:      /      /       
Month Day Year

**Applicant/Agent Authorized to Act for the Property Owner:**

Jose Antonio Alvarez

Applicant (Name of Person, Business or Organization)

Name of Person Submitting this Application

5701 SW 107 AVE SUITE 202 Miami, FL, 33173

Mailing Address (Street, City, State and Zip Code)

305-807-5338

Daytime Phone

Galvarez@law.miami.edu

Email Address

**Sender Site Property Owner:**

Jose Antonio Alvarez

(Name/Entity)

Jose Antonio Alvarez

Contact Person

5701 SW 107 Ave Ste 202 Miami FL 33173

Mailing Address (Street, City, State and Zip Code)

305-807-5338

Daytime Phone

Alvarez ja@jainas.com

Email Address

**Sender Site Legal Description:**

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

25

Block

30

Lot

Amended Plat of Key Largo Park

Subdivision

Key Largo

Key

00528840

Real Estate (RE) Number

1648078

Alternate Key Number

Vacant Land Key Largo FL 33037

Street Address (Street, City, State, Zip Code)

mm100

Approximate Mile Marker

APPLICATION

Receiver Site Property Owner:

Jose Antonio & Connie Alvarez

Jose Antonio Alvarez

(Name/Entity)

Contact Person

5701 SW 107 Ave Ste 202 Miami FL 33173

Mailing Address (Street, City, State and Zip Code)

305 807 5338

Daytime Phone

Alvarezja@jacins.com

Email Address

Receiver Site Legal Description:

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

See Attached

see attached

Key Largo

Block

Lot

Subdivision

Key

00486930

Real Estate (RE) Number

1599395

Alternate Key Number

Vacant land Key Largo FL 33037

Street Address (Street, City, State, Zip Code)

mm 96

Approximate Mile Marker

Sender Site Land Use (Zoning) District Designation:

M10D Residential Dry (Improved Subdivision)

Receiver Site Land Use (Zoning) District Designation:

M1HW - RES = HWY TO WATER

Sender Site Future Land Use Map (FLUM) Designation:

Residential Medium

Receiver Site Future Land Use Map (FLUM) Designation:

Residential Low

Sender Site Tier Designation:

Tier I

Receiver Site Tier Designation:

Tier III

Sender Site Existing Land Use:

Improved Subdivision (vacant lot)

Receiver Site Existing Land Use:

Suburban Residential

Amount of Development Rights allocated to Sender Site :

.3

Amount of Development Rights to be transferred to Receiver Site:

.7 = to equal 1 developer right

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

All of the following must be submitted in order to have a complete application submittal:

(Please check as you attach each required item to the application)

- Completed application form
- Correct fee (check or money order to Monroe County Planning & Environmental Resources)
- Proof of ownership (i.e. Warranty Deed) (for both sender and receiver sites)
- Current property record cards from the Monroe County Property Appraiser (for both sender and receiver sites)

APPLICATION

- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor (for both sender and receiver sites) – 6 sets (at a minimum, survey should include elevations; all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage; and total acreage by habitat)
- Copy of affidavit of intent to transfer
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property (for both sender and receiver sites). This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included
- Radius report from Monroe County Property Appraiser supporting the required labels (for both sender and receiver sites)

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

- Notarized Agent Authorization
- Vegetation Survey or Habitat Evaluation Index *-sender site report attached*
- Any Letters of Understanding pertaining to the proposed transfer

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: *[Signature]* Date: 12/26/13

Sworn before me this 26th day of December, 2013



*[Signature]*  
Notary Public  
My Commission Expires

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

Prepared by and return to:  
BRADLEY K. HANAFORDE  
Attorney at Law  
COVENTRY TITLE, INC.  
10691 N. Kendall Dr Suite 106  
Miami, FL 33176  
305-595-3195  
File Number: 215780ma  
Will Call No.:

Deed 1880649 12/09/2013 2:49PM  
Filed & Recorded In Official Records of  
MONROE COUNTY AMY HEVILIN

12/09/2013 2:49PM  
DEED DOC STAMP CL: Krys \$181.00

Deed 1880649  
BkN 2802 Pgn 154

[Space Above This Line For Recording Data]

## Warranty Deed

This Warranty Deed made this 6th day of December, 2013 between Peter Mann and Robin Mann, his wife whose post office address is 1700 SW 89 Place, Miami, FL 33165, grantor, and Jose Antonio Alvarez and Connie Alvarez, his wife whose post office address is 9821 SW 130 ST., Miami, FL 33176, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

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

Lot 30, Block 25, AMENDED PLAT OF KEY LANGO PARK, according to the plat thereof as recorded in Plat Book 3, Page(s) 62, Public Records of Monroe County, Florida.

Parcel Identification Number: 1648078

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2012.

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

Signed, sealed and delivered in our presence:

B. Miquel  
Witness Name: B. Miquel

M. Almonk  
Witness Name: M. Almonk

B. Miquel  
Witness Name: B. Miquel

M. Almonk  
Witness Name: M. Almonk

Peter Mann (Seal)  
Peter Mann

Robin Mann (Seal)  
Robin Mann

State of Florida  
County of Miami-Dade

The foregoing instrument was acknowledged before me this 6th day of December, 2013 by Peter Mann and Robin Mann, who  are personally known or  have produced a driver's license as identification.

[Notary Seal]

Maria Smalmonk  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



MONROE COUNTY  
OFFICIAL RECORDS



# Exhibit A

Doc# 1957270  
Bk# 2658 Pg# 126

A tract of land in part of Government Lot 3, Section 12, Township 62 South, Range 38 East: on Key Largo, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

Commencing at the intersection of the Northwesterly right-of-way line of U.S. Highway No. 1 and the AGREED LINE between K.O. Thompson and Southcliff Estates, as recorded in Plat Book 2, Page 67, of the Public Records of Monroe County, Florida, bear North 40 degrees and 51 minutes East, along the Northwesterly right-of-way line of U.S. Highway No.1, 2800 feet to the Point of Beginning of the Tract of land hereinafter described; from said Point of Beginning continue bearing North 40 degrees and 51 minutes East, 100 feet; thence bear North 49 degrees and 09 minutes West, 296 feet, more or less, to a point on the shoreline of the Bay of Florida; thence meander along the shoreline in a Southwesterly direction to a point; which is 100 feet, measured at right angles to the preceding course and bearing North 49 degrees and 09 minutes West from the Point of Beginning; thence bear South 49 degrees and 09 minutes East, 293 feet, more or less, back to the Point of Beginning.

Parcel Identification Number: 1599395

## Receivers Lot Legal Description

This property described as:

A Tract of land in part of Government Lot 3, Section 12, Township 62 South, Range 38 East on Key Largo, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

Commencing at the intersection of the Northwesterly right-of-way line of U.S. Highway No. 1 and the AGREED LINE between K. O. Thompson and Southcliff Estates, as recorded in Plat Book 2, Page 67 of the Public Records of Monroe County, Florida; bear North 40 degrees and 51 minutes East, along the Northwesterly right-of-way line of U.S. Highway No. 1, 2800 feet to the Point of Beginning of the Tract of land hereinafter described; from said Point of Beginning continue bearing North 40 degrees and 51 minutes East, 100 feet; thence bear North 49 degrees and 09 minutes West, 296 feet, more or less, to a point on the shore line of the Bay of Florida; thence meander the shoreline in a Southwesterly direction to a point which is 100 feet, measured at right angles to the preceding course and bearing North 49 degrees and 09 minutes West from the Point of Beginning; thence bear South 49 degrees and 09 minutes East, 293 feet, more or less, back to the Point of Beginning.

ALSO being a part of Tract 2,  
LIME GROVE ESTATES PROPERTY,  
according to the Plat thereof  
as recorded in Plat Book 5, Page 52,  
of the Public Records of Monroe County, Florida.

Receiver Site



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

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

The offices of the Property Appraiser will be closed <sup>Website tested on IE8, IE9, & Firefox.</sup> **January 1st** in observance of New Years Day. <sup>Requires Adobe Flash 10.3 or higher</sup>

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

**Alternate Key: 1599395 Parcel ID: 00486930-000000**

**Ownership Details**

**Mailing Address:**  
ALVAREZ JOSE ANTONIO AND CONNIE  
9821 SW 130TH ST  
MIAMI, FL 33176-5609

**Property Details**

PC Code: 00 - VACANT RESIDENTIAL  
Millage Group: 500K  
Affordable Housing: No  
Section-Township-Range: 12-62-38  
Property Location: VACANT LAND KEY LARGO  
Subdivision: LIME GROVE ESTATES PROPERTY  
Legal Description: PLAT OF SURVEY OF LIME GROVE ESTS PROPERTY PB5-52 KEY LARGO PT TRACT 2 OR514-832 OR846-2372 OR912-1288 OR1253-807/08 OR1401-1689/91 OR2658-125/26

Click Map Image to open interactive viewer



**Land Details**

Land Use Code	Frontage	Depth	Land Area
M1HW - RES=HWY TO WATER	0	0	29,450.00 SF

**Misc Improvement Details**

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life

1	CL2:CH LINK FENCE	500 SF	100	5	2012	2014	2	30
---	-------------------	--------	-----	---	------	------	---	----

### 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	124,638	124,638	9,108	0	124,638
2012	0	0	18,370	18,370	8,280	0	18,370
2011	0	0	18,370	18,370	7,528	0	18,370
2010	0	0	6,844	6,844	6,844	0	6,844
2009	0	0	41,063	41,063	41,063	0	41,063
2008	0	0	54,750	54,750	54,750	0	54,750
2007	0	0	91,250	91,250	91,250	0	91,250
2006	0	0	91,250	91,250	91,250	0	91,250
2005	0	0	91,250	91,250	91,250	0	91,250
2004	0	0	91,250	91,250	91,250	0	91,250
2003	0	0	45,625	45,625	45,625	0	45,625
2002	0	0	45,625	45,625	45,625	0	45,625
2001	0	0	45,625	45,625	45,625	0	45,625
2000	0	0	45,025	45,625	45,625	0	45,625
1999	0	0	45,625	45,625	45,625	0	45,625
1998	0	0	45,625	45,625	45,625	0	45,625
1997	0	0	91,250	91,250	91,250	0	91,250
1996	0	0	91,250	91,250	91,250	0	91,250
1995	0	0	91,250	91,250	91,250	0	91,250
1994	0	0	91,250	91,250	91,250	0	91,250
1993	0	0	62,050	62,050	62,050	0	62,050
1992	0	0	62,050	62,050	62,050	0	62,050
1991	0	0	62,050	62,050	62,050	0	62,050
1990	0	0	62,050	62,050	62,050	0	62,050
1989	0	0	62,050	62,050	62,050	0	62,050
1988	0	0	62,050	62,050	62,050	0	62,050
1987	0	0	62,050	62,050	62,050	0	62,050
1986	0	0	62,050	62,050	62,050	0	62,050
1985	0	0	62,050	62,050	62,050	0	62,050
1984	0	0	62,050	62,050	62,050	0	62,050
1983	0	0	37,954	37,954	37,954	0	37,954
1982	0	0	37,954	37,954	37,954	0	37,954

### 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
11/6/2013	2658 / 125	435,000	WD	01
1/1/1982	846 / 2372	125,000	WD	U
2/1/1973	514 / 832	35,000	00	Q

This page has been visited 118,134 times.

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

Sender site



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

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

The offices of the Property Appraiser will be closed **January 1st** in observance of New Years Day. Website tested on IE8, IE9, & Firefox. Requires Adobe Flash 10.3 or higher

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

Alternate Key: 1648078 Parcel ID: 00528840-000000

**Ownership Details**

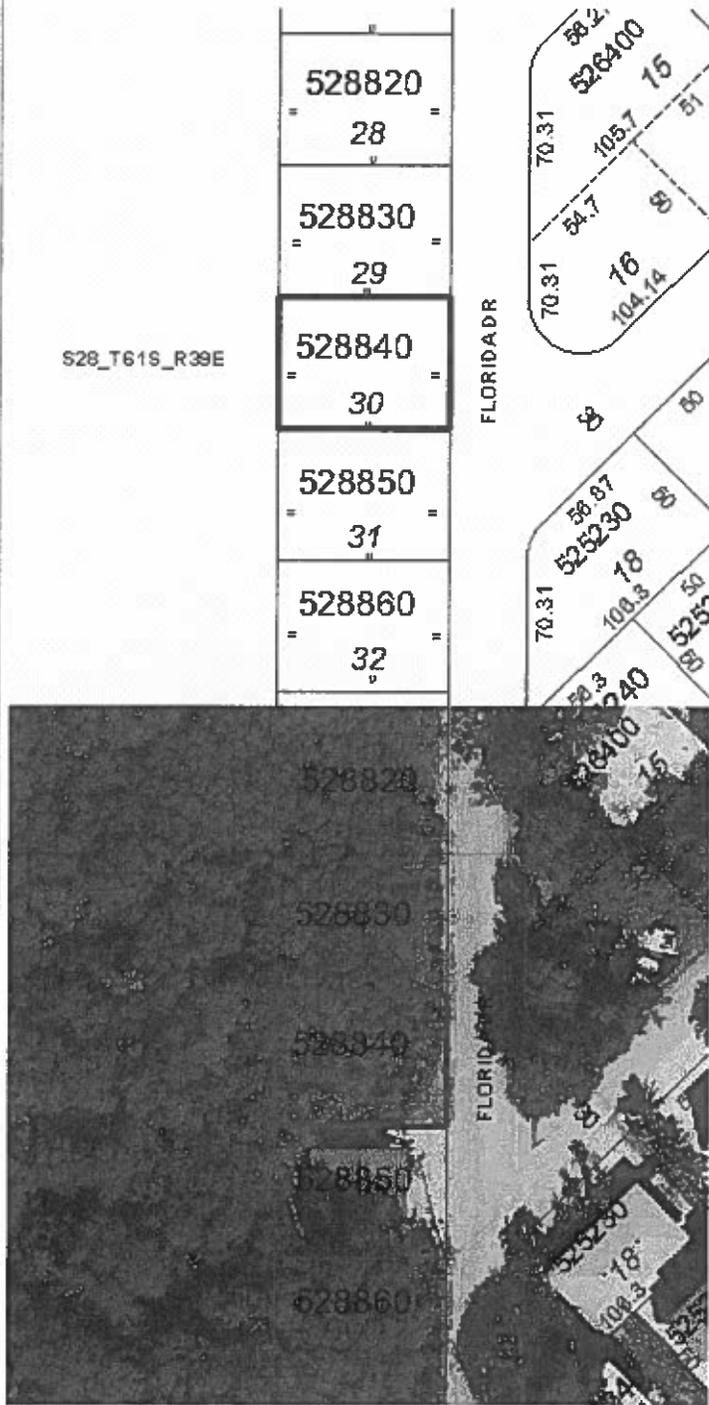
Mailing Address:  
MANN PETER AND ROBIN  
1700 SW 89TH PL  
MIAMI, FL 33165-7850

→ please note property was recently purchased, PA site does not yet reflect the purchase

**Property Details**

PC Code: 00 - VACANT RESIDENTIAL  
Millage Group: 500K  
Affordable Housing: No  
Section-Township-Range: 28-61-39  
Property Location: VACANT LAND KEY LARGO  
Subdivision: KEY LARGO PARK AMD  
Legal Description: BK 25 LT 30 AMD PLAT OF PB3-62 KEY LARGO PARK KEY LARGO OR127-8 OR755-1395 OR840-1526

Click Map Image to open interactive viewer



### Land Details

Land Use Code	Frontage	Depth	Land Area
M10D - RESIDENTIAL DRY	50	65	3,250.00 SF

### 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	19,336	19,336	5,022	0	19,336
2012	0	0	4,566	4,566	4,566	0	4,566
2011	0	0	4,566	4,566	4,566	0	4,566
2010	0	0	5,200	5,200	5,200	0	5,200
2009	0	0	7,800	7,800	7,800	0	7,800
2008	0	0	27,300	27,300	27,300	0	27,300
2007	0	0	45,500	45,500	45,500	0	45,500
2006	0	0	9,750	9,750	9,750	0	9,750
2005	0	0	6,500	6,500	6,500	0	6,500
2004	0	0	6,500	6,500	6,500	0	6,500
2003	0	0	4,875	4,875	4,875	0	4,875
2002	0	0	4,875	4,875	4,875	0	4,875
2001	0	0	4,875	4,875	4,875	0	4,875
2000	0	0	4,875	4,875	4,875	0	4,875
1999	0	0	4,875	4,875	4,875	0	4,875
1998	0	0	4,875	4,875	4,875	0	4,875
1997	0	0	4,875	4,875	4,875	0	4,875
1996	0	0	4,875	4,875	4,875	0	4,875
1995	0	0	4,875	4,875	4,875	0	4,875
1994	0	0	4,875	4,875	4,875	0	4,875
1993	0	0	4,875	4,875	4,875	0	4,875
1992	0	0	4,875	4,875	4,875	0	4,875
1991	0	0	6,500	6,500	6,500	0	6,500
1990	0	0	5,363	5,363	5,363	0	5,363
1989	0	0	5,363	5,363	5,363	0	5,363
1988	0	0	5,363	5,363	5,363	0	5,363
1987	0	0	5,363	5,363	5,363	0	5,363
1986	0	0	4,225	4,225	4,225	0	4,225
1985	0	0	4,225	4,225	4,225	0	4,225
1984	0	0	4,225	4,225	4,225	0	4,225
1983	0	0	3,185	3,185	3,185	0	3,185
1982	0	0	3,185	3,185	3,185	0	3,185

## 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
3/1/1978	755 / 1395	800	00	Q

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

KAREN SUNDERLAND  
ENVIRONMENTAL CONSULTANT  
168 PLANTATION DRIVE  
PLANTATION KEY, FLORIDA 33070-2316  
PHONE: 305.522.3373  
EMAIL: itskarens@gmail.com

November 13, 2013

## SITE ASSESSMENT AND VEGETATION LIST

Guillermo Alvarez  
Florida Drive  
Lot 30, Block 25, Key Largo Park  
Real Estate Number: 00528840-000000  
Key Largo, Monroe County, Florida

### SITE DESCRIPTION

This vacant, high elevation, high quality hammock parcel is bordered to the left by a residence, the rear and right by high elevation, high quality hammock parcels, and the front by Florida Drive. A chain-link fence borders the left and rear boundaries. Survey flags were found at the front corners. No survey flags were found at the rear.

Hammock species form a dense border along Florida Drive. One small leadtree approximately 18" tall is growing streetside of the hammock vegetation, appearing to be cut during right-of-way mowing. The left side of the property has been cut back slightly from the fence but is inaccessible. No exotic vegetation was seen growing along the right fence area. The rear approximately 20' has been cleared in the past. A concrete slab was found under leaf litter. Invasive oyster plant are growing in this area. Other disturbances included scattered glass bottles, small metal pieces, a short piece of plastic pipe, a couple of vehicle tires, and a very old stack of boards. The boards straddle the right property line. A small fill pile is near the disturbed cleared area. Most of the glass bottles and litter is closer to the left property line. The lot to the right is less disturbed, not being impacted by an adjacent residence.

Dominant canopy species includes wild tamarind, Jamaica dogwood, and to the lesser extent gumbo limbo. Ground cover consists of dense leaf litter.

No tree snails were seen, with focus on the smooth-barked wild tamarind and Jamaica dogwood. Wildlife included green anole, Cuban anole, crab spider, Cuban land snail shells (no live shells), blue jay, red-bellied woodpecker, mourning dove, and catbird. Blue-gray gnatcatchers were heard but not seen.

VEGETATION LIST

COMMON NAME	SCIENTIFIC NAME	STATUS <sup>1</sup>	COMMENTS
Black Ironwood	<i>Krugiodendron ferreum</i>	RI	Small trees
Bolly	<i>Guapira discolor</i>		
Chew Stick	<i>Govania lupuloides</i>		
Corky Passion Flower	<i>Passiflora multiflora</i>		
Crabwood	<i>Ateramnus lucidus</i>		
Gumbo Limbo	<i>Bursera simaruba</i>		Dominant canopy species
Jamaica Dogwood	<i>Piscidia piscipula</i>		Dominant canopy species
Lancewood	<i>Nectandra coriacea</i>	RI	
Leadtree	<i>Leucaena leucocephala</i>	Pest	~ 18" tall; along right-of-way
Limber Caper	<i>Capparis flexuosa</i>		
Marlberry	<i>Ardisia escalloniodes</i>		
Milk Pea Vine	<i>Galactia spp.</i>		
Oyster Plant	<i>Rhoeo discolor</i>	Pest	Area at rear
Poisonwood	<i>Metopium toxiferum</i>		
Pigeon Plum	<i>Coccoloba diversifolia</i>		
Scorpiontail	<i>Heliotropum angiospermum</i>		Left side
Snowberry	<i>Chiococca alba</i>		
Soldiervine	<i>Tournefortia volubilis</i>		
Spanish Stopper	<i>Eugenia foetida</i>		
Strongbark	<i>Bourreria ovata</i>		
Velvet Passion Flower	<i>Passiflora multiflora</i>		
Waltheria	<i>Waltheria indica</i>		Left side
White Stopper	<i>Eugenia axillaris</i>		
Wild Coffee	<i>Psychotria nervosa</i>		
Wild Grape	<i>Vitis rotundifolia</i>		
Wild Lime	<i>Zanthoxylum fagara</i>	RI	
Wild Tamarind	<i>Lysiloma latisiliquum</i>		Dominant canopy species
Willow Busic	<i>Bumelia salicifolia</i>		
Yellowroot	<i>Morinda royoc</i>		
Miscellaneous Grasses and Forbes			

<sup>1</sup>STATUS refers to a plant that is currently listed as Threatened (T), Protected (P), Endangered (E), Species of Special Concern (SSC), or Regionally Important (RI) by Federal, State, or local regulatory agencies. Such status may require special provisions for land clearing.



Solid hammock  
vegetation along  
street.

Leadtree  
approximately  
18" tall, appears  
to be regularly  
cut during right-  
of-way mowing.

Looking from  
rear toward  
street.





Old boards near rear straddling right property line. Oyster plant and green fencing in rear of photo.

Looking toward street from rear. Cleared area near rear. Green plastic fencing. Concrete slab was discovered under leaf litter.



**AFFIDAVIT OF INTENT TO TRANSFER  
DEVELOPMENT RIGHTS**

**STATE OF FLORIDA  
COUNTY OF MONROE**

**BEFORE ME, the undersigned authority, personally appeared, Jose Antonio Alvarez, a Florida resident, whose address is 9821 S.W. 130 Street, Miami, FL 33176, who, being first duly sworn by me, a Notary Public within and for the County and State aforesaid, deposes and says that Affiant is the owner of the following described sender site property:**

**LOT 30, BLOCK 25, AMENDED PLAT OF KEY LARGO PARK,  
according to the plat thereof recorded in Plat Book 3, Page 62, Public  
Records of Monroe County, Florida  
(Parcel Identification Number: 00528840)**

**Affiant further states that Affiant intends to transfer development rights to the following described receiver site owned by Affiant:**

**Tract 2, LIME GROVE ESTATES PROPERTY, according to the Plat  
thereof as recorded in Plat Book 5, Page 52, of the Public Records of Monroe  
County, Florida.  
(Parcel Identification Number: 00486930)**

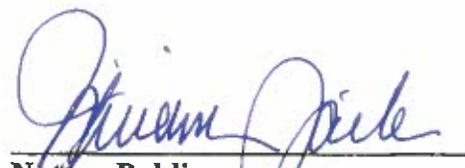
X



\_\_\_\_\_  
Jose Antonio Alvarez

**STATE OF FLORIDA  
COUNTY OF MIAMI DADE**

The foregoing instrument was acknowledged before me this 26 day of December 2013, by Jose Antonio Alvarez (✓) who is personally known to me or ( ) who has produced Personally known as identification, and who did take an oath.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires:



Buffer Buffer selected parcels by 300 feet Buffer Remove buffer graphic Clear



**Buffer Results** 15 features found [Zoom](#) [Remove highlight](#) [Export res](#)

Search:

OBJECTID	ID	RECHAR	GEO_FEAT	NAL_PARCEL_NO	NAME
19862	486852.0002	00486852-000200	19862	1262 38 00486852000200	BARRETT EDWARD AND LINDA
34366	486970	00486970-000000	34366	1262 38 00486970000000	ALFONSO CHRISTIAN



Buffer Buffer selected parcels by 300 feet Buffer Remove buffer graphic Clear



Buffer Results 46 features found

[Zoom](#)

[Remove highlight](#)

[Export res](#)

Search:

OBJECTID	ID	RECHAR	GEO_FEAT	NAL_PARCEL_NO	NAME
39663	528830	00528830-000000	39663	2861 39 00528830000000	MACKEL MICHAEL AND MA
24115	528840	00528840-000000	24115	2861 39 00528840000000	MANN PETER AND ROBIN







# MAP OF BOUNDARY SURVEY

Florida Drive and Silver Spring Drive, Key Largo  
Monroe County, Florida, 33037

## SURVEYOR'S REPORT:

1. MAP OF BOUNDARY SURVEY, Dated November 22, 2013.

### 2. LEGAL DESCRIPTION:

Lot 30, Block 25 of AMENDED PLAT OF KEY LARGO PARK, as recorded in Plat Book 3, at Page 62, of the Public Records of Monroe County, Florida.

### 3. AREA:

Containing 3,250 Square Feet or 0.07 Acres more or less by calculations.

### 4. ACCURACY:

The accuracy obtained by measurement and calculations of a closed geometric figure was found to exceed this requirement.

### 5. DATA OF SOURCES:

#### HORIZONTAL CONTROL:

- The Legal Description was furnished by client.
- North Arrow as per Plat Book 3, at page 62, of the Public Records of Monroe County, Florida.

#### VERTICAL CONTROL:

Elevations are referred to N.G.V.D. 1929 Datum.

#### Benchmark used:

- AC4707 Designation: 872 3677 G TIDAL Stamping: 3677 G 1987  
Elev.=5.44' (NAVD 1988) 7.01' (Adjusted to N.G.V.D. 1929)  
PNC 100.4 Elevation 8.47'(N.G.V.D. 1929)  
FDOT Brass disc in concrete monument stamped "90/06/100.4"

### 6. FLOOD INFORMATION:

NFIP Community Name: Monroe County Unincorporated Areas and Community Number 125129 Map/Panel Number 12087C0931, Suffix: K, FIRM Panel Effective/Revised Date 02-18-2005, Flood Zone AE, Base Flood Elevation 9 Feet.

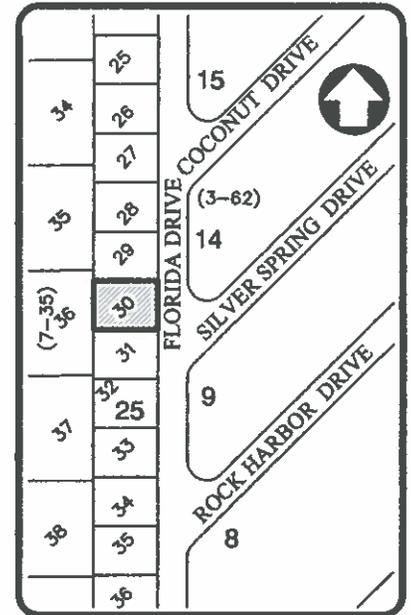
### 7. LIMITATIONS:

No research was made for other instruments than the existing in the plat and provided by client.  
No determination was made as to how the site can be served with utilities.

## SURVEYOR'S CERTIFICATION:

I certify: This Map of Boundary Survey meets all applicable requirements of the Florida Minimum Technical Standards as contained Chapter 5J-17. Unless indicated to the contrary, the measured distance and directions shown on the Map of Boundary Survey are the same as the deed distances and directions.  
No valid without the signature and the original raised seal of Florida Licensed Surveyor and Mapper. Additions or deletions to Map of Boundary Survey by other than signing party or parties is prohibited without written consent of the signing party or parties.

This Survey Map and Report are not full and complete without the other.



LOCATION SKETCH  
NOT TO SCALE



**FormTech**  
Land Surveying, Inc.

State of Florida LB # 7980  
2243 S.W. 153rd Path, Miami, Florida, 33185  
Ph: (786)443-0285 (786)443-0678 Fax: (305)640-5588  
www.formtechsurveyors.com email: info@formtechsurveyors.com

Seal:

Job # 13-1106

*Eugenia L. Formoso*

Date: 11-22-2013  
Eugenia L. Formoso, P.S.M.

State of Florida LS # 6660

Page 1 of 2

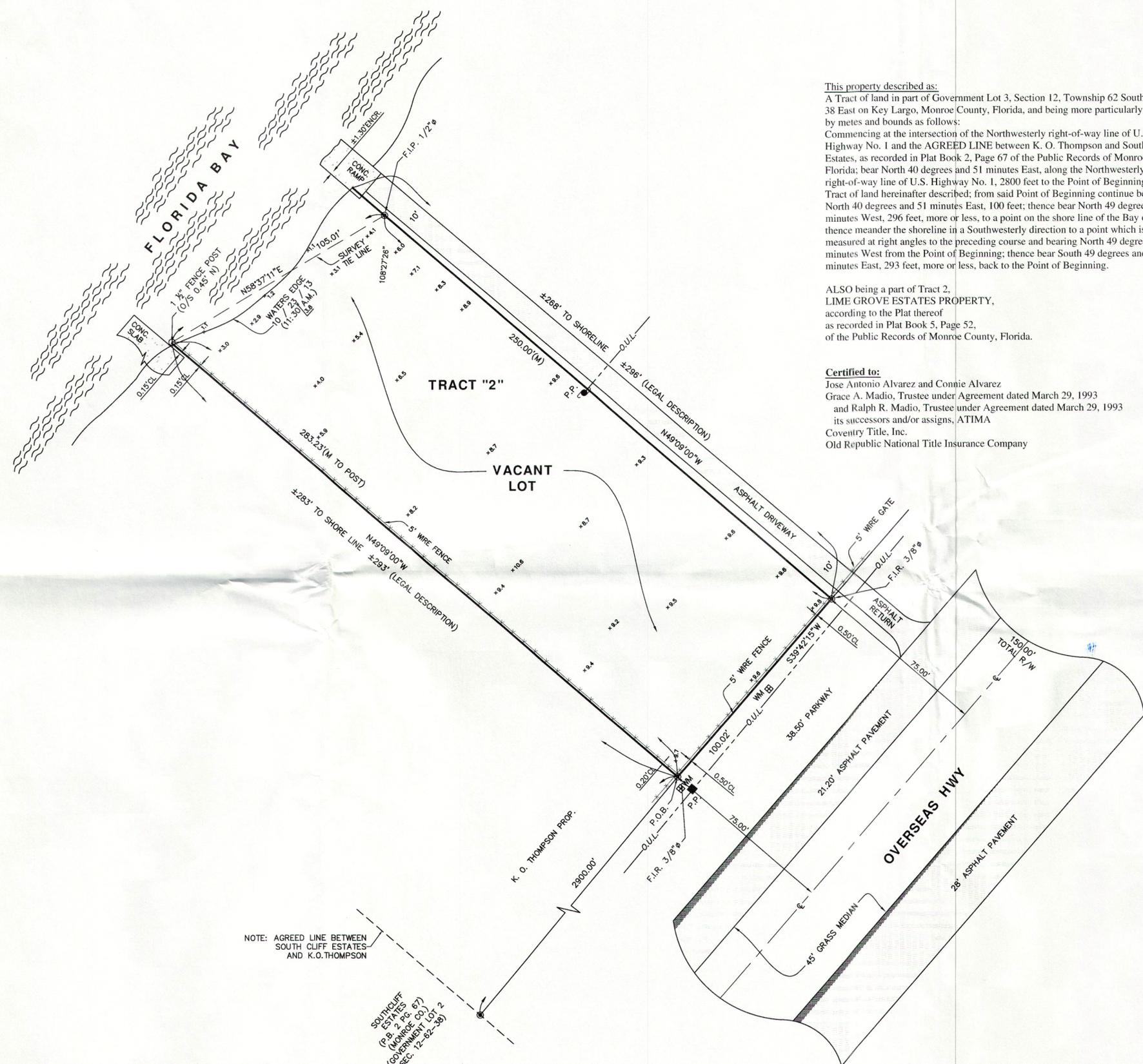




- LEGEND**
- A = Arc
  - ASPH = Asphalt
  - BM = Bench Mark
  - BRG = Bearing
  - CB = Catch basin
  - CBS = Concrete Block Structure
  - CH = Chord
  - Chatta. = Chattahoochee
  - C = Center Line
  - CLF = Chain Link Fence
  - CL = Clear
  - CONC. = Concrete
  - D = Delta
  - Ø = Diameter
  - DH = Drill Hole
  - DME = Drainage & Maintenance Easement
  - E.B. = Electric Box
  - Enc. = Encroachment
  - F.F. = Finish Floor
  - F.H. = Fire Hydrant
  - F.I.R. = Found Iron Rebar
  - FPL = Florida Power & Light
  - F.I.P. = Found Iron Pipe
  - FD = Found
  - L.P. = Light Pole
  - M = Measured
  - M.F. = Metal Fence
  - M.H. = Manhole
  - M = Monument Line
  - MON. = Monument
  - NA = Not Applicable
  - ND = Nail & Disc
  - NTS = Not to Scale
  - O/S = Offset
  - O.U.L. = Overhead Utility Lines
  - OH = Overhang
  - P = Plat
  - PB = Plat Book
  - PC = Point of Curvature
  - PCP = Permanent Control Point
  - PG = Page
  - P.I. = Point of Intersection
  - P.L. = Property Line
  - PL = Planter
  - P.O.B. = Point of Beginning
  - P.O.C. = Point of Commencement
  - P.P. = Power Pole
  - P.R.M. = Permanent Reference Monument
  - P.R.C. = Point of Reverse Curvature
  - PT = Point of Tangency
  - R = Radius
  - R/R = Railroad
  - PSM = Professional Surveyor Mapper
  - R/W = Right-of-Way
  - SWK = Sidewalk
  - Sec. = Section
  - (TYP) = Typical
  - T = Tangent
  - U.E. = Utility Easement
  - W.F. = Wood Fence
  - W.M. = Water Meter
  - W.V. = Water Valve
  - ⊕ = Denotes Spot Elevations Taken

Q) All roads shown hereon are public, unless otherwise noted.  
 R) No identification cap found on property corners unless otherwise noted.  
 S) Distance along boundary are record and measured unless otherwise noted.  
 T) Encroachments shown hereon are not to be considered when obtaining scaled data.  
 U) Said data may be altered in reproduction and as such, should be considered when obtaining scaled data.  
 V) Accuracy: The expected use of land as classified in the minimum technical standards survey is 1 foot in 7,500 feet. The accuracy obtained by measurement and calculation of a closed geometric figure was found to exceed this requirement.  
 W) Contact the appropriate authorities prior to any design work or excavation on the hereon described parcel for building, zoning, regulatory, temporary and license location.

NOTE: Encroachments and/or encroachments shown hereon are of the apparent nature, fence legal ownership is not determined.  
 a) The issue of this survey is only for the exclusive and specific use of those persons, parties or institutions in the certification.  
 b) Encroachments shown hereon are not to be considered in this survey.  
 c) Undergound utilities, improvements, borings and encroachments, if any not located.  
 d) The flood information shown hereon does not imply that the subject property will or will not be free from flooding or drainage and does not create liability on the part of the firm or employee thereof, for lands depicted hereon were surveyed per legal description provided by client and no claims as to ownership or matters of title are made or implied.



**This property described as:**  
 A Tract of land in part of Government Lot 3, Section 12, Township 62 South, Range 38 East on Key Largo, Monroe County, Florida, and being more particularly described by metes and bounds as follows:  
 Commencing at the intersection of the Northwesterly right-of-way line of U.S. Highway No. 1 and the AGREED LINE between K. O. Thompson and Southcliff Estates, as recorded in Plat Book 2, Page 67 of the Public Records of Monroe County, Florida; bear North 40 degrees and 51 minutes East, along the Northwesterly right-of-way line of U.S. Highway No. 1, 2800 feet to the Point of Beginning of the Tract of land hereinafter described; from said Point of Beginning continue bearing North 40 degrees and 51 minutes East, 100 feet; then bear North 49 degrees and 09 minutes West, 296 feet, more or less, to a point on the shore line of the Bay of Florida; then meander the shoreline in a Southwesterly direction to a point which is 100 feet, measured at right angles to the preceding course and bearing North 49 degrees and 09 minutes West from the Point of Beginning; then bear South 49 degrees and 09 minutes East, 293 feet, more or less, back to the Point of Beginning.

ALSO being a part of Tract 2, LIME GROVE ESTATES PROPERTY, according to the Plat thereof as recorded in Plat Book 5, Page 52, of the Public Records of Monroe County, Florida.

**Certified to:**  
 Jose Antonio Alvarez and Connie Alvarez  
 Grace A. Madio, Trustee under Agreement dated March 29, 1993  
 and Ralph R. Madio, Trustee under Agreement dated March 29, 1993  
 its successors and/or assigns, ATIMA  
 Coventry Title, Inc.  
 Old Republic National Title Insurance Company

NOTE: AGREED LINE BETWEEN SOUTH CLIFF ESTATES AND K.O. THOMPSON

SOUTHCLIFF ESTATES (P.B. MONROE CO. SEC. 12-02-36) 2

Bearing, if any, shown based on Legal Description (reference) NELY & N49°09'00"W

REVISIONS: 12-27-2013 Information Added ZA		FLOOD ZONE AE VE	COMM. No. 120129	PANEL No. 0936	SUFFIX K	ELEVATION NOTE: (IF APPLICABLE) L.F. Elev. = N/A (lowest habitable floor elevation). Elevation shown hereon refer to N.G.V.D. 1929. Lowest adjacent grade elevation = N/A BM. # N/A Elev. = N/A Garage Elev. = N/A Erip. = N/A	Not valid unless it bears the signature and the original raised seal of Florida, licensed Surveyor and Mapper.
F.I.R.M. DATE 02 / 18 / 05	F.I.R.M. INDEX 02 / 18 / 05	BASE ELEV. 9 FT 13 FT N.G.V.D.					

BOUNDARY SURVEY.  
 I HEREBY CERTIFY: that this survey meets the minimum technical standards as set forth by the FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS in Chapter 5J-12 Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.  
 RENE AGUIEVIVES 10/28/13  
 PROFESSIONAL SURVEYOR AND MAPPER No. 4327. State of Florida.

RECEIVED  
 DEC 30 2013  
 2013-162  
 MONROE CO. PLANNING DEPT

"THIS SURVEY DECLARATION IS MADE ON THE FIELD DATE INDICATED, TO THE OWNER(S) LISTED. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."

Alvarez, Aiguesvives and Associates, Inc.  
 Surveyors, Mappers and Land Planners  
 5701 S.W. 107th Avenue #204, Miami, FL 33173  
 Phone 305.220.2424 Fax 305.552.8181  
 L.B. No. 6867 / E-mail: aaasurvey@aol.com

Field Date 10/23/13	Scale 1"=30'	Drawn by: R.S.	Drwg. No. 13-16477
------------------------	-----------------	-------------------	-----------------------



## MEMORANDUM

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

DATE: February 18, 2014

TO: MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE

THROUGH: TOWNSLEY SCHWAB; SENIOR PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR

FROM: LAURIE MCHARGUE, PH.D.; SENIOR BIOLOGIST, PLANNING AND ENVIRONMENTAL RESOURCES

RE: AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 118 ENVIRONMENTAL PROTECTION; CREATING SECTION 118-13 PROVIDING FOR COORDINATION WITH THE UNITED STATES FISH AND WILDLIFE SERVICE FOR DEVELOPMENT PERMIT APPLICATIONS FOR PARCELS LOCATED IN CRITICAL HABITAT OR DESIGNATED POTENTIALLY SUITABLE HABITAT OF SPECIES NOT INCLUDED IN THE PERMIT REFERRAL PROCESS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

---

**Meeting: February 25, 2014**

---

1  
2 I REQUEST  
3

4 The Planning and Environmental Resources Department is proposing to amend Chapter 118  
5 Environmental Protection of the Monroe County Code by creating Section 118-13 to provide  
6 for coordination with the U.S. Fish and Wildlife Service (Service) for development permit  
7 applications for parcels located within critical habitat or designated potentially suitable  
8 habitat of species that are not included in the Permit Referral Process. Specifically, property  
9 owners of such parcels shall be required to consult directly with the Service for any  
10 development permit application filed with Monroe County.

11  
12 II RELEVANT PRIOR COUNTY ACTIONS AND BACKGROUND INFORMATION:  
13

14 The United States Congress enacted the Endangered Species Act of 1973 (the Act) to provide  
15 for the protection of ecosystems and the conservation of endangered and threatened species.

1 Sections of the Act provide for the listing of species (section 4), require interagency  
2 consultation about agency actions and their effects on listed species (section 7), and also  
3 require consultation for the incidental take of listed species (section 10).  
4

5 The Service issued a Biological Opinion (BO) on April 30, 2010, amended December 14,  
6 2010, for the Federal Emergency Management Agency's (FEMA) administration of the  
7 National Flood Insurance Program in participating communities in Monroe County. The BO  
8 contains Reasonable and Prudent Alternatives (RPA) that require Monroe County and other  
9 communities in the Florida Keys to revise their flood damage prevention ordinances to  
10 reference and use the real estate (RE) list and species focus area maps (SFAM) prepared by  
11 the Service. In addition, FEMA required the participating communities to incorporate the  
12 Service's review recommendations or reasonable and prudent measures resulting from formal  
13 consultation under section 7 and section 10, and to implement the terms and conditions as  
14 enforceable conditions in their floodplain development permits.  
15

16 In response to the requirements of the RPA, Monroe County adopted the Permit Referral  
17 Process (PRP) on June 20, 2012 (Ordinance 015-2012). Under the PRP, if the SFAM  
18 indicates a parcel contains suitable habitat for any of the covered species and the parcel is  
19 listed on the RE list, the Environmental Resources staff use the Species Assessment Guides  
20 (SAG) to determine whether or not a floodplain development permit application requires:  
21

- 22 a) incorporation of the Service's SAG requirements as conditions into the Monroe County  
23 permit and the County may issue the permit pursuant to all applicable codes, or  
24  
25 b) technical assistance by the Service for the proposed development as determined by the  
26 SAG.  
27

28 For a floodplain development permit application that requires the Service's technical  
29 assistance, Monroe County includes the technical assistance requirements provided by the  
30 federal agency to avoid possible impacts on federally listed threatened or endangered species  
31 as conditions in the Monroe County permit.  
32

### 33 III REVIEW

34  
35 The Service's BO included nine listed species for the Florida Keys. The covered species are:  
36

- Eastern indigo snake
- Key Largo cotton mouse
- Key Largo wood rat
- Key tree cactus
- Schaus swallowtail butterfly
- Lower Keys marsh rabbit
- Key deer
- Silver rice rat
- Stock Island tree snail

37  
38 The Service periodically lists additional species for the Florida Keys that are not included in  
39 the BO, nor addressed under the PRP. However, property owners still have an obligation to  
40 comply with the Act, and Monroe County also has an obligation to comply with the Act.  
41 This ordinance is being adopted to provide owners of properties located in Critical Habitat

1 and potentially suitable habitat as designated by the Service for listed species not included in  
2 the BO, nor addressed under Section 122-8 of the Monroe County Land Development Code,  
3 the ability to develop their property in a manner consistent with the Act;

4  
5 The Department is recommending the following amendment to the Monroe County Code.

6  
7 **Section 1. Chapter 118 of the Monroe County Land Development Code shall be amended**  
8 **as follows (deletions are ~~stricken through~~ and additions are underlined):**

9  
10 **Sec. 118-13. Endangered Species.**

11  
12 (a) Applicability. On parcels that the U.S. Fish and Wildlife Service has determined are within  
13 Critical Habitat or designated potentially suitable habitat for federally listed threatened or  
14 endangered species, no development shall occur without full compliance with the terms of this  
15 chapter in addition to other applicable regulations, including, but not limited to, Section 122-8.

16  
17 (b) Technical Assistance Required. For any development permit application filed with Monroe  
18 County for properties located within Critical Habitat or designated potentially suitable habitat for  
19 federally listed threatened and endangered species that are not included in the U.S. Fish and  
20 Wildlife Service's April 30, 2010 Biological Opinion, and/or are not included in the species  
21 addressed under Section 122-8 of the Monroe County Land Development Code, the property  
22 owner shall be required to consult directly with the U.S. Fish and Wildlife Service and provide  
23 authorization from the U.S. Fish and Wildlife Service to Monroe County before commencement  
24 of development. Any conditions imposed by the U.S. Fish and Wildlife Service shall be  
25 incorporated as conditions of the Monroe County development permit.

26  
27 **IV RECOMMENDATION**

28  
29 Staff has found that the proposed amendment to Chapter 118 would be consistent with the  
30 provisions of §102-158(d)(5)(b): 1. Changed projections (*e.g.*, regarding public service  
31 needs) from those on which the text or boundary was based; 2. Changed assumptions (*e.g.*,  
32 regarding demographic trends); 3. Data errors, including errors in mapping, vegetative types,  
33 and natural features described in volume I of the plan; 4. New issues; 5. Recognition of a  
34 need for additional detail or comprehensiveness; and 6. Data updates.

35  
36 Specifically, staff has found that the proposed amendment is necessary due to the periodic  
37 listing of new species for the Florida Keys by the U.S. Fish and Wildlife Service and the  
38 need for owners of properties in the focus areas for these species to develop in a manner  
39 consistent with the Endangered Species Act.

40  
41 Staff recommends that the Board of County Commissioners amend the Monroe County Code  
42 as stated in the text of this staff report.