

AGENDA

PLANNING COMMISSION
MONROE COUNTY
March 25, 2015
10:00 A.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSION:

Denise Werling, Chairman
William Wiatt
Elizabeth Lustberg
Ron Miller
Beth Ramsay-Vickrey

STAFF:

Townsley Schwab, Sr. Director of Planning and Environmental Resources
Mayte Santamaria, Sr. Director of Planning and Environmental Resources
Steve Williams, Assistant County Attorney
John Wolfe, Planning Commission Counsel
Mike Roberts, Sr. Administrator, Environmental Resources
Rey Ortiz, Planning & Biological Plans Examiner Supervisor
Tiffany Stankiewicz, Development Administrator
Emily Schemper, Comprehensive Planning Manager
Matt Coyle, Principal Planner
Barbara Bauman, Planner
Gail Creech, Sr. Planning Commission Coordinator

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

SWEARING OF COUNTY STAFF

CHANGES TO THE AGENDA

APPROVAL OF MINUTES

MEETING

New Items:

1. Oceanside Marina, 5948, 5950 and 5970 Peninsular Avenue, Stock Island, Mile Marker 5; 24930 Overseas Highway, Summerland Key, Mile Marker 25; 21585 Old State Road 4A, Cudjoe Key, Mile Marker 22; 5176 Suncrest Road, Stock Island, Mile Marker 5; 6800

Maloney Avenue, Unit 29, Stock Island, Mile Marker 5: A request for approval of an Amendment to a Development Agreement between Monroe County, Florida; Summerland Palms Investors, LLC, Coco Palms Developers, LLC, Suncrest Investors, LLC, Singh Investors, LLC, Barton W. Smith and Paulina Smith and Oceanside Investors, LLC allowing the transfer of market-rate Residential Rate of Growth (ROGO) exemptions from sender sites at 24930 Overseas Highway, 21585 Old State Road 4A, 5176 Suncrest Road and 6800 Maloney Avenue, Unit 29 to a receiver site at 5948, 5950 and 5970 Peninsular Avenue, in accordance with Monroe County Code Section 130-161.1. On the sender sites, the residential dwelling units in which the transferred market-rate ROGO exemptions are derived shall be converted to, or replaced with, affordable housing units. The Development Agreement also involves the redevelopment of 5948, 5950 and 5970 Peninsular Avenue, the receiver site, for the addition of up to 79 new, market-rate residential dwelling units, which may be used as vacation rentals, up to 17 new hotel rooms, a new restaurant with up to 150 seats, and other improvements related to the existing, partially-condominiumized marina and accessory development, 22 existing, market-rate permanent units (under condominium ownership), a boat barn (under condominium ownership), marina slips (under condominium ownership) and ancillary/accessory buildings would be maintained. The residential density, under maximum net density, would not exceed 101 total permanent residential units and 17 transient units. Not including accessory structures related to the residential uses, the nonresidential floor area would not exceed 40,000 square feet. Dockage owned by the developer would include 8 new slips, for a total of approximately 16 slips, of which at least 20% (3 slips) shall be reserved for commercial fishing vessels. New residential or nonresidential buildings shall not exceed 35 feet in height. Public access will be provided from 7:00 am until dusk. The Development Agreement concerns properties located at 5948, 5950 and 5970 Peninsular Avenue, Stock Island (legally described as Block 46, Lots 30, 31 and ½ Lot 32, Block 60, portions of Lots 1, 2 and 3, Block 61, portions of Lots 1, 2 and 3, the abandoned portion of Peninsular Avenue lying between Block 46 and Block 60 and the portion of Peninsular Avenue lying between Block 46 and Block 60 in which a road abandonment petition is scheduled to be heard at the March 18, 2015 meeting of the Board of County Commissioners, the abandoned portion of Maloney Avenue lying between Blocks 60 and 61, McDonald's Plat, also described as parcel of land in Sections 26, 34, 35 and 36, Township 37 South and Range 25 East, having real estate #'s 00126210.000000, 00126220.000000, 00126230.000000, 00127420.000000 and 00127420.000100), 24930 Overseas Highway, Summerland Key (legally described as Lot 55 and a portion of Lot 54, Summerland Yacht Harbor, having real estate #'s 00194741.000100, 00194741.000200, 00194741.000300, 00194741.000400, 00194741.000500, 00194741.000600, 00194741.000700, 00194741.000800, 00194741.000900, 00194741.001000, 00194741.001100, 00194741.001200, 00194741.001300, 00194741.001400, 00194741.001500, 00194741.001600, 00194741.001700, 00194741.001800, 00194741.001900, 00194741.002000, 00194741.002100 and 00194741.002200), 21585 Old State Road 4A, Cudjoe Key (legally described as Lot 30, Sacarma, having real estate #00174960.000000), 5176 Suncrest Road, Stock Island (legally described as Lots 27 and 28, Sun Krest, having real estate # 00132680.000000) and 6800 Maloney Avenue, Unit 29, Stock Island (described as Unit 29 of Harbor Shores Condominium, a Condominium, according to the Declaration of Condominium recorded in O.R. Book 982, Page 1824, having real estate #00133760-000127).

(File #2014-175)

[2014-175 Request to Continue 03.25.15.PDF](#)

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP TO EXPAND THE BOUNDARIES OF THE ROCKLAND KEY COMMERCIAL RETAIL CENTER OVERLAY DISTRICT, AS DESCRIBED IN SECTION 130-131 OF THE MONROE COUNTY CODE, FOR ONE ADDITIONAL PROPERTY DESCRIBED AS A PARCEL OF LAND IN A PART OF GOVERNMENT LOTS 6 AND 7, SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, ROCKLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00122080.000302; AS PROPOSED BY ROCKLAND INVESTMENT CORPORATION INC.; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE.

(File 2014-181)

[2014-181 SR PC 03.25.15.PDF](#)

[2014-181 FILE.PDF](#)

[2014-181 Recvd 12.30.14 Survey 1-4.PDF](#)

3. The Wharf Restaurant, 25163 Overseas Highway, Summerland Key, mile marker 25: A public hearing concerning a request for a Variance of 25 feet to the required 25-foot front yard non-shoreline setback, which is adjacent to the Overseas Highway right-of-way and a variance of 5 feet from the required 5 foot side yard setback along the western property line. Approval would result in a front yard and side yard setback of 0 feet. The applicant has also requested a Variance to the off-street parking requirements in order to reduce the required amount of off-street parking from 42 spaces to 40 spaces, a reduction of 4.8 percent. The requested variance is required to increase the amount of off-street parking on the property by 12 spaces and increase the amount of restaurant seating. The subject property is legally described as Lots 1, 2, 3, 4, 5 and 6, Summerland Yacht Harbor (Plat Book 2, Page 142), Summerland Key, Monroe County, Florida, having real estate number 00194560.000000.

(File 2015-018)

[2015-018 SR PC 03.25.15.PDF](#)

[2015-018 FILE.PDF](#)

[2015-018 Recvd 02.24.15 Site Plan Sheet 1-revised.pdf](#)

[2015-018 COMBINED Plans Recvd 01.27.15.PDF](#)

4. 33 Calle Uno, Rockland Key, Mile Marker 9: A request for approval of a variance of twelve (12) feet to the twenty-five (25) foot required front yard setback along the Calle Uno right-of-way, which is adjacent to the eastern property line in order to construct a carport and relocate the existing stairs. The subject property is legally described as Block 1, North ½ of Lot 13 and Lots 14 & 15, Rockland Village Subdivision, Rockland Key, Plat Book 4, Page 133, having Real Estate Number: 00148790.000000.

(File 2015-021)

[2015-021 SR PC 03.25.15.pdf](#)

[2015-021 FILE.PDF](#)

[2015-021 Recvd 01.30.15 Boundary Survey.PDF](#)

[2015-021 Recvd 01.30.15 Site Info-Proposed Plan.PDF](#)

5. 17 Cypress Avenue, Key Haven, Approximately mile marker 5: A public hearing concerning a request for a variance of four (4) feet from the required five (5) foot side yard non-shoreline setback along the northeastern property line in order to construct a pool. The subject parcel is legally described as Lot 4, Block 3, Key Haven – 8th Addition (Plat Book 5, Page 61), Key Haven, Monroe County, Florida, having real estate number 00138800.000000.

(File 2015-001)

[2015-001 SR PC 03.25.15.PDF](#)

[2015-001 FILE.PDF](#)

[2015-001 Recvd 01.06.15 Site Plan.PDF](#)

6. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO DEFER THE APPROVAL OF APPLICATIONS FOR THE TRANSFER OF DEVELOPMENT RIGHTS TO OFFSHORE ISLANDS, TRANSFER OF ROGO EXEMPTIONS TO OFFSHORE ISLANDS, TIER AMENDMENTS FOR OFFSHORE ISLANDS; MAP AMENDMENTS FOR OFFSHORE ISLANDS TO INCREASE POTENTIAL DENSITY OR INTENSITY AND TEXT AMENDMENTS FOR OFFSHORE ISLANDS TO INCREASE DEVELOPMENT POTENTIAL (DENSITY/INTENSITY), COMMENCING JANUARY 21, 2015, UNTIL SUCH TIME AS A COMPREHENSIVE PLAN AMENDMENT PROCESS IS COMPLETED REGARDING OFFSHORE ISLANDS AND PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF THIS INTERIM DEVELOPMENT ORDINANCE OR WHEN THE COMPREHENSIVE PLAN AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE.

(File 2015-032)

[2015-032 SR PC 03.25.15.PDF](#)

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

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

- BOARD DISCUSSION

- GROWTH MANAGEMENT COMMENTS

- RESOLUTIONS FOR SIGNATURE

ADJOURNMENT

Creech-Gail

From: Santamaria-Mayte
Sent: Tuesday, March 24, 2015 12:35 PM
To: Creech-Gail
Subject: FW: Oceanside Investors LLC 2nd Amendment Request for Continuance

Please post on agenda

From: bart@smithoropeza.com [<mailto:bart@smithoropeza.com>]
Sent: Friday, March 20, 2015 10:01 AM
To: Santamaria-Mayte; Hurley-Christine; Williams-Steve
Cc: Coyle-Matt; boomdi1@aol.com
Subject: Oceanside Investors LLC 2nd Amendment Request for Continuance

Mayte,

This is to advise that we are withdrawing the application for the transference of the ROGO from the sender site of 6900 Maloney Avenue Unit 29 located at Harbor Shores. We are not proceeding with anything or doing anything at Harbor Shores. We are withdrawing anything to do with the Harbor Shores property.

Please allow this email to confirm our conversation today wherein I requested to continue the planning commission meeting scheduled for March 25th for Oceanside Investor's 2nd Amendment to Development Agreement. We will be amending it.

Please contact me with any questions.

Bart

Barton W. Smith, Esq.
SMITH OROPEZA, P.L.
138 - 142 Simonton Street
Key West, FL 33040
Office:(305) 296-7227
Fax: (305) 296-8448

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

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Please note: This law firm may be deemed a "debt collector" under the Fair Debt Collection Practices Act. Any and all information obtained during and from communications may be used for the purpose of collecting debt.



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

Through: Townsley Schwab, Senior Director of Planning & Environmental Resources
Mayté Santamaria, Senior Director of Planning & Environmental Resources

From: Matthew Coyle, AICP, Principal Planner *MC*

Date: March 11, 2015

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT MAP TO EXPAND THE BOUNDARIES OF THE ROCKLAND KEY COMMERCIAL RETAIL CENTER OVERLAY DISTRICT, AS DESCRIBED IN SECTION 130-131 OF THE MONROE COUNTY CODE, FOR ONE ADDITIONAL PROPERTY DESCRIBED AS A PARCEL OF LAND IN A PART OF GOVERNMENT LOTS 6 AND 7, SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST, ROCKLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00122080.000302, AS PROPOSED BY ROCKLAND INVESTMENT CORPORATION INC.*

Meeting: March 25, 2015

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I REQUEST

The property owner is requesting an amendment to the Land Use District Map to expand the boundaries of the Rockland Key Commercial Retail Center Overlay District to include the subject property.



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10
11

Subject property (Yellow) with Rockland Key Commercial Retail Center Overlay (Red) and Land Use District Overlaid (Aerial 2012)

1 **II BACKGROUND INFORMATION:**
2

3 **Location:** Rockland Key, mile marker 9 (Gulf of Mexico side of US 1)

4 **Address:** 121 Overseas Highway (US 1), Rockland Key

5 **Description:** A parcel of land in a part of Government Lots 6 and 7, Section 21, Township
6 67 South, Range 26 East, Rockland Key, Monroe County, Florida

7 **Real Estate Number:** 00122080.000302

8 **Property Owner/Applicant:** Rockland Investment Corporation, Inc.

9 **Agent:** Trepanier & Associates

10 **Size of Site:** 4,375 SF (0.10 acres) according to survey

11 **Land Use District:** Industrial (I)

12 **Future Land Use Map (FLUM) Designation:** Industrial (I)

13 **Tier Designation:** Tier III

14 **Existing Use:** Industrial

15 **Existing Vegetation / Habitat:** Scarified

16 **Community Character of Immediate Vicinity:** Industrial and Commercial Retail

17 **Flood Zone:** AE-EL 10
18

19 **III RELEVANT PRIOR COUNTY ACTIONS:**
20

21 On April 17, 2013, the Monroe County Board of County Commissioners adopted Ordinance
22 No. 017-2013 establishing Monroe County Code Section 130-131, Rockland Key
23 Commercial Retail Center Overlay District, to create an overlay district on Rockland Key
24 that allows commercial retail development.
25

26 On April 17, 2013, the Monroe County Board of County Commissioners adopted Ordinance
27 No. 018-2013 approving an amendment to the Land Use District Map to establish the
28 boundaries of the Rockland Key Commercial Retail Center Overlay District.
29

30 **IV REVIEW OF APPLICATION:**
31

32 *Criteria:*
33

34 In order to be approved, a map amendment must be consistent with the provisions of
35 §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from
36 those on which the text or boundary was based; 2. Changed assumptions (e.g., regarding
37 demographic trends); 3. Data errors, including errors in mapping, vegetative types and
38 natural features described in volume I of the plan; 4. New issues; 5. Recognition of a
39 need for additional detail or comprehensiveness; or 6. Data updates.
40

41 While MCC §102-158(d)(5)(b) provides criteria for map amendments, the County must
42 also ensure that proposed amendments further the objectives, policies, land uses,
43 densities/intensities and level of service standards in the comprehensive plan. As a

1 designated Area of Critical State Concern (ACSC), pursuant to Sections 380.05 and
2 380.0552, F.S., the County's land development regulations must be consistent with
3 Principles for Guiding Development (PGD). The County must balance all the PGDs and
4 ensure that land development regulations are consistent with and implement the
5 comprehensive plan.
6



Adopted Overlay Boundary (Red)



Proposed Expansion to Overlay Boundary (Yellow)

7
8
9
10
11 *Analysis:*

12
13 An overlay district is an area where certain additional requirements are superimposed upon
14 an underlying land use (zoning) district. The underlying land use district designation of
15 Industrial (I) and the FLUM designation of Industrial (I) shall remain in effect.

16
17 *Consistency of the proposed amendment with the provisions and intent of the Monroe County*
18 *Year 2010 Comprehensive Plan:*
19

1 Staff has determined that the proposed map amendment is not inconsistent with the
2 provisions and intent of the Year 2010 Comprehensive Plan.

3
4 The applicant is not proposing an amendment to the FLUM designation of Industrial (I).
5 Policies from the 2010 Comprehensive Plan that directly pertain to the proposed
6 amendment include:

7
8 *Policy 101.4.7:* The principal purpose of the Industrial land use category is to provide for
9 the development of industrial, manufacturing, and warehouse and distribution uses. Other
10 commercial, public, residential, and commercial fishing-related uses are also allowed.

11
12 *Policy 101.4.21:* Monroe County hereby adopts the following density and intensity
13 standards for the future land use categories, which are shown on the Future Land Use
14 Map and described in Policies 101.4.1 - 101.4.17:
15

Future Land Use Densities and Intensities			
Future Land Use Category And Corresponding Zoning	Allocated Density (per acre)	Maximum Net Density (per buildable acre)	Maximum Intensity (floor area ratio)
...			
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60
...			

16
17 *Consistency of the proposed amendment with the provisions and intent of the Monroe County*
18 *Code:*

19
20 In accordance with MCC§ 102-158(d)(5), the BOCC may consider the adoption of an
21 ordinance enacting the proposed change based on one or more of the following factors:

- 22
23 1. *Changed projections (e.g., regarding public service needs) from those on which the text*
24 *or boundary was based:*

25
26 Staff has not identified any changed projections that would necessitate the expansion of
27 the Rockland Key Commercial Retail Center Overlay District.

- 28
29 2. *Changed assumptions (e.g., regarding demographic trends):*

30
31 Staff has not identified any changed assumptions that would necessitate the expansion of
32 the overlay district.

- 33
34 3. *Data errors, including errors in mapping, vegetative types and natural features described*
35 *in Volume 1 of the Year 2010 Comprehensive Plan:*
36

1 The applicant has asserted that this property was intended to be a part of the Rockland
2 Key Commercial Retail Center Overlay District but due to an error in the legal
3 description it was not included.
4

5 4. *New issues:*
6

7 Staff has not identified any new issues that would necessitate the expansion of the
8 overlay district.
9

10 5. *Recognition of a need for additional detail or comprehensiveness:*
11

12 Staff has not identified any recognition of a need for additional detail or
13 comprehensiveness that would necessitate the expansion of the overlay district.
14

15 6. *Data updates:*
16

17 Staff has not identified any data updates that would necessitate the expansion of the
18 overlay district.
19

20 7. *For FLUM changes, the principles for guiding development as defined in the Florida*
21 *Statutes relating to changes to the comprehensive plan:*
22

23 Not applicable.
24

25 *Impact on Community Character:*
26

27 MCC §102-158 maintains that map amendments are not intended to relieve particular
28 hardships, nor to confer special privileges or rights on any person, nor to permit a change
29 in community character, as analyzed in the Year 2010 Comprehensive Plan, but only to
30 make necessary adjustments in light of changed conditions.
31

32 As the uses and land use intensities for the overlay district are consistent with the subject
33 property's future land use map category of Industrial (I), application of the proposed
34 overlay district on the subject property would not adversely impact community character
35 as envisioned by the comprehensive plan.
36

37 *Land Use Intensities:*
38

39 Note: As the applicant is not requesting a FLUM amendment, the maximum residential
40 densities and nonresidential intensities as permitted by the Comprehensive Plan will not
41 be affected. Further, the Rockland Key Commercial Retail Center Overlay District has
42 cap in the maximum floor area of 335,000 SF of nonresidential floor area, which this site
43 will be subject to within the overlay (*The cumulative total of all commercial floor area*
44 *within the overlay district shall not exceed a maximum floor area of 335,000 square feet.*)
45

Exhibit I

Sec. 130-131. - Rockland Key Commercial Retail Center Overlay District.

- (a) Purpose and intent. The purposes of the Rockland Key Commercial Retail Center Overlay District is to implement applicable goals, objectives, and policies of the comprehensive plan and to allow larger-scale commercial retail development in a non-environmentally sensitive area of the Lower Keys that primarily serves the needs of permanent residents of the Lower Keys. The intent is to protect and maintain the character of the residential areas in the Lower Keys by allowing larger-scale commercial retail development within the overlay district, a scarified area that has historically been developed with nonresidential uses.
- (b) Boundary. The Rockland Key Commercial Retail Center Overlay District shall be shown as an overlay district on the Official Land Use District Map.
- (c) Environmental protections. Prior to the construction of any commercial retail development within the overlay district, in addition to the protections afforded in the comprehensive plan and this Land Development Code, all mangrove wetlands and associated transitional/upland buffer areas will be restored and preserved in accordance with established permit conditions. On-site wetland preservation and enhancement will include the following:
 - (1) Identified mangrove wetlands and associated transitional/upland buffer areas located on the property will be placed under a perpetual conservation easement to be recorded in the Public Records of Monroe County. The conservation areas within the conservation easement may in no way be altered from their permitted state (excluding restoration activities). Activities prohibited within the conservation areas include, but are not limited to:
 - (a) Construction or placing of buildings, roads, signs, and/or other similar infrastructure on or above the ground;
 - (b) Dumping or placing soil or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials;
 - (c) Removal or destruction of trees, shrubs, or other vegetation, excluding vegetation classified as invasive exotic;
 - (d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substances in such manner as to affect the surface;
 - (e) Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
 - (f) Activities or development detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation, including but not limited to ditching, diking or fencing;
 - (g) Activities or development detrimental to such retention of land or water areas;
 - (h) Activities or development detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance; and
 - (i) Any land use not related to preserving the natural state of the conservation area.
 - (2) A wetland restoration and preservation component that involves removal of fill material from wetlands, planting of the transitional buffer area with 100 percent native vegetation, removal of all invasive exotic vegetation, and fencing and signage at the limits of the conservation easement will be implemented in conformance with South Florida Water Management District ("SFWMD") permit requirements.

- (3) A fully-compliant SFWMD-approved stormwater management system that prevents adverse impacts to the on-site wetland restoration and preservation/conservation area shall be implemented as part of any re-development process.
- (d) Within the boundaries of the overlay district, the permitted uses in subsection (1) shall be enforced, in lieu of section 130-82, industrial district, and the maximum nonresidential land use intensities in subsection (2) shall be enforced, in lieu of section 130-164, maximum nonresidential land use intensities and district open space.

- (1) Permitted uses.

Rockland Key Commercial Retail Center Overlay District Permitted Uses

The following uses are permitted as of right in the overlay district:

- (1) Restaurants of 5,000 square feet or less of floor area;
- (2) Office uses of 5,000 square feet or less of floor area;
- (3) Commercial fishing;
- (4) Institutional uses;
- (5) Light industrial uses;
- (6) Public buildings and uses;
- (7) Accessory uses;
- (8) Replacement of an existing antenna-supporting structure pursuant to section 146-5(2);
- (9) Collocations on existing antenna-supporting structures, pursuant to section 146-5(3);
- (10) Attached wireless communications facilities, as accessory uses, pursuant to section 146-5(4);
- (11) Stealth wireless communications facilities, as accessory uses, pursuant to section 146-5(5); and
- (12) Satellite earth stations, as accessory uses, pursuant to section 146-5(6).

The following uses are permitted as minor conditional uses in the overlay district, subject to the standards and procedures set forth in chapter 110, article III:

- (1) Commercial retail uses of 10,000 square feet or less;
- (2) Restaurants of 5,001 to 20,000 square feet of floor area;
- (3) Office uses of 5,001 to 20,000 square feet of floor area; and
- (4) New antenna-supporting structures, pursuant to section 146-5(1).

The following uses are permitted as major conditional uses in the overlay district, subject to the standards and procedures set forth in chapter 110, article III:

- (1) Commercial retail uses of 10,001 square feet or greater.

As set forth in section 130-82, heavy industrial uses and commercial apartments are permitted uses in the industrial district. However, these uses are not permitted within the boundary of the overlay district. All existing, lawfully established heavy industrial uses and commercial apartments within the boundary of the overlay district shall be considered nonconforming uses upon adoption of the boundary and may continue in accordance with section 102-56. However, superseding any regulations set forth in section 102-56 to the contrary, upon issuance of a building permit for commercial retail use on a parcel, any heavy industrial use or commercial apartment on that parcel shall be terminated.

- (2) Maximum nonresidential land use intensities and district open space. For the purposes of this overlay district, uses with corresponding density/ intensity thresholds shall be cumulative and utilize the floor area ratios as follows:

Rockland Key Commercial Retail Center Overlay District Maximum Nonresidential Land Use Intensities and District Open Space

Land Use	Maximum Floor Area Ratio	O.S.R.
Light Industrial	0.40	0.20
Public	0.40	0.20
Office	0.40	0.20
Institutional	0.40	0.20
Commercial Retail		
Low Intensity	0.45	0.20
Medium Intensity	0.40	0.20
High Intensity	0.35	0.20
Commercial Fishing	0.40	0.20

- (3) Maximum floor area adjacent to U.S. 1. No building or structure shall exceed a maximum floor area of 50,000 square feet within 600 feet of the edge of the U.S. 1 right-of-way.

- (4) Maximum floor area.

- a. An individual building may contain up to 175,000 square feet of floor area only if the design of the building complies with the following design requirements:
 - i. Building facades. Facades equal to or greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 40 horizontal feet.
 - ii. Roofs. All buildings, regardless of size, shall incorporate at least two of the following roof-related architectural features:
 1. Overhanging eaves, extending no less than three feet past the supporting walls.

2. Sloping roofs with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run.
3. Three or more roof slope planes.
4. A specific architectural element proposed by the applicant's architect that is acceptable to the planning director.

For any building with a flat roof and/or any building on which rooftop equipment is installed, parapets shall be incorporated to conceal the flat roof and rooftop equipment, such as HVAC units, from public view. The average height of such parapets shall not exceed 15 percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment.

- iii. Material and/or color variation. A front building facade, regardless of the building's size, shall include at least two material types and at least two colors.
 - iv. Design consistency. Compatible and consistent design, materials and colors shall be utilized for all new structures within the overlay district in order to make the development as a whole more cohesive.
- b. No individual tenant space shall exceed 140,000 square feet.
 - c. The cumulative total of all commercial floor area within the overlay district shall not exceed a maximum floor area of 335,000 square feet.
- (5) Required public improvements. Prior to submittal of any development application involving commercial retail use, the developer shall enter into a development agreement with the board of county commissioners in accordance with the procedures set forth in section 110-33. The development agreement shall be contingent on:
- a. The developer dedicating to the county (or the developer dedicating to the county for long term leasing for \$1.00 per year) and constructing a public facility, consisting of a minimum amount of 5,000 square feet of total floor area, which includes the following features:
 - i. A 200-seat capacity community meeting room; and
 - ii. Restroom and kitchen facilities; and
 - iii. 1,000 square feet of area for neighborhood-oriented services that will be made available by the County to users (i.e. hobby rooms or computer rooms).

The public facility may be utilized for meetings of non-profit, for-profit, county, or community organizations, as well as other governmental and public entities, on a first-come first serve basis. Operational fees for the facility may be charged by the County. This facility must obtain a certificate of occupancy prior to, or concurrent with, issuance of a certificate of occupancy for a building to be utilized by any commercial retail use.

- b. The developer constructing and making available for lease 10,000 sq. ft. of commercial retail floor area consisting of no fewer than four separate commercial units, each no larger than 2,500 sq. ft. for neighborhood-oriented retail and service uses such as, but not limited to animal/veterinary clinics, fitness centers, hair salons/barber shops, mail and shipping services, medical offices, professional services, or similar neighborhood-oriented uses deemed acceptable by the planning director on a first come basis.
- c. The developer providing bicycle/pedestrian paths connecting the development to the county trail system along the US 1 corridor and a multi-modal transit stop for mass transit, which shall include designated areas for bicycle, scooter and motorcycle parking and an electric car charging system to limit vehicle trips. The mass transit stop shall include a covered and secure area for passengers waiting for transportation.

- d. The developer funding at least one City of Key West bus purchase for use on the Key West-Marathon route to provide better, more frequent public transit to alleviate traffic on U.S. 1 caused by commercial development.
- (6) Traffic impact statement. Prior to any development approval including a minor or major conditional use, a traffic impact statement shall be required regardless of traffic generated by development.
 - (7) Required U.S. 1 improvements. Notwithstanding other provisions of the Land Development Code, if, during the conditional use permit approval process and after the traffic impact statement is complete, based on FDOT standards, improvements to U.S. 1 are warranted, the developer is responsible for the funding of designing, permitting, installing and constructing the required improvements related to the proposed development prior to the issuance of a building permit or prior to a certificate of occupancy if the applicant enters into a development agreement with the County which regulates the timing of the improvements to U.S. 1.
 - (8) Sound attenuation. Habitable structures, permitted under this overlay district, shall meet noise reduction levels for high noise zones. Measures to achieve a noise reduction level of 30dB must be incorporated into design and construction of the habitable structures. This shall be the minimum sound attenuation standard. The community meeting facility required in subsection (d)(5) shall not be constructed in the most current 75 DNL area.
 - (9) Areas designated native area (NA). The permitted uses provided in subsection (d)(1) shall not be permitted in any area designated as native area (NA) on the land use district map.
 - (10) Affordable housing. Prior to submittal of any development application involving commercial retail use the developer shall enter into a development agreement with the board of county commissioners in accordance with the procedures set forth in section 110-33. The development agreement shall be contingent on a mutually agreeable affordable housing requirement.
 - (11) Boundary buffers. Prior to the issuance of a commercial retail use of greater than 10,000 square feet within the overlay district, the applicant shall install a class "D" bufferyard along the boundary of the overlay district adjacent to US 1 and class "C" bufferyards along all other non-shoreline boundaries of the overlay district.
 - (12) Hurricane preparedness. To further the goals of Monroe County to be prepared for hurricanes and to assist in the clean up afterwards, parking facilities in the overlay district shall be made available for use by Monroe County for the storage of official vehicles in advance of major storm events, if Monroe County deems such use necessary and is regulated by development agreement.

[\(Ord. No. 017-2013, § 1\)](#)

File #: **2014-181**

Owner's Name: Rockland Investment Corporation Inc.

Applicant: Rockland Investment Corporation Inc.

Agent: Trepanier & Associates

Type of Application: Map Amendment - LUD

Key: Rockland Key

RE: 00122080.000302

Additional Information added to File 2014-181

Doc# 1693256 05/02/2008 10:46AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Prepared by and return to:
ROSEMARIE BACALLAO
Attorney at Law
ROSEMARIE BACALLAO, ESQ.
1699 Coral Way
Miami, FL 33145
305-858-7452
File Number: ABLA08-2169
Will Call No.:

05/02/2008 10:46AM
DEED DOC STAMP CL: RS

\$8,750.00

Doc# 1693256
Bk# 2358 Pg# 2215

_____[Space Above This Line For Recording Data]_____

Warranty Deed

This Warranty Deed made this 29th day of April, 2008 between A & B LAND INVESTMENTS, INC., a Florida corporation whose post office address is 121 U.S. Highway One, Suite 106, Key West, FL 33040, grantor, and ROCKLAND INVESTMENT CORPORATION, INC., a Florida corporation whose post office address is 121 U.S. Highway One, Suite No. 103, Key West, FL 33040, 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:

A parcel of land in a Part of Government Lots 6 & 7, Section 21, Township 67 South, Range 26 East, on Rockland Key, Monroe County, Florida and being more particularly described as follows:

Commence at the intersection of the Centerline of U.S. Highway No. 1 (State Road No. 5) and the West Abutment of the Rockland Key Viaduct; thence South 63° 09' 20" W along the original centerline of U.S. Highway No. 1 for 2110.00 feet; thence North for 970.73 feet; thence West for 1562.10 feet; thence North for 904.96 feet to the Point of Beginning, thence continue North for a distance of 250.00 feet; thence West for a distance of 175.00 feet; thence South for a distance of 225.00 feet; thence West for a distance of 175.00 feet; thence South for a distance of 25.00 feet; thence East for a distance of 350.00 feet to the Point of Beginning.
Containing 48,125 Square feet, or 1.1 Acres, more or less.

Parcel Identification Number: ~~2007285~~ 00122080000302216726

Subject to taxes for 2008 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

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, 2007**.

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:

A & B LAND INVESTMENTS, INC., a Florida corporation

Nadine G. Riedlinger
Witness Name: Nadine G. Riedlinger

By: Phillip Braeunig
PHILLIP BRAEUNIG, President

C. B. [Signature]
Witness Name: C. B. [Signature]

(Corporate Seal)

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 29th day of April, 2008 by PHILLIP BRAEUNIG of A & B LAND INVESTMENTS, INC., a Florida corporation, on behalf of the corporation. He/she is personally known to me or has produced a driver's license as identification.

[Notary Seal]

NOTARY PUBLIC-STATE OF FLORIDA
Deidre Lewis
Commission # DD709219
Expires: NOV. 19, 2011
BONDED THROUGH ATLANTIC BONDING CO.

Deidre Lewis
Notary Public

Printed Name: Deidre Lewis

My Commission Expires: Nov 19, 2011

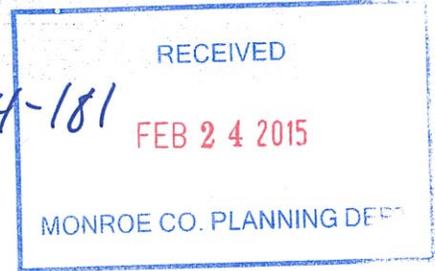
MONROE COUNTY
OFFICIAL RECORDS



AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING

50 S.W. 2nd Avenue, Suite 102
Boca Raton, FL 33432
Tel: (561) 392-2594
Fax.: (561) 394-7125

File # 2014-181



To:	Owen Trepanier	Date:	February 19, 2015
	Trepanier & Associates, Inc.	Re:	Rockland Key
	1421 1 st Street		
	Key West, FL 33040	Job No.:	8792-2

AS REQUESTED **FOR YOUR FILE** **PLEASE RESPOND**

ENCLOSED HEREWITH **FOR APPROVAL** **VIA E- MAIL**

VIA: Mail

ITEMS:

- 3 copies, signed and sealed, of the Sketch & Description

COMMENTS:

Should you have any questions, please do not hesitate to call.

Keith M. Chee-A-Tow /js
Keith M. Chee-A-Tow, P.L.S.

SKETCH & DESCRIPTION
A PORTION OF SECTION 21
 TOWNSHIP 67 SOUTH, RANGE 26 EAST
 ROCKLAND KEY, MONROE COUNTY, FLORIDA

RECEIVED
 FEB 24 2015
 2014-181
 MONROE CO. PLANNING DEPT

LAND DESCRIPTION:

A parcel of land in Section 21, Township 67 South, Range 26 East, on Rockland Key, Monroe County, Florida, described as follows:

COMMENCE at the intersection of the centerline of U.S. Highway No. 1 (State Road No. 5) and the West Abutment of Rockland Key Viaduct; thence S 63°09'20" W along the original centerline of U.S. Highway No. 1, a distance of 2110.00 feet; thence North, 970.73 feet; thence West, 1562.10 feet; thence North, 904.96 feet; thence West, 175.00 feet to the POINT OF BEGINNING; thence continue West, 175.00 feet; thence North, 25.00 feet; thence East, 175.00 feet; thence South, 25.00 feet to the POINT OF BEGINNING.

Said lands situate and being in Monroe County, Florida, containing 4,375 square feet, more or less.

SURVEYOR'S NOTES:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Bearings shown hereon are assumed based on the centerline of U.S. Highway No. 1 having a bearing of S 63°09'20" W.
5. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
6. Abbreviation Legend: \mathcal{C} = Centerline; L.B. = Licensed Business; M.C.R. = Monroe County Records; No. = Number; O.R.B. = Official Records Book; P.B. = Plat Book; PG. = Page; P.L.S. = Professional Land Surveyor; P.O.B. = Point of Beginning; P.O.C. = Point of Commencement.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 1-28-2015


 KEITH M. CHEE-A-TOW, P.L.S.
 Florida Registration No. 5328
 AVIROM & ASSOCIATES, INC.
 L.B. No. 3300

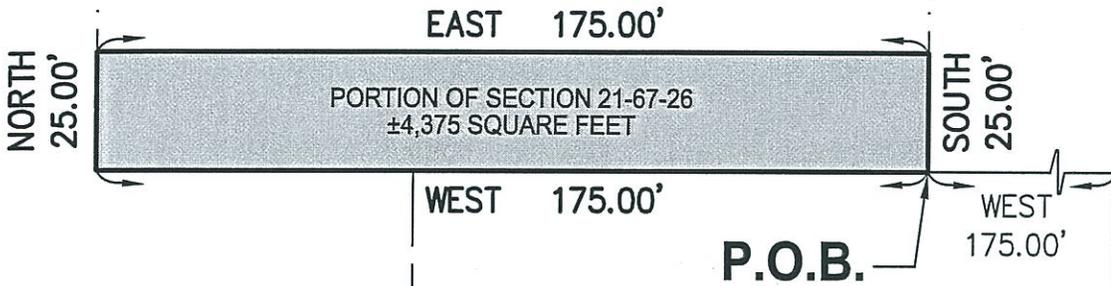
NOT VALID WITHOUT SHEETS 1 & 2

<p>REVISIONS</p> <table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td> </td><td> </td></tr> </table>																	 <p>AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING 50 S.W. 2ND AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432 TEL. (561) 392-2594, FAX (561) 394-7125 www.AVIROM-SURVEY.com <small>©2015 AVIROM & ASSOCIATES, INC. all rights reserved. This sketch is the property of AVIROM & ASSOCIATES, INC. and should not be reproduced or copied without written permission.</small></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>JOB #:</td><td>8792-2-1A</td></tr> <tr><td>SCALE:</td><td>1" = 40'</td></tr> <tr><td>DATE:</td><td>01/28/2015</td></tr> <tr><td>BY:</td><td>S.A.M.</td></tr> <tr><td>CHECKED:</td><td>K.M.C.</td></tr> <tr><td>F.B. — PG. —</td><td> </td></tr> <tr><td>SHEET</td><td>1 OF 2</td></tr> </table>	JOB #:	8792-2-1A	SCALE:	1" = 40'	DATE:	01/28/2015	BY:	S.A.M.	CHECKED:	K.M.C.	F.B. — PG. —		SHEET	1 OF 2
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F.B. — PG. —																																
SHEET	1 OF 2																															

**SKETCH & DESCRIPTION
A PORTION OF SECTION 21**
TOWNSHIP 67 SOUTH, RANGE 26 EAST
ROCKLAND KEY, MONROE COUNTY, FLORIDA

NE CORNER ROCKLAND PROPERTY
(O.R.B. 2149, PG. 1828, M.C.R.)

ROCKLAND INVESTMENT
CORPORATION, INC.
(O.R.B. 2358, PG. 2215, M.C.R.)



PARCEL GG

LESS TRACT 21
SJK PARCEL TWO

NORTH 904.96'

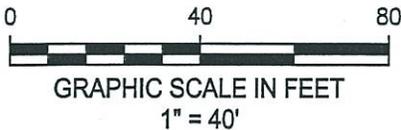
WEST 1562.10'

NORTH 970.73'

(BEARING BASIS)
S 63°09'20" W
2110.00'

U.S. HIGHWAY No. 1

P.O.C.
WEST ABUTMENT OF
ROCKLAND KEY VIADUCT



NOT VALID WITHOUT SHEETS 1 & 2

REVISIONS



AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING
50 S.W. 2ND AVENUE, SUITE 102
BOCA RATON, FLORIDA 33432
TEL. (561) 392-2594, FAX (561) 394-7125
www.AVIROM-SURVEY.com

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and should not be reproduced or copied without written permission.

JOB #:	8792-2-1A
SCALE:	1" = 40'
DATE:	01/28/2015
BY:	S.A.M.
CHECKED:	K.M.C.
F.B.	-- PG. --
SHEET	2 OF 2

County of Monroe
Growth Management Division

Planning & Environmental Resources

Department

2798 Overseas Highway, Suite 410

Marathon, FL 33050

Voice: (305) 289-2500

FAX: (305) 289-2536



Board of County Commissioners

Mayor Danny L. Kolhage, Dist. 1

Mayor Pro Tem Heather Carruthers, Dist. 3

George Neugent, Dist. 2

David Rice, Dist. 4

Sylvia Murphy, Dist. 5

We strive to be caring, professional, and fair.

Date: 12.30.14

Time: _____

Dear Applicant:

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

Rockland Investment Corp. Inc. to the Monroe County Planning Department.
Project / Name

Thank you.

Gail Creech

Planning Staff

MCPA GIS Public Portal
Scott P. Russell, CFA

- Pan
- Legend
- Zoom In

MCPA GIS Public Portal
Major Road

Monroe Outline

Subdivisions

Section Lines

SECTION TEXT

Parcels

Shoreline

Lot Lines

Hooks Leads

Help

Check out our [Getting Started](#) tutorial!

2014 Condo

2013 Condo
Expand All

2012 Condo

Monroe Overlay

Subdivisions

Section Lines

Parcels

Shoreline

Lot Lines

Hooks Leads

Easements

Text Displays

2008 Condo

Qualified Condo Sales

Qualified Sales

2014 Sales

Transportation

2013 Sales

2012 Sales

2011 Sales

2010 Sales

2009 Sales

2008 Sales

Road Centerline

Road Block Name

Zoom-in Zoom-in to a defined extent...
 Zoom-out Zoom-out to a defined extent...
 Full Extent Zoom to the full extent tool was clicked!
 Latitude: 29.9647 Longitude: -81.683094

Basemap Select a basemap Locate Clear

Buffer Results: 9 features found Zoom Remove highlight
 Export results to: |" Delimited Go

OBJECTID	SDE.DBO.W_PARCELS.ID	SDE.DBO.W_PARCELS.RECHAR	SDE.DBO.W...
25445	122080.000303	00122080-000303	95267

Verified GC

✓ ANSON LLC
2 BAY DR
KEY WEST, FL 33040

✓ BASIN DEVELOPMENT CO LLC
121 US HIGHWAY 1 STE 103
KEY WEST, FL 33040-5456

✓ CITY OF KEY WEST
525 ANGELA ST
KEY WEST, FL 33040

✓ MONROE COUNTY
1100 SIMONTON ST
KEY WEST, FL 33040

✓ ROCKLAND INVESTMENT CORPORATION INC
121 US HWY 1
STE 109
KEY WEST, FL 33040

✓ ROCKLAND OPERATIONS LLC
PO BOX 787
KEY WEST, FL 33041-0787

✓ SJK INVESTMENT LLC
121 US HIGHWAY ONE, STE 103
KEY WEST, FL 33040

Verified GC

End of Additional File 2014-181

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



MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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

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

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

Advertising Costs: \$245.00
Surrounding Property Owner Notification: \$3.00 for each property owner required to be noticed
Technology Fee: \$20.00

Date: 12 / 30 / 2014
Month Day Year

Property Owner:

Rockland Investment Corporation Inc
Name

121 US Hwy 1, Suite 103, Key West, FL 33040
Mailing Address

C/o 305.293.8983

Daytime Phone

C/o Owen@OwenTrepanier.com

Email Address

Agent (if applicable):

Trepanier and Associates, Inc
Name

1421 First Street, Key West, FL 33040
Mailing Address

305.293.8983

Daytime Phone

Owen@OwenTrepanier.com

Email Address

Legal Description of Property:

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

21 67 26 PT GOVT LOT 6 AND 7(A/K/A PT OF PARCEL GG-03) ROCKLAND KEY

Block Lot Subdivision Key

Portion of RE No. 00122080-000302

Real Estate (RE) Number

121 Overseas Hwy, Rockland Key MM 9

Street Address Approximate Mile Marker

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

Current Land Use District Designation(s): Industrial

Proposed Land Use District Designation(s): Industrial &

Current Future Land Use Map Designation(s): Industrial

Tier Designation(s) Tier III- Infill Area

Total Land Area Affected in acres: 0.1 ac. (4,375 sq. ft.)

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

Light Industrial: 4,375 sq. ft.

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

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

No change in projections

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

No change in assumptions

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

The need for this map amendment results from a scrivener's error in the legal description of the property. The error resulted in a 25ft-wide strip of land extending 175ft into the development site that was inadvertently left out of the original map amendment.

- 4) **New issues:**

No new issues

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

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

NA

6) Data updates:

NA

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

Correcting this mapping error will result in a more functional and appropriate use of the site (as originally contemplated). No additional development rights will result.

Has a previous Land Use District Map amendment application been submitted for this site within the past two years? The larger site received a map amendment approval in 04/17/13 (Ord. No. 018-2013); however, this particular piece was inadvertently left out. Technically this parcel has not had a previous amendment in the past two years

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

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

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

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

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

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

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

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

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

Signature of Applicant: _____

Date: 12/23/14

Pres. Tropicana Assoc. Inc

Sworn before me this 23rd day of December, 2014



Richard Puente
Notary Public
My Commission Expires

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

Authorization Form

I, Basin Development Company, LLC; SJK Investments, LLC; Rockland Investment Corporation, Inc
Please Print Name(s) of Owner(s)

authorize Trepanier & Associates, Inc. to be the representative for 00122080-000200,
Name of Agent Address(es)/ RE Number(s)

00122080-000304, 00122070-00201, 00122070-000200, 00122070-000400,
Address(es)/ RE Number(s)

00122070-000500, 00122070-000600, 00122080-000300, 00122080-000302, 0122080-00303
Address(es)/ RE Number(s)

and act on my/our behalf with regard to this issue.

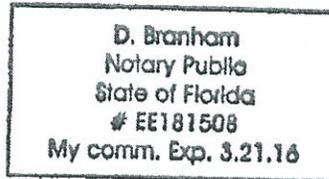
Susan Kemp
Signature(s) of Owner
Susan J. Kemp; MGRM of SJK Investments,
LLC., and President of
Rockland Investment Corporation, Inc.

William Kemp
William O. Kemp; MGRM of Basin
Development Company, LLC.

Subscribed and sworn to (or affirmed) before me on 10.19.12 (date) by
Susan Kemp and William Kemp.
Please Print Name of Affiant

He/She is personally known to me or has
presented _____
as identification.

D. Branham
Notary's Signature and Seal



Deborah Branham Name of Acknowledger printed or stamped
Title or Rank
Commission Number, if any

Existing Rockland Key Commercial
Retail Center Overlay District

Subject Parcel

RE No.
00122080-000302

Borrow Pit

TOPPING INDUSTRIAL

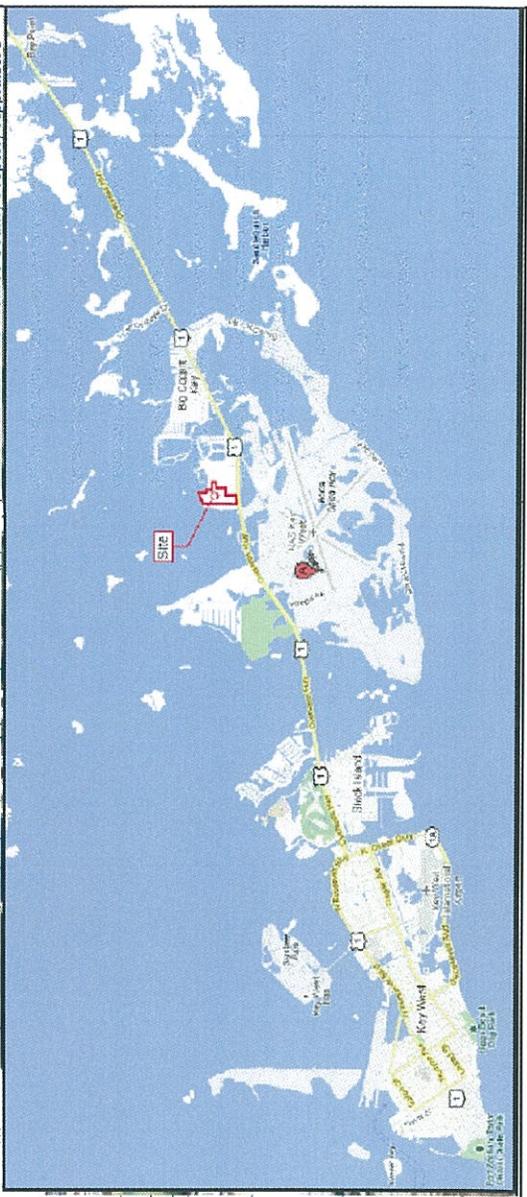
OVERSEAS

- Legend**
- Selected Features
 - Hooks/Leads
 - Lot Lines
 - Easements
 - Road Centerlines
 - Water Names
 - Parcels
 - Shoreline
 - Section Lines

PALMIS

Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

DISCLAIMER: The Monroe County Property Appraiser's





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 **Thursday the 25th** and **Friday the 26th** for Christmas Holiday.

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: 9007285 Parcel ID: 00122080-000302

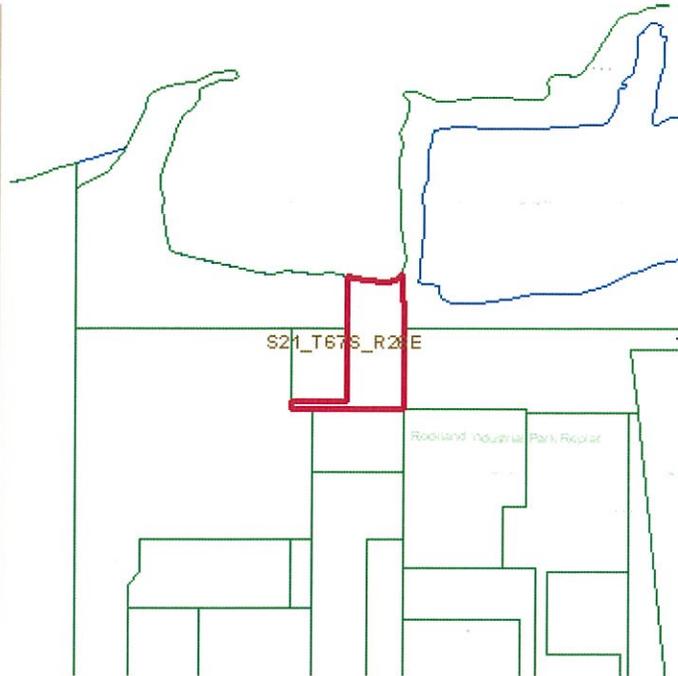
Ownership Details

Mailing Address:
ROCKLAND INVESTMENT CORP INC
121 US HIGHWAY 1 STE 103
KEY WEST, FL 33040-5456

Property Details

PC Code: 10 - VACANT COMMERCIAL
Millage Group: 100B
Affordable Housing: No
Section-Township-Range: 21-67-26
Property Location: 121 OVERSEAS HWY ROCKLAND KEY
Legal Description: 21 67 26 PT GOVT LOT 6 AND 7(A/K/A PT OF PARCEL GG-03) ROCKLAND KEY OR1746-124/26 OR1938-149/51C OR2358-2215/16 OR2469-1062/63 OR2642-814CERT

Click Map Image to open interactive viewer



Land Details

Land Use Code	Frontage	Depth	Land Area
1M0D - COMMERCIAL DRY			0.60 AC
100D - COMMERCIAL DRY	0	0	48,125.00 SF

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	AP2:ASPHALT PAVING	3,374 SF	0	0	2005	2006	2	25
2	PT2:BRICK PATIO	1,518 SF	0	0	2005	2006	1	50

3	PT3:PATIO	312 SF	39	8	2005	2006	2	50
---	-----------	--------	----	---	------	------	---	----

Appraiser Notes

SPLITTING OUT PART OF RE (39375SQFT) PER OR 2149-1828 FOR THE 2006 TAX ROLL

THE ELY .622AC (27,111 SQ FT) OF PT GOVT LOTS 6 AND 7 (LYING NLY OF PARCEL GG-03) (FORMERLY PART OF RE 00122080-000200 AK 9007219) IS NOW COMBINED INTO THIS PARCEL PER OR2469-1062/63. DONE FOR THE 2010 TAX ROLL.

PARCEL BEING USED AS A CONSTRUCTION OFFICE/YARD; KEYED MISC; DOUBLEWIDE MH OFFICE IS OWNED BY BAT CONSTRUCTION (THE SAME OWNERS OWN THE LAND BUT BOTH ARE UNDER DIFFERENT COMPANIES) - INFORMED TANGIBLE.

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
2014	0	14,974	255,374	270,348	245,554	0	270,348
2013	0	15,492	207,739	223,231	223,231	0	223,231
2012	0	16,007	194,380	210,387	210,387	0	210,387
2011	0	16,524	196,530	213,054	213,054	0	213,054
2010	0	17,042	244,655	261,697	261,697	0	261,697
2009	0	17,559	481,250	498,809	498,809	0	498,809
2008	0	18,076	649,688	667,764	667,764	0	667,764
2007	0	18,594	288,750	307,344	307,344	0	307,344
2006	0	19,111	288,750	307,861	307,861	0	307,861
2005	0	0	569,121	569,121	569,121	0	569,121
2004	0	0	341,472	341,472	341,472	0	341,472
2003	0	0	341,472	341,472	341,472	0	341,472
2002	0	0	341,472	341,472	341,472	0	341,472

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
5/28/2010	2469 / 1062	100	QC	11
4/29/2008	2358 / 2215	1,250,000	WD	Q
12/13/2001	1746 / 124	437,200	WD	Q

This instrument prepared by or under
the supervision of and should be returned
after recording to:

06/09/2010 4:20PM
DEED DOC STAMP CL: TRINA \$0.70

Name: Judith Kenney, Attorney
Address: Judith Kenney & Associates, P.A.
2001 Biscayne Blvd., Suite 2620
Miami, Florida 33137

Doc# 1792875
Bk# 2469 Pg# 1062

A portion of Alternate Key No. 9007219

QUIT CLAIM DEED

THIS QUIT CLAIM DEED is made and entered into as of this ^{28th}
day of May, 2010, between Basin Development Company, LLC, a
Florida limited liability company ("Grantor"), whose mailing
address is 121 U.S. Highway 1, Key West, Florida 33040, and
Rockland Investment Corporation, Inc., a Florida corporation
("Grantee"), whose mailing address is 121 U.S. Highway 1, Key
West, Florida 33040.

W I T N E S E T H:

GRANTOR, in consideration of Ten Dollars (\$10.00) and other
good and valuable consideration paid by Grantee, the receipt and
sufficiency of which are hereby acknowledged, has granted,
bargained and sold, and by these presents does grant, bargain and
sell, to Grantee, and Grantee's successors and assigns forever,
the following property located in Monroe County, Florida (the
"Property"), to wit:

A PARCEL OF LAND LYING AND BEING IN GOVERNMENT LOT 7, SECTION 21, TOWNSHIP 67
SOUTH, RANGE 26 EAST, MONROE COUNTY, FLORIDA AND SAID PARCEL BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF U.S. HIGHWAY NO. 1 (OLD
FLORIDA STATE ROAD NO. 5) AND THE WEST ABUTMENT OF THE ROCKLAND KEY VIADUCT;
THENCE SOUTH 63°09'20" WEST, ALONG THE ORIGINAL CENTERLINE OF THE SAID OLD FLORIDA
STATE ROAD NO. 5, A DISTANCE OF 2110.00 FEET TO A POINT; THENCE NORTH, A DISTANCE OF
970.73 FEET TO A POINT; THENCE WEST A DISTANCE OF 1562.10 FEET TO A POINT; THENCE
NORTH, A DISTANCE OF 1154.98 FEET TO A POINT AND FROM HEREINAFTER TO BE KNOWN AS
THE "POINT OF BEGINNING"; THENCE CONTINUING NORTH, A DISTANCE OF 180.37 FEET TO A
POINT TO A POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE (MHWL) OF THE GULF
OF MEXICO (ELEVATION 1.40 FEET (N.G.V.D. 1929); THENCE SOUTH 27°22'38" WEST,
MEANDERING THE ECCENTRICITIES OF THE SAID MHWL, A DISTANCE OF 15.13 FEET; THENCE
SOUTH 12°01'54" WEST, A DISTANCE OF 18.25 FEET; THENCE SOUTH 62°54'45" WEST, A DISTANCE
OF 4.69 FEET; THENCE NORTH 80°16'03" WEST, A DISTANCE OF 14.19 FEET; THENCE NORTH
82°28'44" WEST, A DISTANCE OF 30.57 FEET; THENCE NORTH 78°21'52" WEST, A DISTANCE OF
33.12 FEET; THENCE SOUTH 75°07'39" WEST, A DISTANCE OF 35.83 FEET; THENCE NORTH 80°03'07"
WEST, A DISTANCE OF 40.03 FEET; THENCE NORTH 73°32'13" WEST, A DISTANCE OF 9.67 FEET;
THENCE SOUTH, LEAVING THE SAID MHWL, A DISTANCE OF 160.49 FEET; THENCE EAST, A
DISTANCE OF 175.00 FEET BACK TO THE " POINT OF BEGINNING",

CONTAINING 27,111 SQUARE FEET OR 0.622 ACRES MORE OR LESS.

TOGETHER WITH all the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining thereto.

TO HAVE AND TO HOLD unto Grantee and Grantee's heirs, successors and assigns in fee simple forever.

IN WITNESS WHEREOF, Grantor has executed this Quit Claim Deed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

BASIN DEVELOPMENT COMPANY, LLC

Sign Name: Mirelis Teller

Print Name: MIRELIS TELLER

Sign Name: Claus A. Peris
Print Name: CLAUS A. PERIS

By: William O. Kemp
William O. Kemp, Manager

By: Steve R. Henson
Steve R. Henson, Manager

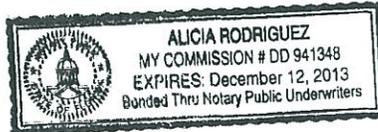
STATE OF FLORIDA

COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 28th day of May, 2010, by William O. Kemp and Steve R. Henson, as Managers of Basin Development Company, LLC, who are personally known to me/provided as identification and did/did not take an oath.

Alicia Rodriguez
Notary Public

My Commission Expires:



547

548

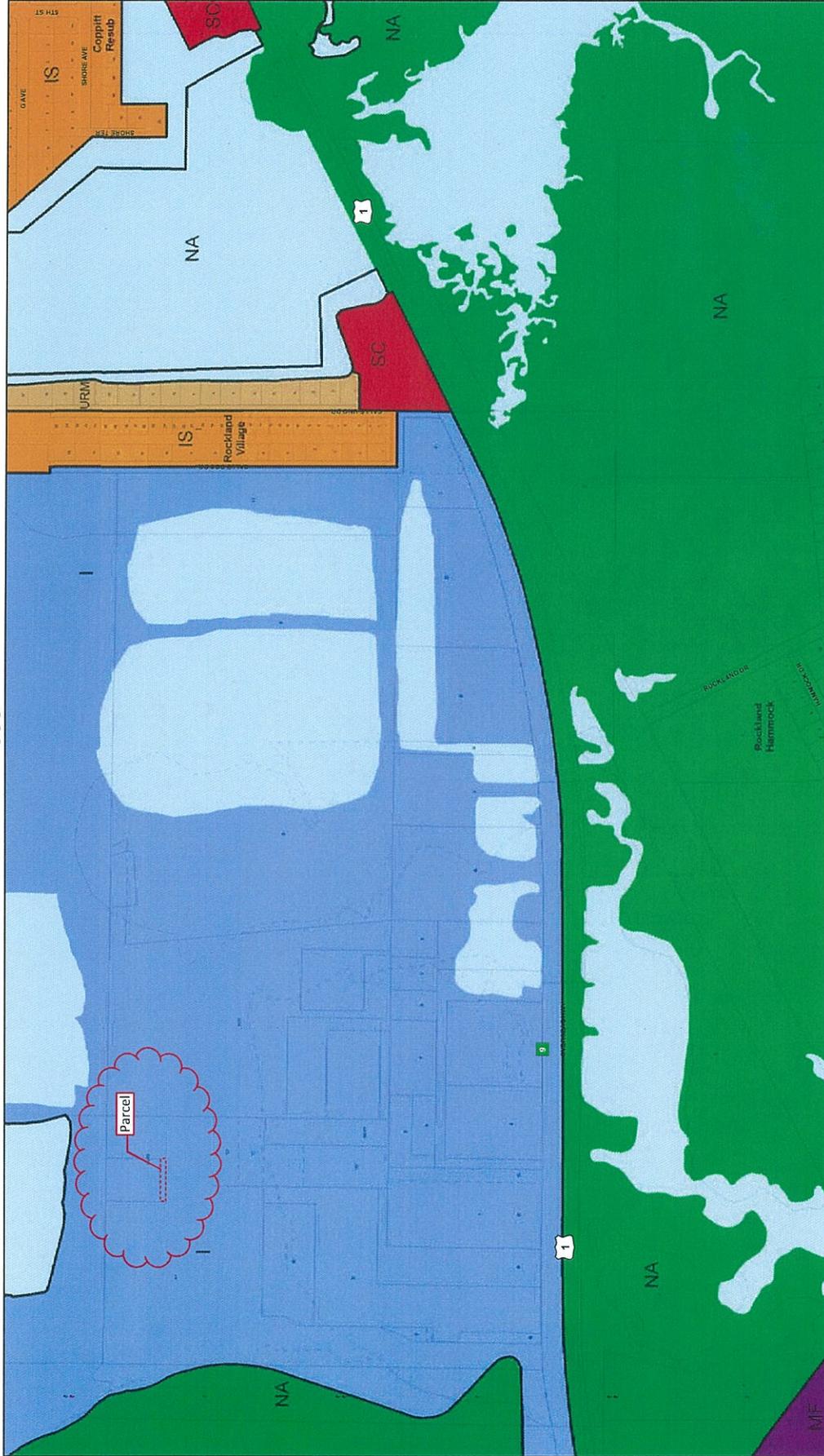
549

553

559

560

561



Monroe County, Florida Land Use District Map

Supplement: 000 Date: January 17, 2007

Certified by the County Commission Resolution No. _____



_____ Aref Joulani, Director of Planning & Environmental Resources

_____ Ty Symroski, Director of Growth Management

Sheet: 554

556

ACCC	Area of County Critical Concern	SS	Sparsely Settled
AD	Airport	UC	Urban Commercial
CD	Conservation District	URM	Urban Residential Medium Density
CFA	Conservation Fishing Area	URM-L	Urban Residential Medium Density Limited
CFD	Commercial Fishing Special Dist.	SR	Suburban Residential
CFV	Commercial Fishing Village	SR-L	Suburban Residential Limited
DR	Destination Resort		
I	Industrial		
IS	Improved Subdivision		
IS-D	Improved Subdivision (Duplex)		
IS-M	Improved Subdivision (Midplex, Midstory)		
IS-H	Improved Subdivision (Highplex, Highstory)		
MF	Marine Fisheries		
MI	Military Facilities		
MN	Mainland Native Area		
MJ	Mixed Use		
NA	Native Area		
OS	Offshore Island Area		
RA	Recreation and Retail Area		
RV	Recreational Vehicle		
SC	Suburban Residential		
SRL	Suburban Residential Limited		

The base maps are not survey accurate, and the location of land use district boundaries in areas where vegetation predominates should be verified by the Monroe County geomatics department. These maps are not intended to be used for legal purposes. The engineer of record and County will not be responsible for any source document errors or omissions in the information compiled by others which have been incorporated into these maps.

Notice Area - 300ft Buffer



RE	Property Owner	Address	City	State	Zip
00122080-000000	ROCKLAND OPERATIONS LLC	PO BOX 787	KW	FL	33041-0787
00122081-000100	CITY OF KEY WEST	525 ANGELA ST	KW	FL	33040
00122080-000200	BASIN DEVELOPMENT CO LLC	121 US HIGHWAY 1 STE 103	KW	FL	33040-5456
00122081-000200	ROCKLAND OPERATIONS LLC	PO BOX 787	KW	FL	33041-0787
00122070-000700	MONROE COUNTY	1100 SIMONTON ST	KW	FL	33040
00122080-000300	ROCKLAND INVESTMENT CORPORATION INC	121 US HWY 1 STE 109	KW	FL	33040
00122080-000302	ROCKLAND INVESTMENT CORP INC	121 US HIGHWAY 1 STE 103	KW	FL	33040-5456
00122080-000304	SJK INVESTMENT LLC	121 US HIGHWAY ONE STE 103	KW	FL	33040
00122080-000303	ANSON LLC	2 BAY DR	KW	FL	33040

✓ 00122080-000000
ROCKLAND OPERATIONS LLC
PO BOX 787
KEY WEST, FL 33041-0787

✓ 00122081-000100
CITY OF KEY WEST
525 ANGELA ST
KEY WEST, FL 33040

✓ 00122080-000200
BASIN DEVELOPMENT CO LLC
121 US HIGHWAY 1 STE 103
KEY WEST, FL 33040-5456

✓ ~~00122081-000200~~
~~ROCKLAND OPERATIONS LLC~~
~~PO BOX 787~~
~~KEY WEST, FL 33041-0787~~

✓ 00122070-000700
MONROE COUNTY
1100 SIMONTON ST
KEY WEST, FL 33040

✓ 00122080-000300
ROCKLAND INVESTMENT
CORPORATION INC
121 US HWY 1
KEY WEST, FL 33040

✓ ~~00122080-000302~~
~~ROCKLAND INVESTMENT CORP INC~~
~~121 US HIGHWAY 1 STE 103~~
~~KEY WEST, FL 33040-5456~~

✓ 00122080-000304
SJK INVESTMENT LLC
121 US HIGHWAY ONE
KEY WEST, FL 33040

✓ 00122080-000303
ANSON LLC
2 BAY DR
KEY WEST, FL 33040



TABLE 1: ELEVATIONS

POINT	ELEVATION
1	100.00
2	100.00
3	100.00
4	100.00
5	100.00
6	100.00
7	100.00
8	100.00
9	100.00
10	100.00
11	100.00
12	100.00
13	100.00
14	100.00
15	100.00
16	100.00
17	100.00
18	100.00
19	100.00
20	100.00
21	100.00
22	100.00
23	100.00
24	100.00
25	100.00
26	100.00
27	100.00
28	100.00
29	100.00
30	100.00
31	100.00
32	100.00
33	100.00
34	100.00
35	100.00
36	100.00
37	100.00
38	100.00
39	100.00
40	100.00
41	100.00
42	100.00
43	100.00
44	100.00
45	100.00
46	100.00
47	100.00
48	100.00
49	100.00
50	100.00
51	100.00
52	100.00
53	100.00
54	100.00
55	100.00
56	100.00
57	100.00
58	100.00
59	100.00
60	100.00
61	100.00
62	100.00
63	100.00
64	100.00
65	100.00
66	100.00
67	100.00
68	100.00
69	100.00
70	100.00
71	100.00
72	100.00
73	100.00
74	100.00
75	100.00
76	100.00
77	100.00
78	100.00
79	100.00
80	100.00
81	100.00
82	100.00
83	100.00
84	100.00
85	100.00
86	100.00
87	100.00
88	100.00
89	100.00
90	100.00
91	100.00
92	100.00
93	100.00
94	100.00
95	100.00
96	100.00
97	100.00
98	100.00
99	100.00
100	100.00

TABLE 2: ELEVATIONS

POINT	ELEVATION
101	100.00
102	100.00
103	100.00
104	100.00
105	100.00
106	100.00
107	100.00
108	100.00
109	100.00
110	100.00
111	100.00
112	100.00
113	100.00
114	100.00
115	100.00
116	100.00
117	100.00
118	100.00
119	100.00
120	100.00
121	100.00
122	100.00
123	100.00
124	100.00
125	100.00
126	100.00
127	100.00
128	100.00
129	100.00
130	100.00
131	100.00
132	100.00
133	100.00
134	100.00
135	100.00
136	100.00
137	100.00
138	100.00
139	100.00
140	100.00
141	100.00
142	100.00
143	100.00
144	100.00
145	100.00
146	100.00
147	100.00
148	100.00
149	100.00
150	100.00

TABLE 3: ELEVATIONS

POINT	ELEVATION
151	100.00
152	100.00
153	100.00
154	100.00
155	100.00
156	100.00
157	100.00
158	100.00
159	100.00
160	100.00
161	100.00
162	100.00
163	100.00
164	100.00
165	100.00
166	100.00
167	100.00
168	100.00
169	100.00
170	100.00
171	100.00
172	100.00
173	100.00
174	100.00
175	100.00
176	100.00
177	100.00
178	100.00
179	100.00
180	100.00
181	100.00
182	100.00
183	100.00
184	100.00
185	100.00
186	100.00
187	100.00
188	100.00
189	100.00
190	100.00

TABLE 4: ELEVATIONS

POINT	ELEVATION
191	100.00
192	100.00
193	100.00
194	100.00
195	100.00
196	100.00
197	100.00
198	100.00
199	100.00
200	100.00
201	100.00
202	100.00
203	100.00
204	100.00
205	100.00
206	100.00
207	100.00
208	100.00
209	100.00
210	100.00
211	100.00
212	100.00
213	100.00
214	100.00
215	100.00
216	100.00
217	100.00
218	100.00
219	100.00
220	100.00

TABLE 5: ELEVATIONS

POINT	ELEVATION
221	100.00
222	100.00
223	100.00
224	100.00
225	100.00
226	100.00
227	100.00
228	100.00
229	100.00
230	100.00
231	100.00
232	100.00
233	100.00
234	100.00
235	100.00
236	100.00
237	100.00
238	100.00
239	100.00
240	100.00
241	100.00
242	100.00
243	100.00
244	100.00
245	100.00
246	100.00
247	100.00
248	100.00
249	100.00
250	100.00

TABLE 6: ELEVATIONS

POINT	ELEVATION
251	100.00
252	100.00
253	100.00
254	100.00
255	100.00
256	100.00
257	100.00
258	100.00
259	100.00
260	100.00
261	100.00
262	100.00
263	100.00
264	100.00
265	100.00
266	100.00
267	100.00
268	100.00
269	100.00
270	100.00
271	100.00
272	100.00
273	100.00
274	100.00
275	100.00
276	100.00
277	100.00
278	100.00
279	100.00
280	100.00

TABLE 7: ELEVATIONS

POINT	ELEVATION
281	100.00
282	100.00
283	100.00
284	100.00
285	100.00
286	100.00
287	100.00
288	100.00
289	100.00
290	100.00
291	100.00
292	100.00
293	100.00
294	100.00
295	100.00
296	100.00
297	100.00
298	100.00
299	100.00
300	100.00
301	100.00
302	100.00
303	100.00
304	100.00
305	100.00
306	100.00
307	100.00
308	100.00
309	100.00
310	100.00

TABLE 8: ELEVATIONS

POINT	ELEVATION
311	100.00
312	100.00
313	100.00
314	100.00
315	100.00
316	100.00
317	100.00
318	100.00
319	100.00
320	100.00
321	100.00
322	100.00
323	100.00
324	100.00
325	100.00
326	100.00
327	100.00
328	100.00
329	100.00
330	100.00
331	100.00
332	100.00
333	100.00
334	100.00
335	100.00
336	100.00
337	100.00
338	100.00
339	100.00
340	100.00

TABLE 9: ELEVATIONS

POINT	ELEVATION
341	100.00
342	100.00
343	100.00
344	100.00
345	100.00
346	100.00
347	100.00
348	100.00
349	100.00
350	100.00
351	100.00
352	100.00
353	100.00
354	100.00
355	100.00
356	100.00
357	100.00
358	100.00
359	100.00
360	100.00
361	100.00
362	100.00
363	100.00
364	100.00
365	100.00
366	100.00
367	100.00
368	100.00
369	100.00
370	100.00

TABLE 10: ELEVATIONS

POINT	ELEVATION
371	100.00
372	100.00
373	100.00
374	100.00
375	100.00
376	100.00
377	100.00
378	100.00
379	100.00
380	100.00
381	100.00
382	100.00
383	100.00
384	100.00
385	100.00
386	100.00
387	100.00
388	100.00
389	100.00
390	100.00
391	100.00
392	100.00
393	100.00
394	100.00
395	100.00
396	100.00
397	100.00
398	100.00
399	100.00
400	100.00

TABLE 11: ELEVATIONS

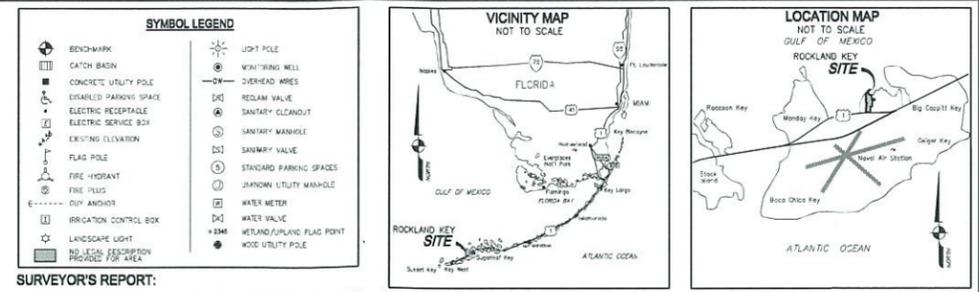
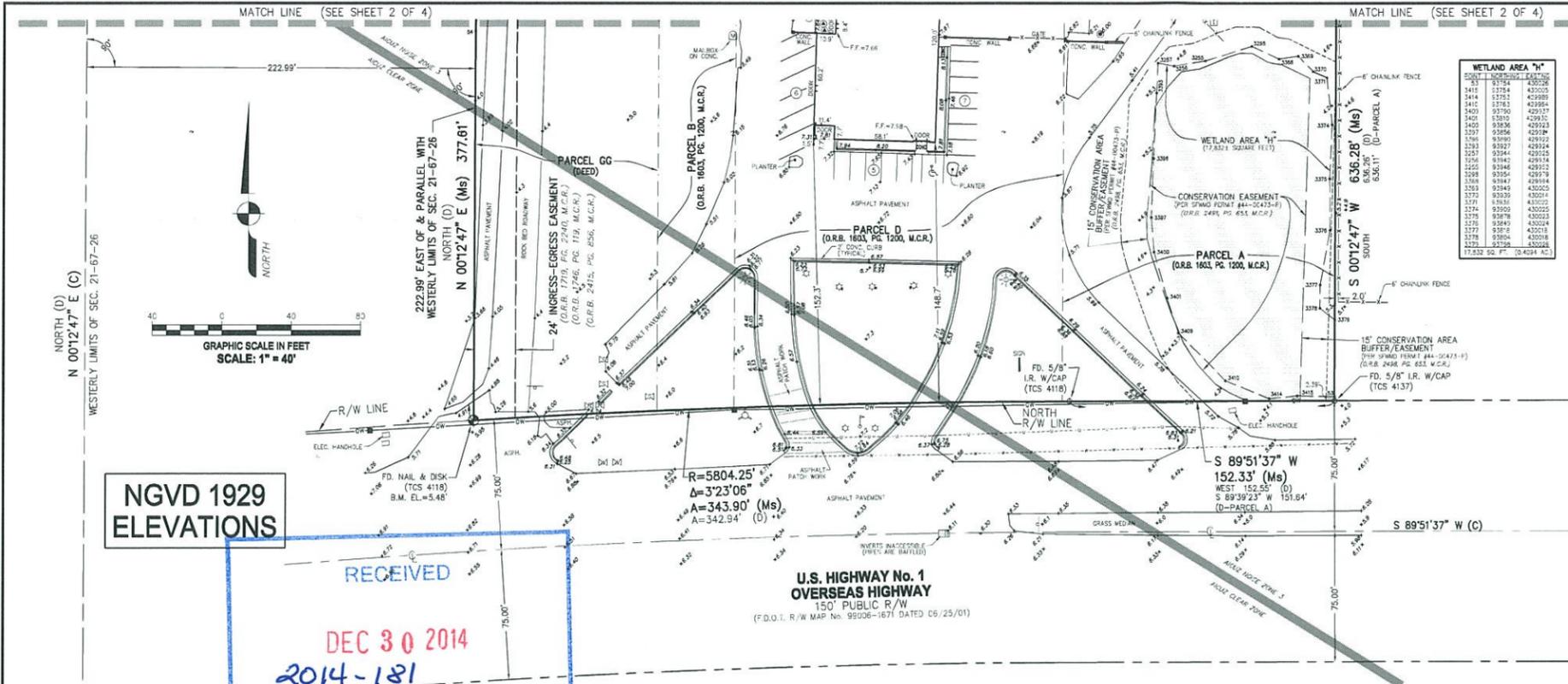
POINT	ELEVATION
401	100.00
402	100.00
403	100.00
404	100.00
405	100.00
406	100.00
407	100.00
408	100.00
409	100.00
410	100.00
411	100.00
412	100.00
413	100.00
414	100.00
415	100.00
416	100.00
417	100.00
418	100.00
419	100.00
420	100.00
421	100.00
422	100.00
423	100.00
424	100.00
425	100.00
426	100.00
427	100.00
428	100.00
429	100.00
430	100.00

TABLE 12: ELEVATIONS

POINT	ELEVATION
431	100.00
432	100.00
433	100.00
434	100.00
435	100.00
436	100.00
437	100.00
438	100.00
439	100.00
440	100.00
441	100.00
442	100.00
443	100.00
444	100.00
445	100.00
446	100.00
447	100.00
448	100.00
449	100.00
450	100.00
451	100.00
452	100.00
453	100.00
454	100.00
455	100.00
456	100.00
457	100.00
458	100.00
459	100.00
460	100.00

TABLE 13: ELEVATIONS

POINT	ELEVATION
461	100.00
462	100.00
463	100.00
464	100.00
465	100.00
466	100.00
467	100.00
468	100.00
469	100.00
470	100.00
471	100.00
472	100.00
473	100.00
474	100.00
475	100.00
476	100.00
477	100.00
478	100.00
479	100.00
480	100.00
481	100.00
482	1



SURVEYOR'S REPORT:

1. Reproductions of this sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. Lands shown hereon were not abstracted by Avrom & Associates, Inc. for Easements, rights-of-way, ownership or other instruments of record. Instruments of record are per Title Commitment No. 28-2011-000050 issued by Old Republic National Insurance Company dated January 13, 2011 at 11:00 P.M. Property shown hereon is subject to dedications, restrictions, reservations, covenants, conditions, easements, encumbrances and other matters contained in the Title Commitment and where applicable are shown on the survey. (See Summary Table on Sheet 4 of 4)
3. The land description shown hereon was provided by the Client.
4. No underground improvements were located.
5. The undersigned surveyor has no knowledge as to whether any of the heron property is filed formerly submerged lands.
6. Bearings and coordinates shown hereon are based on the 1983 adjustment of the North American Datum of 1983 (NAD 83/90) of the Florida State Plane Coordinate System (Transverse Mercator Projection), East Zone, based on a Real-Time Kinematic (RTK) G.P.S. survey which is certified to 2 centimeter local accuracy, relative to the National Geodetic Control station 872 4458 E TIDAL (P.D. A40903), as surveyed in the field on January 27, 2011.

Equipment Used:

1. GPS Receiver: Trimble RB 5800, Serial Number 4625117640 (Dual Frequency Receiver).
2. Processing Software: Trimble Version 1.5.3.
3. Method: Wide Area Continuously Operating GPS Reference Station Network.

Vertical Datum: Mean High Water Line as delineated and addressed hereon is based on the certificate from the Trustees of the Internal Improvement Trust Fund of Florida Instrument No. 40856, File No. 5650, dated February 27, 2006, which certifies the boundary separating the lands of private ownership from the adjacent state owned sovereign lands on July 1, 1975 is as described.

Horizontal Datum: The Mean High Water Line as delineated hereon is based on the certificate from the Trustees of the Internal Improvement Trust Fund of Florida Instrument No. 40856, File No. 5650, dated February 27, 2006, which certifies the boundary separating the lands of private ownership from the adjacent state owned sovereign lands on July 1, 1975 is as described.

Scale: This map is intended to be displayed at a scale of 1:480 (1"=40') or smaller.

Units of Measurement: All units of measurement are in U.S. Survey Feet and decimal parts thereof. Well identified features in this survey were field measured to a horizontal positional accuracy of 0.10'. The elevations on impervious surfaces were field measured to 0.03' and on ground surfaces to 0.1'.

Vertical Datum: The Mean High Water Line as delineated hereon is based on the certificate from the Trustees of the Internal Improvement Trust Fund of Florida Instrument No. 40856, File No. 5650, dated February 27, 2006, which certifies the boundary separating the lands of private ownership from the adjacent state owned sovereign lands on July 1, 1975 is as described.

Horizontal Datum: The Mean High Water Line as delineated hereon is based on the certificate from the Trustees of the Internal Improvement Trust Fund of Florida Instrument No. 40856, File No. 5650, dated February 27, 2006, which certifies the boundary separating the lands of private ownership from the adjacent state owned sovereign lands on July 1, 1975 is as described.

Scale: This map is intended to be displayed at a scale of 1:480 (1"=40') or smaller.

Units of Measurement: All units of measurement are in U.S. Survey Feet and decimal parts thereof. Well identified features in this survey were field measured to a horizontal positional accuracy of 0.10'. The elevations on impervious surfaces were field measured to 0.03' and on ground surfaces to 0.1'.

NGVD 1929 ELEVATIONS

RECEIVED
DEC 30 2014
2014-181
MONROE CO. PLANNING DEPT

EXHIBIT A - ROOKLAND PROPERTY - PARCEL GG

A parcel of land in a Part of Government Lot 6 & 7, Section 21, Township 67 South, Range 26 East, on Rookland Key, Monroe County, Florida and being more particularly described as follows:

PARCEL GG:

Commence at the intersection of the Centerline of U.S. Highway No. 1 (State Road No. 5) and the West Abutment of the Rookland Key Viaduct, thence South 63°09'20" West along the original Centerline of U.S. Highway No. 1 for 2110.00 feet; thence North 97°07'33" West, a distance of 556.11 feet to the Point of Beginning; thence North 15°16'42" East, a distance of 1154.97 feet to a line lying 2000 feet Northerly of the South Line of said Section 21; thence West along the said line lying 2000 feet Northerly of the South Line of said Section 21 for a distance of 1016.48 feet; thence South along a line lying 222.98 feet East of and parallel with the West line of said Section 21 for a distance of 1804.23 feet to the Northern Right-of-Way line of U.S. Highway No. 1 and a point on a curve to the right having a radius of 5804.65 feet, a central angle of 01°02'33", a chord bearing of N 89°51'37" W, a distance of 105.62 feet; thence along the arc of said curve, an arc length of 105.62 feet to the end of said curve, thence North and leaving the said Northern Right-of-Way line of U.S. Highway No. 1, a distance of 516.31 feet; thence North 21°52'49" East, a distance of 162.56 feet; thence North a distance of 336.13 feet; thence N 40°25'49" East, a distance of 57.65 feet; thence North a distance of 98.45 feet; thence East a distance of 704.37 feet; thence South a distance of 462.65 feet; thence West a distance of 85.26 feet; thence South a distance of 40.00 feet; thence East a distance of 155.26 feet to the Point of Beginning.

LESS TRACT 2:

On that certain proposed plot of Rookland Key Commerce Center Subdivision dated May 11, 2005, which is legally described as follows:

A parcel of land lying in and being a part of Government Lot No. 7, Section 21, Township 67 South, Range 26 East, on Rookland Key, Monroe County, Florida (also to be known as Tract 2 of the future map or plat entitled "Rookland Key Commerce Center" at the time of recordation) and said parcel being more particularly described as follows:

Commencing at the Southwest corner of the map or plat entitled "Rookland Village" as recorded in Plat Book 4, Page 133, of the Public Records of Monroe County, Florida; thence North, along the Westerly limits of the said "Rookland Village", a distance of 29.30 feet to a point; thence West, leaving the said Westerly limits, a distance of 1840.50 feet to the Northwest corner of lands described in Official Records Book 373, Pages 112 and 113, of the said Public Records of Monroe County, Florida; thence North, a distance of 502.67 feet to a point; thence North, a distance of 502.67 feet to a point; thence North, a distance of 110.00 feet to a point; thence North a distance of 208.24 feet to a point hereinafter to be known as the "Point of Beginning"; thence continuing North, a distance of 194.07 feet to a point; thence West, a distance of 283.11 feet to a point; thence South, a distance of 194.07 feet to a point; thence East, a distance of 283.11 feet back to the "Point of Beginning".

LESS TRACT 3:

On that certain proposed plot of Rookland Key Commerce Center Subdivision dated May 11, 2005, which is legally described as follows:

A parcel of land lying in and being a part of Government Lot No. 7, Section 21, Township 67 South, Range 26 East, on Rookland Key, Monroe County, Florida (also to be known as Tract 3 of the future map or plat entitled "Rookland Key Commerce Center" at the time of recordation) and said parcel being more particularly described as follows:

Commencing at the Southwest corner of the map or plat entitled "Rookland Village" as recorded in Plat Book 4, Page 133, of the Public Records of Monroe County, Florida; thence North, along the Westerly limits of the said "Rookland Village", a distance of 29.30 feet to a point; thence West, leaving the said Westerly limits, a distance of 1840.50 feet to the Northwest corner of lands described in Official Records Book 373, Pages 112 and 113, of the said Public Records of Monroe County, Florida; thence North, a distance of 502.67 feet to a point; thence North, a distance of 502.67 feet to a point; thence North, a distance of 110.00 feet to a point; thence North a distance of 208.24 feet to a point hereinafter to be known as the "Point of Beginning"; thence continuing North, a distance of 194.07 feet to a point; thence West, a distance of 283.11 feet to a point; thence South, a distance of 194.07 feet to a point; thence East, a distance of 283.11 feet back to the "Point of Beginning".

LESS TRACT 4:

On that certain proposed plot of Rookland Key Commerce Center Subdivision dated May 11, 2005, which is legally described as follows:

A parcel of land lying in and being a part of Government Lot No. 7, Section 21, Township 67 South, Range 26 East, on Rookland Key, Monroe County, Florida (also to be known as Tract 4 of the future map or plat entitled "Rookland Key Commerce Center" at the time of recordation) and said parcel being more particularly described as follows:

Commencing at the Southwest corner of the map or plat entitled "Rookland Village" as recorded in Plat Book 4, Page 133, of the Public Records of Monroe County, Florida; thence North, along the Westerly limits of the said "Rookland Village", a distance of 29.30 feet to a point; thence West, leaving the said Westerly limits, a distance of 1840.50 feet to the Northwest corner of lands described in Official Records Book 373, Pages 112 and 113, of the said Public Records of Monroe County, Florida; thence North, a distance of 502.67 feet to a point; thence North, a distance of 502.67 feet to a point; thence North, a distance of 110.00 feet to a point; thence North a distance of 208.24 feet to a point hereinafter to be known as the "Point of Beginning"; thence continuing North, a distance of 194.07 feet to a point; thence West, a distance of 283.11 feet to a point; thence South, a distance of 194.07 feet to a point; thence East, a distance of 283.11 feet back to the "Point of Beginning".

LESS TRACT 5:

On that certain proposed plot of Rookland Key Commerce Center Subdivision dated May 11, 2005, which is legally described as follows:

A parcel of land lying in and being a part of Government Lot No. 7, Section 21, Township 67 South, Range 26 East, on Rookland Key, Monroe County, Florida (also to be known as Tract 5 of the future map or plat entitled "Rookland Key Commerce Center" at the time of recordation) and said parcel being more particularly described as follows:

Commencing at the Southwest corner of the map or plat entitled "Rookland Village" as recorded in Plat Book 4, Page 133, of the Public Records of Monroe County, Florida; thence North, along the Westerly limits of the said "Rookland Village", a distance of 29.30 feet to a point; thence West, leaving the said Westerly limits, a distance of 1840.50 feet to the Northwest corner of lands described in Official Records Book 373, Pages 112 and 113, of the said Public Records of Monroe County, Florida; thence North, a distance of 502.67 feet to a point; thence North, a distance of 502.67 feet to a point; thence North, a distance of 110.00 feet to a point; thence North a distance of 208.24 feet to a point hereinafter to be known as the "Point of Beginning"; thence continuing North, a distance of 194.07 feet to a point; thence West, a distance of 283.11 feet to a point; thence South, a distance of 194.07 feet to a point; thence East, a distance of 283.11 feet back to the "Point of Beginning".

LESS TRACT 6:

On that certain proposed plot of Rookland Key Commerce Center Subdivision dated May 11, 2005, which is legally described as follows:

A parcel of land lying in and being a part of Government Lot No. 7, Section 21, Township 67 South, Range 26 East, on Rookland Key, Monroe County, Florida (also to be known as Tract 6 of the future map or plat entitled "Rookland Key Commerce Center" at the time of recordation) and said parcel being more particularly described as follows:

Commencing at the Southwest corner of the map or plat entitled "Rookland Village" as recorded in Plat Book 4, Page 133, of the Public Records of Monroe County, Florida; thence North, along the Westerly limits of the said "Rookland Village", a distance of 29.30 feet to a point; thence West, leaving the said Westerly limits, a distance of 1840.50 feet to the Northwest corner of lands described in Official Records Book 373, Pages 112 and 113, of the said Public Records of Monroe County, Florida; thence North, a distance of 502.67 feet to a point; thence North, a distance of 502.67 feet to a point; thence North, a distance of 110.00 feet to a point; thence North a distance of 208.24 feet to a point hereinafter to be known as the "Point of Beginning"; thence continuing North, a distance of 194.07 feet to a point; thence West, a distance of 283.11 feet to a point; thence South, a distance of 194.07 feet to a point; thence East, a distance of 283.11 feet back to the "Point of Beginning".

LESS TRACT 7:

On that certain proposed plot of Rookland Key Commerce Center Subdivision dated May 11, 2005, which is legally described as follows:

A parcel of land lying in and being a part of Government Lot No. 7, Section 21, Township 67 South, Range 26 East, on Rookland Key, Monroe County, Florida (also to be known as Tract 7 of the future map or plat entitled "Rookland Key Commerce Center" at the time of recordation) and said parcel being more particularly described as follows:

Commencing at the Southwest corner of the map or plat entitled "Rookland Village" as recorded in Plat Book 4, Page 133, of the Public Records of Monroe County, Florida; thence North, along the Westerly limits of the said "Rookland Village", a distance of 29.30 feet to a point; thence West, leaving the said Westerly limits, a distance of 1840.50 feet to the Northwest corner of lands described in Official Records Book 373, Pages 112 and 113, of the said Public Records of Monroe County, Florida; thence North, a distance of 502.67 feet to a point; thence North, a distance of 502.67 feet to a point; thence North, a distance of 110.00 feet to a point; thence North a distance of 208.24 feet to a point hereinafter to be known as the "Point of Beginning"; thence continuing North, a distance of 194.07 feet to a point; thence West, a distance of 283.11 feet to a point; thence South, a distance of 194.07 feet to a point; thence East, a distance of 283.11 feet back to the "Point of Beginning".

LESS TRACT 8:

On that certain proposed plot of Rookland Key Commerce Center Subdivision dated May 11, 2005, which is legally described as follows:

A parcel of land lying in and being a part of Government Lot No. 7, Section 21, Township 67 South, Range 26 East, on Rookland Key, Monroe County, Florida (also to be known as Tract 8 of the future map or plat entitled "Rookland Key Commerce Center" at the time of recordation) and said parcel being more particularly described as follows:

Commencing at the Southwest corner of the map or plat entitled "Rookland Village" as recorded in Plat Book 4, Page 133, of the Public Records of Monroe County, Florida; thence North, along the Westerly limits of the said "Rookland Village", a distance of 29.30 feet to a point; thence West, leaving the said Westerly limits, a distance of 1840.50 feet to the Northwest corner of lands described in Official Records Book 373, Pages 112 and 113, of the said Public Records of Monroe County, Florida; thence North, a distance of 502.67 feet to a point; thence North, a distance of 502.67 feet to a point; thence North, a distance of 110.00 feet to a point; thence North a distance of 208.24 feet to a point hereinafter to be known as the "Point of Beginning"; thence continuing North, a distance of 194.07 feet to a point; thence West, a distance of 283.11 feet to a point; thence South, a distance of 194.07 feet to a point; thence East, a distance of 283.11 feet back to the "Point of Beginning".

LESS TRACT 9:

On that certain proposed plot of Rookland Key Commerce Center Subdivision dated May 11, 2005, which is legally described as follows:

A parcel of land lying in and being a part of Government Lot No. 7, Section 21, Township 67 South, Range 26 East, on Rookland Key, Monroe County, Florida (also to be known as Tract 9 of the future map or plat entitled "Rookland Key Commerce Center" at the time of recordation) and said parcel being more particularly described as follows:

Commencing at the Southwest corner of the map or plat entitled "Rookland Village" as recorded in Plat Book 4, Page 133, of the Public Records of Monroe County, Florida; thence North, along the Westerly limits of the said "Rookland Village", a distance of 29.30 feet to a point; thence West, leaving the said Westerly limits, a distance of 1840.50 feet to the Northwest corner of lands described in Official Records Book 373, Pages 112 and 113, of the said Public Records of Monroe County, Florida; thence North, a distance of 502.67 feet to a point; thence North, a distance of 502.67 feet to a point; thence North, a distance of 110.00 feet to a point; thence North a distance of 208.24 feet to a point hereinafter to be known as the "Point of Beginning"; thence continuing North, a distance of 194.07 feet to a point; thence West, a distance of 283.11 feet to a point; thence South, a distance of 194.07 feet to a point; thence East, a distance of 283.11 feet back to the "Point of Beginning".

REVISIONS	DATE	F.B./PG.	BY	CKD	REVISIONS	DATE	F.B./PG.	BY	CKD
This Commitment with encumbrances from Schedule B-1 added AQ123 Property Lines	04-05-11		K.M.C.	K.M.C.					
	02-14-12		N/A	K.M.C.					

EXHIBIT B - BASIN PROPERTY:

A Meander Line, following the eccentricities of the Mean High Water Line (elevation 1.40 NGVD), of a parcel of land lying in and being in Government 7, Section 21, Township 67 South, Range 26 East, Monroe County, Florida and being bound on the north by the Mean High Water Line of the Gulf of Mexico and on the west by a line 222.98 feet east of and parallel with the Westerly limits of the said Section 21 and the said Meander Line being more particularly described as follows:

Commencing at the Southwest corner of the map or plat entitled "Rookland Village" as recorded in Plat Book 4, Page 133, of the Public Records of Monroe County, Florida; thence North, along the Westerly limits of the said "Rookland Village", a distance of 29.30 feet to a point; thence West, leaving the said Westerly limits, a distance of 1840.50 feet to the Northwest corner of lands described in Official Records Book 373, Pages 112 and 113, of the said Public Records of Monroe County, Florida; thence North, a distance of 502.67 feet to a point; thence North, a distance of 502.67 feet to a point; thence North, a distance of 110.00 feet to a point; thence North a distance of 208.24 feet to a point hereinafter to be known as the "Point of Beginning"; thence continuing North, a distance of 194.07 feet to a point; thence West, a distance of 283.11 feet to a point; thence South, a distance of 194.07 feet to a point; thence East, a distance of 283.11 feet back to the "Point of Beginning".

EXHIBIT C - SJK INVESTMENTS PROPERTY

PARCEL ONE:

A parcel of land lying in and being a part of Government Lot No. 7, Section 21, Township 67 South, Range 26 East, on Rookland Key, Monroe County, Florida (also to be known as Tract 3 of the future map or plat entitled "Rookland Key Commerce Center" at the time of recordation) and said parcel being more particularly described as follows:

Commencing at the Southwest corner of the map or plat entitled "Rookland Village" as recorded in Plat Book 4, Page 133, of the Public Records of Monroe County, Florida; thence North, along the Westerly limits of the said "Rookland Village", a distance of 29.30 feet to a point; thence West, leaving the said Westerly limits, a distance of 1840.50 feet to the Northwest corner of lands described in Official Records Book 373, Pages 112 and 113, of the said Public Records of Monroe County, Florida; thence North, a distance of 502.67 feet to a point; thence North, a distance of 502.67 feet to a point; thence North, a distance of 110.00 feet to a point; thence North a distance of 208.24 feet to a point hereinafter to be known as the "Point of Beginning"; thence continuing North, a distance of 194.07 feet to a point; thence West, a distance of 283.11 feet to a point; thence South, a distance of 194.07 feet to a point; thence East, a distance of 283.11 feet back to the "Point of Beginning".

PARCEL TWO:

A parcel of land lying in and being a part of Government Lot No. 7, Section 21, Township 67 South, Range 26 East, on Rookland Key, Monroe County, Florida (also to be known as Tract 2 of the future map or plat entitled "Rookland Key Commerce Center" at the time of recordation) and said parcel being more particularly described as follows:

Commencing at the Southwest corner of the map or plat entitled "Rookland Village" as recorded in Plat Book 4, Page 133, of the Public Records of Monroe County, Florida; thence North, along the Westerly limits of the said "Rookland Village", a distance of 29.30 feet to a point; thence West, leaving the said Westerly limits, a distance of 1840.50 feet to the Northwest corner of lands described in Official Records Book 373, Pages 112 and 113, of the said Public Records of Monroe County, Florida; thence North, a distance of 502.67 feet to a point; thence North, a distance of 502.67 feet to a point; thence North, a distance of 110.00 feet to a point; thence North a distance of 208.24 feet to a point hereinafter to be known as the "Point of Beginning"; thence continuing North, a distance of 194.07 feet to a point; thence West, a distance of 283.11 feet to a point; thence South, a distance of 194.07 feet to a point; thence East, a distance of 283.11 feet back to the "Point of Beginning".

NE CORNER ROCKLAND PROPERTY:

A parcel of land in a Part of Government Lots 6 & 7, Section 21, Township 67 South, Range 26 East, on Rookland Key, Monroe County, Florida and being more particularly described as follows:

Commence at the intersection of the centerline of U.S. Highway No. 1 (State Road No. 5) and the West Abutment of the Rookland Key Viaduct, thence South 63°09'20" West along the original centerline of U.S. Highway No. 1 for 2110.00 feet; thence North 97°07'33" West, a distance of 556.11 feet to the Point of Beginning; thence North 15°16'42" East, a distance of 1154.97 feet to a line lying 2000 feet Northerly of the South Line of said Section 21; thence West along the said line lying 2000 feet Northerly of the South Line of said Section 21 for a distance of 1016.48 feet; thence South along a line lying 222.98 feet East of and parallel with the West line of said Section 21 for a distance of 1804.23 feet to the Northern Right-of-Way line of U.S. Highway No. 1 and a point on a curve to the right having a radius of 5804.65 feet, a central angle of 01°02'33", a chord bearing of N 89°51'37" W, a distance of 105.62 feet; thence along the arc of said curve, an arc length of 105.62 feet to the end of said curve, thence North and leaving the said Northern Right-of-Way line of U.S. Highway No. 1, a distance of 516.31 feet; thence North 21°52'49" East, a distance of 162.56 feet; thence North a distance of 336.13 feet; thence N 40°25'49" East, a distance of 57.65 feet; thence North a distance of 98.45 feet; thence East a distance of 704.37 feet; thence South a distance of 462.65 feet; thence West a distance of 85.26 feet; thence South a distance of 40.00 feet; thence East a distance of 155.26 feet to the Point of Beginning.

AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING
 50 S.W. 2ND AVENUE, SUITE 102, BOCA RATON, FLORIDA 33432
 TEL (561) 392-2594, FAX (561) 394-7125
 www.AVIROM-SURVEY.com

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BOUNDARY, TOPOGRAPHIC & MEAN HIGH WATER LINE SURVEY
PORTIONS OF GOVERNMENT LOTS 6 & 7
 SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST

JOB #: 8792
SCALE: 1" = 40'
DATE: 01/27/2011
BY: S.A.M.
CHECKED

MATCH LINE (SEE SHEET 4 OF 4)

MATCH LINE (SEE SHEET 4 OF 4)

RECEIVED
DEC 30 2014
2014-181
MONROE CO. PLANNING DEPT

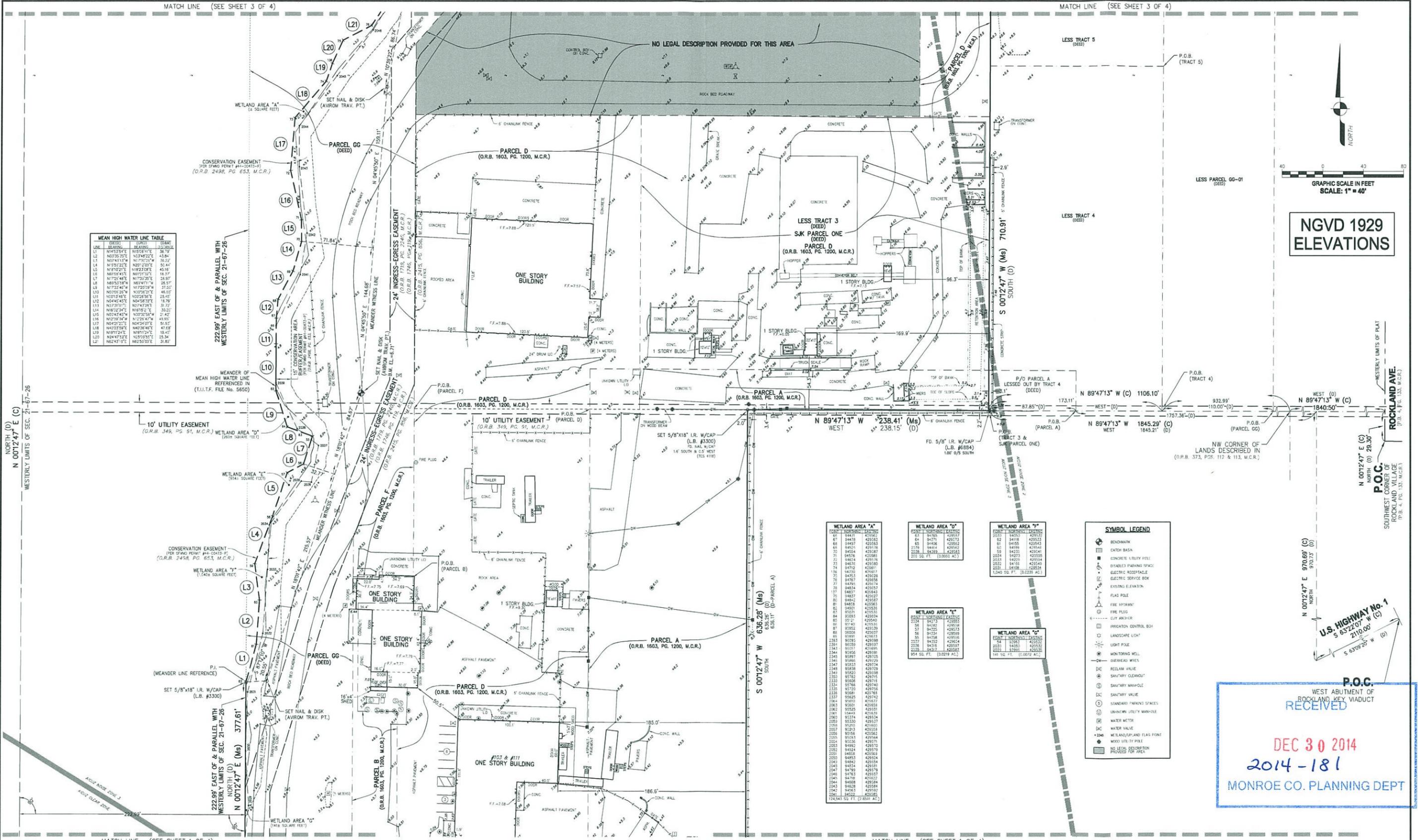
GRAPHIC SCALE IN FEET
SCALE: 1" = 40'

NGVD 1929
ELEVATIONS

WETLAND AREA "A"	
61	9447
62	9448
63	9449
64	9450
65	9451
66	9452
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499	9885
500	9886
501	9887
502	9888
503	9889
504	9890
505	9891
506	9892
507	9893
508	9894
509	9895
510	9896
511	9897
512	9898
513	9899
514	9900
515	9901
516	9902
517	9903
518	9904
519	9905
520	9906
521	9907
522	9908
523	9909
524	9910
525	9911
526	9912
527	9913
528	9914
529	9915
530	9916
531	9917
532	9918
533	9919
534	9920
535	9921
536	9922
537	9923
538	9924
539	9925
540	9926
541	9927
542	9928
543	9929
544	9930
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571	9957
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573	9959
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575	9961
576	9962
577	9963
578	9964
579	9965
580	9966
581	9967
582	9968
583	9969
584	9970
585	9971
586	9972
587	9973
588	9974
589	9975
590	9976
591	9977
592	9978
593	9979
594	9980
595	9981
596	9982
597	9983
598	9984
599	9985
600	9986
601	9987
602	9988
603	9989
604	9990
605	9991
606	9992
607	9993
608	9994
609	9995
610	9996

MATCH LINE (SEE SHEET 3 OF 4)

MATCH LINE (SEE SHEET 3 OF 4)



MEAN HIGH WATER LINE TABLE

LINE	DEED	SECTION	POINT	ELEVATION
L1	N183547E	N183547E	N183547E	28.78
L2	N183547E	N183547E	N183547E	28.78
L3	N183547E	N183547E	N183547E	28.78
L4	N183547E	N183547E	N183547E	28.78
L5	N183547E	N183547E	N183547E	28.78
L6	N183547E	N183547E	N183547E	28.78
L7	N183547E	N183547E	N183547E	28.78
L8	N183547E	N183547E	N183547E	28.78
L9	N183547E	N183547E	N183547E	28.78
L10	N183547E	N183547E	N183547E	28.78
L11	N183547E	N183547E	N183547E	28.78
L12	N183547E	N183547E	N183547E	28.78
L13	N183547E	N183547E	N183547E	28.78
L14	N183547E	N183547E	N183547E	28.78
L15	N183547E	N183547E	N183547E	28.78
L16	N183547E	N183547E	N183547E	28.78
L17	N183547E	N183547E	N183547E	28.78
L18	N183547E	N183547E	N183547E	28.78
L19	N183547E	N183547E	N183547E	28.78
L20	N183547E	N183547E	N183547E	28.78
L21	N183547E	N183547E	N183547E	28.78

WETLAND AREA "A"

POINT	ELEVATION
69	844.11
70	845.04
71	845.04
72	845.04
73	845.04
74	845.04
75	845.04
76	845.04
77	845.04
78	845.04
79	845.04
80	845.04
81	845.04
82	845.04
83	845.04
84	845.04
85	845.04
86	845.04
87	845.04
88	845.04
89	845.04
90	845.04
91	845.04
92	845.04
93	845.04
94	845.04
95	845.04
96	845.04
97	845.04
98	845.04
99	845.04
100	845.04

WETLAND AREA "D"

POINT	ELEVATION
61	845.04
62	845.04
63	845.04
64	845.04
65	845.04
66	845.04
67	845.04
68	845.04
69	845.04
70	845.04
71	845.04
72	845.04
73	845.04
74	845.04
75	845.04
76	845.04
77	845.04
78	845.04
79	845.04
80	845.04
81	845.04
82	845.04
83	845.04
84	845.04
85	845.04
86	845.04
87	845.04
88	845.04
89	845.04
90	845.04
91	845.04
92	845.04
93	845.04
94	845.04
95	845.04
96	845.04
97	845.04
98	845.04
99	845.04
100	845.04

WETLAND AREA "F"

POINT	ELEVATION
2031	845.04
2032	845.04
2033	845.04
2034	845.04
2035	845.04
2036	845.04
2037	845.04
2038	845.04
2039	845.04
2040	845.04
2041	845.04
2042	845.04
2043	845.04
2044	845.04
2045	845.04
2046	845.04
2047	845.04
2048	845.04
2049	845.04
2050	845.04
2051	845.04
2052	845.04
2053	845.04
2054	845.04
2055	845.04
2056	845.04
2057	845.04
2058	845.04
2059	845.04
2060	845.04

WETLAND AREA "G"

POINT	ELEVATION
2031	845.04
2032	845.04
2033	845.04
2034	845.04
2035	845.04
2036	845.04
2037	845.04
2038	845.04
2039	845.04
2040	845.04
2041	845.04
2042	845.04
2043	845.04
2044	845.04
2045	845.04
2046	845.04
2047	845.04
2048	845.04
2049	845.04
2050	845.04
2051	845.04
2052	845.04
2053	845.04
2054	845.04
2055	845.04
2056	845.04
2057	845.04
2058	845.04
2059	845.04
2060	845.04

WETLAND AREA "H"

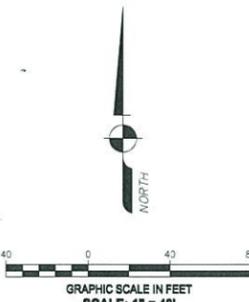
POINT	ELEVATION
2031	845.04
2032	845.04
2033	845.04
2034	845.04
2035	845.04
2036	845.04
2037	845.04
2038	845.04
2039	845.04
2040	845.04
2041	845.04
2042	845.04
2043	845.04
2044	845.04
2045	845.04
2046	845.04
2047	845.04
2048	845.04
2049	845.04
2050	845.04
2051	845.04
2052	845.04
2053	845.04
2054	845.04
2055	845.04
2056	845.04
2057	845.04
2058	845.04
2059	845.04
2060	845.04

WETLAND AREA "I"

POINT	ELEVATION
2031	845.04
2032	845.04
2033	845.04
2034	845.04
2035	845.04
2036	845.04
2037	845.04
2038	845.04
2039	845.04
2040	845.04
2041	845.04
2042	845.04
2043	845.04
2044	845.04
2045	845.04
2046	845.04
2047	845.04
2048	845.04
2049	845.04
2050	845.04
2051	845.04
2052	845.04
2053	845.04
2054	845.04
2055	845.04
2056	845.04
2057	845.04
2058	845.04
2059	845.04
2060	845.04

WETLAND AREA "J"

POINT	ELEVATION
2031	845.04
2032	845.04
2033	845.04
2034	845.04
2035	845.04
2036	845.04
2037	845.04
2038	845.04
2039	845.04
2040	845.04
2041	845.04
2042	845.04
2043	845.04
2044	845.04
2045	845.04
2046	845.04
2047	845.04
2048	845.04
2049	845.04
2050	845.04
2051	845.04
2052	845.04
2053	845.04
2054	845.04
2055	845.04
2056	845.04
2057	845.04
2058	845.04
2059	845.04
2060	845.04



NGVD 1929 ELEVATIONS

WEST ABUTMENT OF ROCKLAND KEY VIADUCT
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 2014-181
 MONROE CO. PLANNING DEPT



AVIROM & ASSOCIATES, INC.
 SURVEYING & MAPPING
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REVISIONS	DATE	F.B./PG.	BY	CKD	REVISIONS	DATE	F.B./PG.	BY	CKD
Title Commitment with encumbrances from Schedule B-I	04-05-11		Commitment	K.W.C.	K.M.C.				
Added AUC12 Footprint Lines	02-16-12		n/a	K.W.C.	K.M.C.				

BOUNDARY, TOPOGRAPHIC & MEAN HIGH WATER LINE SURVEY
PORTIONS OF GOVERNMENT LOTS 6 & 7
 SECTION 21, TOWNSHIP 67 SOUTH, RANGE 26 EAST

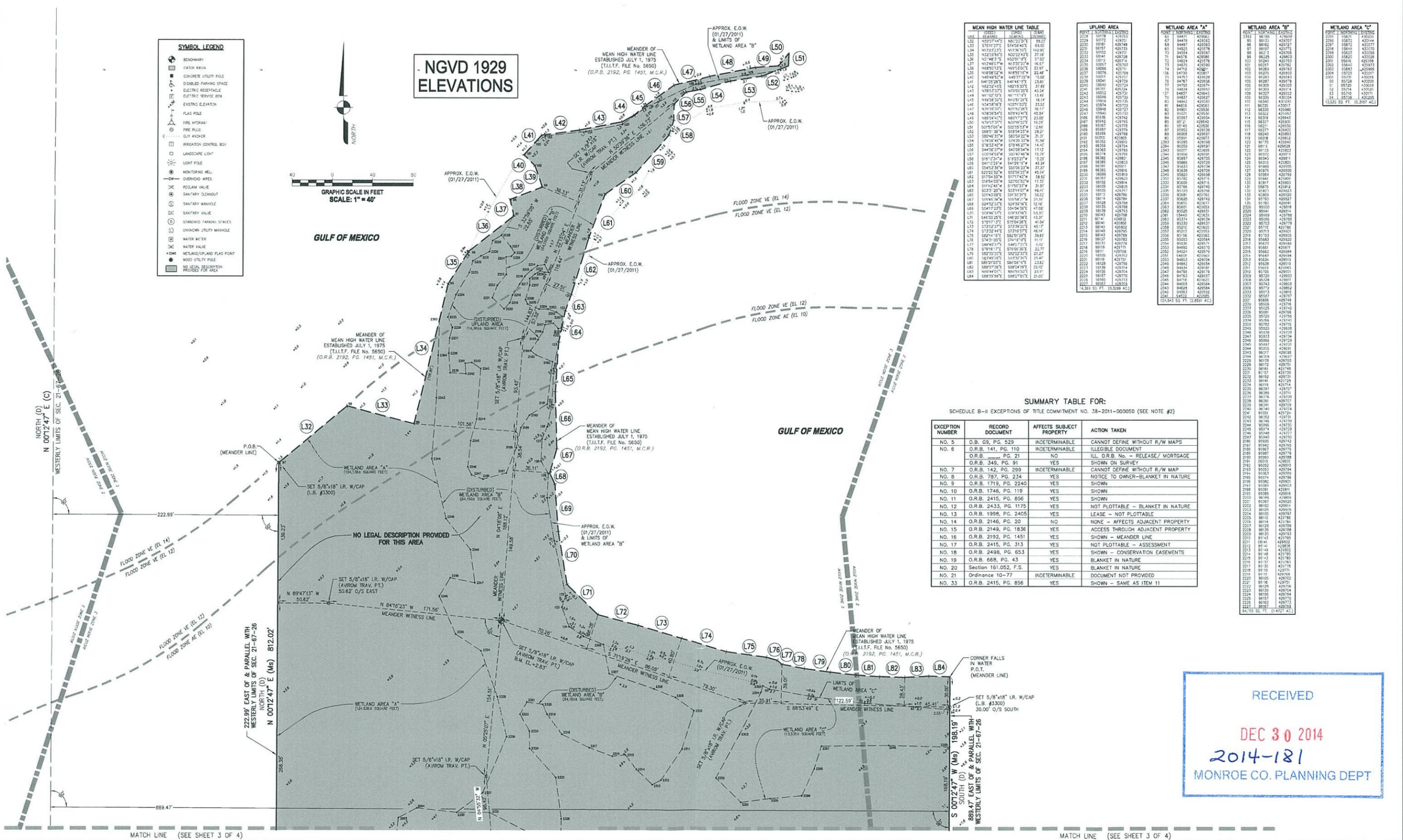
JOB #: 8792
 SCALE: 1" = 40'
 DATE: 01/27/2011
 BY: S.A.M.
 CHECKED: K.M.C.
 F.B. 1541 PG. 38-77
 SHEET 2 OF 4

SYMBOL LEGEND

- BENCHMARK
- CATCH BASIN
- CONCRETE UTILITY POLE
- DISABLED PARKING SPACE
- ELECTRIC RECEPTACLE
- ELECTRIC SERVICE BOX
- EXISTING ELEVATION
- FLAG POLE
- FIRE HYDRANT
- FIRE FLUJ
- GUY ANCHOR
- IRIGATION CONTROL BOX
- LANDSCAPE LIGHT
- LIGHT POLE
- MONITORING WELL
- OVERHEAD WIPES
- REGULAM VALVE
- SANITARY CLEANOUT
- SANITARY MANHOLE
- SANITARY VALVE
- STANDARD PARKING SPACES
- UNCOMMON UTILITY MANHOLE
- WATER METER
- WATER VALVE
- WETLAND/UPLAND FLAG POINT
- WOOD UTILITY POLE
- NO LEGAL DESCRIPTION PROVIDED FOR AREA



NGVD 1929 ELEVATIONS



MEAN HIGH WATER TABLE

POINT	NORTHING	EASTING	ELEVATION
L32	100717.47	100723.15	28.27
L33	100717.27	100745.40	68.00
L34	100732.07	100705.07	142.90
L35	100739.51	100722.43	37.39
L36	100748.51	100705.07	57.03
L37	100748.07	100732.07	16.67
L38	100750.07	100732.07	23.97
L39	100750.07	100750.07	23.97
L40	100750.07	100750.07	15.00
L41	100750.07	100750.07	23.97
L42	100750.07	100750.07	23.97
L43	100750.07	100750.07	23.97
L44	100750.07	100750.07	23.97
L45	100750.07	100750.07	23.97
L46	100750.07	100750.07	23.97
L47	100750.07	100750.07	23.97
L48	100750.07	100750.07	23.97
L49	100750.07	100750.07	23.97
L50	100750.07	100750.07	23.97
L51	100750.07	100750.07	23.97
L52	100750.07	100750.07	23.97
L53	100750.07	100750.07	23.97
L54	100750.07	100750.07	23.97
L55	100750.07	100750.07	23.97
L56	100750.07	100750.07	23.97
L57	100750.07	100750.07	23.97
L58	100750.07	100750.07	23.97
L59	100750.07	100750.07	23.97
L60	100750.07	100750.07	23.97
L61	100750.07	100750.07	23.97
L62	100750.07	100750.07	23.97
L63	100750.07	100750.07	23.97
L64	100750.07	100750.07	23.97
L65	100750.07	100750.07	23.97
L66	100750.07	100750.07	23.97
L67	100750.07	100750.07	23.97
L68	100750.07	100750.07	23.97
L69	100750.07	100750.07	23.97
L70	100750.07	100750.07	23.97
L71	100750.07	100750.07	23.97
L72	100750.07	100750.07	23.97
L73	100750.07	100750.07	23.97
L74	100750.07	100750.07	23.97
L75	100750.07	100750.07	23.97
L76	100750.07	100750.07	23.97
L77	100750.07	100750.07	23.97
L78	100750.07	100750.07	23.97
L79	100750.07	100750.07	23.97
L80	100750.07	100750.07	23.97
L81	100750.07	100750.07	23.97
L82	100750.07	100750.07	23.97
L83	100750.07	100750.07	23.97
L84	100750.07	100750.07	23.97

UPLAND AREA

POINT	NORTHING	EASTING	ELEVATION
U1	100717.47	100723.15	28.27
U2	100717.27	100745.40	68.00
U3	100732.07	100705.07	142.90
U4	100739.51	100722.43	37.39
U5	100748.51	100705.07	57.03
U6	100748.07	100732.07	16.67
U7	100748.07	100732.07	23.97
U8	100748.07	100732.07	23.97
U9	100748.07	100732.07	23.97
U10	100748.07	100732.07	23.97
U11	100748.07	100732.07	23.97
U12	100748.07	100732.07	23.97
U13	100748.07	100732.07	23.97
U14	100748.07	100732.07	23.97
U15	100748.07	100732.07	23.97
U16	100748.07	100732.07	23.97
U17	100748.07	100732.07	23.97
U18	100748.07	100732.07	23.97
U19	100748.07	100732.07	23.97
U20	100748.07	100732.07	23.97
U21	100748.07	100732.07	23.97
U22	100748.07	100732.07	23.97
U23	100748.07	100732.07	23.97
U24	100748.07	100732.07	23.97
U25	100748.07	100732.07	23.97
U26	100748.07	100732.07	23.97
U27	100748.07	100732.07	23.97
U28	100748.07	100732.07	23.97
U29	100748.07	100732.07	23.97
U30	100748.07	100732.07	23.97
U31	100748.07	100732.07	23.97
U32	100748.07	100732.07	23.97
U33	100748.07	100732.07	23.97
U34	100748.07	100732.07	23.97
U35	100748.07	100732.07	23.97
U36	100748.07	100732.07	23.97
U37	100748.07	100732.07	23.97
U38	100748.07	100732.07	23.97
U39	100748.07	100732.07	23.97
U40	100748.07	100732.07	23.97
U41	100748.07	100732.07	23.97
U42	100748.07	100732.07	23.97
U43	100748.07	100732.07	23.97
U44	100748.07	100732.07	23.97
U45	100748.07	100732.07	23.97
U46	100748.07	100732.07	23.97
U47	100748.07	100732.07	23.97
U48	100748.07	100732.07	23.97
U49	100748.07	100732.07	23.97
U50	100748.07	100732.07	23.97
U51	100748.07	100732.07	23.97
U52	100748.07	100732.07	23.97
U53	100748.07	100732.07	23.97
U54	100748.07	100732.07	23.97
U55	100748.07	100732.07	23.97
U56	100748.07	100732.07	23.97
U57	100748.07	100732.07	23.97
U58	100748.07	100732.07	23.97
U59	100748.07	100732.07	23.97
U60	100748.07	100732.07	23.97
U61	100748.07	100732.07	23.97
U62	100748.07	100732.07	23.97
U63	100748.07	100732.07	23.97
U64	100748.07	100732.07	23.97
U65	100748.07	100732.07	23.97
U66	100748.07	100732.07	23.97
U67	100748.07	100732.07	23.97
U68	100748.07	100732.07	23.97
U69	100748.07	100732.07	23.97
U70	100748.07	100732.07	23.97
U71	100748.07	100732.07	23.97
U72	100748.07	100732.07	23.97
U73	100748.07	100732.07	23.97
U74	100748.07	100732.07	23.97
U75	100748.07	100732.07	23.97
U76	100748.07	100732.07	23.97
U77	100748.07	100732.07	23.97
U78	100748.07	100732.07	23.97
U79	100748.07	100732.07	23.97
U80	100748.07	100732.07	23.97
U81	100748.07	100732.07	23.97
U82	100748.07	100732.07	23.97
U83	100748.07	100732.07	23.97
U84	100748.07	100732.07	23.97
U85	100748.07	100732.07	23.97
U86	100748.07	100732.07	23.97
U87	100748.07	100732.07	23.97
U88	100748.07	100732.07	23.97
U89	100748.07	100732.07	23.97
U90	100748.07	100732.07	23.97
U91	100748.07	100732.07	23.97
U92	100748.07	100732.07	23.97
U93	100748.07	100732.07	23.97
U94	100748.07	100732.07	23.97
U95	100748.07	100732.07	23.97
U96	100748.07	100732.07	23.97
U97	100748.07	100732.07	23.97
U98	100748.07	100732.07	23.97
U99	100748.07	100732.07	23.97
U100	100748.07	100732.07	23.97

WETLAND AREA "A"

POINT	NORTHING	EASTING	ELEVATION
W1	100717.47	100723.15	28.27
W2	100717.27	100745.40	68.00
W3	100732.07	100705.07	142.90
W4	100739.51	100722.43	37.39
W5	100748.51	100705.07	57.03
W6	100748.07	100732.07	16.67
W7	100748.07	100732.07	23.97
W8	100748.07	100732.07	23.97
W9	100748.07	100732.07	23.97
W10	100748.07	100732.07	23.97
W11	100748.07	100732.07	23.97
W12	100748.07	100732.07	23.97
W13	100748.07	100732.07	23.97
W14	100748.07	100732.07	23.97
W15	100748.07	100732.07	23.97
W16	100748.07	100732.07	23.97
W17	100748.07	100732.07	23.97
W18	100748.07	100732.07	23.97
W19	100748.07	100732.07	23.97
W20	100748.07	100732.07	23.97
W21	100748.07	100732.07	23.97
W22	100748.07	100732.07	23.97
W23	100748.07	100732.07	23.97
W24	100748.07	100732.07	23.97
W25	100748.07	100732.07	23.97
W26	100748.07	100732.07	23.97
W27	100748.07	100732.07	23.97
W28	100748.07	100732.07	23.97
W29	100748.07	100732.07	23.97
W30	100748.07	100732.07	23.97
W31	100748.07	100732.07	23.97
W32	100748.07	100732.07	23.97
W33	100748.07	100732.07	23.97
W34	100748.07	100732.07	23.97
W35	100748.07	100732.07	23.97
W36	100748.07	100732.07	23.97
W37	100748.07	100732.07	23.97
W38	100748.07	100732.07	23.97
W39	100748.07	100732.07	23.97
W40	100748.07	100732.07	23.97
W41	100748.07	100732.07	23.97
W42	100748.07	100732.07	23.97
W43	100748.07	100732.07	23.97
W44	100748.07	100732.07	23.97
W45	100748.07	100732.07	23.97
W46	100748.07	100732.07	23.97
W47	100748.07	100732.07	23.97
W48	100748.07	100732.07	23.97
W49	100748.07	100732.07	23.97
W50	100748.07	100732.07	23.97
W51	100748.07	100732.07	23.97
W52	100748.07	100732.07	23.97
W53	100748.07	100732.07	23.97
W54	100748.07	100732.07	23.97
W55	100748.07	100732.07	23.97
W56	100748.07	100732.07	23.97
W57	100748.07	100732.07	23.97
W58	100748.07	100732.07	23.97
W59	100748.07	100732.07	23.97
W60	100748.07	100732.07	23.97
W61	100748.07	100732.07	23.97
W62	100748.07	100732.07	23.97
W63	100748.07	100732.07	23.97
W64	100748.07	100732.07	23.97
W65	100748.07	100732.07	23.97
W66	100748.07	100732.07	23.97
W67	100748.07	100732.07	23.97
W68	100748.07	100732.07	23.97
W69	100748.07	100732.07	23.97
W70	100748.07	100732.07	23.97
W71	100748.07	100732.07	23.97
W72	100748.07	100732.07	23.97
W73	100748.07	100732.07	23.97
W74			



MEMORANDUM

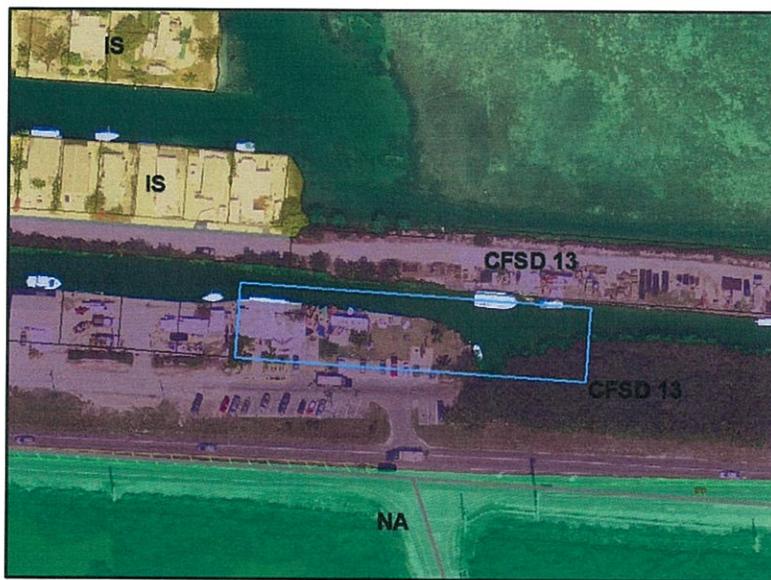
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission
Through: Townsley Schwab, Senior Director of Planning & Environmental Resources
From: Matthew Coyle, AICP, Principal Planner
Date: March 13, 2015
Subject: Request for a Setback Variance for the Wharf Restaurant located at 25163 Overseas Highway, Summerland Key, Real Estate #00194560.000000 (File #2015-018)

Meeting: March 25, 2015

I REQUEST:

The applicant is requesting approval of a variance of 25' from the required 25' front yard setback along the Overseas Highway right-of-way, which is adjacent to the southern property line and a variance of five feet (5') from the required five foot (5') side yard setback along the western property line. As a result, the front yard setback along the Overseas Highway right-of-way and the side yard setback along the western property line would be zero feet (0'). The applicant has also requested a variance to the off-street parking requirements in order to reduce the required amount of off-street parking from 42 spaces to 40 spaces, a reduction of 4.8%. The granting of this variance will provide more land area to better facilitate the arrangement of additional parking spaces and increase the amount of restaurant seating.



Property and Immediate Vicinity w/ Land Use District Overlaid (Aerial dated 2012)

1 Note: the existing restaurant is lawfully nonconforming to the off-street parking requirements.
2 The property currently has 27 parking spaces for the existing 106 seat restaurant and
3 undetermined amount of nonresidential floor area within the building separate from the seating
4 area and devoted to activities other than food/beverage service (including, but not limited to,
5 kitchen, office, retail sales not related to food or beverage and storage). The applicant is
6 proposing an additional 44 seats to the restaurant, which would require 15 off-street parking
7 spaces.

8
9 **II BACKGROUND INFORMATION:**

10
11 Location: Summerland Key, mile marker 25 (Florida Bay side of US 1)

12 Address: 25163 Overseas Highway, Summerland Key

13 Legal Description: Lots 1-6, Summerland Yacht Harbor (Plat Book 2, Page 142)

14 Real Estate (RE) Number: 00194560.000000

15 Property Owner/Applicant: Wharf Marina, Inc.

16 Agent: Tom Timmins, Timmins Engineering, LLC

17 Size of Site: 27,720 SF (0.63 acres) per Monroe County GIS, 12,925 SF (0.30 acres) of
18 upland per proposed site plan

19 Land Use District: Commercial Fishing Special District 13 (CFSD 13)

20 Future Land Use Map (FLUM) Designation: Mixed Use / Commercial Fishing (MCF)

21 Tier Designation: Tier III

22 Flood Zone: AE – EL 10, VE – EL 10 and VE – EL 11

23 Existing Use: Commercial Retail/Commercial Fishing

24 Existing Vegetation/Habitat: Scarified with areas of mangrove along the canal

25 Community Character of Immediate Vicinity: Mixed Use
26
27

28 **III RELEVANT PRIOR COUNTY ACTIONS:**

29
30 On March 19, 2003 the Planning and Environmental Resources Department issued a Letter
31 of Understanding regarding a redevelopment proposal on this property.
32

33 On September 2, 2009 the Planning Commission approved a request for an upgrade from a 2-
34 COP (Beer and Wine on Premises and Package Sales) Alcoholic Beverage Special Use
35 permit to a 5-COP (Beer, Wine and Liquor Package Sales) Alcoholic Beverage Special Use
36 permit.
37

38 On March 16, 2011 the Planning and Environmental Resources Department issued
39 Development Order 01-11 for a minor conditional use permit to allow the establishment of a
40 new waterfront dining area (outdoor seating area) and related accessory uses (restrooms and
41 food preparation).
42

1 On March 10, 2015 the Planning and Environmental Resources Department issued a minor
2 deviation to the minor conditional use permit in order to build a tiki in the shoreline setback.

3 **IV REVIEW OF APPLICATION:**

4
5 As set forth in MCC §130-186, the required non-shoreline setbacks for the CFSD district are
6 as follows: Front yard – 25’; Rear yard – 20’; and Side yard – 10’/15’ (where 10’ is the
7 required side yard for one side and 15’ is the minimum combined total of both side yards.)
8

9 The subject property is located on the north side of the Overseas Highway. The property has
10 a required non-shoreline front yard setback of 25’ along the Overseas Highway right-of-way
11 and required non-shoreline side yard setbacks of 5’ along the western property line. There is
12 a required 20’ shoreline setback (for principle structures) for the portion of the property that
13 fronts the canal.
14

15 The applicant is requesting approval of a variance of 25’ from the required 25’ front yard
16 setback along the Overseas Highway right-of-way, which is adjacent to the southern property
17 line and a variance of five feet (5’) from the required five foot (5’) side yard setback along
18 the western property line. As a result, the front yard setback along the Overseas Highway
19 right-of-way and the side yard setback along the western property line would be zero feet
20 (0’). The applicant has also requested a variance to the off-street parking requirements in
21 order to reduce the required amount of off-street parking from 42 spaces to 40 spaces, a
22 reduction of 4.8% (2 spaces). The granting of this variance will provide more land area to
23 better facilitate the arrangement of additional parking spaces and increase the amount of
24 restaurant seating.
25

26 *Pursuant to MCC §102-186, a variance may only be granted if the applicant demonstrates*
27 *that all of the following standards are met:*
28

29 **A. *The applicant demonstrates a showing of good and sufficient cause:***
30

31 The subject property consists of six platted lots (Lots 1-6). All of the platted lots in the
32 Summerland Yacht Harbor Subdivision which front the Overseas Highway right-of-way
33 have the same dimensions: 77’ in depth by 60’ in width. At these dimensions shown on
34 the Summerland Yacht Harbor plat the subject property would be 27,720 SF. However, a
35 large portion of the property is submerged land (14,795 SF) leaving only 12,925 SF of
36 upland. Successive property owners have maintained a long term lease for 13,572 SF of
37 FDOT right-of-way immediately south of the subject property (the current lease expires
38 in 2019 and is attached as Exhibit A) that is used for off-street parking.
39

40 A variance to the setback requirements along the southern and western property lines and
41 a variance to the off-street parking requirements are necessary for the property owner to
42 install a bike rack, increase the amount of off-street parking spaces and increase the
43 amount of restaurant seating. Therefore, the applicant demonstrates a showing of good
44 and sufficient cause.

1
2
3
4 B. *Failure to grant the variance would result in exceptional hardship to the applicant:*
5

6 The subject property is very shallow and measures less than 60' from the front property
7 line to the shoreline at its deepest point. The required front yard setback along the
8 southern property line is 25' and the shoreline setback is 20'. These setbacks result in
9 less than 15' of depth available for development. The only development proposed within
10 the setbacks is additional parking spaces and a bike rack.
11

12 The subject property is located within the Commercial Fishing Special District 13 (CFSD
13 13). Many of the properties located in this land use district are similarly situated to the
14 subject property; being very shallow with shorelines and frontage on the Overseas
15 Highway. Due to these constraints a lot of the properties are nonconforming to the off-
16 street parking requirements and rely on FDOT right-of-way for parking spaces. The
17 owners of the subject property have maintained a long-term lease agreement with FDOT
18 to lease 13,572 SF of right-of-way for parking. The property currently has 27 parking
19 spaces and if approved this variance would allow the addition of 13 off-street parking
20 spaces. Therefore, failure to grant the variance would result in exceptional hardship to
21 the applicant.
22

23 C. *Granting the variance will not result in increased public expenses, create a threat to*
24 *public health and safety, create a public nuisance, or cause fraud or victimization of the*
25 *public:*
26

27 Granting the variance will not result in increased public expenses, create a threat to
28 public health and safety, create a public nuisance, or cause fraud or victimization of the
29 public. Note: staff will review all comments from surrounding property owners
30 following notification of the application and valid objections from surrounding property
31 owners may lead the Planning and Environmental Resources Department to reevaluate its
32 recommendation.
33

34 D. *The property has unique or peculiar circumstances, which apply to this property, but*
35 *which do not apply to other properties in the same zoning district:*
36

37 The subject property consists of six platted lots (Lots 1-6). All six lots were platted to be
38 60' wide by 77' deep. All of the boundaries of the lots extend into the canal along the
39 northern part of the property making the upland portion only 60' deep and much
40 shallower and at other points. The property owner has also entered into a long term lease
41 of the FDOT right-of-way to the south of the subject property. Some of the parking
42 spaces would be located just inside the property line but due to the lease they are
43 effectively over 50' from the outside edge of the property. Therefore, the property has

1 unique or peculiar circumstances, which apply to this property, but which do not apply to
2 other properties in the same zoning district.
3
4

- 5 E. *Granting the variance will not give the applicant any special privilege denied other*
6 *properties in the immediate neighborhood in terms of the provisions of this chapter or*
7 *established development patterns:*
8

9 Staff could not find any record of any person in the immediate neighborhood requesting a
10 similar or comparable request. Therefore, granting the variance will not give the applicant
11 any special privilege denied other properties in the immediate neighborhood in terms of
12 the provisions of the land development regulations or established development patterns.
13

- 14 F. *Granting the variance is not based on disabilities, handicaps or health of the applicant or*
15 *members of his family:*
16

17 Concerning the development requiring a variance, granting the variance would not be
18 based on disabilities, handicaps or health of the applicant or members of his family.
19

- 20 G. *Granting the variance is not based on the domestic difficulties of the applicant or his*
21 *family:*
22

23 Concerning the development requiring a variance, granting the variance would not be
24 based on the domestic difficulties of the applicant or his family.
25

- 26 H. *The variance is the minimum necessary to provide relief to the applicant:*
27

28 The proposed off-street parking spaces cannot be relocated further out of the front and
29 side yards setbacks due to existing development on the site and the required dimensions
30 of off-street parking spaces. The applicant is proposing 44 additional seats in the
31 restaurant which requires 15 new off-street parking spaces. A variance of 25' along the
32 Overseas Highway right-of-way and 5' along the western property line would allow 13
33 additional off-street parking spaces to be located on the subject property. To increase the
34 seating the applicant also has requested the off-street parking requirements to be reduced
35 by 2 parking spaces or 4.8%. Therefore the variance is the minimum necessary to
36 provide relief to the applicant.
37

38 V RECOMMENDATION:
39

40 Staff recommends approval of a variance of 25' to the front yard setback along the southern
41 property line, a variance of 5' to the side yard setback along the western property line and a
42 variance to reduce the off-street parking requirements by 2 parking spaces or 4.8% with the
43 following conditions (if necessary, following the consideration of public input, staff reserves the
44 right to request additional conditions):
45

- 1) This variance is based on the design and placement of the off-street parking spaces and bike rack as shown on the site plan by Thomas M. Timmins, P.E., dated February 18, 2015 and sealed on February 19, 2015, that was submitted with the variance application. Work not specified or alterations to the site plan may not be carried out without additional Planning & Environmental Resources Department approval.
- 2) This variance is to allow the placement of the off-street parking spaces and bike rack as shown on the site plan by Thomas M. Timmins, P.E., dated February 18, 2015 and sealed on February 19, 2015, that was submitted with the variance application within the required front yard setback along Overseas Highway and side yard setback along the western property line. It does not waive any other required setbacks and it does not waive the required front and side yard setbacks for any future structures or additions.
- 3) The applicant shall obtain a building permit(s) for the proposed improvements.
- 4) The scope of work has not been reviewed for compliance with Florida Building Code. Prior to the issuance of Building Permits, proposed development and structures shall be found in compliance by the Monroe County Building Department, Floodplain Administrator and the Office of the Fire Marshal.

VI PLANS REVIEWED:

- A. Site Plan by Thomas M. Timmins, P.E., dated February 18, 2015 and sealed on February 19, 2015
- B. Boundary Survey by Reece & Associates, dated October 17, 2014

VII EXHIBITS

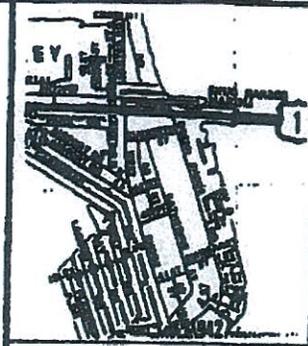
- A. Sketch of Legal Description Summerland Food – Proposed ROW Lease



EXHIBIT "A"

SKETCH OF LEGAL DESCRIPTION

SUMMERLAND SEAFOOD - PROPOSED R.O.W. LEASE



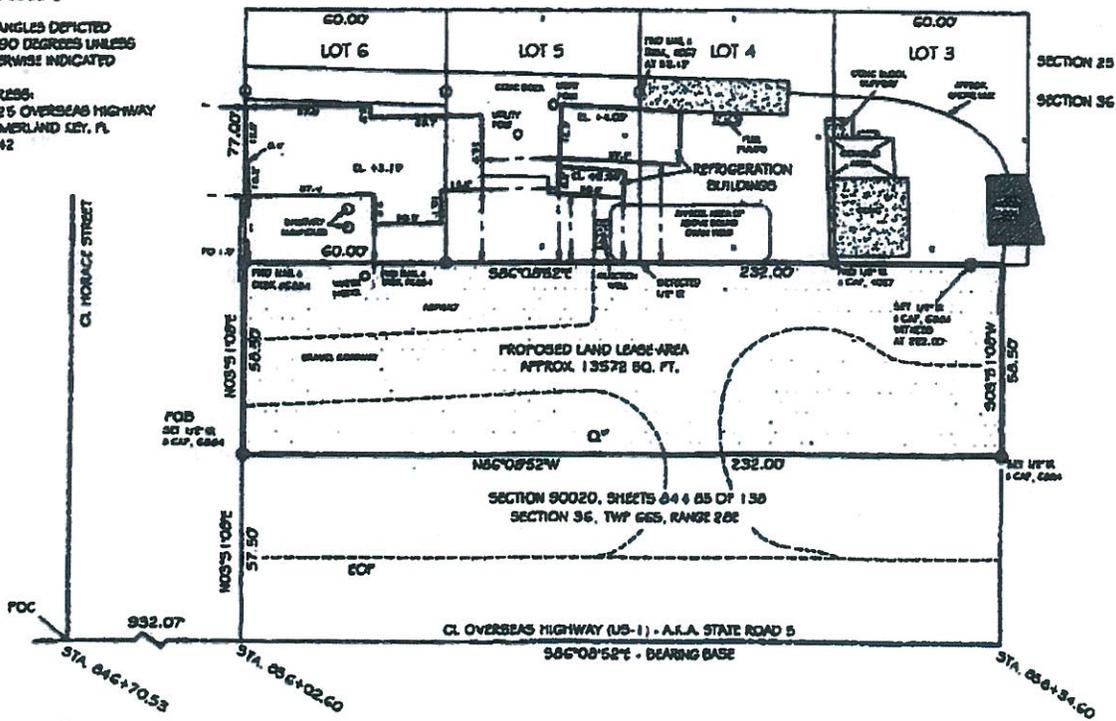
DATE: 06/30/04

SCALE: 1" = 50'

BEARING BASE:
DERIVED FROM
CENTERLINE OF
OVERSEAS HIGHWAY
= S65°08'52" E

ALL ANGLES DEPICTED
ARE 90 DEGREES UNLESS
OTHERWISE INDICATED

ADDRESS:
MM 25 OVERSEAS HIGHWAY
SUMMERLAND KEY, FL
33042



R.E. REECE, P.A.
Professional Surveyor and Mapper
15 Ships Way
Big Pine Key, Florida 33043
Office (305) 872-1348
Fax (305) 872-5672

Robert E. Reece, PSM #5632

Florida Department of Transportation, District VI

Item/Segment No.: N/A
 W.P.I. No.: N/A
 State Project No.: 99006-1671
 Federal Project No.: N/A
 State Road No.: S.R. 5
 County: Monroe
 Parcel No. 325B Sheet 2 of 2

File #: **2015-018**

Owner's Name: Wharf Marina Inc.

Applicant: Wharf Marina Inc.

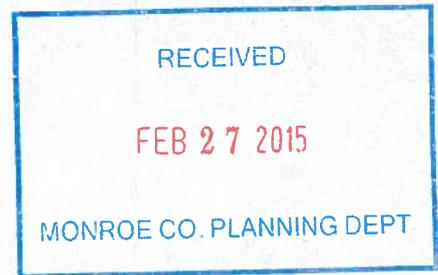
Agent: Timmins Engineering LLC

Type of Application: Variance - PC

Key: Summerland Key

RE: 00194700.000000
00194560.000000

Additional Information added to File 2015-018



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 NW 111th Avenue
Miami, FL 33172

ANANTH PRASAD, P.E.
SECRETARY

December 10, 2014

Jim Figuerado
dba Wharf Marina, Inc.
2532 Estero Blvd, Unit 102
Ft. Meyers, FL 33931

SUBJECT: Executed Lease Agreement and Addendum

Lessee : Wharf Marina, Inc.
FM No. : 2502681
Sect./Job No. : 90020
SR No. : 5, Summerland Key, MM 25.1
County : Monroe
Parcel No. : 3258

Dear Mr. Figuerado,

Enclosed please find for your records a fully executed copy of the Lease Agreement and Addendum between the Florida Department of Transportation and Wharf Marina, Inc..

If you should have any questions, please do not hesitate to contact Marlene Fadrugas at (305) 470-5472.

Sincerely,

W. E. Reuben
Property Management Administrator

Enc.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LEASE AGREEMENT

575-060-33
RIGHT OF WAY
OGC - 08/09
Page 1 of 5

ITEM/SEGMENT NO.: 2502681
MANAGING DISTRICT: SIX
F.A.P. NO.: 90020
STATE ROAD NO.: 5, Summerland Key, MM 25.1
COUNTY: Monroe
PARCEL NO.: 3258

THIS AGREEMENT, made this 9th day of December, 2014, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, (hereinafter called the Lessor), and Jim Figuerado dba Wharf Marina, Inc. 25163 Overseas Highway, Summerland Key, FL 33042. (hereinafter called the Lessee).

WITNESSETH:

In consideration of the mutual covenants contained herein, the parties agree as follows:

1. **Property and Term.** Lessor does hereby lease unto Lessee the property described in Exhibit "A", attached and made a part hereof, for a term of five (5) years beginning 11/1/2014 and ending 10/31/2019. This Lease may be renewed for an additional five (5) years term at Lessee's option, subject to the rent adjustment as provided in Paragraph 3 below. Lessee shall provide Lessor 120 days advanced written notice of its exercise of the renewal option.

If Lessee holds over and remains in possession of the property after the expiration of the term specified in this Lease, or any renewals of such term, Lessee's tenancy shall be considered a tenancy at sufferance, subject to the same terms and conditions as herein contained in this Lease.

This Lease is subject to all utilities in place and to the maintenance thereof as well as any other covenants, easements, or restrictions of record.

This Lease shall be construed as a lease of only the interest, if any, of Lessor, and no warranty of title shall be deemed to be given herewith.

2. **Use.** The leased property shall be used solely for the purpose of See Addendum. If the property is used for any other purpose, Lessor shall have the option of immediately terminating this Lease. Lessee shall not permit any use of the property in any manner that would obstruct or interfere with any transportation facilities.

Lessee will further use and occupy the leased property in a careful and proper manner, and not commit any waste thereon. Lessee will not cause, or allow to be caused, any nuisance or objectionable activity of any nature on the property. Lessee will not use or occupy said property for any unlawful purpose and will, at Lessee's sole cost and expense, conform to and obey any present or future ordinances and/or rules, regulations, requirements, and orders of governmental authorities or agencies respecting the use and occupation of the leased property.

Any activities in any way involving hazardous materials or substances of any kind whatsoever, either as those terms may be defined under any state or federal laws or regulations, or as those terms are understood in common usage, are specifically prohibited. The use of petroleum products, pollutants, and other hazardous materials on the leased property is prohibited. Lessee shall be held responsible for the performance of and payment for any environmental remediation that may be necessary, as determined by the Lessor, within the leased property. If any contamination either spread to or was released onto adjoining property as a result of Lessee's use of the leased property, the Lessee shall be held similarly responsible. The Lessee shall indemnify, defend, and hold harmless the Lessor from any claim, loss, damage, costs, charge, or expense arising out of any such contamination.

3. **Rent.** Lessee shall pay to Lessor as rent, on or before the first day of each rent payment period, the sum of \$961.35 (+ \$72.10 taxes) = \$1,033.45 plus applicable tax, for each Monthly of the term. If this Lease is terminated prior to the end of any rent payment period, the unearned portion of any rent payment, less any other amounts that may be owed to Lessor, shall be refunded to Lessee. Lessee shall pay any and all state, county, city, and local taxes that may be due during the term hereof, including any real property taxes. Rent payments shall be made payable to the Florida Department of Transportation and shall be sent to Florida Department of Transportation, Attn: Right of Way Administration, 1000 NW 111th Avenue, Room 6105-B Miami, Florida 33172. Lessor reserves the right to review and adjust the rental fee biennially and at renewal to reflect market conditions. Any installment of rent not received within ten (10) days after the date due shall bear interest at the highest rate allowed by law from the due date thereof, per Section 55.03(1), Florida Statutes. This provision shall not obligate Lessor to accept late rent payments or provide Lessee a grace period.

4. **Improvements.** No structures or improvements of any kind shall be placed upon the property without the prior written approval of the District Secretary for District SIX of Lessor. Any such structures or improvements shall be constructed in a good and workmanlike manner at Lessee's sole cost and expense. Subject to any landlord lien, any structures or improvements constructed by Lessee shall be removed by Lessee, at Lessee's sole cost and expense, by midnight on the day of termination of this

Lease and the leased property restored as nearly as practical to its condition at the time this Lease is executed. Portable or temporary advertising signs are prohibited.

Lessee shall perform, at the sole expense of Lessee, all work required in the preparation of the leased property for occupancy by Lessee, in the absence of any special provision herein contained to the contrary; and Lessee does hereby accept the leased property as now being in fit and tenable condition for all purposes of Lessee.

Lessor reserves the right to inspect the property and to require whatever adjustment to structures or improvements as Lessor, in its sole discretion, deems necessary. Any adjustments shall be done at Lessee's sole cost and expense.

5. Maintenance. Lessee shall keep and maintain the leased property and any building or other structure, now or hereafter erected thereon, in good and safe condition and repair at Lessee's own expense during the existence of this Lease, and shall keep the same free and clear of any and all grass, weeds, brush, and debris of any kind, so as to prevent the same from becoming dangerous, inflammable, or objectionable. Lessor shall have no duty to inspect or maintain any of the leased property or buildings, and other structures thereon, during the term of this Lease; however, Lessor shall have the right, upon twenty-four (24) hours notice to Lessee, to enter the leased property for purposes of inspection, including conducting an environmental assessment. Such assessment may include: surveying; sampling of building materials, soil, and groundwater; monitoring well installations; soil excavation; groundwater remediation; emergency asbestos abatement; operation and maintenance inspections; and, any other actions which may be reasonable and necessary. Lessor's right of entry shall not obligate inspection of the property by Lessor, nor shall it relieve the Lessee of its duty to maintain the leased property. In the event of emergency due to a release or suspected release of hazardous waste on the property, Lessor shall have the right of immediate inspection, and the right, but not the obligation, to engage in remedial action, without notice, the sole cost and expense of which shall be the responsibility of the Lessee.

6. Indemnification. (select applicable paragraph)

Lessee is a Governmental Agency

To the extent provided by law, Lessee shall indemnify, defend, and hold harmless the Lessor and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by Lessee, its agents, or employees, during the performance of the Lease, except that neither Lessee, its officers, agents, or employees will be liable under this paragraph for any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the Lessor or any of its officers, agents, or employees during the performance of the Lease.

When the Lessor receives a notice of claim for damages that may have been caused by the Lessee, the Lessor will immediately forward the claim to the Lessee. Lessee and the Lessor will evaluate the claim and report their findings to each other within fourteen (14) working days and will jointly discuss options in defending the claim. After reviewing the claim, the Lessor will determine whether to require the participation of Lessee in the defense of the claim or to require that Lessee defend the Lessor in such claim as described in this section. The Lessor's failure to promptly notify Lessee of a claim shall not act as a waiver of any right herein to require the participation in or defense of the claim by Lessee. The Lessor and Lessee will each pay its own expenses for the evaluation, settlement negotiations, and trial, if any.

Lessee is not a Governmental Agency

Lessee shall indemnify, defend, save, and hold harmless Lessor, its agent, officers, and employees, from any losses, fines, penalties, costs, damages, claims, demands, suits, and liabilities of any nature, including attorney's fees, (including regulatory and appellate fees), arising out of or because of any acts, action, neglect, or omission by Lessee, or due to any accident, happening, or occurrence on the leased property or arising in any manner from the exercise or attempted exercise of Lessee's rights hereunder whether the same regards person or property of any nature whatsoever, regardless of the apportionment of negligence, unless due to the sole negligence of Lessor.

Lessee's obligation to indemnify, defend and pay for the defenses or at Lessor's option, to participate, and to associate with the Lessor in the defense and trial of any claim and any related settlement negotiations, shall be triggered by the Lessor's notice of claim for indemnification to Lessee. Lessee's inability to evaluate liability or its evaluation of liability shall not excuse Lessee's duty to defend and indemnify within seven days after such notice by the Lessor is given by registered mail. Only an adjudication or judgment after the highest appeal is exhausted specifically finding the Lessor solely negligent shall excuse performance of this provision by Lessee. Lessee shall pay all costs and fees related to this obligation and its enforcement by Lessor. Lessor's failure to notify Lessee of claim shall not release Lessee of the above duty to defend.

7. Insurance. Lessee at its expense, shall maintain at all times during the term of this Lease, public liability insurance protecting Lessor and Lessee against any and all claims for injury and damage to persons and property, and for the loss of life or property occurring in, on, or about the property arising out of the act, negligence, omission, nonfeasance, or malfeasance of Lessee, its employees, agents, contractors, customers, licensees, and invitees. Such insurance shall be carried in a minimum amount of not less than One Million Dollars (\$ 1,000,000.00) for bodily injury or death to any one person or any number of persons in any one occurrence and not less than One Million Dollars (\$ 1,000,000.00) for property damage, or a combined coverage of not less than Two Million Dollars (\$ 2,000,000.00). All such policies shall be issued by companies licensed to do business in the State of Florida and all such policies shall contain a provision whereby the same cannot be

canceled or modified unless Lessor is given at least sixty (60) days prior written notice of such cancellation or modification. Lessee shall provide Lessor certificates showing such insurance to be in place and showing Lessor as additional insured under the policies. If self-insured or under a risk management program, Lessee represents that such minimum coverage for liability will be provided for the leased property.

Lessor may require the amount of any public liability insurance to be maintained by Lessee be increased so that the amount thereof adequately protects Lessor's interest. Lessee further agrees that it shall during the full term of this Lease and at its own expense keep the leased property and any improvements thereon fully insured against loss or damage by fire and other casualty. Lessee also agrees that it shall during the full term of this Lease and at its own expense keep the contents and personal property located on the leased property fully insured against loss or damage by fire or other casualty and does hereby release and waive on behalf of itself and its insurer, by subrogation or otherwise, all claims against Lessor arising out of any fire or other casualty whether or not such fire or other casualty shall have resulted in whole or in part from the negligence of the Lessor.

8. Eminent Domain. Lessee acknowledges and agrees that its relationship with Lessor under this Lease is one of landlord and tenant and no other relationship either expressed or implied shall be deemed to apply to the parties under this Lease. Termination of this Lease for any cause shall not be deemed a taking under any eminent domain or other law so as to entitle Lessee to compensation for any interest suffered or lost as a result of termination of this Lease, including any residual interest in the Lease, or any other facts or circumstances arising out of or in connection with this Lease.

Lessee hereby waives and relinquishes any legal rights and monetary claims which it might have for full compensation, or damages of any sort, including special damages, severance damages, removal costs, or loss of business profits, resulting from Lessee's loss of occupancy of the leased property, or any such rights, claims, or damages flowing from adjacent properties owned or leased by Lessee as a result of Lessee's loss of occupancy of the leased property. Lessee also hereby waives and relinquishes any legal rights and monetary claims which it might have for full compensation, or damages of any sort as set out above, as a result of Lessee's loss of occupancy of the leased property, when any or all adjacent properties owned or leased by Lessee are taken by eminent domain proceedings or sold under the threat thereof. This waiver and relinquishment applies whether this Lease is still in existence on the date of taking or sale; or has been terminated prior thereto.

9. Miscellaneous.

a. This Lease may be terminated by Lessor immediately, without prior notice, upon default by Lessee hereunder, and may be terminated by either party, without cause upon Thirty (30) days prior written notice to the other party.

b. In addition to, or in lieu of, the terms and conditions contained herein, the provisions of any Addendum of even date herewith which is identified to be a part hereof is hereby incorporated herein and made a part hereof by this reference. In the event of any conflict between the terms and conditions hereof and the provisions of the Addendum(s), the provisions of the Addendum(s) shall control, unless the provisions thereof are prohibited by law.

c. Lessee acknowledges that it has reviewed this Lease, is familiar with its terms, and has had adequate opportunity to review this Lease with legal counsel of Lessee's choosing. Lessee has entered into this Lease freely and voluntarily. This Lease contains the complete understanding of the parties with respect to the subject matter hereof. All prior understandings and agreements, oral or written, heretofore made between the parties and/or between Lessee and the previous owner of the leased property and landlord of Lessee are merged in this Lease, which alone, fully and completely expresses the agreement between Lessee and Lessor with respect to the subject matter hereof. No modification, waiver, or amendment of this Lease or any of its conditions or provisions shall be binding upon Lessor or Lessee unless in writing and signed by both parties.

d. Lessee shall not sublet the property or any part thereof, nor assign this Lease, without the prior consent in writing of the Lessor; this Lease is being executed by Lessor upon the credit and reputation of Lessee. Acceptance by Lessor of rental from a third party shall not be considered as an assignment or sublease, nor shall it be deemed as constituting consent of Lessor to such an assignment or sublease.

e. Lessee shall be solely responsible for all bills for electricity, lighting, power, gas, water, telephone, and telegraph services, or any other utility or service used on the property.

f. This Lease shall be governed by the laws of the State of Florida, and any applicable laws of the United States of America.

g. All notices to Lessor shall be sent to the address for rent payments and all notices to Lessee shall be sent to:
Jim Figuerado, dba Wharf Marina, Inc., 2532 Estero Blvd, Unit 102, Ft. Meyers, Florida 33931.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first above written.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

Jim Figuerado: dba Wharf Marina, Inc.
Lessee (Company Name, if applicable)

BY: *Jim Figuerado*

Jim Figuerado
Print Name

Title: President

Attest: *Joni Rustan* (SEAL)

Toni Rustan
Print Name

Title: Witness

By: *Gus Pego*
District Secretary

Gus Pego, P.E.
Print Name

Attest: *Margaret Higgins*

Name/Title: *Margaret Higgins / Executive Secretary*

LEGAL REVIEW:
Alicia Trujillo
District Counsel

Alicia Trujillo, Esq.
Print Name

ADDENDUM

This is an Addendum to that certain Lease Agreement between Wharf Marina, Inc.
25163 Overseas Highway, Summerland Key, FL 33042.
and the State of Florida Department of Transportation dated the 9th day of December, 2014.
In addition to the provisions contained in said Agreement, the following terms and conditions shall be deemed to be a part thereof pursuant to Paragraph 9 (b) of said Agreement:

1. USE: The Lessee hereby agrees to abide with rules and regulations that the leased area is to be used exclusively for the parking of motor vehicles belonging to employees, patrons and guests visiting Lessee's abutting business. No signs and or advertising of any kind or form will be permitted in the right of way and/or the roadway shoulder.

2. RENT: The total rent amount is calculated as follows: Leased area consisting of 13,572 sf x .85¢ sf divided by 12 months = \$961.35 per month + \$57.68 (6% Sales Tax) + \$14.42 (1.5% Discretionary Tax) for a total of \$1,033.45. Any installment of rent not received within 10 days of the due date shall incur a late fee of 5% per month or as allowed by law for each month the payment is late, plus applicable taxes, if any. Late fees and taxes, if any may be classified as additional rent, if not paid when demanded and may be included in any Three Day Notice served on the Lessee pursuant to Section 83.20 F.S. Any checks for rent which are returned for insufficient funds shall incur a late charge fee of 5% in addition a minimum service fee of \$15 or 5% of the face amount of the check, whichever is greater. The service fee for returned checks shall not exceed \$150. Any such charges or fees may be classified as additional rent and included in any Three Day Notice served on the Lessee.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

Jim Figuerado, dba Wharf Marina, Inc.
Lessee (Company Name, if applicable)

By: [Signature]
District Secretary

BY:

[Signature]

Gus Pego, P.E.
Print Name

Jim Figuerado
Print Name

Attest: [Signature]

Title: President

Name/Title: Margaret Higgins / Executive Secretary

Attest: [Signature] (SEAL)

LEGAL REVIEW:
[Signature]
District Counsel

Toni Rustan
Print Name

Title: Witness

Alicia Trujillo, Esq.
Print Name

EXHIBIT "A"

LEGAL DESCRIPTION

SUMMERLAND SEAFOOD - PROPOSED R.O.W. LEASE

Commence at Station 846+70.53, as shown on FDOT Corridor Map for Section 90020, Sheets 84 & 85 of 138, also said station being the intersection of the centerlines of Horace Street and Overseas Highway (US-1) in Monroe County, State of Florida, Section 36, Township 66 South, Range 28 East;

thence South 86°08'52" East a distance of 932.07' (feet) to a point on the centerline of Overseas Highway (US-1);

thence at right angles on a bearing of North 03°51'08" East, a distance of 57.50' (feet) to the Point of Beginning;

thence continue North 03°51'08" East a distance of 58.50' (feet);

thence at right angles on a bearing of South 86°08'52" East a distance of 232.0' (feet);

thence at right angles on a bearing South 03°51'08" West a distance of 58.50' (feet);

thence at right angles on a bearing of North 86°08'52" West a distance of 232.00' (feet) to the Point of Beginning, said parcel containing 13,572 square feet, more or less.

R.E. REECE, P.A.
Professional Surveyor and Mapper
#5 Ships Way
Big Pine Key, Florida 33043
Office (305) 872-1348
Fax (305) 872-5622


Robert E. Reece, PSM #5632

Florida Department of Transportation, District VI

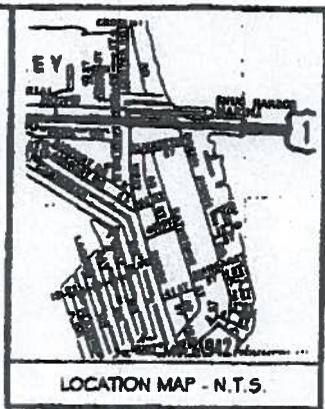
Item/Segment No.: N/A
W.P.I. No.: N/A
State Project No.: 99006-1671
Federal Project No.: N/A
State Road No.: S.R. 5
County: Monroe
Parcel No.: 3258 Sheet 1 of 2



EXHIBIT "A"

SKETCH OF LEGAL DESCRIPTION

SUMMERLAND SEAFOOD - PROPOSED R.O.W. LEASE



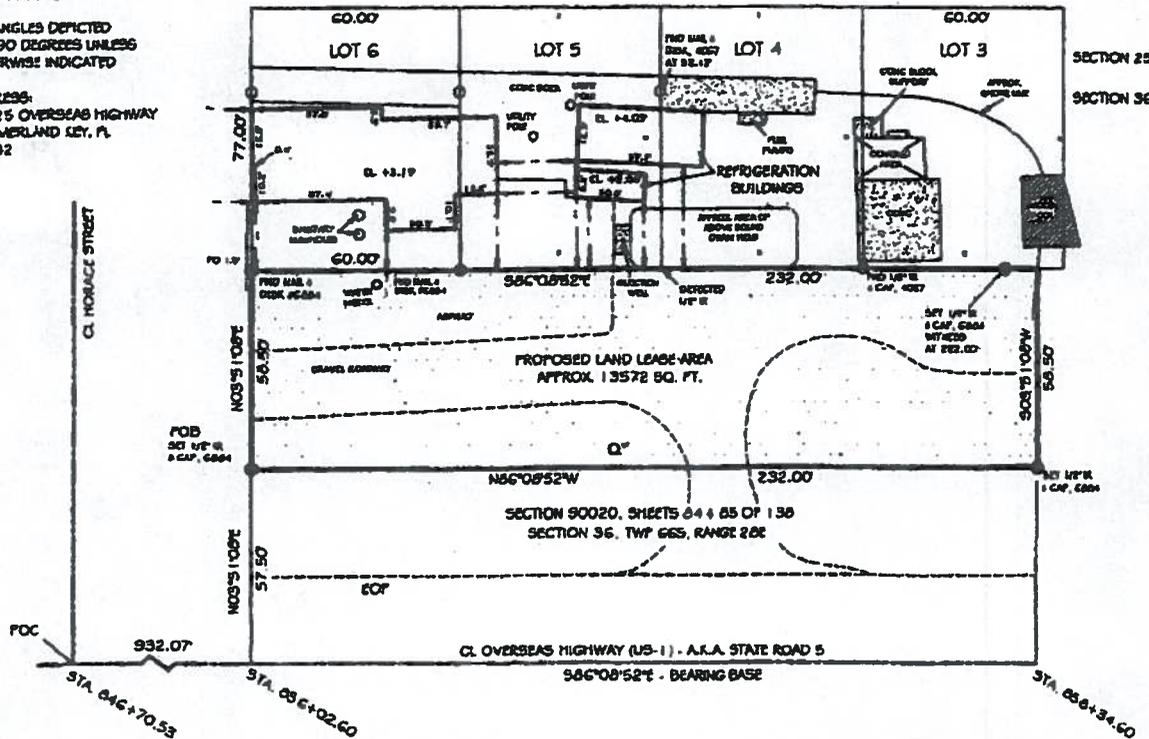
DATE: 06/30/04

SCALE: 1" = 50'

BEARING BASE:
DERIVED FROM
CENTERLINE OF
OVERSEAS HIGHWAY
S 86°08'52" E

ALL ANGLES DEPICTED
ARE 90 DEGREES UNLESS
OTHERWISE INDICATED

ADDRESS:
MM 25 OVERSEAS HIGHWAY
SUMMERLAND KEY, FL
33042



R.E. REECE, P.A.
Professional Surveyor and Mapper
#5 Ships Way
Big Pine Key, Florida 33043
Office (305) 872-1348
Fax (305) 872-5672

Robert E. Reece, PSM #5632

Florida Department of Transportation, District VI

Item/Segment No.: N/A
W.P.I. No.: N/A
State Project No.: 99006-1671
Federal Project No.: N/A
State Road No.: S.R. 5
County: Monroe
Parcel No. 325B Sheet 2 of 2

PREPARED BY:

Gregory S. Oropeza, Esq.
SMITH | OROPEZA, P.L.
138 Simonton Street
Key West, Florida 33040

11/03/2014 3:04PM
DEED DOC STAMP CL: Krys \$8,750.00

Doc# 2003999
Bk# 2710 Pg# 1076

RECORD AND RETURN TO:

Gregory S. Oropeza, Esq.
SMITH | OROPEZA, P.L.
138 Simonton Street
Key West, Florida 33040

\$1,250,000.00



STATUTORY WARRANTY DEED

THIS STATUTORY WARRANTY DEED is made as of the 31st day of October, 2014, by **Melodye Reger, a single woman**, having a mailing address of 21810 Overseas Highway, Cudjoe Key, Florida 33042, hereinafter referred to as the GRANTOR and **Wharf Marina, Inc., a Florida corporation**, having a mailing address of 25163 Overseas Highway, Summerland Key, Florida 33042, hereinafter referred to as the GRANTEE (Wherever 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)

WITNESSETH, that the GRANTOR, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, by these presents does grant, bargain, sell, alienate, remise, release, convey and confirm unto the GRANTEE, all that certain land situate in Monroe County, Florida, and legally described as follows:

Lots 1, 2, 3, 4, 5, 6 and 34, SUMMERLAND YACHT HARBOR, according to the map or plat thereof as recorded in Plat Book 2, Page 142, Public Records of Monroe County, Florida.

Property Alternate Key No(s): 00194560-000000

This conveyance is subject to taxes for the year 2014 and all subsequent years; matters appearing on the Plats or otherwise common to the subdivisions; covenants, conditions, restrictions, limitations, easements and agreements of record provided, however, that the foregoing shall not operate to re-impose the same.

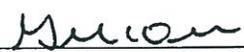
TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

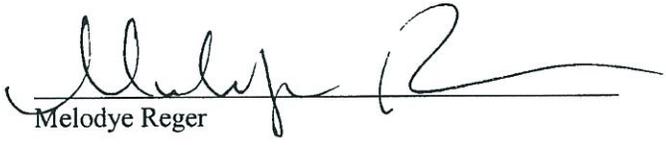
TO HAVE AND TO HOLD, the same unto the said GRANTEE in fee simple, forever.

AND GRANTOR hereby covenants with said GRANTEE, that the GRANTOR is lawfully seized of said land in fee simple and that the GRANTOR has good right and lawful authority to sell and convey said land and that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name, by its officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered
In the presence of:


Name: Gregory Oropeza


Melodye Reger


Name: Madison Fallon

STATE OF FLORIDA)
COUNTY OF MONROE)

The foregoing instrument was sworn to and subscribed and acknowledged before me this 31 day of October, 2014, by Melodye Reger, who is personally known to me or has produced _____ as identification.




NOTARY PUBLIC
Name:

RECEIVED

FEB 26 2015

MONROE CO. PLANNING DEPT

2014 / 2015
MONROE COUNTY BUSINESS TAX RECEIPT
EXPIRES SEPTEMBER 30, 2015

RECEIPT# 29140-113696

Business Name: WHARF MARINA INC

Owner Name: JAMES FIGUERADO JR

Mailing Address:
25163 OVERSEAS HWY
SUMMERLAND KEY, FL 33042

Business Location: 25163 OVERSEAS HWY
SUMMERLAND KEY, FL 33042

Business Phone:
Business Type: CAFE RESTAURANT (RESTAURANT & FISH
HOUSE)

Seats 106

Tax Amount	Transfer Fee	Sub-Total	Penalty	Prior Years	Collection Cost	Total Paid
0.00	10.00	10.00	0.00	0.00	0.00	10.00

Paid 115-14-00000833 11/12/2014 10.00

THIS BECOMES A TAX RECEIPT
WHEN VALIDATED

Danise D. Henriquez, GFC, Tax Collector
PO Box 1129, Key West, FL 33041

THIS IS ONLY A TAX.
YOU MUST MEET ALL
COUNTY AND/OR
MUNICIPALITY PLANNING
AND ZONING REQUIREMENTS.

TIMMINS ENGINEERING, LLC

Thomas M. Timmins, P.E.

Consulting Engineer, Florida P.E. No. 45406

P.O. BOX 639-BIG PINE KEY, FLORIDA 33043 305-872-4060

Email: timminsenrllc@bellsouth.net

RECEIVED

FEB 24 2015

MONROE CO. PLANNING DEPT

Letter of Transmittal

Date: February 19, 2015

RE: Wharf Marina, Inc.

25163 Overseas Highway

Summerland Key, FL. 33042

File #2015-018 and File #2015-017

TO: Matt Coyle, Senior Planner

Monroe County Planning Department

2798 Overseas Hwy Suite 400

Marathon, FL

Dear Matt:

Please find the following attached pursuant to your email request for additional information on the Wharf Variance and MCU Applications:

- 1) Signed and notarized agent authorization letters for both applications
- 2) Check for the advertising costs in the amount of \$293.00
- 3) Page 3 of the PC variance application

The plans for both applications have been revised and are included in this transmittal

1.) 8 signed and sealed copies of the plan for the Minor deviation

2.) 16 signed and sealed copies of the plan for the Variance application

The plans for each application are now on one sheet. These sheets are intended to replace the plans that were submitted last month.

In addition the owner has provided documentation that the business has 106 seats and that 27 parking spaces were required by Development Order No. 01-11. The Variance Application plan has been amended to reflect this data.

Thanks



Thomas M. Timmins, P.E.



Letter of Agent Authorization

Date: February 5, 2015
Wharf Marina, Inc.
25163 Overseas Highway
Summerland Key, FL. 33042

This letter authorizes Timmins Engineering, LLC to act as agent on my behalf for submittal and processing of the Variance Application to the Monroe County Planning Commission.

Signature
Deborah Figuerado

Date
2-5-15

Deborah Figuerado, Owner
Wharf Marina, Inc. (Applicant)

Sworn before me this *5th* day of *FEB.*, 2015



Notary Public
Bryce P Applegate
My Commission Expires
9/2/16 *2/5/15*

REVISIONS	DATE

PROPOSED SITE PLAN
(W/ EXISTING PARKING INSERT)

PROPOSED PARKING VARIANCE REQUEST FOR
THE WYMAN RESTAURANT
1111 N. 22
OVERSEAS HIGHWAY
SUNSHINE AND KEY, FLORIDA

THIS PLAN AND ALL INFORMATION HEREON IS THE PROPERTY OF TIMMING ENGINEERING, L.L.C. AND IS NOT TO BE REPRODUCED, COPIED, 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 TIMMING ENGINEERING, L.L.C. FOR A PLAN SHEET WHICH IS NOT SEALED AND SIGNED BY THE ENGINEER.

TIMMING ENGINEERING, L.L.C.
C.A. LICENSE NO. 28294
THOMAS T. TIMMING, P.E.
NO. 68,456
FLOOR KEY, FL. 30043
BIG PINE KEY, FL. 30043
(305) 877-4400 (TELEPHONE)

SHEET
DATE: FEBRUARY 16, 2018



PROPOSED PARKING
PARKING PROVIDED ON OPEN UNPAVED AREA
1. ACCESSIBLE SPACES
2. HANDICAPPED SPACES
3. REGULAR SPACES
4. TOTAL SPACES=40

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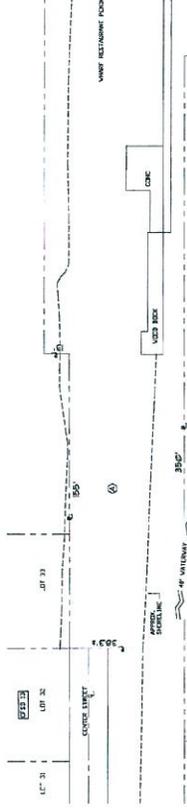
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EXISTING PARKING
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4. TOTAL SPACES=21

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4. TOTAL SPACES=21



LOCATION MAP
N14

SHORELINE SETBACK AREA DATA
SHORELINE SETBACK AREA = 1800 SF
SHORELINE SETBACK WIDTH = 15 FT
PERCENT OPEN SPACE IN SHORELINE SETBACK = 41%
TOTAL OPEN SPACE REQUIRED IN SHORELINE SETBACK = 43%
NOTE: ALL SPACES MUST BE 5 FT FROM SHORELINE

PARKING VARIANCE DATA
1. EXISTING PARKING VARIANCE:
EXISTING PARKING = 21 SPACES
EXISTING HANDICAPPED PARKING = 2 SPACES
EXISTING TOTAL PARKING SPACES = 23 SPACES
THIS VARIANCE FROM CODE REST OF PARKING SPACE PER 3 SEATS

PARKING VARIANCE DATA
2. AMENDED PARKING VARIANCE REQUESTED:
PROPOSED PARKING = 40 SPACES
PROPOSED HANDICAPPED PARKING = 4 SPACES
PROPOSED TOTAL PARKING SPACES = 44 SPACES
THIS VARIANCE FROM CODE REST OF PARKING SPACE PER 3 SEATS

SITE AREA
MAIN PARCEL = 17,025 SF
PENINSULA = 5,434 SF
TOTAL UPLAND AREA = 4,199 SF

GROSS FLOOR AREAS
RESTAURANT BUILDING = 1944 SQ. FT.
BATHROOM BUILDING = 143 SQ. FT.
TOTAL GROSS FLOOR AREA = 2087 SQ. FT.

OPEN SPACE DATA
LOT COVERAGE = 15%
LOT FOOTPRINT = 15%
MAIN FLOOR = 1944 SQ. FT.
TOTAL GROSS FLOOR AREA = 2087 SQ. FT.

DO NOT SCALE
FOR DIMENSIONS OR COORDINATE DIMENSIONS - COORDINATE DIMENSIONS FOR CLARIFICATION IF NEEDED

EXISTING PARKING INSET
SEE PENINSULA ON PLAN ABOVE

County of Monroe
Growth Management Division

Planning & Environmental Resources

Department

2798 Overseas Highway, Suite 410
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

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

We strive to be caring, professional, and fair.

Date: 1.27.15
Time: _____

Dear Applicant:

This is to acknowledge submittal of your application for Variance - PC
Type of application

Wharf Marina Inc. to the Monroe County Planning Department.
Project / Name

Thank you.

Stail Creech

Planning Staff

MCPA GIS Public Portal
 Scott P. Russell, CFA

- **Pan**
- **Legend**
- **Zoom In**
- **Zoom Out**
- **Address**
- **Find**
- **Identify**
- **Select**
- **Buffer**
- **Measure**
- **Print**

[Help](#)
 Click here for our [Getting Started](#) tutorial!

- 2014 Condo
- Expand All
- 2014 Condo
- MCPA GIS Public Portal
- 2012 Condo
- Monroe Overlay
- Subdivisions
- Section Lines
- 2011 Condo
- Parcels
- Shoreline
- 2010 Condo
- Lot Lines
- Hooks Leads
- 2009 Condo
- Easements
- Text Displays
- Qualified Condo Sales
- 2008 Condo
- Qualified Sales
- Transportation
- 2014 Sales
- 2013 Sales
- 2012 Sales
- 2011 Sales
- 2010 Sales
- 2009 Sales
- 2008 Sales
- Road Centerline
- Road Block Name

Zoom-out Zoom-out to a defined extent...

Full Extent Zoom to the full extent tool was clicked!

Search the map

Address: 3466 S 55th St, City, org code: 814320 Clear

Basemap Select a basemap Show distances in feet and areas in square feet

Buffer Results 13 features found Zoom Remove highlight

Export results to " | Delimited | Go

OBJECTID	SDE.DBO.W_PARCELS.ID	SDE.DBO.W_PARCELS.RECHAR	SDE.DBO.V
43376	194890	00194890-000000	57948
42012	105270	00105270-000000	62012

Labels by GC

✓ BABICH STEVE J AND DIXIE L
5509 MADISON ST
HOLLYWOOD, FL 33021

★ BALLARD WILLIAM S AND KANDI
PO BOX 420733
SUMMERLAND KEY, FL 33042-0733

✓ BEAVER WOODS LLC
29 FOREST VIEW LN
HEBRON, CT 6248

★ BOGGS SANDRA ANNE
P O BOX 420-409
SUMMERLAND KEY, FL 33042-0409

✓ CHRISTENSEN HAROLD R AND LYNN
7120 LONGBOAT DR E
LONGBOAT KEY, FL 34228-1063

✓ CRADDOCK PAUL E JR
25093 CENTER ST
SUMMERLAND KEY, FL 33042-4601

✓ EDGINGTON MARY MARGARET
24327 CARIBBEAN DR W
SUMMERLAND KEY, FL 33042-4806

★ HUDGINS JOHN D
PO BOX 1509
FLOWERY BRANCH, GA 30542-0026

✓ LEE CLAUDIA R
25151 CENTER ST
SUMMERLAND KEY, FL 33042-4600

✓ NEAULT RONALD C AND DIANE M
PO BOX 420710
SUMMERLAND KEY, FL 33042-0710

~~★ PONTIN DUKE H AND BRANDI A
PO BOX 717
KAHUKU, HI 96731~~

✓ PONTIN DUKE H AND BRANDY A
PO BOX 717
KAHUKU, HI 96731-0717

★ REDMOND FRANK
25073 CENTER ST
SUMMERLAND KEY, FL 33042-4601

★ RUSAK LAURA A
17449 133TH WAY
JUPITER, FL 33478

★ SCHWARTZ RICHARD AND POLLY
4403 FERRY LANDING
EVANS, GA 30809

★ SHOSIE WINIFRED A
411 WALNUT ST APT 8714
GREEN COVE SPRINGS, FL 32043-3443

✓ SYLVESTER MARIANA ALVAREZ REV
TRUST DTD 6/7/07
2024 PALMETTO RD
WEST PALM BEACH, FL 33406

★ = added to applicant labels

End of Additional File 2015-018

TIMMINS ENGINEERING, LLC

Thomas M. Timmins, P.E.

Consulting Engineer, Florida P.E. No. 45406

P.O. BOX 639-BIG PINE KEY, FLORIDA 33043 305-872-4060

Email: timminsengrllc@bellsouth.net

Letter of Transmittal

Date: January 27, 2015

Wharf Marina, Inc.
25163 Overseas Highway
Summerland Key, FL. 33042

To:
Matt Coyle, Senior Planner
Monroe County Planning Department
2798 Overseas Hwy Suite 400
Marathon, FL



Dear Matt:

Please find the following attached for the Wharf Variance Application:

- Completed application signed and notarized
- Check for \$1608 to Monroe County Planning and Environmental Resources
- Agent authorization signed and notarized
- Address labels for property owners with 300' radius
- 2 pictures of property from US1
- Property record cards
- 16 signed/sealed surveys
- 16 set signed and sealed site plans

Thanks

Thomas M. Timmins, P.E.

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



RECEIVED
JAN 27 2015
MONROE CO. PLANNING DEPT

Variance Application to the Monroe County Planning Commission

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

Planning Commission Variance Application Fee: \$1,608.00

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

Date of Submittal: / /
Month Day Year

Property Owner:

Wharf Marina Inc
Name

2532 Estero Blvd Apt 102
Mailing Address (Street, City, State, Zip Code)
Fort Myers Beach, FL 33931-3336

239-707-4687
Daytime Phone

marinaman181@aol.com
Email Address

Agent (if applicable):

Timmins Engr LLC
Name

P.O. Box 639 BPK, FL 33043
Mailing Address (Street, City, State, Zip Code)

305-872-4060
Daytime Phone

timminsengrllc@bellsouth.net
Email Address

Legal Description of Property:

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

Lots 1-6 and Lot 34 Block Summ. Yacht Harbor Subdivision Summerland Key, FL Key

00194560 § 00194700 Real Estate (RE) Number 1256382 § 1256510 Alternate Key Number

25163 Overseas Hwy Summerland Key, FL Street Address (Street, City, State, Zip Code) MM 25 Approximate Mile Marker

A PPLICATION

Land Use District Designation(s): Commercial Fishing District

Present Land Use of the Property: Seafood Restaurant

Total Land Area: 47359 SQ. FT. (1.087 Ac.)

Please provide the standard required Front yard 25 feet, MHW 20 feet
by the land development regulations: (i.e. front yard setback of 25 feet, 100 off-street parking spaces, etc.)

Please provide that requested: 0 feet to MHW (extension of existing non-conforming setback)
(i.e. front yard setback of 10 feet, 70 off-street parking spaces, etc.)

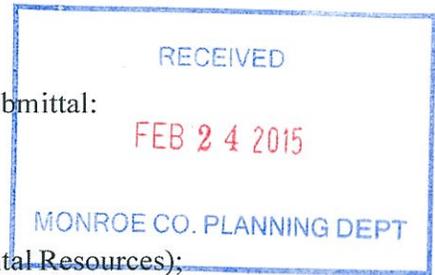
All of the following standards must be met in order to receive variance approval. Please describe how each standard shall be met.

- 1) The applicant shall demonstrate a showing of good and sufficient cause:
The property has been previously approved for restaurant use by Monroe County Planning. The new owner wishes to add new on-site parking spaces to help alleviate congestion in the area.
- 2) Failure to grant the variance would result in exceptional hardship to the applicant:
Since the existing usage of the site is as a restaurant with fixed seating, not granting this variance would put the owner at a competitive disadvantage with restaurants on adjacent Keys in the area, especially those existing facilities on Ramrod Key.
- 3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance or cause fraud or victimization of the public:
Granting the variance will not result in any expense, create a threat to public health and safety or cause a nuisance or victimization to the public. The more orderly parking and site use that the owner wants to create will, in fact, be beneficial to users of the area and Flagship Dr. which serves as a frontage road from which drivers, cyclists, etc. will be able to more safely access U.S. 1.
- 4) Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district:
The Wharf Restaurant is in a Commercial Fishing District zoning. It is in a unique situation. The restaurant specializes in serving locally caught seafood and is supportive of the local commercial fishing industry.
- 5) Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of the provisions of this chapter or established development patterns:
Since the restaurant is the only such facility in the immediate neighborhood, there would be no special privilege granted by allowing the additional off-street parking, since no other properties along Flagship Dr. are in need of this type of parking.

A PPLICATION

- 6) Granting the variance is not based on disabilities, handicaps or health of the applicant or members of his family:
The owner is not requesting the variance due to disabilities, health issues or handicaps for himself or members of his family. The owner is proposing an additional accessible on-site parking space for patrons of his business that may be disabled and have need of easier access to the facility.
- 7) Granting the variance is not based on the domestic difficulties of the applicant or his family:
The applicant hereby states that this variance is not based on any domestic difficulties being experienced by himself or his family.
- 8) The variance is the minimum necessary to provide relief to the applicant:
At present the restaurant is approved for 106 seats. The owner wants to increase seating to 150 seats. At a pro-rated parking calculation, this would require 13 additional spaces which is what is being requested at this time.

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



- Complete variance application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- Proof of ownership (ie. Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser;
- Location map;
- Photograph(s) of site from adjacent roadway(s);
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor-16 sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat);
- Signed and Sealed Site Plans, prepared by a Florida registered architect, engineer or landscape architect-16 sets (drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale). At a minimum, the site plan should include the following:
 - Date, north point and graphic scale;
 - Boundary lines of site, including all property lines and mean high water lines;
 - Land use district of site and any adjacent land use districts;
 - Locations and dimensions of all existing and proposed structures and drives;
 - Type of ground cover (i.e. concrete, asphalt, grass, rock);
 - Adjacent roadways;
 - Setbacks as required by the land development regulations;
 - Location and dimensions of all parking spaces (including handicap accessible, bicycle and scooter) and loading zones;
- Typed name and address mailing label of all property owners within a 300 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included;

APPLICATION

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

- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property)

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

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

Signature of Applicant: Deborah Linder Date: 1/26/15

Sworn before me this 26th day of JANUARY, 2015



 Notary Public
 My Commission Expires 09/02/18

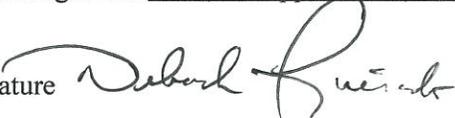
Please send the complete application package to the Monroe County Planning & Environmental Resources Department, Marathon Government Center, 2798 Overseas Highway, Suite 400, Marathon, FL 33050.

Letter of Agent Authorization

Date: January 26, 2015

Wharf Marina, Inc.
25163 Overseas Highway
Summerland Key, FL. 33042

This letter authorizes Timmins Engineering, LLC to act as agent on my behalf for submittal and processing of the Variance Application to the Monroe County Planning Commission.

Signature  Date 1-26-15

Deborah Figueroa
~~James Figueroa~~, Owner
Wharf Marina, Inc. (Applicant)

Sworn before me this day of

Notary Public

My Commission Expires



WHARF MARINA RESTAURANT

DATE: JANUARY 24, 2015

VIEW FROM US 1 LOOKING NORTH

PICTURE 1 OF 2



WHARF MARINA RESTAURANT

DATE: JANUARY 24, 2015

VIEW FROM US 1 LOOKING NORTHEAST

PICTURE 2 OF 2



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

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

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

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

Alternate Key: 1256510 Parcel ID: 00194700-000000

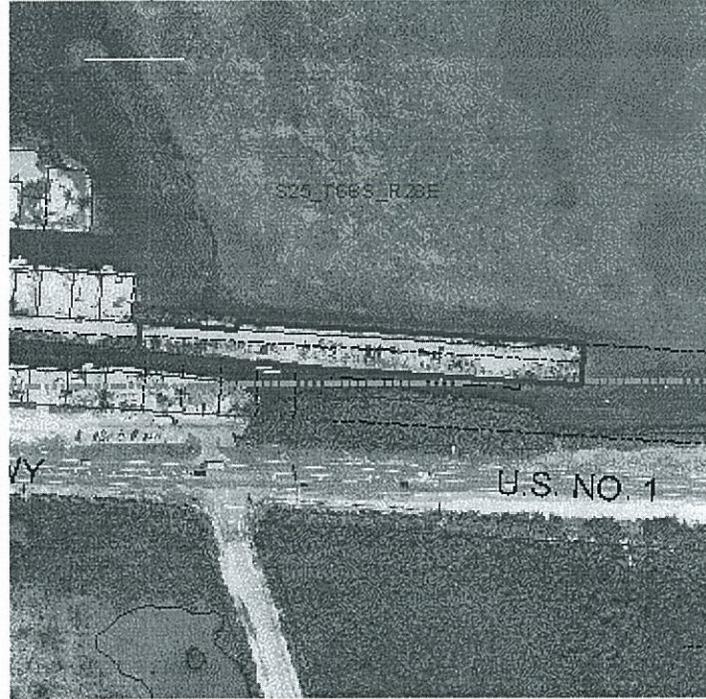
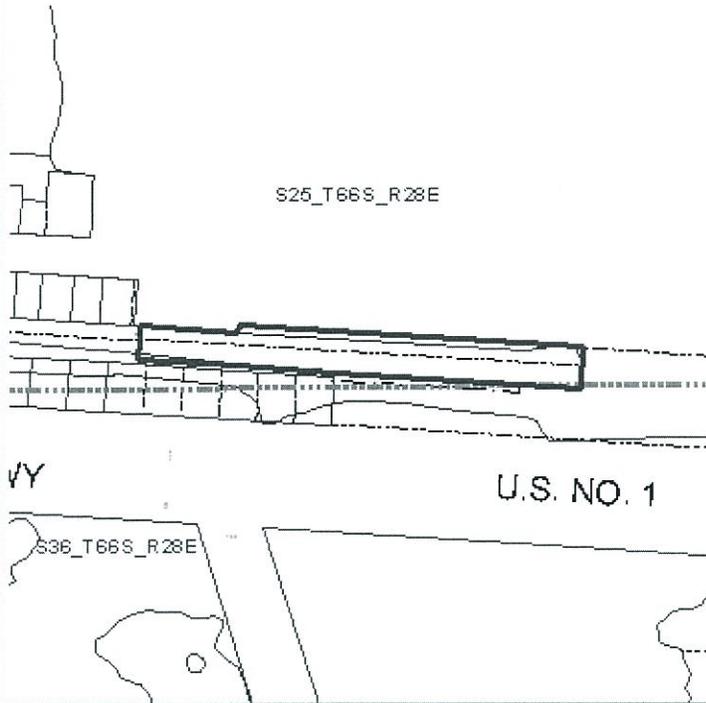
Ownership Details

Mailing Address:
WHARF MARINA INC
2532 ESTERO BLVD APT 102
FORT MYERS BEACH, FL 33931-3336

Property Details

PC Code: 20 - AIRPORTS, MARINAS, BUS TERM
Millage Group: 120C
Affordable Housing: No
Section-Township-Range: 25-66-28
Property Location: VACANT LAND SUMMERLAND KEY
Subdivision: SUMMERLAND YACHT HARBOR SUBD
Legal Description: LT 34 SUMMERLAND YACHT HARBOR SUMMERLAND KEY PB2-142 OR565-915 OR836-2126 OR992-309 OR1073-1543 OR2383-925/6 OR2393-1533/34 OR2426-1993/94U/T OR2710-1076/77

Click Map Image to open interactive viewer



Land Details

Land Use Code	Frontage	Depth	Land Area
9500 - SUBMERGED			0.08 AC
100W - COMMERCIAL WATERFRON	0	0	40,930.00 SF

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
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1	UB2:UTILITY BLDG	144 SF	12	12	1975	1976	2	50
2	DK4:WOOD DOCKS	2,040 SF	340	6	1975	1976	4	40
3	DK4:WOOD DOCKS	780 SF	65	12	1975	1976	5	40
4	PT3:PATIO	320 SF	0	0	1975	1976	1	50

Appraiser Notes

5/18/07 6 SLIPS USED FOR COMMERCIAL BOATS ONLY. JOHNSTONS POINT FISHING CAMP BAIT, FISH MARKET MARINA THE BUILDING BEING USED FOR CONSTRUCTION OF TRAPS 2000-05-24 DELETED THIS BUILDING FOR THE Y2K TAX ROLL VIA A DEMO- PERMIT DUE TO FIRE. DUG/SKI 2002/8/27 SB, TPP: 8977706 - KARTMAN, NOEL -HAWAIIAN SPIRIT
2008 CERTIFICATE OF TITLE TRANSFERED LOTS ONE THRU SIX AND LOT THIRTY FOUR AK 1256382 (1-6) AND AK 1256510 (34)
2009 MULTI PARCEL SALE TRANSFERED LOTS ONE THRU SIX AND LOT THIRTY FOUR AK 1256382 (1-6) AND AK 1256510 (34)
11/12/2014 BEN. SALE REVIEW. THIS PROPERTY SOLD WITH 1256382 AS PART OF THE WHARF BAR AND GRILL AND MARINA.

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
1	991989	07/21/1999	01/01/2000	4,800	Commercial	DEMOLITION
	04103221	10/15/2004	01/28/2008	19,000	Commercial	DOCK REPAIR - WOODEN

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
2014	0	22,518	613,958	636,476	368,102	0	636,476
2013	0	22,518	613,958	636,476	334,639	0	636,476
2012	0	22,518	281,700	304,218	304,218	0	304,218
2011	0	22,518	281,700	304,218	304,218	0	304,218
2010	0	22,518	328,650	351,168	351,168	0	351,168
2009	0	22,518	375,600	398,118	398,118	0	398,118
2008	0	22,518	1,023,250	969,668	969,668	0	969,668
2007	0	11,910	736,740	969,668	969,668	0	969,668
2006	0	17,905	736,740	754,645	754,645	0	754,645
2005	0	17,983	613,950	631,933	631,933	0	631,933
2004	0	18,060	163,720	181,780	181,780	0	181,780
2003	0	18,138	81,860	99,998	99,998	0	99,998
2002	0	18,215	81,860	100,075	100,075	0	100,075
2001	0	18,293	81,860	100,153	100,153	0	100,153
2000	0	11,876	81,860	93,736	93,736	0	93,736
1999	35,238	12,698	81,860	129,796	129,796	0	129,796

1998	23,566	13,261	81,860	118,687	118,687	0	118,687
1997	23,566	14,083	81,860	119,509	119,509	0	119,509
1996	21,323	14,646	81,860	117,829	117,829	0	117,829
1995	21,323	15,468	81,860	118,651	118,651	0	118,651
1994	21,025	15,685	81,860	118,570	118,570	0	118,570
1993	21,025	16,507	81,860	119,392	119,392	0	119,392
1992	21,025	17,070	81,860	119,955	119,955	0	119,955
1991	21,025	17,892	81,860	120,777	120,777	0	120,777
1990	21,025	18,455	73,674	113,154	113,154	0	113,154
1989	21,025	19,277	49,116	89,418	89,418	0	89,418
1988	19,586	13,678	49,116	82,380	82,380	0	82,380
1987	19,167	14,238	49,116	82,521	82,521	0	82,521
1986	19,216	14,626	49,116	82,958	82,958	0	82,958
1985	18,912	4,018	47,687	70,617	70,617	0	70,617
1984	18,442	4,018	47,687	70,147	70,147	0	70,147
1983	18,442	4,018	47,687	70,147	70,147	0	70,147
1982	16,428	4,018	4,712	25,158	25,158	0	25,158

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
10/31/2014	2710 / 1076	1,250,000	WD	05
12/11/2008	2393 / 1533	1,200,000	WD	M
10/6/2008	2383 / 925	100	CT	F
10/1/1986	992 / 309	365,000	WD	M
7/1/1981	836 / 2126	45	WD	M

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



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

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

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

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

Alternate Key: 1256382 Parcel ID: 00194560-000000

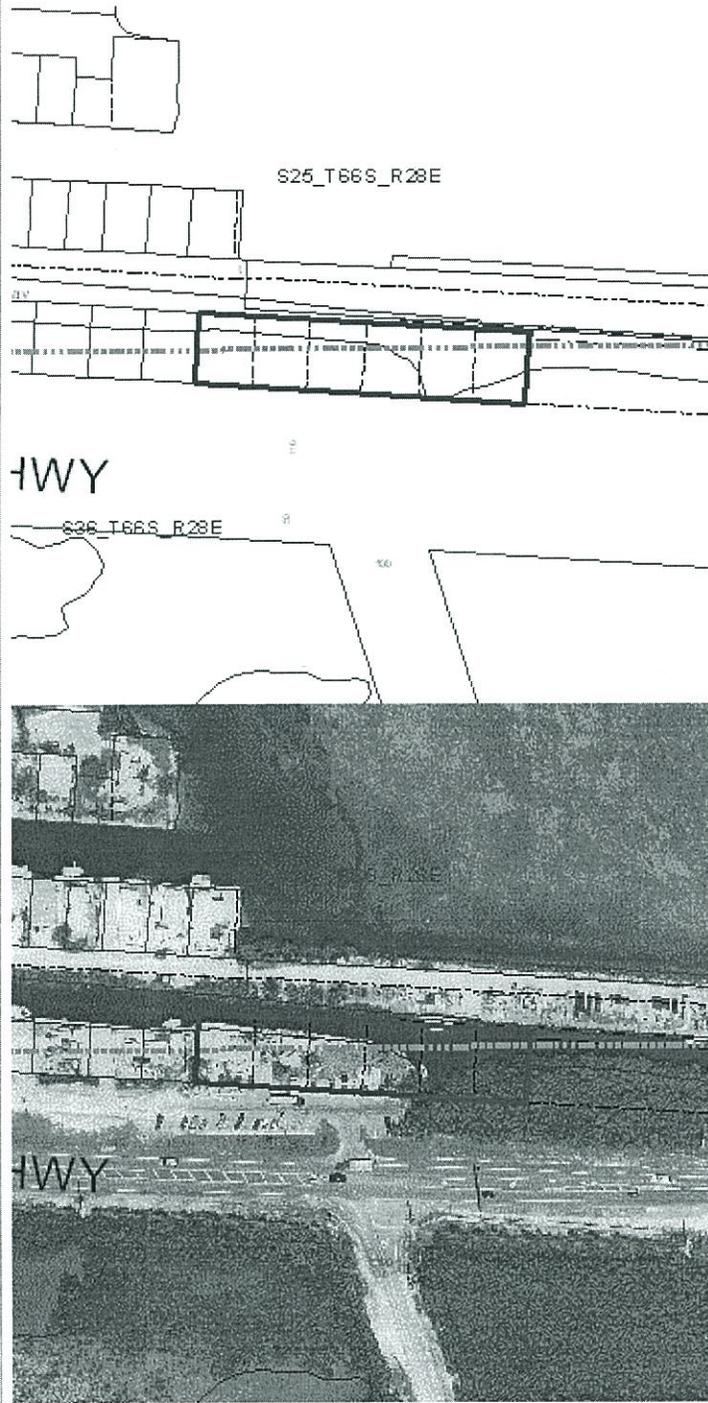
Ownership Details

Mailing Address:
WHARF MARINA INC
2532 ESTERO BLVD APT 102
FORT MYERS BEACH, FL 33931-3336

Property Details

PC Code: 46 - OTHER FOOD PROCESSING(PC/LIST)
Millage Group: 120C
Affordable Housing: No
Section-Township-Range: 25-66-28
Property Location: 25163 OVERSEAS HWY SUMMERLAND KEY
Subdivision: SUMMERLAND YACHT HARBOR SUBD
Legal Description: SUMMERLAND YACHT HARBOR PB2-142 SUMMERLAND KEY LOTS 1 THRU 6 OR565-915 OR836-2126
Description: OR992-309 OR1073-1543 OR2248-638/ OR2248-638/47E IITF/LEASE OR2383-925/6 OR2393-1533/34 OR2426-1993/94U/T OR2710-1076/77

Click Map Image to open interactive viewer



Land Details

Land Use Code	Frontage	Depth	Land Area
10HC - COMM/HY/CANAL	60	77	18,480.00 SF
000X - ENVIRONMENTALLY SENS	60	77	2.00 LT

Building Summary

Number of Buildings: 1

Number of Commercial Buildings: 1
 Total Living Area: 2487
 Year Built: 1975

Building 1 Details

Building Type
 Effective Age 21
 Year Built 1975
 Functional Obs 0

Condition F ...
 Perimeter 369
 Special Arch 0
 Economic Obs 0

Quality Grade 250
 Depreciation % 27
 Grnd Floor Area 2,487

Inclusions:

Roof Type
 Heat 1
 Heat Src 1

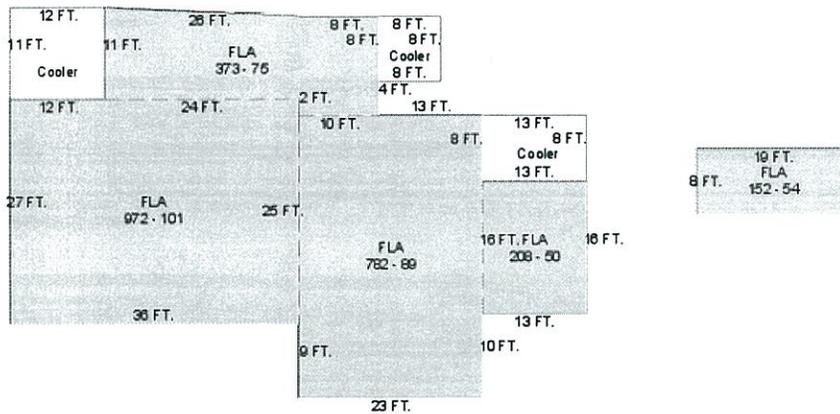
Roof Cover
 Heat 2
 Heat Src 2

Foundation
 Bedrooms 0

Extra Features:

2 Fix Bath 0
 3 Fix Bath 0
 4 Fix Bath 0
 5 Fix Bath 0
 6 Fix Bath 0
 7 Fix Bath 0
 Extra Fix 10

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



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1994					152
2	FLA		1	1966					782
3	FLA		1	1978					972
4	FLA		1	1978					208
5	FLA		1	1978					373

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		RESTAURANT & CAFETR	100	N	Y
		RESTAURANT & CAFETR	100	N	Y
		RESTAURANT & CAFETR	100	N	Y
		FOOD PROCESSING-D-	100	N	N
	1	CAMP BLDG	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
	NO VALUE	20
3425	AVE WOOD SIDING	80

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	PT3:PATIO	434 SF	0	0	2006	2007	1	50
2	AP2:ASPHALT PAVING	2,160 SF	0	0	1987	1988	1	25
3	PT3:PATIO	1,350 SF	0	0	1987	1988	2	50
4	DK3:CONCRETE DOCK	952 SF	119	8	1991	1992	4	60
5	SW2:SEAWALL	616 SF	154	4	1991	1992	4	60
6	AC2:WALL AIR COND	1 UT	0	0	2002	2003	2	20
7	PT3:PATIO	425 SF	25	17	2009	2010	2	50
8	UB2:UTILITY BLDG	80 SF	10	8	1993	1994	2	50

Appraiser Notes

1/23/09; FISHCUTTERS RESTAURANT, FISH HOUSE & MARINA; BRING PRC CURRENT,NL108
2009 MULTI PARCEL SALE TRANSFERED LOTS ONE THRU SIX AND LOT THIRTY FOUR AK 1256382 (1-6) AND AK 1256510 (34)
2005-12-07 THE OWNERS REQUESTED ALCOHOLIC BEVERAGE SPECIAL USE PERMIT2COP(BEER & WINE .25000 OVERSEAS HIGHWAY.-SKI
FOR SALE MLS \$3,250,000.
2008 CERTIFICATE OF TITLE TRANSFERED LOTS ONE THRU SIX AND LOT THIRTY FOUR AK 1256382 (1-6) AND AK 1256510 (34)
SUMMERLAND KEY SEAFOOD RETAIL & WHOLESALE
7/1/2013 BEN. PERMIT REVIEW.

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
09100166	01/16/2009	05/24/2010	2,450	Commercial	REPAIR AND PAINT EXTERIOR OF BLDG
09100224	03/06/2009	05/24/2010	16,700	Commercial	INTERIOR RENOVATIONS
09101231	04/30/2009	05/24/2010	1,000	Commercial	SECURITY ALARM
10101682	04/01/2010	05/24/2010	50	Commercial	SANDWICH BOARD IN FRONT OF BUILDING.

09101651	06/17/2009	10/22/2010	2,400	Commercial	FIRE SUPPRESSION SYSTEM
11103545	07/25/2011	11/20/2013	2,400	Commercial	EMERGENCY REPLACEMENT METER CAN
1256382	11/28/2011	11/20/2013	0	Commercial	CHANGE OF USE FOR 1,350 SF OUTDOOR SEATING
12100049	02/03/2012	11/20/2013	900	Commercial	REPAIR LIGHTS ON FRONT OF BUILDING
12101579	05/17/2012	11/20/2013	7,258	Commercial	DEMO BAR BUILDING
13101893	08/08/2013		5,150	Commercial	FLOOD PROOFING
A-15627	06/01/1986	12/01/1986	1,200	Commercial	SLABS
A-16608	12/01/1986	12/01/1986	3,000	Commercial	ELECTRICAL MISC.
93-7016	11/01/1993	08/01/1994	10,000	Commercial	COMM.MISCELLANEOUS
88-1342	07/01/1988	11/01/1988	12,640	Commercial	SEAWALL
91-3418	10/01/1991	12/01/1992	5,056	Commercial	SEAWALL
04100658	02/17/2004	05/04/2005	1,200	Commercial	DEMOLITION
06105211	06/22/2007	01/23/2009	10,000	Commercial	New Sign

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
2014	156,737	50,997	286,540	494,274	494,274	0	494,274
2013	178,385	48,305	286,540	513,230	513,230	0	513,230
2012	178,385	49,707	286,540	514,632	514,632	0	514,632
2011	178,385	50,504	286,540	515,429	515,429	0	515,429
2010	185,335	51,906	286,540	523,781	523,781	0	523,781
2009	185,335	53,472	332,740	571,547	571,547	0	571,547
2008	139,157	53,586	277,300	470,043	470,043	0	470,043
2007	90,828	44,787	277,300	412,915	412,915	0	412,915
2006	90,828	37,516	277,300	405,644	405,644	0	405,644
2005	92,966	38,099	277,300	408,365	408,365	0	408,365
2004	69,726	39,130	147,940	256,796	256,796	0	256,796
2003	69,726	40,189	120,220	230,135	230,135	0	230,135
2002	69,726	40,860	120,220	230,806	230,806	0	230,806
2001	69,726	42,087	120,220	232,033	232,033	0	232,033
2000	69,726	12,994	120,220	202,940	202,940	0	202,940
1999	69,726	13,309	120,220	203,255	203,255	0	203,255
1998	46,612	13,720	120,220	180,552	180,552	0	180,552
1997	46,612	14,142	120,220	180,974	180,974	0	180,974
1996	42,375	14,456	120,220	177,051	177,051	0	177,051
1995	42,375	14,869	120,220	177,464	177,464	0	177,464
1994	31,505	14,790	120,220	166,515	166,515	0	166,515
1993	31,505	15,077	120,220	166,802	166,802	0	166,802
1992	31,505	2,693	30,030	64,228	64,228	0	64,228

1991	31,505	2,827	30,030	64,362	64,362	0	64,362
1990	31,505	2,953	19,635	54,093	54,093	0	54,093
1989	31,505	3,080	15,939	50,524	50,524	0	50,524
1988	31,092	2,088	15,939	49,119	49,119	0	49,119
1987	8,345	0	15,939	24,284	24,284	0	24,284
1986	8,374	0	15,939	24,313	24,313	0	24,313
1985	8,118	0	15,832	23,950	23,950	0	23,950
1984	8,042	0	15,832	23,874	23,874	0	23,874
1983	8,086	0	15,832	23,918	23,918	0	23,918
1982	7,100	0	7,068	14,168	14,168	0	14,168

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
10/31/2014	2710 / 1076	1,250,000	WD	05
12/11/2008	2393 / 1533	1,200,000	WD	M
10/6/2008	2383 / 925	100	CT	F
10/1/1986	992 / 309	1	WD	M
7/1/1981	836 / 2126	45	WD	M

This page has been visited 390,936 times.

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

✓ Ronald and Diane Neault
POB 420710
Summerland Key, FL. 33042-0710

✓ Steve J and Dixie L Babich
5509 Madison St
Hollywood, FL. 33021

✓ Claudia R Lee
25151 Center Street
Summerland Key, FL.33042-4600

✓ Mariana A Sylvester Trust
2014 Palmetto Rd
West Palm Beach, FL 33406

✓ Beaver Woods LLC
29 Forest View Ln
Hebron, CT 06248

✓ Paul E Chaddock, Jr
25093 Center Street
Summerland Key, FL 33042-4601

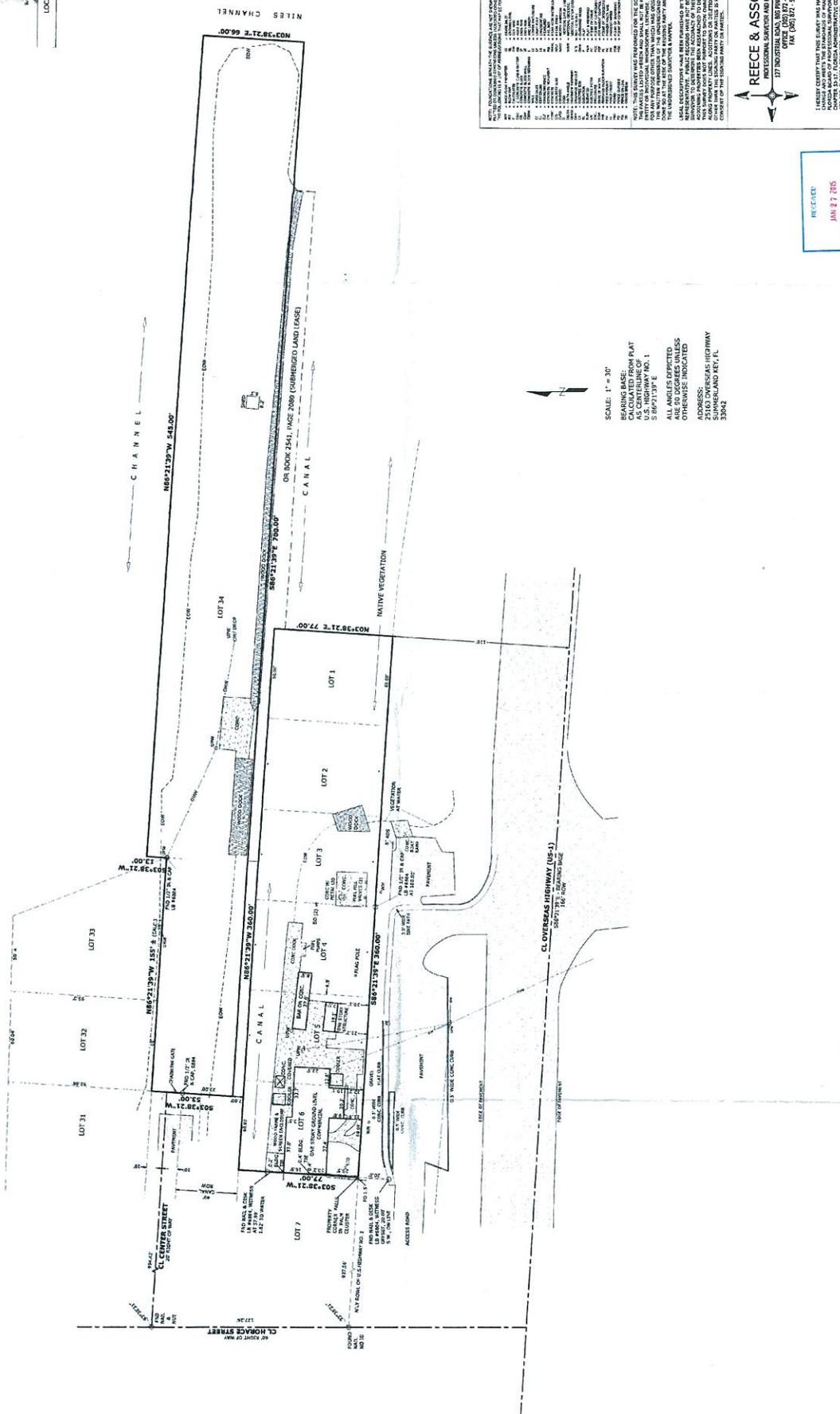
✓ Harold & Lynn Christensen
7120 Longboat Dr E
Longboat Key, FL 34228-1063

✓ Duke H and Brandi A Pontin
P.O. Box 717
Kahuku, HI 96731

✓ Mary M Edgington
24327 Caribbean Dr W
Summerland Key, FL 33042-4806

MAP OF BOUNDARY SURVEY
 Lots 1, 2, 3, 4, 5, 6 & 34
 SUMMERLAND YACHT HARBOR SUBDIVISION
 PLAT BOOK 2, PAGE 142
 MONROE COUNTY, FLORIDA

LOCATION MAP - HTS



SCALE: 1" = 30'
 BEARING BASE: MEAN HIGH TIDE
 AS CENTERLINE OF
 U.S. HIGHWAY NO. 1
 3. 10' ± TO P.E. UNLESS
 OTHERWISE INDICATED
 ADDRESS: REEFCE & ASSOCIATES
 33042

THE FOLLOWING TABLE OF BEARINGS AND DISTANCES WAS OBTAINED FROM THE ORIGINAL SURVEY RECORDS AND IS HEREBY REPRODUCED FOR THE CONVENIENCE OF THE READER. THE BEARINGS AND DISTANCES ARE GIVEN IN DEGREES, MINUTES AND SECONDS.

LINE NO.	BEARING	DISTANCE
1	N 86° 21' 39" W	155' 8" (L. 1)
2	N 86° 21' 39" W	155' 8" (L. 2)
3	N 86° 21' 39" W	155' 8" (L. 3)
4	N 86° 21' 39" W	155' 8" (L. 4)
5	N 86° 21' 39" W	155' 8" (L. 5)
6	N 86° 21' 39" W	155' 8" (L. 6)
7	N 86° 21' 39" W	155' 8" (L. 7)
8	N 86° 21' 39" W	155' 8" (L. 8)
9	N 86° 21' 39" W	155' 8" (L. 9)
10	N 86° 21' 39" W	155' 8" (L. 10)
11	N 86° 21' 39" W	155' 8" (L. 11)
12	N 86° 21' 39" W	155' 8" (L. 12)
13	N 86° 21' 39" W	155' 8" (L. 13)
14	N 86° 21' 39" W	155' 8" (L. 14)
15	N 86° 21' 39" W	155' 8" (L. 15)
16	N 86° 21' 39" W	155' 8" (L. 16)
17	N 86° 21' 39" W	155' 8" (L. 17)
18	N 86° 21' 39" W	155' 8" (L. 18)
19	N 86° 21' 39" W	155' 8" (L. 19)
20	N 86° 21' 39" W	155' 8" (L. 20)
21	N 86° 21' 39" W	155' 8" (L. 21)
22	N 86° 21' 39" W	155' 8" (L. 22)
23	N 86° 21' 39" W	155' 8" (L. 23)
24	N 86° 21' 39" W	155' 8" (L. 24)
25	N 86° 21' 39" W	155' 8" (L. 25)
26	N 86° 21' 39" W	155' 8" (L. 26)
27	N 86° 21' 39" W	155' 8" (L. 27)
28	N 86° 21' 39" W	155' 8" (L. 28)
29	N 86° 21' 39" W	155' 8" (L. 29)
30	N 86° 21' 39" W	155' 8" (L. 30)
31	N 86° 21' 39" W	155' 8" (L. 31)
32	N 86° 21' 39" W	155' 8" (L. 32)
33	N 86° 21' 39" W	155' 8" (L. 33)
34	N 86° 21' 39" W	155' 8" (L. 34)

NOTE: THIS SURVEY WAS PERFORMED FOR THE LOCAL AND DISTRICT GOVERNMENT OF MONROE COUNTY, FLORIDA, AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF REEFCE & ASSOCIATES. THE BEARINGS AND DISTANCES ARE GIVEN IN DEGREES, MINUTES AND SECONDS. THE UNDEVELOPED AREAS ARE SHOWN IN SHADING. THE UNDEVELOPED AREAS ARE SHOWN IN SHADING. THE UNDEVELOPED AREAS ARE SHOWN IN SHADING.

REEFCE & ASSOCIATES
 PROFESSIONAL SURVEYOR AND MAPS, L.L.P.
 177 INDUSTRIAL BOULEVARD, SUITE 100
 MONROE, FLORIDA 34602
 PHONE: (813) 237-1111
 FAX: (813) 237-1112

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL SURVEYOR IN THE STATE OF FLORIDA. I HAVE REVIEWED THE RECORDS OF THIS SURVEY AND THE RESULTS THEREOF AND I HAVE FOUND THEM TO BE CORRECT AND ACCURATE. I HAVE ALSO REVIEWED THE RECORDS OF THE PREVIOUS SURVEYS OF THIS PROPERTY AND I HAVE FOUND THEM TO BE CORRECT AND ACCURATE. I HAVE ALSO REVIEWED THE RECORDS OF THE PREVIOUS SURVEYS OF THIS PROPERTY AND I HAVE FOUND THEM TO BE CORRECT AND ACCURATE.

[Signature]
 REEFCE & ASSOCIATES
 PROFESSIONAL SURVEYOR AND MAPS, L.L.P.



LEGAL DESCRIPTION
 The lots shown on this map are located in the Summerland Yacht Harbor Subdivision, Plat Book 2, Page 142, Monroe County, Florida. The lots are located in the Summerland Yacht Harbor Subdivision, Plat Book 2, Page 142, Monroe County, Florida. The lots are located in the Summerland Yacht Harbor Subdivision, Plat Book 2, Page 142, Monroe County, Florida.

CERTIFIED TO
 The undersigned, a Florida corporation
 Smith | O'Connell, P.L.L.C.
 Insurance Company
 First State Bank of the Florida Keys, LLC

REVISIONS	DATE

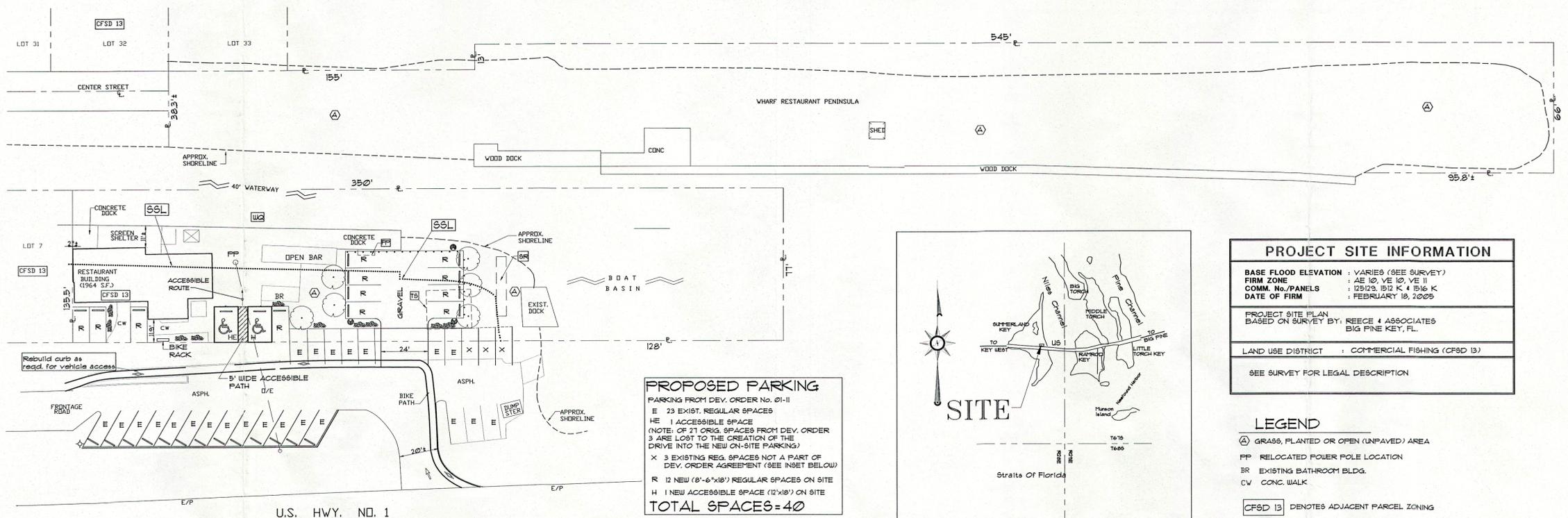
PROPOSED SITE PLAN
(W/ EXISTING PARKING INSET)

PROPOSED PARKING VARIANCE REQUEST FOR:
THE WHARF RESTAURANT
M.M. 25
OVERSEAS HIGHWAY
SUMNERLAND KEY, FLORIDA

PLANS WHICH ARE NOT SIGNED BY THE ENGINEER AND DO NOT HAVE THE ENGINEER'S BOARD SEAL ARE NOT VALID. THE ENGINEER'S BOARD SEAL IS THE PRIMARY INDIATOR OF THE QUALITY OF ANY DRAWING DESIGN OR DETAIL. IT IS MADE FOR A PLAN SHEET WHICH IS NOT SIGNED AND SEALED.

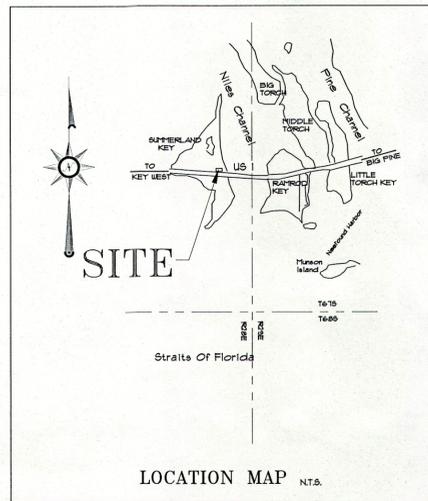
TIMMINGS ENGINEERING, LLC
C.A. LICENSE NO. 28394
THOMAS M. TIMMINGS, P.E.
FLORIDA P.E. NO. 45406
P.O. BOX 639
BIG PINE KEY, FL. 33043
(305) 872-4060 (TELEPHONE)

SHEET 1
OF ONE



PROPOSED SITE PLAN
SCALE: 1"=30'

PROPOSED PARKING
PARKING FROM DEV. ORDER No. 01-II
E 23 EXIST. REGULAR SPACES
HE 1 ACCESSIBLE SPACE
(NOTE: OF 21 ORIG. SPACES FROM DEV. ORDER 3 ARE LOST TO THE CREATION OF THE DRIVE INTO THE NEW ON-SITE PARKING)
X 3 EXISTING REG. SPACES NOT A PART OF DEV. ORDER AGREEMENT (SEE INSET BELOW)
R 12 NEW (8'-6"x18') REGULAR SPACES ON SITE
H 1 NEW ACCESSIBLE SPACE (12"x18') ON SITE
TOTAL SPACES=40
NOTE: ACCESSIBLE SPACES TO BE CONCRETE SURFACE STRIPED AND SIGNED TO CODE



LOCATION MAP N.T.S.

PROJECT SITE INFORMATION

BASE FLOOD ELEVATION	: VARIES (SEE SURVEY)
FIRM ZONE	: AE 10, VE 10, VE II
COMM. No./PANELS	: D2123, 1512 K 4 1516 K
DATE OF FIRM	: FEBRUARY 18, 2005
PROJECT SITE PLAN BASED ON SURVEY BY:	REECE & ASSOCIATES BIG PINE KEY, FL.
LAND USE DISTRICT	: COMMERCIAL FISHING (CFSD 13)
SEE SURVEY FOR LEGAL DESCRIPTION	

- LEGEND**
- (A) GRASS, PLANTED OR OPEN (UNPAVED) AREA
 - PP RELOCATED POWER POLE LOCATION
 - BR EXISTING BATHROOM BLDG.
 - CW CONC. WALK
 - CFSD 13 DENOTES ADJACENT PARCEL ZONING
 - E/P DENOTES EDGE OF PAVEMENT ON U.S. 1
 - E PROPERTY LINE
 - D/E OVERHEAD ELECTRIC AND/OR OTHER UTILITY
 - ◇ OUTDOOR LIGHTING-DESIGN BY OTHERS
 - TRAFFIC FLOW DIRECTION
 - ↖ BIKEWAY STRIPING (FUTURE)
 - SAFETY BALLARD
 - (DUMP) EXIST. DUMPSTER LOCATION
 - FP FUEL PUMPS & PAD TO BE REMOVED
 - TS TANK SLAB TO BE REMOVED
 - SSL DENOTES SHORELINE SETBACK LINE (20' LANDWARD OF SHORELINE OR M-HW) THERE IS NO CHANGE TO THE IMPERVIOUS AREA WITHIN THE SHORELINE SETBACK
 - PROPOSED OUTDOOR LIGHT LOCATION (CUTOFF STYLE LIGHTING PER CODE)
 - SR STORMWATER RETENTION
 - PROPOSED NATIVE CANOPY TREE
 - PROPOSED NATIVE SHRUBS

SHORELINE SETBACK AREA DATA
(MAIN PARCEL ONLY)
SHORELINE SETBACK AREA = 5083 SF.
IMPERVIOUS IMPROVEMENTS WITHIN SHORELINE SETBACK = 2380 SF.
OPEN AREA IN SHORELINE SETBACK = 2103 SF.
PERCENT OPEN SPACE IN SHORELINE SETBACK = 41.4%
PERCENT OPEN SPACE REQUIRED IN SHORELINE SETBACK = 40%
THERE IS NO CHANGE TO THE IMPERVIOUS AREA WITHIN THE SHORELINE SETBACK.

PARKING VARIANCE DATA
1.) EXISTING PARKING VARIANCE:
PARKING FROM DEV. ORDER No. 01-II
EXISTING SEATING = 106 SEATS
EXISTING PARKING = 21 SPACES
EXISTING PARKING RATIO: 1 PARKING SPACE PER 4 SEATS (ACTUALLY 3.93 ROUNDED UP TO 4) (THIS VARIES FROM CODE REQ. OF 1 PARKING SPACE PER 3 SEATS)
2.) AMENDED PARKING VARIANCE REQUESTED:
PROPOSED SEATING = 150 SEATS
PROPOSED TOTAL PARKING SPACES = 40 SPACES
PROPOSED PARKING RATIO: 1 PARKING SPACE PER 4 SEATS (ACTUALLY 3.75 ROUNDED UP TO 4) (THIS ALSO VARIES FROM CODE REQ. OF 1 PARKING SPACE PER 3 SEATS BUT IS ACTUALLY LESS THAN THE EXISTING RATIO FOR THE PARKING VARIANCE IN PLACE FOR THIS PROPERTY PRIOR TO ROUNDING)

SITE AREA (UPLAND)
MAIN PARCEL : 12925 SF.
PENINSULA : 34434 SF.
TOTAL UPLAND AREA : 47359 SF.

GROSS FLOOR AREAS
RESTAURANT BUILDING : 1364 SQ. FT.
BATHROOM STRUCTURE : 143 SQ. FT.
TOTAL GROSS FLOOR AREA : 2107 SQ. FT.

OPEN SPACE DATA (FOR UPLAND PARCELS)

LOT COVERAGE	SQUARE FOOTAGE
MAIN BLDG	1364
CONC. DOCK & MISC. CONC. SLABS NEAR BLDG. INCL. ACCESSIBLE PARKING AREAS	3826
OPEN BAR	318
BATHROOM BUILDING	143
WOOD DOCK	294
DOCKS AND MISC. STRUCTURES ON PENINSULA	3039
TOTAL	9541 SF.
OPEN SPACE	3788 SF.
OPEN SPACE RATIO	0.793

① STRUCTURES/SHED ROOF/COOLERS ETC. ON EXIST. CONC. ARE INCLUDED IN THIS AREA

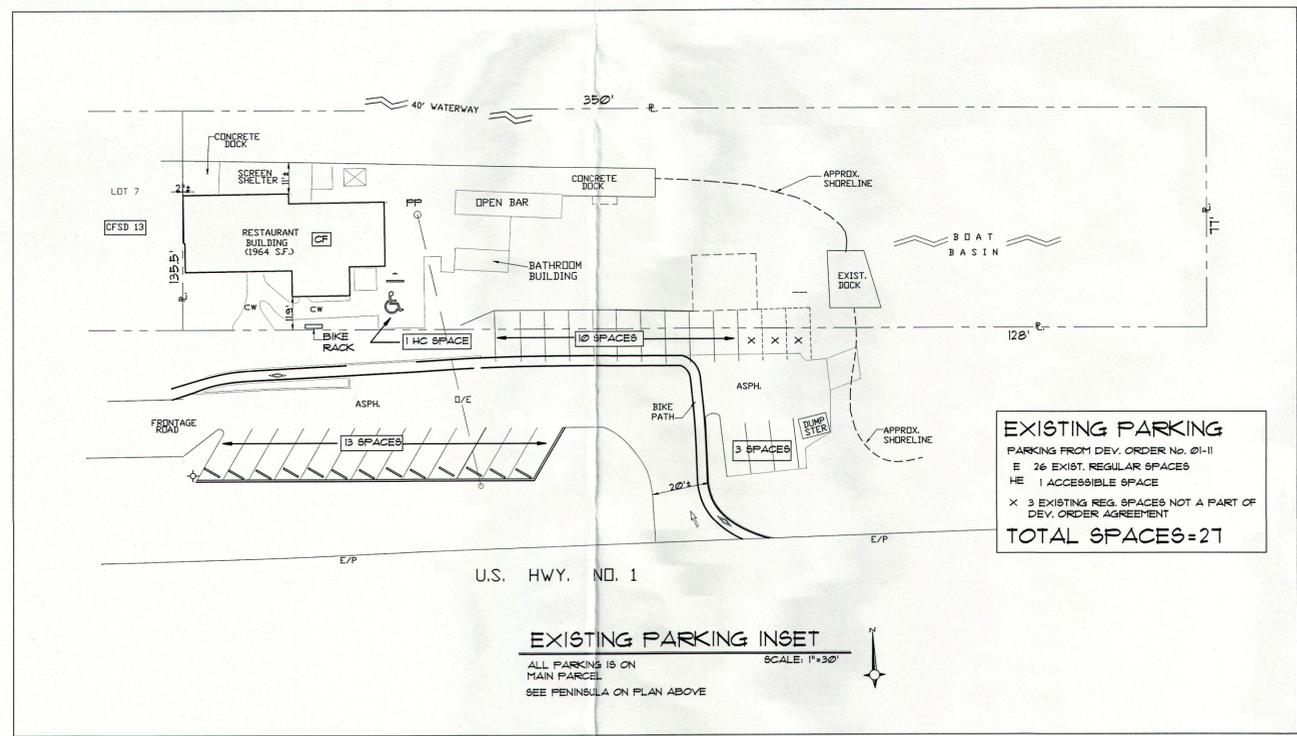
PARKING LOT LANDSCAPING CLASS "C" (USING '50' ZONING STANDARDS)^①

PLANT MATERIAL/1500 SF. AREA/24 SPACES	QUANTITY
CANOPY	2
SHRUBS	5

13 SPACES+24 SPACES=0.55
0.55x1500=825 SQ. FT. PLANTING AREA
REQUIRED : 825 SQ. FT.
PROVIDED : APPROX. 915 SQ. FT.
CANOPY : 1 REQUIRED - 6 GUMBO LIMBO PROVIDED
SHRUBS : 3 REQUIRED - 30 BUTTWOOD PROVIDED
① THERE IS NO LANDSCAPE REQ. FOR CF ZONING

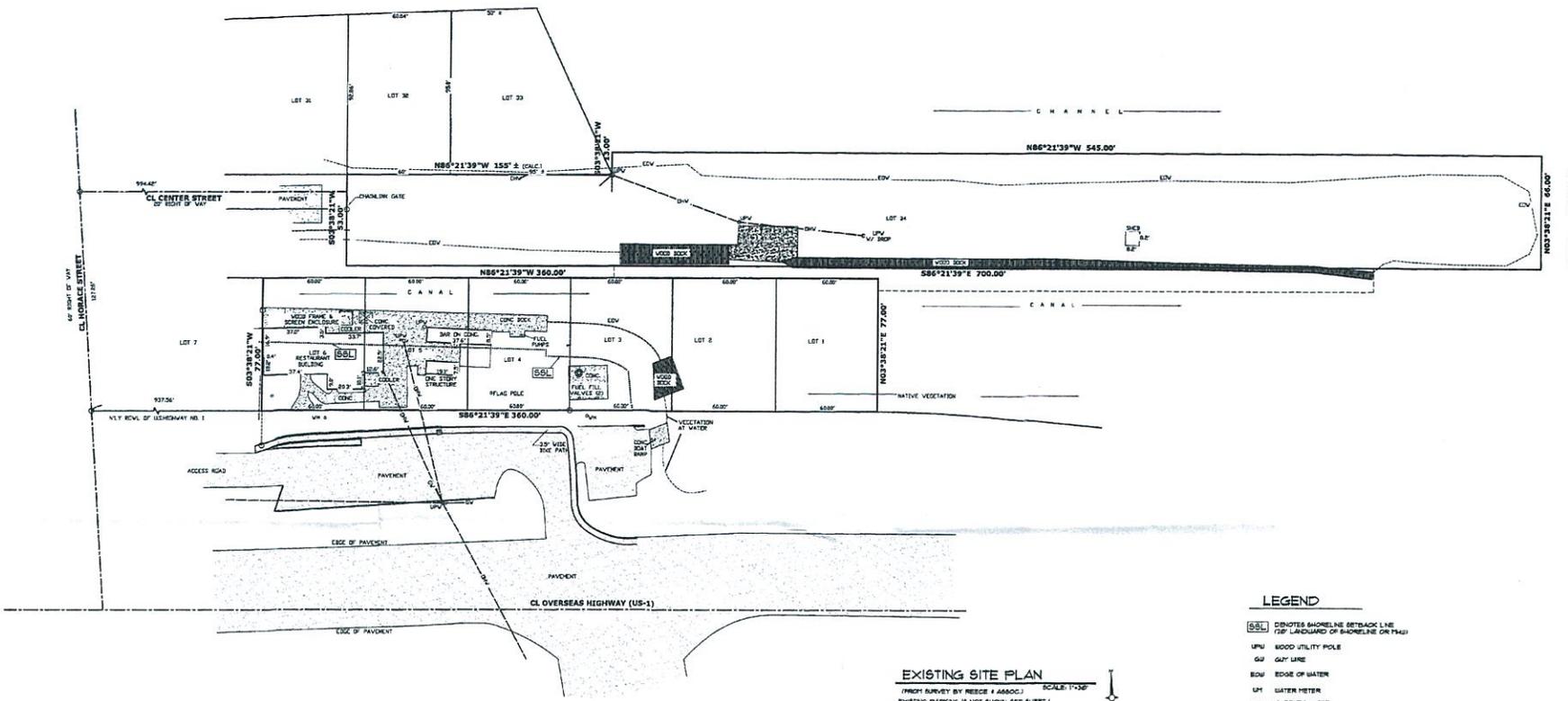
DO NOT SCALE FROM THIS PLAN FOR MEASUREMENTS OR DIMENSIONS-COORDINATE W/ ENGINEER FOR CLARIFICATION IF NEEDED

RECEIVED
FEB 24 2015
2015-018
MONROE CO. PLANNING DEPT



EXISTING PARKING INSET
SCALE: 1"=30'
ALL PARKING IS ON MAIN PARCEL
SEE PENINSULA ON PLAN ABOVE

EXISTING PARKING
PARKING FROM DEV. ORDER No. 01-II
E 26 EXIST. REGULAR SPACES
HE 1 ACCESSIBLE SPACE
X 3 EXISTING REG. SPACES NOT A PART OF DEV. ORDER AGREEMENT
TOTAL SPACES=27



EXISTING PARKING:
 (SEE SHEET U)
 EXISTING REGULAR (E) 28 SPACES
 EXISTING ACCESSIBLE (HE) 1 SPACE
 TOTAL = 29 SPACES

EXISTING SHORELINE SETBACK AREA DATA
 (MAIN PARCEL ONLY)
 SHORELINE SETBACK AREA = 5483 SF.
 INTERIM OPEN SPACE WITHIN SHORELINE SETBACK = 2286 SF.
 OPEN AREA IN SHORELINE SETBACK = 209 SF.
 PERCENT OPEN SPACE IN SHORELINE SETBACK = 4.0%
 PERCENT OPEN SPACE REQUIRED IN SHORELINE SETBACK = 4.0%

SITE AREA (UPLAND)
 MAIN PARCEL : 17825 SF.
 PENINSULA : 34434 SF.
 TOTAL UPLAND AREA : 41359 SF.

EXISTING OPEN SPACE DATA (FOR UPLAND PARCELS)

LOT COVERAGE	SQUARE FOOTAGE
MAIN BLDG	196.4
CONC. DOCK & MISC. CONC. SLABS NEAR BLDG	352.0
INCL. EXIST. ACCESSIBLE PARKING AREA	318
OPEN BAR	143
BATHROOM BUILDING	443
TANK SLAB	29.4
WOOD DOCK	3039
DOCKS AND MISC. STRUCTURES ON PENINSULA	
TOTAL	3765 SF.

OPEN SPACE : 3765 SF.
OPEN SPACE RATIO : 0.195

0 STRUCTURED ROOF COOLING ETC ON EXIST. CONC. ARE INCLUDED IN THIS AREA

LEGEND

- SBL DENOTES SHORELINE SETBACK LINE FOR LANDWARD OF SHORELINE ON TRAIL
- UPU 8000 UTILITY POLE
- GW 60\"/>

RECEIVED
 JAN 27 2015
 2015-018
 BUNDE CO PLANNING DEPT



REVISIONS	DATE

EXISTING SITE PLAN

PROPOSED SITE IMPROVEMENTS FOR:
THE WHARF RESTAURANT
 171.25
 OVERSEAS HIGHWAY
 SUMMERLAND KEY, FLORIDA

PLANS WHICH ARE NOT SIGNED BY THE ENGINEER OR SEAL OF THE ENGINEER SHALL BE VOID AND NO CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS ARISING FROM THE USE OF ANY DRAWING OR PLAN OR SPECIFICATION WHICH IS NOT SIGNED AND SEALED BY THE ENGINEER.

TIMMINS ENGINEERING, LLC
 C.A. LICENSE NO. 18894
THOMAS M. TIMMINS, P.E.
 FLORIDA P.E. NO. 45406
 BIG BAY KEY, FL 33003
 (305) 872-7400 (TELEPHONE)

SHEET

2

DATE: JANUARY 16, 2015



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

Through: Townsley Schwab, Senior Director of Planning & Environmental Resources
Mayte Santamaria, Senior Director of Planning & Environmental Resources

From: Rey Ortiz, Assoc. AIA, AICP, CBO Planning & Bio Plans Examiner Supervisor *RO*

Date: February 8, 2015

Subject: *Request for a Setback Variance for property located at 33 Calle Uno, Rockland Key, Real Estate #00148790.000000 (File #2015-021)*

Meeting: March 25, 2015

1
2 I REQUEST
3

4 The applicant is requesting approval of a variance of 12' from the required 25' front yard
5 non-shoreline setback along the Calle Uno right-of-way, which is adjacent to the eastern
6 property line. As a result, the front yard setback along the eastern property line would be
7 13'. Granting of this variance would allow the construction of 160 SF carport and
8 reorientation of the existing stairs to the existing elevated single family residence.
9



10
11 Subject Property with Land Use District Overlaid (Aerial dated 2012)

1
2 **II BACKGROUND INFORMATION:**
3

4 **Location:** Rockland Key, approximate mile marker 9 (Gulf of Mexico side of US 1)

5 **Address:** 33 Calle Uno, Rockland Key

6 **Legal Description:** Block 1, North ½ of Lot 13 and Lots 14 & 15, Rockland Village
7 Subdivision, Rockland Key, Plat Book 4, Page 133

8 **Real Estate Number:** 00148790.000000

9 **Property Owner/Applicant:** Daniel P. Toppino Living Trust

10 **Agent:** Patrick Ortega

11 **Size of Site:** 7,000 SF (per County GIS)

12 **Land Use District:** Improved Subdivision (IS)

13 **Future Land Use Map (FLUM) Designation:** Residential Medium (RM)

14 **Tier Designation:** Tier III

15 **Existing Use:** Single-Family Residential (Detached dwelling unit)

16 **Existing Vegetation/Habitat:** Disturbed/Scarified with landscaping

17 **Community Character of Immediate Vicinity:** Single-Family Residential

18 **Flood Zone:** AE-EL 10
19

20 **III RELEVANT PRIOR COUNTY ACTIONS:**
21

22 On August 7, 1987, the Monroe County Building Department issued Building Permit #A-
23 18505 for the construction of the existing single-family residence on the subject property.
24

<i>Permit No.</i>	<i>Date Issued</i>	<i>Description</i>
A-18505	08/07/1987	Single Family Residence, Deck and Stairs
971-1468	10/14/1997	21 linear feet of 4' high concrete fence
981-0068	01/21/1998	Paint exterior of existing elevated SFR
981-0079	01/22/1998	Roof re-cover over existing shingles
981-0618	04/20/1998	Re-roof
991-0923	03/17/1999	Install 70 linear feet of block wall on side property line
021-3165	09/12/2002	Pool, 160 SF deck and 55 linear feet of fence
041-4241	09/09/2004	Repair riser for service
091-5314	01/05/2010	Sewer tie-in
101-2592	05/05/2010	Alarm/Security system
131-3080	08/14/2013	Pool Repair

25
26 An Administrative Variance was sought by the applicant and processed by staff under File
27 Number 2014-117. On December 8, 2014 the applicant voluntarily abandoned the
28 Administrative Variance to alter the design of the project. The redesigned configuration
29 would require an approval of a variance from the Planning Commission of 12' from the
30 required 25' front yard setback along Calle Uno.
31

1 An Environmental Resources “Shoreline Setback Deviation” is concurrently being sought by
2 the applicant and is currently being processed by staff under File Number 2015-022. The
3 granting of the Shoreline Setback Deviation would allow the construction of a new elevator
4 to the first floor of the existing single family residence.
5

6 **IV REVIEW OF APPLICATION:**
7

8 As set forth in MCC §130-186, the required non-shoreline setbacks for a detached dwelling
9 in the IS district are as follows: Front yard – 25’; Rear yard – 20’; and Side yard – 10’/15’
10 (where 10’ is the required side yard for one side and 15’ is the minimum combined total of
11 both side yards.)
12

13 The subject property is located on the west side of Calle Uno. The property has a required
14 non-shoreline front yard setback of 25’ along the Calle Uno right-of-way and required non-
15 shoreline side yard setbacks of 10’ and 5’. In addition, there is a required shoreline setback
16 of 20’ for principal structures from the mean high water line adjacent the canal/western
17 property line, pursuant to MCC §118-12.
18

19 The Applicant is requesting a variance of 12’ from the required 25’ front yard setback along
20 the Calle Uno right-of-way. As a result, the front yard setback along the Calle Uno right-of-
21 way would be 13’. The reduced setback would allow the property to construct a 160 SF
22 carport and reorientation of the existing stairs to the existing elevated single family residence.
23

24 The Monroe County Property Appraiser’s records indicate that the building was constructed
25 in 1988. Based on the site plans submitted with the variance application, the existing single
26 family residence, except for a bay window, and its associated accessory development, is set
27 back 25’ from Calle Uno. As the bay window was permitted in its current location, it is
28 lawfully nonconforming to the current setback requirements.
29

30 *Pursuant to MCC §102-187(d) and 102-186, a variance may only be granted if the applicant*
31 *demonstrates that all of the following standards are met:*
32

33 1. *The applicant demonstrates a showing of good and sufficient cause:*
34

35 The subject property consists of two and a half platted lots – the north ½ of Lot 13 and all
36 of Lots 14 & 15. Most of the properties in Rockland Key Village in this vicinity are
37 similarly configured, having dimensions of 70’ wide by 100’ long (7,000SF).
38

39 The existing primary permitted structure of the single-family residence is compliant with
40 current setback restrictions; however, due to the narrow setting of the property, the
41 proposed carport and stairs cannot be installed in the front yard without a variance or a
42 significant modification to the existing building.
43

44 A variance is necessary for the property owner to construct the proposed carport and
45 stairs. Therefore, the applicant demonstrates a showing of good and sufficient cause.

1
2 2. *Failure to grant the variance would result in exceptional hardship to the applicant:*
3

4 The application proposes new development of a relatively small scale and impact.
5 Despite the small development area, without a variance, the only method in which the
6 applicant could install a carport and modify the orientation of the stairs is to
7 modify/remove existing development, such as part of the residence.
8

9 The applicant is proposing to construct a carport and stairs to the single family residence
10 that will encroach 12' into the front yard setback beyond the footprint of the existing
11 structure. Given the existing footprint of the existing single family residence, the
12 proposed location and footprint of the improvement is the most appropriate and practical
13 for aesthetics and structural reasons.
14

15 Therefore, failure to grant the variance would result in exceptional hardship to the
16 applicant.
17

18 3. *Granting the variance will not result in increased public expenses, create a threat to*
19 *public health and safety, create a public nuisance, or cause fraud or victimization of the*
20 *public:*
21

22 Granting the variance will not result in increased public expenses, create a threat to
23 public health and safety, create a public nuisance, or cause fraud or victimization of the
24 public. Note: staff will review all comments from surrounding property owners following
25 notification of the application and valid objections from surrounding property owners
26 may lead the Planning and Environmental Resources Department to reevaluate its
27 recommendation.
28

29 4. *The property has unique or peculiar circumstances, which apply to this property, but*
30 *which do not apply to other properties in the same zoning district:*
31

32 The subject property is within the Rockland Village Subdivision plat and designated as IS
33 zoning district (1 dwelling unit/lot) in the lower keys. The platted lots in this subdivision
34 are mainly 40'x70' (2,800 SF) and are generally smaller than the typical platted IS lot.
35 Due to the wider setbacks of 25' in the front yard and 20' shoreline setbacks for the canal
36 front properties, this results in a narrower development footprint than typically exists in
37 the IS district. This limits the amount of space the applicant has for development. As
38 such, development has occurred on combined lots of approx. 7 000 SF (2½ platted lots or
39 70'x100') to provide additional land area to better facilitate the development of a single
40 family residence. Therefore, staff has found that the property has unique or peculiar
41 circumstances for a parcel in the IS district.
42

43 5. *Granting the variance will not give the applicant any special privilege denied other*
44 *properties in the immediate neighborhood in terms of the provisions of this chapter or*
45 *established development patterns:*

1
2 Staff could not find any record of any person in the immediate neighborhood requesting a
3 similar or comparable request. Therefore, granting the variance will not give the applicant
4 any special privilege denied to other properties in the immediate neighborhood in terms
5 of the provisions of the land development regulations or established development
6 patterns.

- 7
8 6. *Granting the variance is not based on disabilities, handicaps or health of the applicant or*
9 *members of his family:*

10
11 Concerning the development requiring a variance, granting the variance would not be
12 based on disabilities, handicaps or health of the applicant or members of his family.

- 13
14 7. *Granting the variance is not based on the domestic difficulties of the applicant or his*
15 *family:*

16
17 Concerning the development requiring a variance, granting the variance would not be
18 based on the domestic difficulties of the applicant or his family.

- 19
20 8. *The variance is the minimum necessary to provide relief to the applicant:*

21
22 Staff has reviewed the site for viable options, including alternative locations for the
23 carport, and found that a variance of 12' along the Calle Uno right-of-way is the
24 minimum necessary to provide relief to the applicant for the proposed work.

25
26 V RECOMMENDATION:

27
28 Staff recommends approval to the Planning Commission of a variance of 12' the Calle Uno
29 right-of-way with the following conditions (if necessary, following the consideration of
30 public input, staff reserves the right to request additional conditions):

- 31
32 1. This variance is based on the dimensions and location of the improvement as shown on
33 the site plan submitted with the variance application on January 30, 2015. Work not
34 specified or alterations to the site plan may not be carried out without additional Planning
35 & Environmental Resources Department approval.
36
37 2. This variance is only for construction of a carport and reorientation of the existing stairs
38 to the existing the existing elevated single family residence. It does not waive the
39 required side yard setback for any future structures or additions.
40
41 3. The applicant shall apply for and receive a building permit for the carport and stairs. The
42 variance does not circumvent any additional requirements based on the Florida Building
43 Code and/or flood plain design requirements.
44

- 1 4. This variance does not waive the shoreline setback for any future structures. This setback
2 is being addressed under File Number 2015-022 for a “Shoreline Setback Deviation” by
3 the Environmental Resources Department.
4

5 VI PLANS REVIEWED:
6

- 7 A. Special Accessibility Setback Variance for 33 Calle Uno Drive Rockland Key, FL 33040,
8 Site Info and Proposed Plan (Sheet 1 of 1) by Reynolds Engineering Services signed and
9 sealed January 26, 2015 (showing Site Location Map, Site Data and Site plan at 1/16
10 scale)
11 B. Special Accessibility Setback Variance for 33 Calle Uno Drive Rockland Key, FL 33040,
12 Site Info and Proposed Plan (also titled “Sheet 1 of 1”) by Reynolds Engineering Services
13 dated January 26, 2015 (showing Front Elevation, Elevator Installation Information, Site
14 Data, Site Location Map and Site plan at smaller than 1/16 scale)
15 C. A copy of Boundary Survey by R.E. Reece, P.A., Professional Land Surveyor and
16 Mapper, dated September 24, 2010.

Item #4 Toppino Trust-Variance to PC
File

File #: **2015-021**

Owner's Name: Toppino Daniel P. Living Trust

Applicant: Toppino Daniel P. Living Trust

Agent: Patrick Ortega

Type of Application: Variance - PC

Key: Rockland Key

RE: 00148790.000000

Additional Information added to File 2015-021

Creech-Gail

From: Ortiz-Reynaldo
Sent: Monday, February 09, 2015 9:27 AM
To: Creech-Gail
Subject: 2015-021 Toppino PC Variance
Attachments: 2922_001.pdf

Follow Up Flag: Follow up
Flag Status: Flagged



Gail,

Please include this email with our records.

Thank you.

ro

From: Jodie Cullen [<mailto:jcullen@mcpafl.org>]
Sent: Monday, February 09, 2015 8:56 AM
To: Ortiz-Reynaldo
Subject: FW: Attached Image

Rey,

Attached please find the photo's we have on file for RE 00148790-000000.

Jodie Cullen
Monroe County Property Appraiser's Office
2798 Overseas Hwy Suite 310
Marathon, FL 33050
(305) 289-2550
(305) 289-2555 (fax)
jcullen@mcpafl.org

From: ma-copier@mcpafl.org [<mailto:ma-copier@mcpafl.org>]
Sent: Monday, February 09, 2015 8:56 AM
To: Jodie Cullen
Subject: Attached Image



AK 1193925 Photo 5/7/2001
Bk 1 Lt1/2 13 all 14 & 15 Rockland Village



1193925 11/28/2006



1193925-20120605



County of Monroe
Growth Management Division

**Planning & Environmental Resources
Department**

2798 Overseas Highway, Suite 410
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

Mayor Danny L. Kollhage, Dist. 1
Mayor Pro Tem Heather Carruthers, Dist. 3
George Neugent, Dist. 2
David Rice, Dist. 4
Sylvia Murphy, Dist. 5

We strive to be caring, professional, and fair.

Date: 1.30.15
Time: _____

Dear Applicant:

This is to acknowledge submittal of your application for Variance - PE
Type of application

Toppino Daniel P Living Trust to the Monroe County Planning Department.
Project / Name

Thank you.

Gail Croech

Planning Staff

MCPA GIS Public Portal
Scott P. Russell, CFA

- **Pan**
- [Legend](#)
- **Zoom In**
- **Zoom Out**
- **Address**
- **Find**
- **Identify**
- **Select**
- **Buffer**
- **Measure**
- **Print**
- [Help](#)
- Click on our [Getting Started](#) tutorial!
- 2014 Condo
- 2013 Condo
- 2012 Condo
- Expand All
- 2011 Condo
 - MCPA GIS Public Portal
 - Monroe Overlay
- 2010 Condo
 - Subdivisions
 - Section Lines
- 2009 Condo
 - Parcels
 - Shoreline
 - Lot Lines
- 2008 Condo
 - Hooks Leads
 - Easements
- 2014 Sales
 - Text Displays
 - Qualified Condo Sales
 - Qualified Sales
- 2013 Sales
 - Transportation
- 2012 Sales
- 2011 Sales
- 2010 Sales
- 2009 Sales
- 2008 Sales
- Road Centerline
- Road Block Name

Zoom-in Zoom-in to a defined extent...
 Zoom-out Zoom-out to a defined extent...
 Scale Full Extent Zoom to the full extent tool was clicked!
 Call Pan 26 598696 Longitude: -81.672453

Basemap Select a basemap o Locate Clear

Buffer Results 26 features found Zoom Remove highlight
 Export results to " | Delimited Go

OBJECTID	SDE.DBO.W_PARCELS.ID	SDE.DBO.W_PARCELS.RECHAR	SDE.DBO.V
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Verified GC

✓ BAR & RESTAURANT MANAGEMENT
COMPANY C/O REED JAMES W
1475 WINTON RD
MT PLEASANT, SC 29464

✓ BROUILLARD FAMILY TRUST 08/31/2007 C/O
BROUILLARD GUY G
7 CALLE UNO
KEY WEST, FL 33040-5410

✓ DEDEO DANIEL T
4 CALLE DOS
KEY WEST, FL 33040-5464

✓ FINIGAN MARK Z AND ROSEANNE M
30 CALLE UNO
KEY WEST, FL 33040

✓ FLOWERS ROLAND SHAYNE & KIMBERLY
4 CALLE UNO
KEY WEST, FL 33040-5410

✓ ISLE INVESTORS LLC
5730 2ND AVE
KEY WEST, FL 33040-5933

✓ MARTINEZ JUDY A
8 CALLE UNO
KEY WEST, FL 33040-5410

✓ MULVEY SHARON L
6 CALLE UNO
KEY WEST, FL 33040

✓ MURRAY LEE M
9 CALLE DOS
KEY WEST, FL 33040-5464

✓ O'FLYNN GREGORY AND JANET LYNN
P O BOX 5827
KEY WEST, FL 33045

✓ OSBORN CYNTHIA DAWN AND GARY
3436 BLOSSOM LN
BLOOMFIELD HILLS, MI 48302-1305

✓ OSTERHOUDT NICHOLAS
4B CALLE DOS
KEY WEST, FL 33040-5464

✓ ROCKLAND OPERATIONS LLC
PO BOX 787
KEY WEST, FL 33041

✓ SAUNDERS CHRISTOPHER AND STACY
7 CALLE DOS DR
KEY WEST, FL 33040

✓ SMITH CHARLES H
264 TRESTLE CREEK DR
SAINT REGIS, MT 59866-9605

✓ STEVEN TOYE ANNE
1 CALLE UNO
KEY WEST, FL 33040-5410

✓ TEJEDA ALEX AND LYNNE
8 CALLE DOS
KEY WEST, FL 33040

✓ WILBARGER DONALD AND MARILYN
5 CALLE UNO
KEY WEST, FL 33040

Verified GC
1 of 1

End of Additional File 2015-021

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Variance Application to the Monroe County Planning Commission

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

Planning Commission Variance Application Fee: \$1,608.00

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

Date of Submittal: 1 / 29 / 2015
Month Day Year

Property Owner:

TOPPINO DANIEL P. LIVING TRUST
Name P.O. BOX 787
KEY WEST, FL. 33041

Mailing Address (Street, City, State, Zip Code)
(305) 296-5606

Daytime Phone
toppdp@aol.com

Email Address

Agent (if applicable):

PATRICK ORTEGA
Name P.O. BOX 787
KEY WEST, FL. 33041

Mailing Address (Street, City, State, Zip Code)
(305) 522-1083

Daytime Phone
toppino@toppkw.com

Email Address

Legal Description of Property:

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

1 N 1/2 LOT 13 + All LOTS 14 + 15 ROCKLAND VILLAGE EAST
Block Lot Subdivision Key ROCKLAND
KEY

00148790-000000 1193925
Real Estate (RE) Number Alternate Key Number

33 CALLE LIND KEY WEST, FL. 33040 M.M. 9
Street Address (Street, City, State, Zip Code) Approximate Mile Marker

APPLICATION

Land Use District Designation(s): _____

Present Land Use of the Property: RESIDENTIAL

Total Land Area: 7000 sq

Please provide the standard required by the land development regulations: FRONT YARD SETBACK OF 25 FEET
(i.e. front yard setback of 25 feet, 100 off-street parking spaces, etc.)

Please provide that requested: REDUCE FRONT YARD SETBACK TO 13 FEET FOR HANDICAP ACCESS
(i.e. front yard setback of 10 feet, 70 off-street parking spaces, etc.)

All of the following standards must be met in order to receive variance approval. Please describe how each standard shall be met.

1) The applicant shall demonstrate a showing of good and sufficient cause:
APPLICANT IS REQUESTING A FRONT SETBACK VARIANCE TO PROVIDE ACCESS TO ELEVATOR BY RELOCATION OF STAIRS (FRONT), AS PER PLANS ...

2) Failure to grant the variance would result in exceptional hardship to the applicant:
FAILURE TO GRANT THIS VARIANCE WOULD MOST DEFINITELY RESULT IN EXCEPTIONAL HARDSHIP TO THE APPLICANT, AS HE WOULD NOT HAVE ACCESS TO HIS HOME ...

3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance or cause fraud or victimization of the public:
THE GRANTING OF THIS VARIANCE WOULD NOT RESULT IN ANYTHING NEGATIVE TO THE PUBLIC ...

4) Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district:
N/A

5) Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of the provisions of this chapter or established development patterns:
N/A

APPLICATION

6) Granting the variance is not based on disabilities, handicaps or health of the applicant or members of his family:

n/a

7) Granting the variance is not based on the domestic difficulties of the applicant or his family:

n/a

8) The variance is the minimum necessary to provide relief to the applicant:

*THIS VARIANCE IS NECESSARY TO
PROVIDE RELIEF TO THE APPLICANT ...*

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

- Complete variance application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- Proof of ownership (i.e. Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser;
- Location map;
- Photograph(s) of site from adjacent roadway(s);
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – 16 sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat);
- Signed and Sealed Site Plans, prepared by a Florida registered architect, engineer or landscape architect– 16 sets (drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale). At a minimum, the site plan should include the following:
 - Date, north point and graphic scale;
 - Boundary lines of site, including all property lines and mean high-water lines;
 - Land use district of site and any adjacent land use districts;
 - Locations and dimensions of all existing and proposed structures and drives;
 - Type of ground cover (i.e. concrete, asphalt, grass, rock);
 - Adjacent roadways;
 - Setbacks as required by the land development regulations;
 - Location and dimensions of all parking spaces (including handicap accessible, bicycle and scooter) and loading zones;
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included;

APPLICATION

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

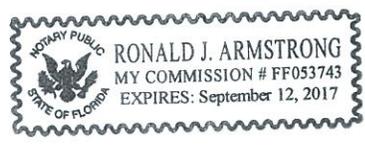
- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property)

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

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

Signature of Applicant: [Handwritten Signature] Date: 1/29/2015

Sworn before me this 29TH day of JANUARY 2015



[Handwritten Signature: Ronald J. Armstrong]
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.

1/29/15

(Date)

I hereby authorize PATRICK ORTEGA be listed as authorized agent
(Name of Agent)

for TOPPING DANIEL P. GOING TRUST for the application submittal for
(Name of Property Owner(s) the Applicant(s))

Property described as Lot: N/2 13, Block 1,

Subdivision: ROCKLAND VILLAGE, Key (island): EAST ROCKLAND KEY

and Real Estate number: CO148790 - 000000

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

The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

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

[Signature]

Property Owner(s) Signature

DANIEL P. TOPPING

Printed Name of Owner(s)

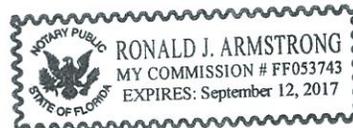
**NOTARY:
STATE OF FLORIDA
COUNTY OF MONROE**

The foregoing instrument was acknowledged before me this 29th day of JANUARY, 20 15.

DANIEL P. TOPPING is personally known produced identification

(Type of Identification), did / did not take an oath.

[Signature]
Notary



Return to: (Enclose self addressed stamped envelope)
Name: STONES & CARDENAS
Address: 221 Simonton Street
Key West, FL 33040

Doc# 1565321 02/08/2006 10:33AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

This Instrument Prepared By:

STONES & CARDENAS
221 Simonton Street
Key West, FL 33040
(305) 294-0252

02/08/2006 10:33AM
DEED DOC STAMP CL: PW \$0.70

Doc# 1565321
Bk# 2185 Pg# 1077

WARRANTY DEED

THIS INDENTURE made this 6th day of February, 2006, by and between FRANK P. TOPPINO, a married man, whose address is P.O. Box 787, Key West, FL 33040, as Grantor, and DANIEL P. TOPPINO, a single man, whose address is PO Box 787, Key West, FL 33040, as Grantee,

WITNESSETH: that the said Grantor, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars and other good and valuable consideration to said Grantor, in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, his successors, heirs, and assigns forever, the following described property, situate lying and being in the County of Monroe, State of Florida, to wit:

The North 1/2 of Lot 13 and all of Lots 14 and 15, Block 1, ROCKLAND KEY VILLAGE SUBDIVISION, according to the Plat thereof as recorded in Plat Book 4, Page 133 of the Public Records of Monroe County, Florida.

SUBJECT TO: Conditions, restrictions, limitations, easements of record, if any, all applicable zoning regulations and taxes subsequent to date hereof.

THE PROPERTY CONVEYED HEREIN IS NEITHER THE DOMICILE NOR THE HOMESTEAD OF THE GRANTOR HEREIN NOR HIS SPOUSE NOR ANY OF HIS IMMEDIATE HOUSEHOLD AS DEFINED BY THE LAWS OF THE STATE OF FLORIDA.

TOGETHER with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereunto belonging or in anywise appertaining:

TO HAVE AND TO HOLD the same in fee simple forever.

AND the said Grantor does hereby covenant with said Grantee that the said Grantor is lawfully seized of the said property; that it is free of all encumbrances except as above stated; that he has good right and lawful authority to sell the same; and that the said Grantee shall have quiet enjoyment thereof. The said Grantor does hereby fully warrant the title to said property, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Susan Overton
Signature of Witness
SUSAN OVERTON
Printed Name of Witness

Frank P. Toppino
FRANK P. TOPPINO

Ronald J. Armstrong
Signature of Witness
Ronald J. Armstrong
Printed Name of Witness

STATE OF FLORIDA:
COUNTY OF MONROE:

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, FRANK P. TOPPINO, who is personally known to me to be the individual described in and who executed the foregoing instrument, or who produced _____, as identification, and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Key West, County of Monroe and State of Florida, this 6th day of February, 2006.

Susan Overton
Printed Name of Notary

Susan Overton
NOTARY PUBLIC

My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA
 Susan Overton
Commission # DD456801
Expires: SEP 18, 2009
Bonded Thru Atlantic Bonding Co., Inc.

MONROE COUNTY
OFFICIAL RECORDS



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

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

Property Record Card -

Maps are now launching the new map application version.

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

Alternate Key: 1193925 Parcel ID: 00148790-000000

Ownership Details

Mailing Address:
TOPPINO DANIEL P LIVING TRUST
C/O TOPPINO DANIEL P TRUSTEE
P O BOX 787
KEY WEST, FL 33041

Property Details

PC Code: 01 - SINGLE FAMILY
Millage Group: 100B
Affordable Housing: No
Section-Township-Range: 21-67-26
Property Location: 33 CALLE UNO EAST ROCKLAND KEY
Subdivision: ROCKLAND VILLAGE #1
Legal Description: BK 1 N 1/2 LOT 13 & ALL LOT 14 & 15 ROCKLAND VILLAGE PB4-133 EAST ROCKLAND KEY OR789-1496/97 OR823-1882 PROB #81-01-CP-12 OR1455-1064 OR2185-1077/78 OR2329-2311/12TR

Click Map Image to open interactive viewer



Exemptions

Exemption	Amount
44 - ADDL HOMESTEAD	25,000.00
39 - 25000 HOMESTEAD	25,000.00

Land Details

Land Use Code	Frontage	Depth	Land Area
---------------	----------	-------	-----------

010C - RESIDENTIAL CANAL	0	0	7,000.00 SF
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Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 0
 Total Living Area: 1168
 Year Built: 1988

Building 1 Details

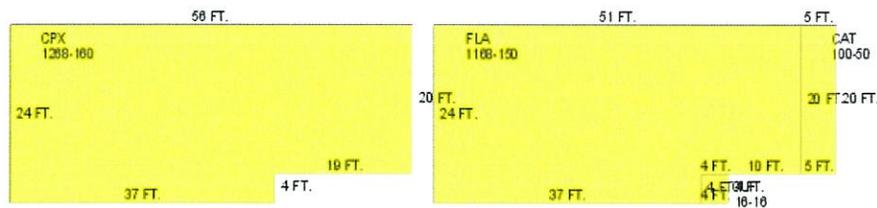
Building Type R1	Condition G	Quality Grade 500
Effective Age 11	Perimeter 150	Depreciation % 10
Year Built 1988	Special Arch 0	Grnd Floor Area 1,168
Functional Obs 0	Economic Obs 0	

Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.

Roof Type GABLE/HIP	Roof Cover ASPHALT SHINGL	Foundation CONC PILINGS
Heat 1 NONE	Heat 2 NONE	Bedrooms 3
Heat Src 1 NONE	Heat Src 2 NONE	

Extra Features:

2 Fix Bath 0	Vacuum 0
3 Fix Bath 1	Garbage Disposal 0
4 Fix Bath 0	Compactor 0
5 Fix Bath 0	Security 0
6 Fix Bath 0	Intercom 0
7 Fix Bath 0	Fireplaces 0
Extra Fix 0	Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
-----	------	----------	-----------	------------	-------	-----	------------	---------------------	------

1	CPX	5:C.B.S.	1	1988	N	Y	0.00	0.00	1,268
2	FLA	5:C.B.S.	1	1988	N	Y	0.00	0.00	1,168
3	OUF	5:C.B.S.	1	1988	N	Y	0.00	0.00	16
4	CAT	5:C.B.S.	1	1988	N	Y	0.00	0.00	100

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	DK4:WOOD DOCKS	252 SF	12	21	1987	1988	1	40
2	AC2:WALL AIR COND	1 UT	0	0	1987	1988	2	20
3	SW2:SEAWALL	300 SF	3	100	1988	1989	1	60
4	PT3:PATIO	1,400 SF	0	0	1988	1989	3	50
5	TK2:TIKI	36 SF	6	6	1988	1989	1	40
6	FN3:WROUGHT IRON	118 SF	20	6	1999	2000	3	60
7	FN3:WROUGHT IRON	94 SF	16	6	1999	2000	3	60
8	FN2:FENCES	35 SF	7	5	1999	2000	4	30
9	FN2:FENCES	112 SF	20	6	1999	2000	4	30
10	FN2:FENCES	469 SF	67	7	2000	2001	4	30
11	FN2:FENCES	336 SF	48	7	2000	2001	4	30
12	FN2:FENCES	284 SF	63	5	2000	2001	4	30
14	PT3:PATIO	680 SF	40	17	1999	2000	2	50
15	PO2:LOW COST POOL	216 SF	18	12	2003	2007	5	40

Appraiser Notes

2001-05-10 CHANGED THE CONDITION FROM A TO G AND ADDED THE NEW WALL AND GATES FOR THE 2001 TAX ROLL. D.M.J.

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	09105314	01/05/2010	02/10/2010	1,500	Residential	SEWER TIE-IN
	13103080	08/14/2013		9,000	Residential	POOL REPAIR
1	990923	03/17/1999	12/30/2006	1,500	Residential	FENCE & PRIVACY WALLS
2	0210316	09/12/2002	11/28/2006	18,500	Residential	POOL FENCE DECK

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
2014	160,129	32,384	150,500	343,013	208,313	25,000	183,313

2013	161,724	33,615	112,000	307,339	205,234	25,000	180,234
2012	163,463	34,758	112,000	310,221	201,803	25,000	176,803
2011	163,463	36,110	112,000	311,573	195,925	25,000	170,925
2010	165,533	37,283	140,000	342,816	193,030	25,000	168,030
2009	183,819	38,591	126,000	348,410	187,955	25,000	162,955
2008	168,849	39,817	266,000	474,666	187,767	25,000	162,767
2007	190,590	36,971	266,000	493,561	182,298	25,000	157,298
2006	259,056	29,358	245,000	533,414	177,852	25,000	152,852
2005	172,704	30,335	245,000	448,039	172,672	25,000	147,672
2004	161,190	31,217	70,000	262,407	167,643	25,000	142,643
2003	161,190	32,122	70,000	263,312	164,518	25,000	139,518
2002	91,225	33,084	63,000	187,309	160,663	25,000	135,663
2001	91,225	33,976	52,500	177,701	158,133	25,000	133,133
2000	89,055	8,233	46,200	143,488	143,488	25,000	118,488
1999	78,368	7,444	32,200	118,012	118,012	0	118,012
1998	78,368	7,653	32,200	118,221	118,221	0	118,221
1997	62,510	865	32,200	95,575	95,575	0	95,575
1996	63,799	905	32,200	96,904	96,904	0	96,904
1995	63,799	952	32,200	96,951	96,951	0	96,951
1994	63,799	993	32,200	96,992	96,992	0	96,992
1993	63,799	1,040	32,200	97,039	97,039	0	97,039
1992	63,799	1,080	32,200	97,079	97,079	0	97,079
1991	63,799	1,128	32,200	97,127	97,127	0	97,127
1990	63,799	1,168	10,500	75,467	75,467	0	75,467
1989	63,799	1,216	9,800	74,815	74,815	0	74,815
1988	0	0	7,700	7,700	7,700	0	7,700
1987	0	0	7,700	7,700	7,700	0	7,700
1986	0	0	7,700	7,700	7,700	0	7,700
1985	0	0	5,600	5,600	5,600	0	5,600
1984	0	0	5,600	5,600	5,600	0	5,600
1983	0	0	5,600	5,600	5,600	0	5,600
1982	0	0	4,200	4,200	4,200	0	4,200

Parcel Sales History

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

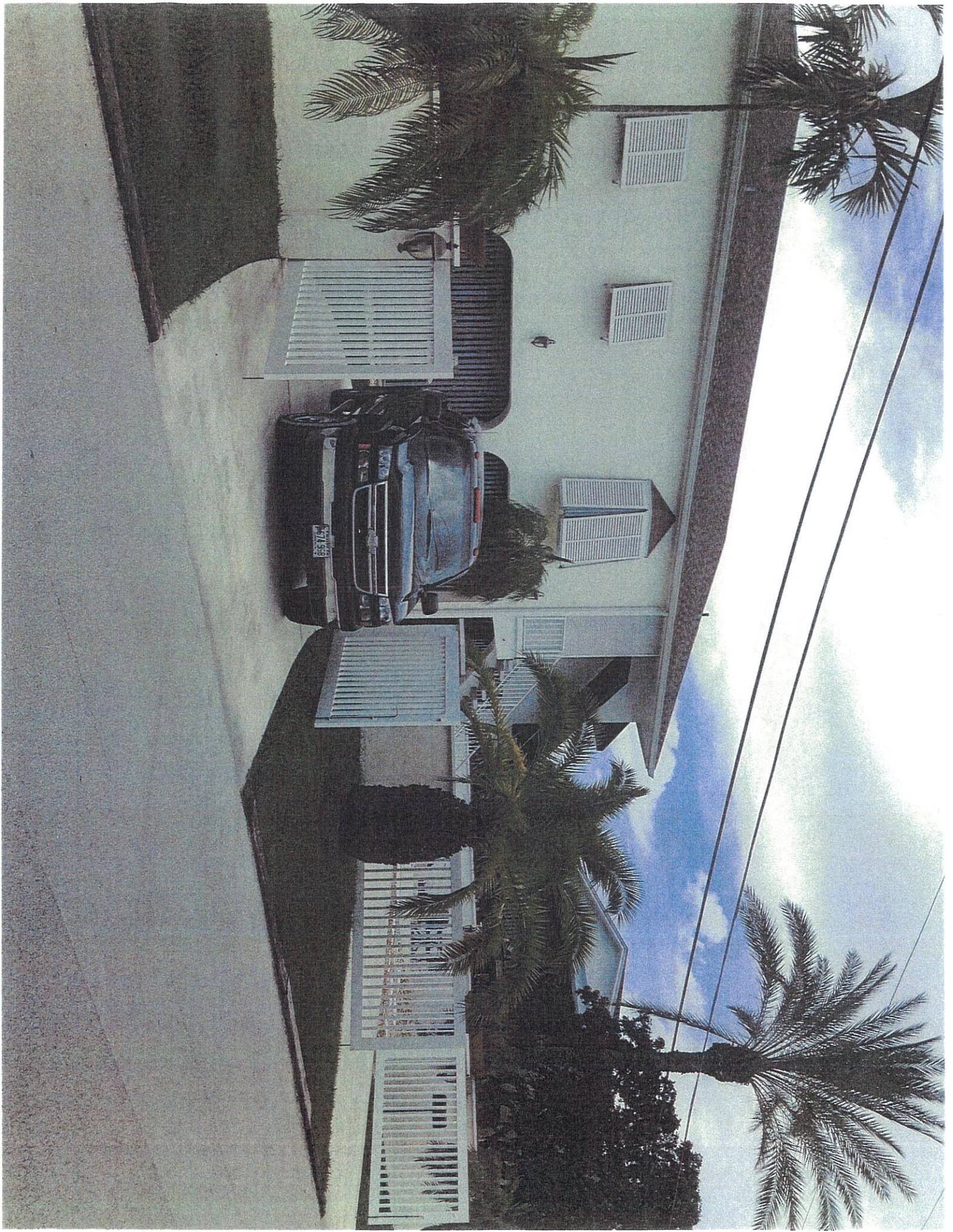
There are no sales to display for this parcel.

This page has been visited 442,597 times.

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















00149011-000600	BAR AND RESTAURANT MANAGEMENT COMPANY	1475 WINTON RD	MT PLEASANT	SC	29464
00121950-000700	BROUILLARD FAMILY TRUST 08/31/2007	7 CALLE UNO	KEY WEST	FL	33040-5410
00149011-000400	DEDEO DANIEL T	4 CALLE DOS	KEY WEST	FL	33040-5464
00148860-000000	FINIGAN MARK Z AND ROSEANNE M	30 CALLE UNO	KEY WEST	FL	33040
00121950-000400	FLOWERS ROLAND SHAYNE AND KIMBERLY	4 CALLE UNO	KEY WEST	FL	33040-5410
00148840-000000	FRANK P TOPPINO LIMITED PARTNERSHIP	PO BOX 787	KEY WEST	FL	33041-0787
00149011-000500	ISLE INVESTORS LLC	5730 2ND AVE	KEY WEST	FL	33040-5933
00121950-000800	MARTINEZ JUDY A	8 CALLE UNO	KEY WEST	FL	33040-5410
00121950-000600	MULVEY SHARON L	6 CALLE UNO	KEY WEST	FL	33040
00149011-000900	MURRAY LEE M	9 CALLE DOS	KEY WEST	FL	33040-5464
00121950-000300	O'FLYNN GREGORY AND JANET LYNN	P O BOX 5827	KEY WEST	FL	33045
00121950-000900	OSBORN CYNTHIA DAWN AND GARY	3436 BLOSSOM LN	BLOOMFIELD HILLS	MI	48302-1305
00149011-000401	OSTERHOUDT NICHOLAS	4B CALLE DOS	KEY WEST	FL	33040-5464
00121980-000600	ROCKLAND OPERATIONS LLC	PO BOX 787	KEY WEST	FL	33041
00149011-000700	SAUNDERS CHRISTOPHER AND STACY	7 CALLE DOS DR	KEY WEST	FL	33040
00149011-000300	SMITH CHARLES H	264 TRESTLE CREEK DR	SAINT REGIS	MT	59866-9605
00121950-000100	STEVEN TOYE ANNE	1 CALLE UNO	KEY WEST	FL	33040-5410
00149011-000800	TEJEDA ALEX AND LYNNE	8 CALLE DOS	KEY WEST	FL	33040
00148790-000000	TOPPINO DANIEL P-LIVING TRUST	P O BOX 787	KEY WEST	FL	33041
00121950-000500	WILBARGER DONALD AND MARILYN	5 CALLE UNO	KEY WEST	FL	33040

✓ Bar and Restaurant Management Company
1475 Winton Road
Mt. Pleasant, SC 29464

✓ Brouillard Family Trust 08/31/2007
7 Calle Uno
Key West, FL 33040-5410

✓ Daniel T. Dedeo
4 Calle Dos
Key West, FL 33040-5464

✓ Mark Z. and Roseanne M. Finigan
30 Calle Uno
Key West, FL 33040

✓ Roland Shayne and Kimberly Flowers
4 Calle Uno
Key West, FL 33040-5410

✓ ~~Frank P. Toppino Limited Partnership~~
~~P. O. Box 787~~
~~Key West, FL 33041-0787~~

✓ Isle Investors LLC
5730 2nd Avenue
Key West, FL 33040-5933

✓ Judy A. Martinez
8 Calle Uno
Key West, FL 33040-5410

✓ Sharon L. Mulvey
6 Calle Uno
Key West, FL 33040

✓ Lee M. Murray
9 Calle Dos
Key West, FL 33040-5464

✓ Gregory and Janet Lynn O'Flynn
P. O. Box 5827
Key West, FL 33045

✓ Cynthia Dawn and Gary Osborn
3436 Blossom Lane
Bloomfield Hills, MI 48302-1305

✓ Nicholas Osterhoudt
4B Calle Dos
Key West, FL 33040-5464

✓ Rockland Opearations LLC
P. O. Box 787
Key West, FL 33041-0787

✓ Christopher and Stacy Saunders
7 Calle Dos
Key West, FL 33040

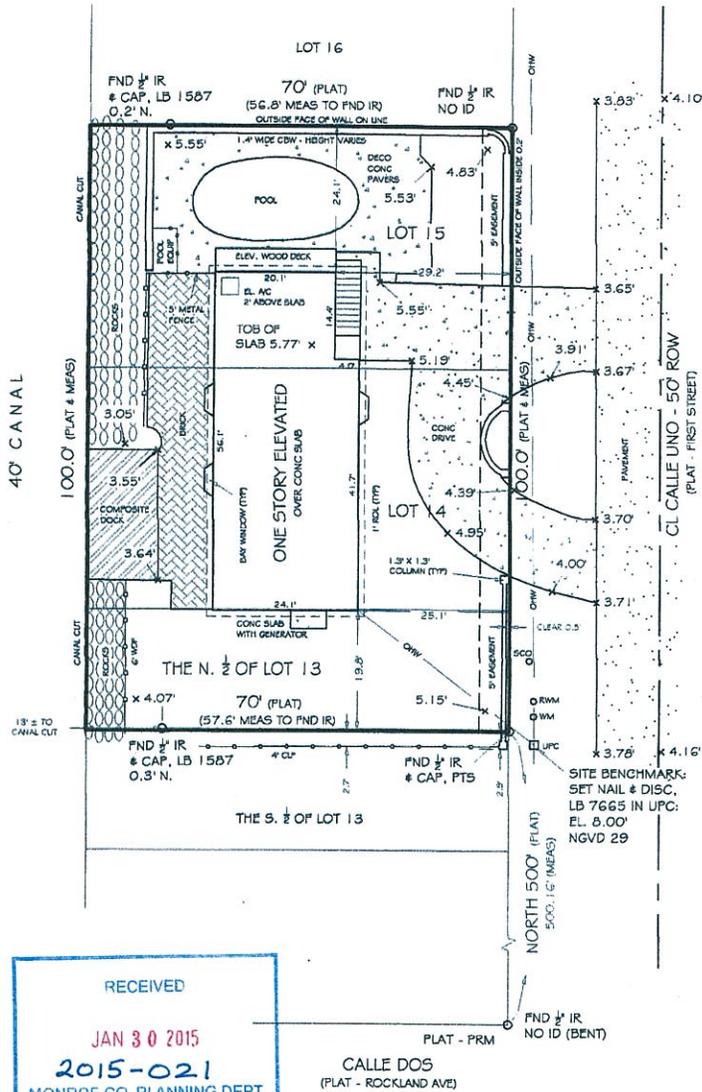
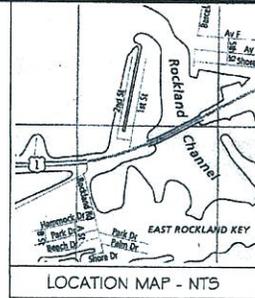
✓ Charles M. Smith
264 Trestle Creek Drive
Saint Regis. MT 59866-9605

✓ Toye Anne Stevens
1 Calle Uno
Key West, FL 33040-5410

✓ Alex and Lynne Tejada
8 Calle Dos
Key West, FL 33040

✓ Donald and Marilyn Wilbarger
5 Calle Uno
Key West, FL 33040

MAP OF BOUNDARY SURVEY NORTH ONE-HALF OF LOT 13 & ALL LOTS 14 & 15 BLOCK 1, ROCKLAND VILLAGE



SCALE: 1" = 20'

SURVEYOR'S NOTES:

BEARING BASE:
DERIVED FROM

ALL ANGLES DEPICTED ARE 90 DEGREES
UNLESS OTHERWISE INDICATED

ADDRESS:
33 CALLE UNO
ROCKLAND KEY, FL 33040

ELEVATIONS SHOWN AS X.XX REFER
TO NGVD29 VERTICAL DATUM

BENCHMARK USED: PID AAO107
STAMPING: M 271 1966
ELEVATION: 11.70', NGVD29

COMMUNITY NO.: 125129
MAP NO.: 12087C-1531K
MAP DATE: 02-18-05
FLOOD ZONE: AE
BASE ELEVATION: 10'

HORIZONTAL & VERTICAL MEASUREMENTS
WERE OBTAINED USING A TOTAL STATION &
TDS RANGER DATA COLLECTOR.

LINEAR CLOSURE ACCURACY IS GREATER
THAN ONE FOOT IN 10,000 FEET.

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MONROE CO. PLANNING DEPT

LEGAL DESCRIPTION -

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CERTIFIED TO -

DANIEL P. TOPPINO LIVING TRUST

NOTE: FOUNDATIONS BENEATH THE SURFACE ARE NOT SHOWN. MEASURED DIMENSIONS EQUAL PLATTED OR DESCRIBED DIMENSIONS UNLESS INDICATED OTHERWISE. THE FOLLOWING IS A LIST OF ABBREVIATIONS THAT MAY BE FOUND ON THIS SHEET.

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| CM = CONCRETE MONUMENT | MHW = MEAN HIGH WATER LINE | SPV = SPURVALVE CONTROL VALVE |
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| CVRD = COVERED | NGVD = NATIONAL GEODETIC VERTICAL DATUM (1929) | TOB = TOP OF BANK |
| DELTA = CENTRAL ANGLE | NS = NOT TO SCALE | TS = TOP OF SLOPE |
| DEGR = DRAINAGE EASEMENT | OHW = OVERHEAD WIRES | TS = TRAFFIC SIGN |
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| EL = ELEVATION | PM = PARKING METER | UEASE = UTILITY EASEMENT |
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SCALE:	1" = 20'
FIELD WORK DATE:	06/24/10
REVISION DATE:	-/-
SHEET:	1 OF 1
DRAWN BY:	KB
CHECKED BY:	RW
INVOICE NO.:	0060901

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 55-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THIS SURVEY, WHEN SCHEDULE B HAS BEEN PROVIDED MEETS THE PROVISIONS OF FLORIDA ENDORSEMENT FORM 9, SUBPARAGRAPH 1(B) (SETBACKS), 1(B)(3)(ENCROACHMENTS), & 1(B)(4)(EASEMENTS). SCHEDULE "B" HAS NOT BEEN PROVIDED.

SIGNED: *[Signature]*
JOE ROBERT WHITE, LB 6626, PROFESSIONAL SURVEYOR AND MAPPER

R.E. REECE, P.A.
PROFESSIONAL SURVEYOR AND MAPPER, LB 7665
30364 QUAIL ROOST TRAIL, BIG PINE KEY, FL 33043
OFFICE (305) 872 - 1348
FAX (305) 872 - 5622

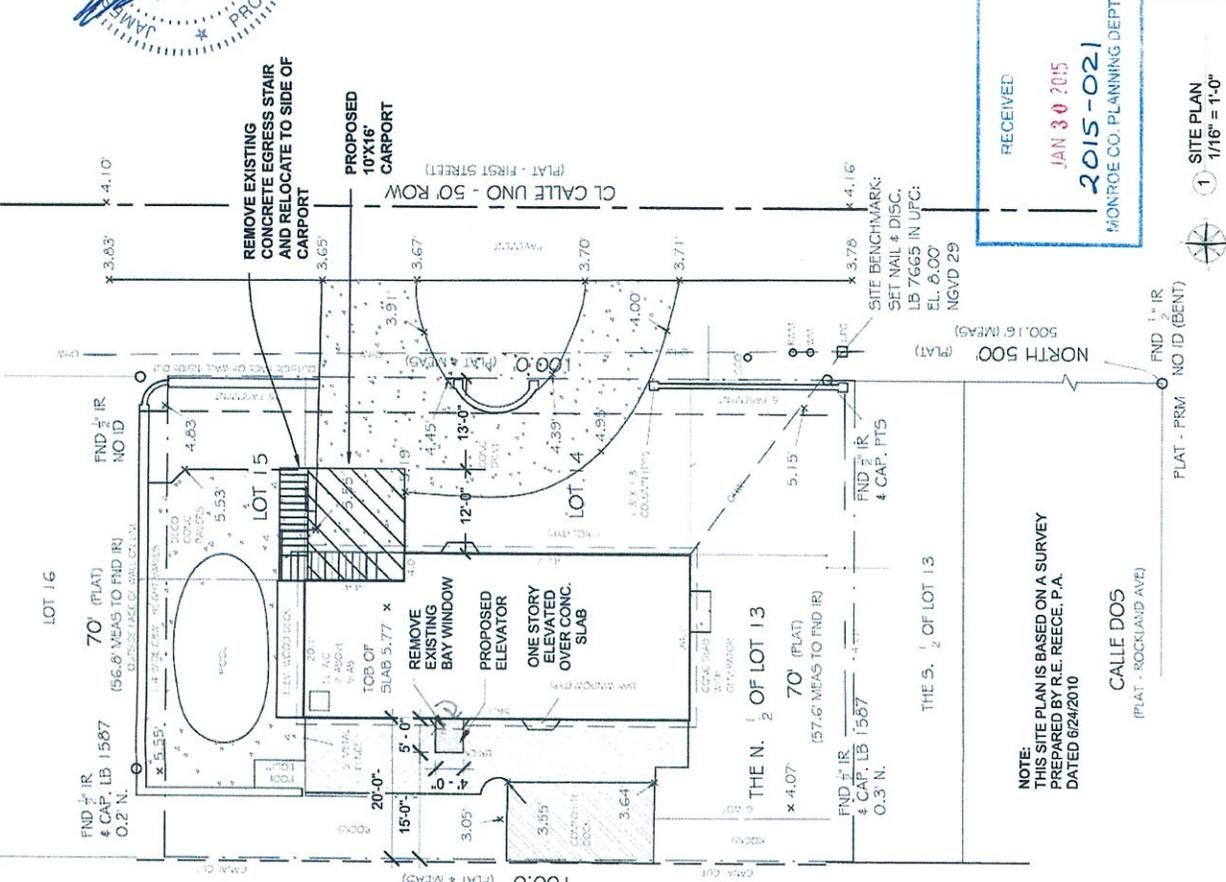
SPECIAL ACCESSIBILITY SETBACK VARIANCE
FOR
33 CALLE UNO DRIVE
ROCKLAND KEY, FL 33040

RECEIVED
JAMES R. CANNON, P.E.
PROFESSIONAL ENGINEER
FLORIDA REG. NO. 12507
1899 CALLE UNO DRIVE
ROCKLAND KEY, FL 33040
TEL: 305-228-1111

JAMES C. REYNOLDS
P.E. # 40808

Drawn By: JLR
Checked By: JLR
Paper No. SITE 1505
Site: SITE 1505
AutoCad File No.

Title: **SITE INFO & PROPOSED PLAN**
Sheet Number: **1 of 1**
Date: JAN 26, 2014



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MONROE CO. PLANNING DEPT

1 SITE PLAN
1/16" = 1'-0"

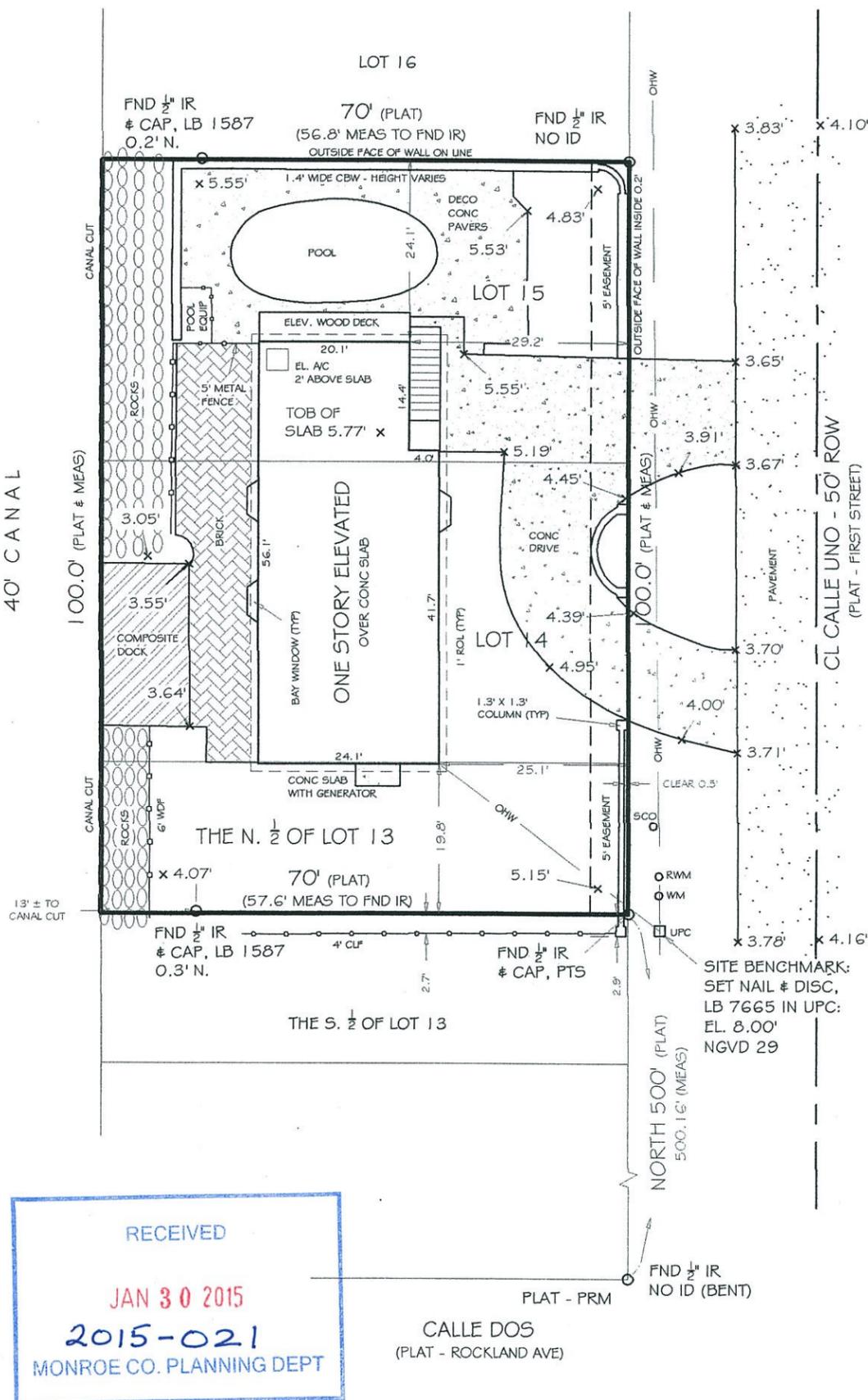
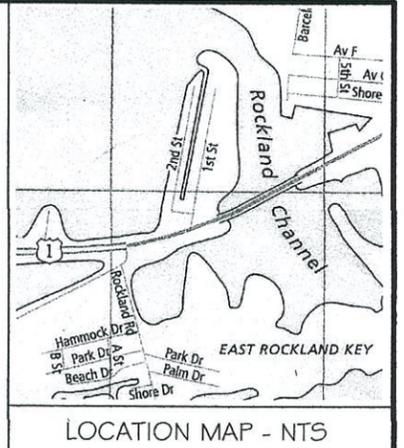
NOTE:
THIS SITE PLAN IS BASED ON A SURVEY
PREPARED BY R.E. REECE, P.A.
DATED 6/24/2010



SITE LOCATION MAP
N.T.S.

SITE DATA	
SITE ADDRESS: 33 CALLE UNO DR. ROCKLAND KEY, FL 33040	
RE: 00148790-0000000	
ZONING: I.S. (IMPROVED SUBDIVISION)	
FLOOD ZONE: AE-10	
F.I.R.M.: COMMUNITY #12087; MAP & PANEL # 1314 SUFFIX K; DATE: 02-18-05	
SECTION/TOWNSHIP/RANGE: 21/16/26	
LEGAL DESCRIPTION: BK 1 N 1/2 LOT 13 & ALL LOT 14 & 15 ROCKLAND VILLAGE PB4-133 EAST ROCKLAND KEY	
SETBACKS: FRONT 25' SIDES 10'15' REAR 10'	
OCCUPANCY: RESIDENTIAL	
THE CONSTRUCTION DEPICTED ON THESE DWGS WAS DESIGNED TO COMPLY WITH ALL APPLICABLE COUNTY AND STATE CODES AND ORDINANCES, INCLUDING THE 2010 FLORIDA BLDG CODE, RESIDENTIAL AND LATEST EDITIONS OF THE FIRE AND LIFE SAFETY CODES.	
BASIS OF DESIGN	
DESIGN LOADS: ASCE 7	EXPOSURE CATEGORY: D
BUILDING TYPE: ENCLOSED	WIND SPECS: 180 MPH, ULT. 139.4 MPH, NOM.

MAP OF BOUNDARY SURVEY NORTH ONE-HALF OF LOT 13 & ALL LOTS 14 & 15 BLOCK 1, ROCKLAND VILLAGE



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DERIVED FROM

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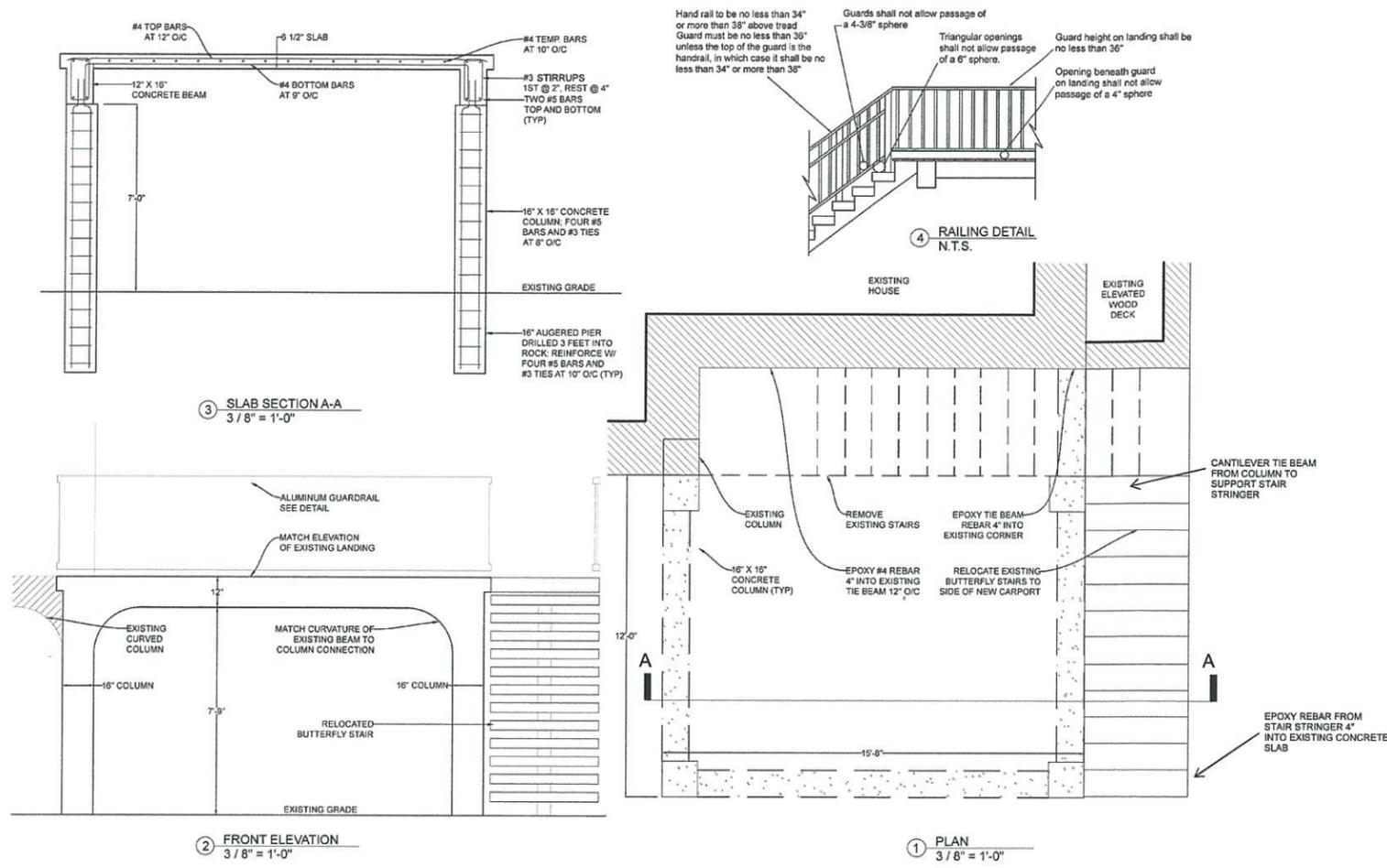
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SHEET	1 OF 1
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SIGNED *R.E. Reece*
JOE ROBERT WHITE, LS 6688, PROFESSIONAL SURVEYOR AND MAPPER

R.E. REECE, P.A.
PROFESSIONAL SURVEYOR AND MAPPER, LB 7665

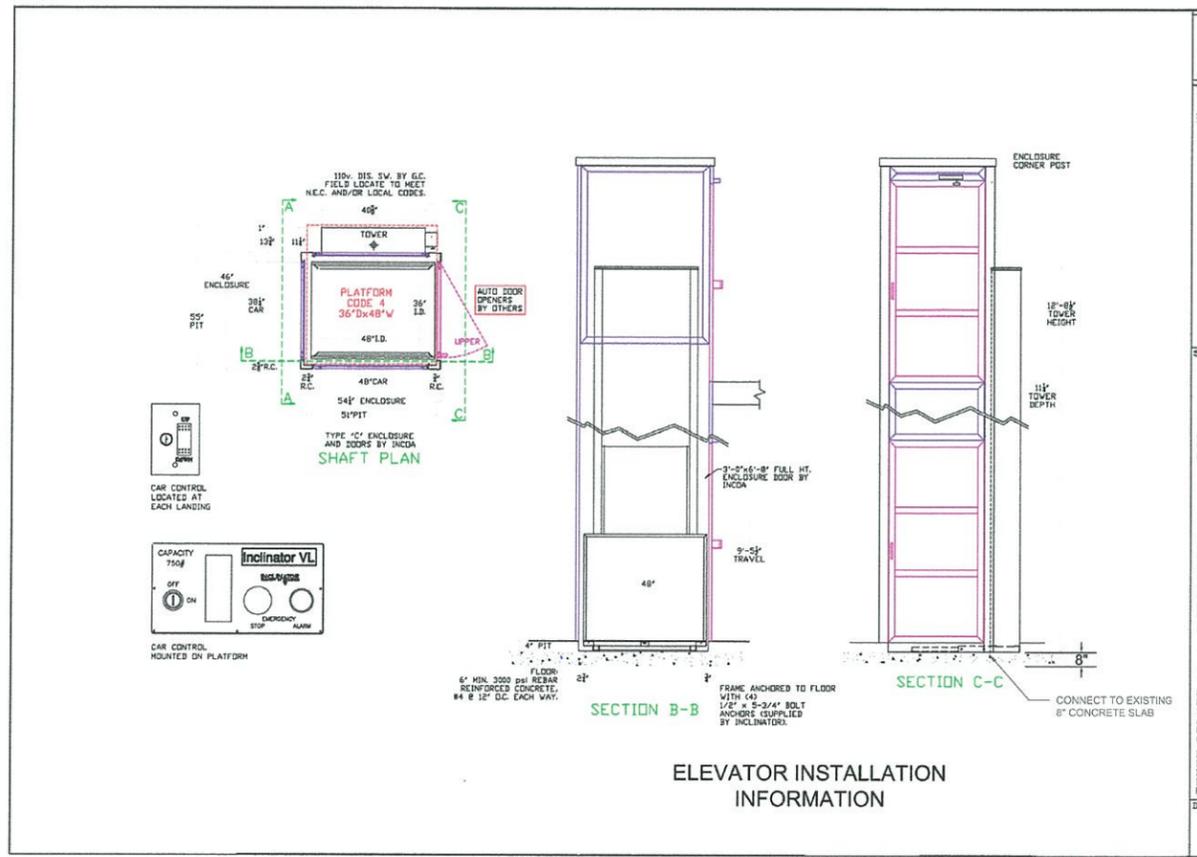
30364 QUAIL ROOST TRAIL, BIG PINE KEY, FL 33043
OFFICE (305) 872 - 1348
FAX (305) 872 - 5622



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ZONING: I.S. (IMPROVED SUBDIVISION)	
FLOOD ZONE: AE-10	
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BASIS OF DESIGN	
DESIGN LOADS: ASCE 7	EXPOSURE CATEGORY: D
BUILDING TYPE: ENCLOSED	WIND SPECS: 180 MPH ULT. 139.4 MPH, NOM.



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 MONROE CO. PLANNING DEPT



INCLINATOR
 COMPANY OF AMERICA
 HARRISBURG, PA

SHOP DRAWING NAME
 TOPPING RESIDENCE

EQUIPMENT SUPPLIED BY:
 ACCURATE ELEVATOR
 MARATHON, FL 33050

SPECIFICATIONS
 L-120
 2 LANDING
 VERTICAL LIFT

CAR 36\"/>
 CAPACITY 750 LBS. AT 10 F.P.M.
 FINISH REIZE

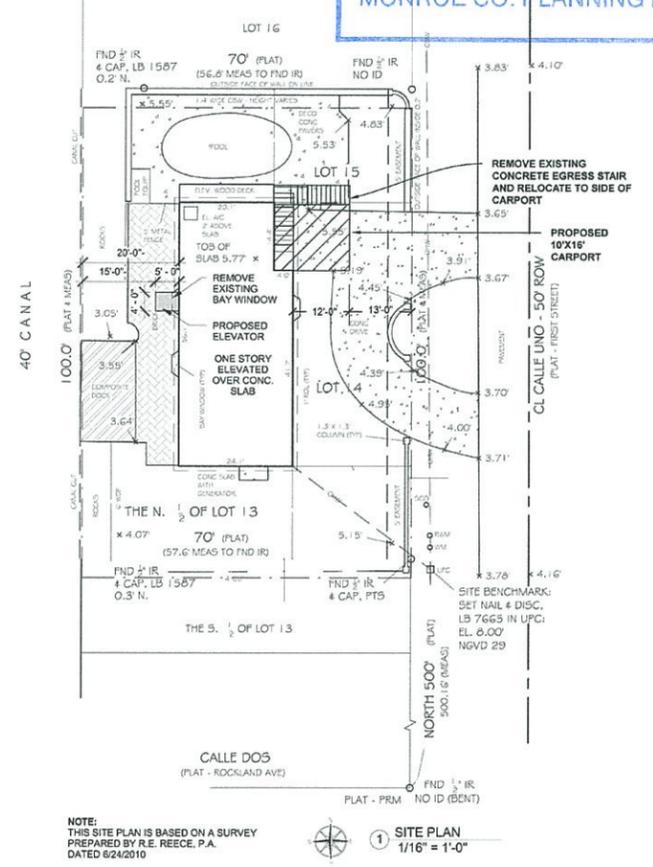
- ALL EDDRS MUST BE INTERLOCKED
- KEYSWITCH OPERATION
- AUTO FLD RAMP
- STATIONARY RAMP
- LANDING GATE w/ INTERLOCK
- PLATFORM GATE WITH INTERLOCK
- EMERGENCY ALARM
- EMERGENCY STOP
- MANUAL LOWERING
- PLATFORM SAFETY MECHANISM
- INSTANT REVERSE
- LIMIT SWITCHES
- ENCLOSURE EDDRS BY INCDA
- ENCLOSURE BY INCDA
- OUTDOOR PACKAGE w/ROOF
- VENTILATION FAN

NOTICE TO ELECTRICAL CONTRACTOR:
 INSTALL 110V SINGLE PHASE DISCONNECT SWITCH
 1 HP, MOTOR 120V, SINGLE PHASE 60 CYCLE
 20 AMP MAIN LINE FUSE

NOTE: ALL HOISTWAY CONSTRUCTION MUST COMPLY WITH NATIONAL, STATE, AND LOCAL CODES. PLEASE ADVISE INCDA OF ANY CHANGES NEEDED TO THE DRAWING FOR COMPLIANCE IN YOUR AREA.

INCDA JOB # 13-527-BR
 SCALER P.L. -
 DRAWING BY: B.BRATTEN
 DATE: 10/17/2013
 REV: 1

DRAWING IDENTIFICATION NUMBER
 VL0860



REYNOLDS ENGINEERING SERVICES, INC.
 Cert. of Auth. No. 26597
 22330 Laffite Drive
 Cudjoe Key, FL 33042
 phone: 305-394-5987
 Jim@ReynoldsEngineeringServices.com

Seal:

NOT VALID FOR CONSTRUCTION UNLESS
 SIGNED AND SEALED BY THIS ENGINEER

JAMES C. REYNOLDS
 PE # 46685

**ACCESSIBILITY ELEVATOR
 AND CARPORT**
 FOR
 33 CALLE UNO DRIVE
 ROCKLAND KEY, FL 33040

Drawn By: LWL
 Checked by: JCR

Project No.:
 Scale: SEE DWGS

AutoCad File No.:

Title:
 SITE INFO
 &
 PROPOSED PLAN

Sheet Number:
 1 of 1

Date: JAN 26, 2014



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

Through: Townsley Schwab, Senior Director of Planning & Environmental Resources
Mayte Santamaria, Senior Director of Planning & Environmental Resources

From: Matthew Coyle, AICP, Principal Planner *MC*

Date: March 11, 2015

Subject: *Request for a setback variance for a swimming pool at an existing single family residence, 17 Cypress Avenue, Raccoon Key (aka Key Haven), Real Estate No. 00138800.000000 (File # 2015-001)*

Meeting: March 25, 2015

1
2 I REQUEST:
3

4 The applicant is requesting a variance of four (4) feet from the required five (5) foot side yard
5 setback in order to construct a swimming pool. As a result, the side yard setback along the
6 northeastern property line would be one (1) foot. The granting of this variance will provide the
7 applicant with additional land area to better facilitate the installation of the swimming pool.
8



9
10 Subject Property (outlined in blue) (2012)

1 **II BACKGROUND INFORMATION:**

2
3 Location: Raccoon Key (aka Key Haven), mile marker 5 (Gulf of Mexico side of US 1)

4 Address: 17 Cypress Avenue, Raccoon Key

5 Legal Description: Block 3, Lot 4, Key Haven 8th Addition (PB5-61)

6 Real Estate (RE) Number: 00138800.000000

7 Property Owner/Applicant: James P. Lewis

8 Agent: South Wind Pools (Robert and/or Heather Sunderman)

9 Size of Site: 7,268 SF (0.16 acres)

10 Land Use District: Improved Subdivision (IS)

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

12 Tier Designation: Tier III

13 Flood Zone: AE – EL 9

14 Existing Use: Single-Family Residential

15 Existing Vegetation/Habitat: Scarified, developed land

16 Community Character of Immediate Vicinity: Single-Family Residential

17
18 **III RELEVANT PRIOR COUNTY ACTIONS:**

19
20 On July 5, 1973, the Monroe County Building Department issued Building Permit #30608
21 for the construction of the existing single-family residence on the subject property.

22
23 The Building Department issued several other building permits for miscellaneous
24 improvements to the property.

25
26 **IV REVIEW OF APPLICATION:**

27
28 As set forth in MCC §130-186, the required non-shoreline setbacks for the IS district are as
29 follows: Front yard – 25’; Rear yard – 20’; and Side yard – 10’/15’ (where 10’ is the required
30 side yard for one side and 15’ is the minimum combined total of both side yards).

31
32 The subject property is located on the northwest side of Cypress Avenue. The property has a
33 required non-shoreline front yard setback of 25’ along the Cypress Avenue right-of-way and
34 required non-shoreline side yard setbacks of 10’ and 5’. In addition, there is a required non-
35 shoreline rear setback of 20’.

36
37 As depicted on the proposed site plan by James C. Reynolds, dated, signed and sealed
38 October 28, 2014, the proposed swimming pool would be placed 1’ from the northeast
39 property line. The proposed pool would be approximately 12’ by 8’, and set back 11’-6”
40 from the edge of the canal, in compliance with the shoreline setback required by MCC §118-
41 12(c)(1)(b).

1 Pursuant to MCC §102-187(d) and 102-186, a variance may only be granted if the applicant
2 demonstrates that all of the following standards are met:
3

4 1. *The applicant demonstrates a showing of good and sufficient cause:*
5

6 The subject property consists of a single platted lot – Lot 4. The platted lots in the Key
7 Haven 8th Addition subdivision vary in size and range between 13,600 SF and 6,000 SF.
8 Twelve of the twenty-three properties have development in the side yard setbacks.
9 Further, on six of these properties a swimming pool is located within a setback.
10

11 A variance is necessary for the property owner to construct a swimming pool of the
12 proposed footprint and size. The proposed pool would be smaller than other swimming
13 pools in the Key Haven 8th Addition subdivision. Therefore, the applicant demonstrates a
14 showing of good and sufficient cause.
15

16 2. *Failure to grant the variance would result in exceptional hardship to the applicant:*
17

18 The footprint of the proposed swimming pool is smaller in size than the footprint of 11
19 other swimming pools in the on properties located along Cypress Avenue. Further, six
20 out of the 11 swimming pools in the area are located within a setback and are lawfully
21 nonconforming to the current setback standards. Staff has determined that, without a
22 variance, it would be difficult to construct a swimming pool of the proposed size on this
23 parcel, given the layout of the existing residence. Therefore, failure to grant the variance
24 would result in exceptional hardship to the applicant.
25

26 3. *Granting the variance will not result in increased public expenses, create a threat to
27 public health and safety, create a public nuisance, or cause fraud or victimization of the
28 public:*
29

30 Granting the variance will not result in increased public expenses, create a threat to
31 public health and safety, create a public nuisance, or cause fraud or victimization of the
32 public. Note: staff will review all comments from surrounding property owners following
33 notification of the application and valid objections from surrounding property owners
34 may lead the Planning and Environmental Resources Department to reevaluate its
35 recommendation.
36

37 4. *The property has unique or peculiar circumstances, which apply to this property, but
38 which do not apply to other properties in the same zoning district:*
39

40 The property is generally smaller than most parcels in the Key Haven 8th Addition
41 Subdivision and has a residence which is lawfully non-conforming to all the non-
42 shoreline setbacks as well as the shoreline setback. Therefore, the property has unique or
43 peculiar circumstances, which apply to this property, but which do not apply to other
44 properties in the same zoning district.
45

1 5. *Granting the variance will not give the applicant any special privilege denied other*
2 *properties in the immediate neighborhood in terms of the provisions of this chapter or*
3 *established development patterns:*
4

5 The Planning Commission and the Planning Director have both approved variances for a
6 pool in the immediate vicinity of the subject property (properties with frontage on
7 Cypress Avenue). Further, the Planning Commission and Director of Planning have
8 issued several variances for in-ground swimming pools in the past. Therefore, granting
9 the variance will not give the applicant any special privilege denied other properties in
10 the immediate neighborhood in terms of the provisions of the land development
11 regulations or established development patterns.
12

13 6. *Granting the variance is not based on disabilities, handicaps or health of the applicant or*
14 *members of his family:*
15

16 Following a review of the application, staff has found that granting the variance would
17 not be based on disabilities, handicaps or health of the applicant or members of his
18 family.
19

20 7. *Granting the variance is not based on the domestic difficulties of the applicant or his*
21 *family:*
22

23 Following a review of the application, staff has found that granting the variance would
24 not be based on the domestic difficulties of the applicant or his family.
25

26 8. *The variance is the minimum necessary to provide relief to the applicant:*
27

28 Staff has reviewed the site for viable options and found that a variance of four (4) feet is
29 the minimum necessary to provide relief to the applicant. Locating the swimming pool at
30 another location on the site is not possible within the site's as-of-right buildable area.
31 Therefore the variance is the minimum necessary to provide relief to the applicant.
32

33 V RECOMMENDATION:

34

35 Staff recommends APPROVAL to the Planning Commission with the following conditions
36 (if necessary, following the consideration of public input, staff reserves the right to request
37 additional conditions):
38

39 1) This variance is based on the design and placement of the swimming pool as shown on
40 the site plan by James C. Reynolds, P.E., dated and sealed on October 28, 2014 that was
41 submitted with the variance application. Work not specified or alterations may not be
42 carried out without additional Planning & Environmental Resources Department
43 approval.
44

45 2) This variance is to allow the placement of the swimming pool as shown on the site plan
46 by James C. Reynolds, P.E., dated and sealed on October 28, 2014 that was submitted

1 with the variance application within the required side yard setback along the northeastern
2 property line. It does not waive the required side yard setback for any future structures or
3 additions.
4

5 3) The applicant shall apply for and receive a building permit for the swimming pool.
6

7 VI PLANS REVIEWED:
8

- 9 • Boundary Survey by J. Lynn O'Flynn, Inc. dated May 16, 2006.
- 10 • Site Plan for Residential Swimming Pool Variance Application, by James C. Reynolds,
11 dated October 28, 2014
12

File #: **2015-001**

Owner's Name: Lewis, James P.

Applicant: Lewis, James P.

Agent: South Wind Pools

Type of Application: Variance - PC

Key: Key Haven

RE: 00138800.000000

Additional Information added to File 2015-001

County of Monroe
Growth Management Division

**Planning & Environmental Resources
Department**

2798 Overseas Highway, Suite 410
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

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

We strive to be caring, professional, and fair.

Date: 1.06.15
Time: _____

Dear Applicant:

This is to acknowledge submittal of your application for Variance to PC
Type of application

Lewis, James P. to the Monroe County Planning Department.
Project / Name

Thank you.

Paul Creech

Planning Staff

MCPA GIS Public Portal
 Scott P. Russell, CFA

- Pan
- Legend
- Zoom In

MCPA GIS Public Portal
 Major Road

Zoom Out

Address

Subdivisions
 Section Lines

Identify

Select
 Parcels

Shoreline

Measure
 Lot Lines

Print

Hooks Leads

Help

Check out our [Getting Started](#) tutorial!

2014 Condo

2013 Condo

Expand All

2012 Condo

2011 Condo

2010 Condo

2009 Condo

2008 Condo

2014 Sales

2013 Sales

2012 Sales

2011 Sales

2010 Sales

2009 Sales

2008 Sales

Road Centerline

Road Block Name

Zoom-in Zoom-in to a defined extent...

Zoom-out Zoom-out to a defined extent...

Full Extent Zoom to the full extent tool was clicked!

Latitude: 29.684286 Longitude: -81.739329

Basemap Select a basemap o Locate Clear

Buffer Results 29 features found Zoom Remove highlight

Export results to "T" Delimited Go

OBJECTID	SDE.DBO.W_PARCELS.ID	SDE.DBO.W_PARCELS.RECHAR	SDE.DBO.W...
20641	138530	00138530-000000	9136
20642	138530	00138530-000000	9136

Verified

✓ BARRETT ROSE MARIE LIVING TRUST
8/22/2001
200 KEY HAVEN RD
KEY WEST, FL 33040-6224

✓ BASLER PHILIP H K AND BONNIE
1 COCONUT DR
KEY WEST, FL 33040-6214

✓ BLACKWELL CAROLYN A TRUST 2/29/2012
21 CYPRESS AVE
KEY WEST, FL 33040-6236

✓ BOAN PAVLA
8 COCONUT DR
KEY WEST, FL 33040-6214

✓ CALABRO DANIEL JOHN
C/O HERZOG AND LITTLE CPA
PO BOX 1857 STE H
BRIDGEHAMPTON, NY 11932-1857

✓ CHANNELL JERRY L
3648 RIVERVIEW DR
TOMS BROOK, VA 22660-2122

✓ DICKSTEIN ERIC AND RONIT BERDUGO
19 CYPRESS AVE
KEY WEST, FL 33040-6236

✓ DUNCAN JERRY E INTERVIVOS TRUST
12/13/1993
2242 NW 139TH AVE
SUNRISE, FL 33323-5324

✓ ELLIOTT CECIL C JR
305 OAKCREST CT
HERMITAGE, TN 37076-4329

✓ FOX WAYNE PETER AND LARA LEE
404 CACTUS DR
KEY WEST, FL 33040-6213

✓ GARRIDO JAVIER
1213 8TH ST
KEY WEST, FL 33040-3932

✓ HAMILTON FAMILY TRUST 5/15/1995
C/O HAMILTON ROBERT W TRUSTEE
505 OLIVE ST
MENLO PARK, CA 94025-5742

✓ HAMILTON HENRY B AND JANE APRIL
5 COCONUT DR
KEY WEST, FL 33040-6214

✓ JONES TERRY MARK AND APRIL J
11 CYPRESS AVE
KEY WEST, FL 33040-6236

✓ KEY HAVEN ASSOCIATED ENTERPRISES INC
C/O SOUTHERNMOST INSURANCE
1010 KENNEDY DR STE 300
KEY WEST, FL 33040-4133

✓ KOHLHEPP WILLIAM A JR
3 COCONUT DR
KEY WEST, FL 33040-6214

~~✓ LEWIS JAMES P
119 MANN HILL RD
SCITUATE, MA 02066-2103~~

✓ ROBINSON REGINA M ESTATE
C/O VISCOUNT REGINA FIEDLER P/R
230 DAVIS AVE
LINWOOD, NJ 08221-1806

✓ RUIZ MANUEL AND CHRISTINA
1 W CYPRESS TER
KEY WEST, FL 33040-6234

✓ SANCHEZ RALPH J AND JENNIFER G
13 CYPRESS AVE
KEY WEST, FL 33040-6236

✓ SAUNDERS SCOTT AND TAMMY M
4 COCONUT DR
KEY WEST, FL 33040-6214

✓ SCHULTZ ROBERT D III
7 COCONUT DR
KEY WEST, FL 33040-6214

✓ SELLER MARK A AND MARY JO
2 COCONUT DR
KEY WEST, FL 33040-6214

✓ SILVA SANDRA L INDENTURE TRUST
2/1/1994
PO BOX 737
NORTH TRURO, MA 02652-0737

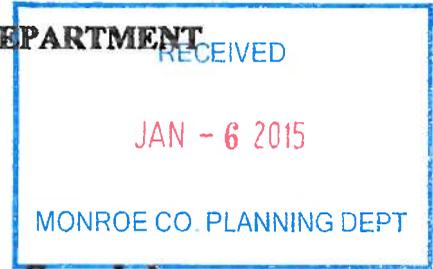
✓ VARGAS IVONNE M
23 CYPRESS AVE
KEY WEST, FL 33040-6236

✓ WEAVER WALTER A JR AND MARYGRACE
202 KEY HAVEN RD
KEY WEST, FL 33040-6224

Verified GC

End of Additional File 2015-001

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Variance Application to the Monroe County Planning Commission

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

Planning Commission Variance Application Fee: \$1,608.00

\$1,934⁰⁰

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 = 27 (\$ 81⁰⁰)

Date of Submittal: / /
Month Day Year

Property Owner:

Name James P. Lewis
Name 119 Mann Hill Rd
Scituate, MA 02066-2103
Mailing Address (Street, City, State, Zip Code)
(781) 264-0104
Daytime Phone

Email Address

Agent (if applicable):

South Wind Pools
Name 2429 Fogarty Ave
Key West FL 33040
Mailing Address (Street, City, State, Zip Code)
(305) 294-7665
Daytime Phone

Email Address

SouthWindPools@gmail.com

Legal Description of Property:

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

Block	Lot	Subdivision	Key
<u>3</u>	<u>4</u>	<u>Key Haven 8th Addn</u>	<u>Raccoon</u>
<u>00138800-000000</u>		<u>1172979</u>	
Real Estate (RE) Number		Alternate Key Number	
<u>17 Cypress Ave</u>		<u>6</u>	
Street Address (Street, City, State, Zip Code)		Approximate Mile Marker	

APPLICATION

Land Use District Designation(s): FS

Present Land Use of the Property: Residential

Total Land Area: 7,150 SF

Please provide the standard required by the land development regulations: ~~Setback 10'~~, Side yard 5'
(i.e. front yard setback of 25 feet, 100 off-street parking spaces, etc.)

Please provide that requested: ~~Setback~~, Side yard 1'
(i.e. front yard setback of 10 feet, 70 off-street parking spaces, etc.)

All of the following standards must be met in order to receive variance approval. Please describe how each standard shall be met.

1) The applicant shall demonstrate a showing of good and sufficient cause:

Applicant would like to install a residential swimming pool at their house.

2) Failure to grant the variance would result in exceptional hardship to the applicant:

There is no place on the property to build a pool that complies with setback requirements.

3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance or cause fraud or victimization of the public:

The pool will be located in the rear of the property. Also, there is already a concrete wall and fence in place between pool site and neighbor.

4) Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district:

The house was built on the property without leaving much space for back yard or pool in our case. Most of the front and side yard is driveway. The space chosen seems to be the only space available.

5) Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of the provisions of this chapter or established development patterns:

If you look at the neighborhood you will see many properties with setback exceptions to accommodate pools.

APPLICATION

6) Granting the variance is not based on disabilities, handicaps or health of the applicant or members of his family:

Request for variance is not based on any of these factors.

7) Granting the variance is not based on the domestic difficulties of the applicant or his family:

Request for variance is not based on these factors.

8) The variance is the minimum necessary to provide relief to the applicant:

The area where the applicant is applying to build their pool is the only area on the property that is reasonable to access the pool, in addition to the fact that there is no where on the property to place the pool

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)

in compliance to setbacks.

- Complete variance application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- Proof of ownership (i.e. Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser;
- Location map;
- Photograph(s) of site from adjacent roadway(s);
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – 16 sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat);
- Signed and Sealed Site Plans, prepared by a Florida registered architect, engineer or landscape architect– 16 sets (drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale). At a minimum, the site plan should include the following:
 - Date, north point and graphic scale;
 - Boundary lines of site, including all property lines and mean high-water lines;
 - Land use district of site and any adjacent land use districts;
 - Locations and dimensions of all existing and proposed structures and drives;
 - Type of ground cover (i.e. concrete, asphalt, grass, rock);
 - Adjacent roadways;
 - Setbacks as required by the land development regulations;
 - Location and dimensions of all parking spaces (including handicap accessible, bicycle and scooter) and loading zones;
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included;

APPLICATION

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

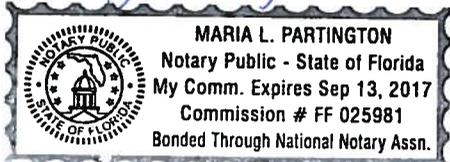
- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property)

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

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

Signature of Applicant: [Signature] Heather Summerman Date: 1/5/2015 for Southwind Pools

Sworn before me this 5th day of January 2015



[Signature] Notary Public My Commission Expires [Signature]

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.

Doc# 1585223 06/02/2006 3:01PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

PREPARED BY AND RETURN TO:
RICHARD M. KLITENICK
RICHARD M. KLITENICK, P.A.
1009 SIMONTON STREET
KEY WEST, FL 33040
305-292-4101
FILE NUMBER: RE06-025

06/02/2006 3:01PM
DEED DOC STAMP CL: JENNIFERH\$7,700.00

[Space Above This Line For Recording Data] Doc# 1585223
Bk# 2213 Pg# 1989

WARRANTY DEED

THIS WARRANTY DEED is made on this 30 day of May, 2006 between BARBARA BRUNSON SULLIVAN, an un-remarried widow, whose address is 84 Cross Creek Drive East, Birmingham, AL 35213, (hereinafter referred to as 'Grantor'), and JAMES P. LEWIS, a married man, whose address is 119 Mann Hill Road Extension, Scituate, MA 02066 (hereinafter referred to as "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 consideration 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, with the street address of 17 Cypress Avenue, Key West, FL 33040 more particularly described as:

LOT 4, BLOCK 3, KEY HAVEN, EIGHTH ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5 AT PAGE 61 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

PARCEL IDENTIFICATION NUMBER 00138800-000000; ALTERNATE KEY ("AK") NUMBER: 1172979

SUBJECT TO CONDITIONS AND RESTRICTIONS OF RECORD, IF ANY.

SUBJECT TO: TAXES FOR THE YEAR 2006 AND SUBSEQUENT YEARS

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

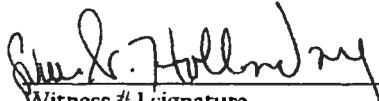
To Have and to Hold, the same in fee simple forever.

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

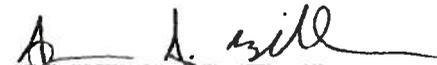
that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2005, and those items listed above.

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

Signed, sealed and delivered in our presence:


Witness # 1 signature
Print name: Wm. N. Holladay


BARBARA BRUNSON SULLIVAN


Witness # 2 signature
Print name: Argon A. Billano

STATE OF ALABAMA
COUNTY OF JEFFERSON

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, BARBARA BRUNSON SULLIVAN, who is personally known to me to be the same person who is the named Grantor described in the foregoing Warranty Deed, and she acknowledged to me that she executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Birmingham, Alabama, on this 30 day of May, 2006.

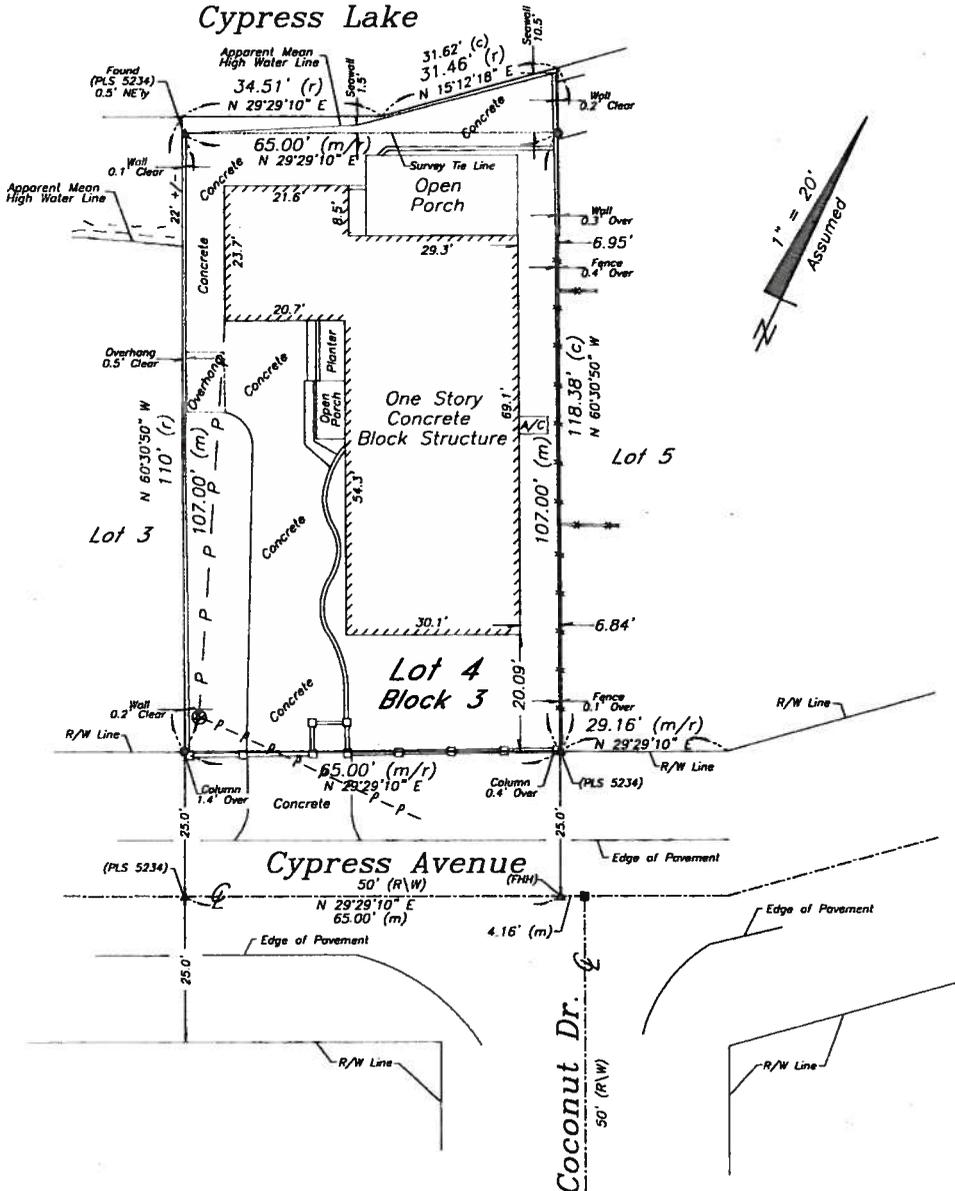
(SEAL)


Notary Public-State of Alabama
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Oct 29, 2008
Commission No. BONDING TERM: NOTARY PUBLIC UNDERWRITERS

MONROE COUNTY
OFFICIAL RECORDS

Boundary Survey Map of Lot 4, Block 3, KEY HAVEN EIGHTH ADDN

Cypress Lake



LEGEND

- Found Bolt
- Set #5 rebar w/cap (6298)
- Found 1/2" Iron Rod (PLS 5234)
- ▲ Found Nail & Disc (PLS 5234) or (FHH)
- △ Set Nail & Disc (6298)
- (C) Calculated
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R/W Right of Way
- CLF Chain Link Fence
- ⊕ Centerline
- ⊗ Wood Utility Pole
- ⊗ Concrete Utility Pole
- P- Overhead Utility Lines

NOTE:
This Survey Map is not full and complete without the attached Survey Report.

Sheet One of Two Sheets

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
PSM #0298

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244



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 Monday, October 13th in observance of Columbus Day. Our offices will re-open Tuesday at 8am.

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

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

Alternate Key: 1172979 Parcel ID: 00138800-000000

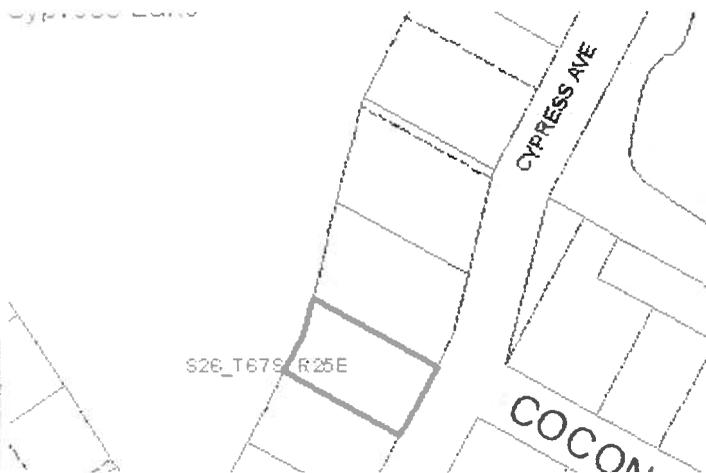
Ownership Details

Mailing Address:
LEWIS JAMES P
119 MANN HILL RD
SCITUATE, MA 02066-2103

Property Details

PC Code: 01 - SINGLE FAMILY
Millage Group: 100A
Affordable Housing: No
Section-Township-Range: 26-67-25
Property Location: 17 CYPRESS AVE KEY HAVEN
Subdivision: KEY HAVEN 8TH ADD
Legal Description: BK 3 LT 4 KEY HAVEN-EIGHTH ADDITION RACCOON KEY PB5-61 OR291-272/80 OR321-1/8 OR547-349 OR559-979E OR979-818 OR1308-860 OR2213-1989/90

Click Map Image to open interactive viewer





Land Details

Land Use Code	Frontage	Depth	Land Area
010L - RESIDENTIALLANE/LAKE	65	110	7,150.00 SF

Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 0
Total Living Area: 2202
Year Built: 1976

Building 1 Details

Building Type R1
Effective Age 18
Year Built 1976
Functional Obs 0

Condition A
Perimeter 234
Special Arch 0
Economic Obs 0

Quality Grade 600
Depreciation % 24
Grnd Floor Area 2,202

Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.

Roof Type GABLE/HIP
Heat 1 NONE
Heat Src 1 NONE

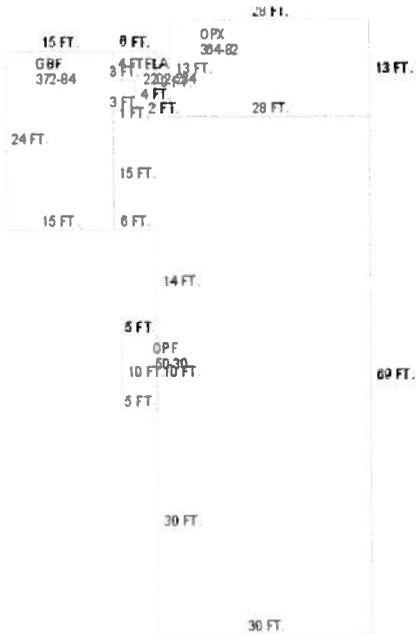
Roof Cover METAL
Heat 2 NONE
Heat Src 2 NONE

Foundation NONE
Bedrooms 4

Extra Features:

2 Fix Bath 1
3 Fix Bath 1
4 Fix Bath 0
5 Fix Bath 0
6 Fix Bath 0
7 Fix Bath 0
Extra Fix 0

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



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA	5:C.B.S.	1	1975	N	Y	0.00	0.00	2,202
2	GBF	5:C.B.S.	1	1975	N	Y	0.00	0.00	372
3	OPF	5:C.B.S.	1	1975	N	Y	0.00	0.00	50
4	OPX	5:C.B.S.	1	1975	N	Y	0.00	0.00	364

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	SW2:SEAWALL	252 SF	63	4	1976	1977	3	60
2	RW2:RETAINING WALL	64 SF	32	2	1976	1977	3	50
3	PT3:PATIO	538 SF	0	0	1976	1977	1	50
4	FN2:FENCES	325 SF	65	5	1994	1995	5	30
5	FN2:FENCES	550 SF	110	5	1994	1995	5	30
6	DK2:CON DKS/CONPIL	390 SF	6	65	1994	1995	2	60
7	DAV:CONC DAVITS	1 UT	0	0	1994	1995	1	60
8	PT3:PATIO	144 SF	24	6	1996	2004	2	50

Appraiser Notes

11/7/2006 ADJ QUALITY GRADE TO 600 AND ADDED 2 BEDROOMS UPON SALE REVIEW. RON

2001/09/07. CHANGED CONDITION P TO A. 033/066 2004/3/26 LOCATED FLA INTO GBF.HM

Year	Value	Improvement Value	Value	Value	Value	Value	Value
2014	245,762	20,894	472,595	739,251	716,259	0	739,251
2013	252,229	21,140	377,776	651,145	651,145	0	651,145
2012	265,164	21,825	420,498	707,487	666,499	0	707,487
2011	268,398	22,398	361,760	652,556	605,909	0	652,556
2010	271,631	23,083	256,113	550,827	550,827	0	550,827
2009	305,603	23,769	345,753	675,125	675,125	0	675,125
2008	281,051	24,342	679,250	984,643	984,643	0	984,643
2007	341,138	23,073	643,500	1,007,711	1,007,711	0	1,007,711
2006	454,874	21,158	607,750	1,083,782	1,083,782	0	1,083,782
2005	245,878	21,778	536,250	803,906	803,906	0	803,906
2004	309,806	22,488	357,500	689,794	689,794	0	689,794
2003	268,941	22,183	143,000	434,124	270,587	25,000	245,587
2002	251,559	22,782	143,000	417,341	264,246	25,000	239,246
2001	185,676	23,469	100,100	309,245	260,085	25,000	235,085
2000	185,676	24,421	92,950	303,047	252,510	25,000	227,510
1999	176,834	23,698	78,650	279,182	245,872	25,000	220,872
1998	167,992	23,091	78,650	269,733	242,000	25,000	217,000
1997	166,415	16,910	78,650	261,975	237,955	25,000	212,955
1996	140,963	14,606	78,650	234,219	231,025	25,000	206,025
1995	131,916	3,540	78,650	214,105	214,105	25,000	189,105
1994	105,349	2,908	78,650	186,908	186,908	25,000	161,908
1993	91,875	2,783	78,650	173,308	173,308	25,000	148,308
1992	91,875	2,873	73,288	168,035	168,035	25,000	143,035
1991	91,875	2,957	73,288	168,119	168,119	25,000	143,119
1990	91,875	3,020	64,350	159,245	159,245	25,000	134,245
1989	79,891	2,704	58,630	141,225	141,225	25,000	116,225
1988	70,211	2,006	46,475	118,692	118,692	25,000	93,692
1987	69,300	2,040	48,263	119,603	119,603	25,000	94,603
1986	69,601	2,090	46,475	118,166	118,166	25,500	92,666
1985	66,990	2,140	37,395	106,525	106,525	25,500	81,025
1984	63,255	2,173	37,395	102,823	102,823	25,500	77,323
1983	70,283	1,730	37,395	109,408	109,408	25,500	83,908
1982	71,585	1,730	28,404	101,719	101,719	25,500	76,219

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
5/30/2006	2213 / 1989	1,100,000	WD	Q
5/1/1994	1308 / 0860	250,000	WD	Q
6/1/1986	979 / 818	155,000	WD	Q

Buffer Buffer selected parcels by 300

feet

Buffer

Remove buffer graphic Clear



Scale: 1:2256

Latitude: 24.583621 Longitude: -81.736234



Key Haven Estates LTD
c/o Southernmost Insurance
1010 Kennedy Dr, STE 300
Key West, FL 33040

Key Haven Assoc Enterprises Inc
c/o Southernmost Insurance
1010 Kennedy Dr, STE 300
Key West, FL 33040

Barrett Rose Marie Living Trust 8/22/2001
200 Key Haven Rd
Key West, FL 33040

Robinson Regina M Estate
c/o Viscount Regina Fielder P/R
230 Davis Ave
Linwood NJ 08221

Blackwell Carolyn A Trust 2/29/2012
21 Cypress Ave
Key West, FL 33040

Eric Dickstein and Ronit Berdugo
19 Cypress Ave
Key West, FL 33040

Seller Mark A and Mary Jo
2 Coconut Drive
Key West, FL 33040

Calabro Daniel John
c/o Herzog and Little CPA
PO Box 1857 STE H
Bridgehampton, NY 11932

Silva Sandra L Indenure Trust 2/1/1994
PO Box 737
North Truro, MA 02652

Lujan Betty L
c/o Southernmost Insurance
1010 Kennedy Dr, STE 300
Key West, FL 33040

Hamilton Family Trust 5/15/1995
c/o Hamilton Robert W Trustee
505 Olive St
Menlo Park, CA 94025

Ruiz Manuel and Christina
1 W Cypress Terr
Key West, FL 33040

Duncan Jerry E Intervivos Trust
12/13/1993
2242 NW 139th Ave
Sunrise, FL 33323

Channell Jerry L
3648 Riverview Dr
Toms Brook, VA 22660

Boan Pavla
46 Kingfisher Lane
Key West, FL 33040

Hamilton Henry B and Jane April
2 Coconut Drive
Key West, FL 33040

Kohlhepp William A Jr
3 Coconut Drive
Key West, FL 33040

Weaver Walter A Jr and Marygrace
202 Key Haven Rd
Key West, FL 33040

Fox Wayne Peter and Lara Lee
404 Cactus Drive
Key West, FL 33040

Schultz Robert D III
7 Coconut Drive
Key West, FL 33040

Basler Philip H K & Bonnie
1 Coconut Dr
Key West, FL 33040

Saunders Scott & Tammy M
4 Coconut Dr
Key West, FL 33040

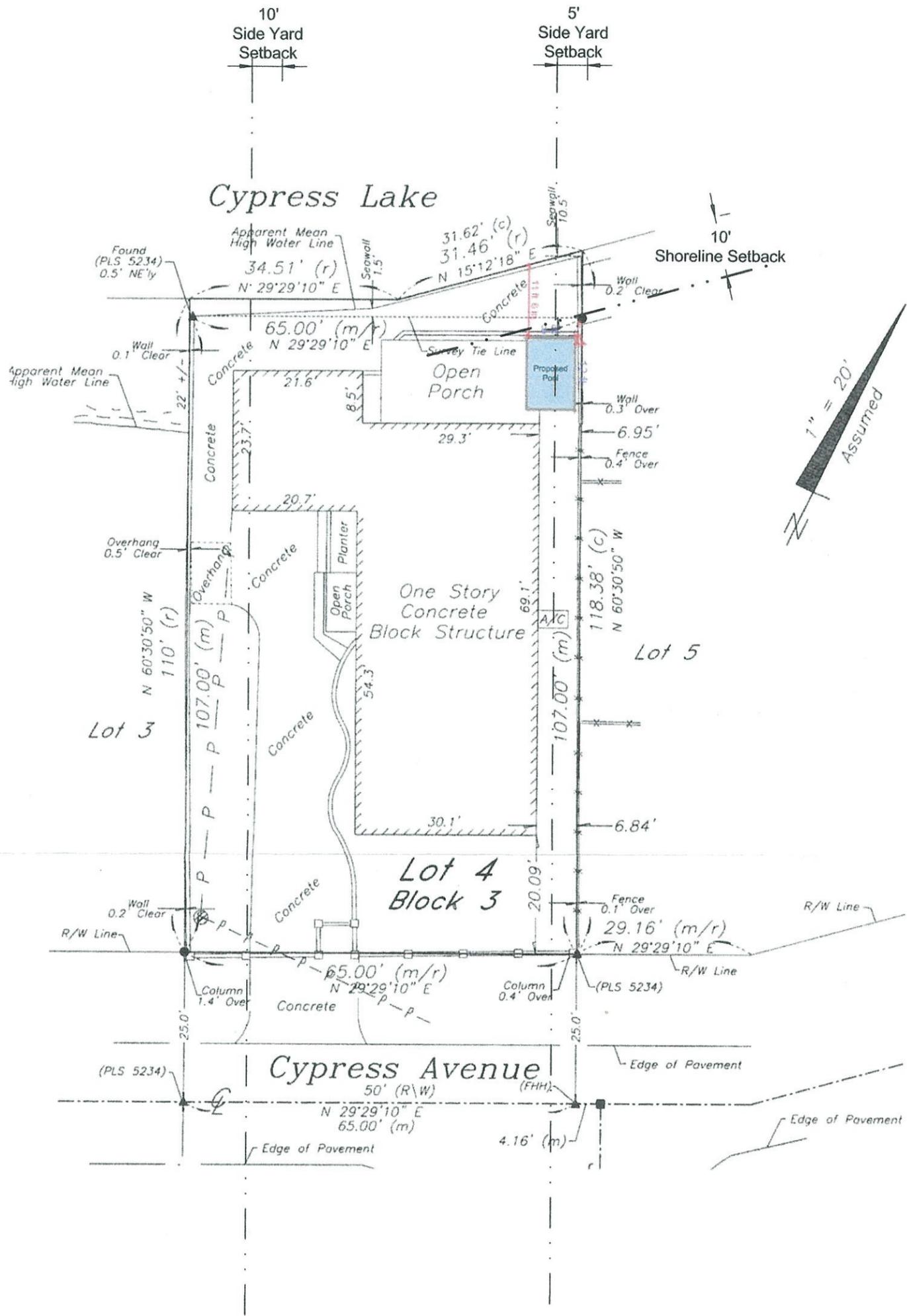
Vargas Ivonne M
23 Cypress Ave
Key West, FL 33040

Ellriott Cecil C Jr
305 Oakcrest Ct
Hermitage TN 37076

Sanchez Ralph J & Jennifer G
13 Cypress Ave
Key West, FL 33040

Jones Terry Mark & April J
11 Cypress Ave
Key West, FL 33040

Garrido Javier
1213 8th Street
Key West, FL 33040



SITE PLAN

Land Use District: RM

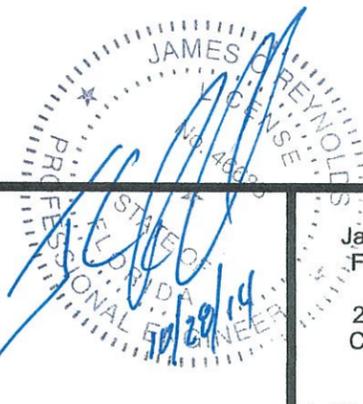
RECEIVED
 JAN - 6 2015
 2015-001
 MONROE CO. PLANNING DEPT

Note: Site plan based on survey prepared by J. Lynn O'Flynn, Inc. dated 5/16/2006

Date:
10/28/2014

TITLE:
Residential Swimming Pool Variance Application
 For
Lewis Residence
 17 Cypress Avenue, Key West, Fl.

Page:
1 of 1



James C. Reynolds, PE
 Fl. License No. 46685

22972 Overseas Hwy
 Cudjoe Key, Fl. 33042
 305-394-5987

Jim@ReynoldsEngineeringsServices.com



FLCA No. 26597



**Item #6 IDO for Offshore Islands
Staff Report**

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

To: Monroe County Planning Commission

Through: Townsley Schwab, Senior Director of Planning & Environmental Resources

From: Mayté Santamaria, Senior Director of Planning & Environmental Resources *ms*

Date: March 13, 2015

Subject: AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO DEFER THE APPROVAL OF APPLICATIONS FOR THE TRANSFER OF DEVELOPMENT RIGHTS TO OFFSHORE ISLANDS, TRANSFER OF ROGO EXEMPTIONS TO OFFSHORE ISLANDS, TIER AMENDMENTS FOR OFFSHORE ISLANDS; MAP AMENDMENTS FOR OFFSHORE ISLANDS TO INCREASE POTENTIAL DENSITY OR INTENSITY AND TEXT AMENDMENTS FOR OFFSHORE ISLANDS TO INCREASE DEVELOPMENT POTENTIAL (DENSITY/INTENSITY), COMMENCING JANUARY 21, 2015, UNTIL SUCH TIME AS A COMPREHENSIVE PLAN AMENDMENT PROCESS IS COMPLETED REGARDING OFFSHORE ISLANDS AND PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF THIS INTERIM DEVELOPMENT ORDINANCE OR WHEN THE COMPREHENSIVE PLAN AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST, PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE.

Meeting: March 25, 2015

I. REQUEST

The Monroe County Planning & Environmental Resources is proposing an interim development ordinance (IDO) to defer the approval of applications for the transfer of development rights to offshore islands, transfer of ROGO exemptions to offshore islands, tier amendments for offshore islands, map amendments for offshore islands to increase potential density or intensity and text amendments to increase development potential (density/intensity).

II. BACKGROUND INFORMATION

The Monroe County Board of County Commissioners held a special meeting on October 7, 2014, to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the Florida Department of Economic Opportunity (DEO) and the hearing was continued to December 10, 2014, to discuss the following:

- *Policies 101.5.31 and 101.5.32: BOCC directed staff to work on height policies for addressing the replacement of existing buildings which exceed the 35ft height limit, architectural features, flood protection purposes and affordable housing. Staff to present drafts during the regular December BOCC meeting.*
- *BOCC directed staff to work on an inventory/data of privately-owned offshore islands. Staff to present draft during the regular December BOCC meeting.*

During the regular December 10, 2014 BOCC meeting, a public hearing was held to discuss proposed height and offshore island policies and to consider the transmittal of the proposed amendments (the Monroe County 2030 Comprehensive Plan) to the DEO. The BOCC directed staff to maintain the existing adopted height and offshore island policies and to process separate amendments to address these topics. A special BOCC transmittal hearing was set for January 14, 2015 for the proposed the Monroe County 2030 Comprehensive Plan.

The Monroe County Board of County Commissioners, at a special meeting on January 14, 2015, unanimously passed a motion to direct staff to impose a temporary moratorium upon certain development applications of Offshore Islands due to pending legislation (updates to the Comprehensive Plan).

During the regular January 21, 2015 BOCC meeting, the Monroe County Board of County Commissioners adopted Resolution No. 022-2015 directing the Monroe County Planning and Environmental Resources Department to process an Ordinance to defer the approval of applications for the transfer of development rights to offshore islands, transfer of ROGO exemptions to offshore islands, tier amendments for offshore islands, map amendments for offshore islands to increase potential density or intensity and text amendments to increase development potential (density/intensity).

DRC: At its regularly scheduled meeting on February 24, 2015, the Monroe County Development Review Committee reviewed the proposed ordinance. The information provided in the staff report and discussed at the DRC meeting supports the Chair's decision to recommend approval to the Planning Commission and Board of County Commissioners.

III. ANALYSIS OF PROPOSED AMENDMENT

The Comprehensive Plan amendment process remains pending and an ongoing process, an interim development ordinance to temporary defer new applications from being processed is necessary to ensure new amendment(s) regarding Offshore Islands are fully evaluated, including the provision of public participation in the planning process.

It is the intent of the proposed interim development ordinance is to temporarily defer the approval of applications for the transfer of development rights to offshore islands, transfer of ROGO exemptions to offshore islands, tier amendments for offshore islands, map amendments for offshore islands to increase potential density or intensity and text amendments to increase development potential (density/intensity) - in order to allow County staff time to compose and process Comprehensive Plan amendments pertaining to offshore islands.

IV. STAFF RECOMMENDATION

Staff recommends approval of the proposed interim development ordinance.

V. EXHIBITS

1. Draft Ordinance
2. BOCC Resolution 022-2015



ORDINANCE - 2015

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AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO DEFER THE APPROVAL OF APPLICATIONS FOR THE TRANSFER OF DEVELOPMENT RIGHTS TO OFFSHORE ISLANDS, TRANSFER OF ROGO EXEMPTIONS TO OFFSHORE ISLANDS, TIER AMENDMENTS FOR OFFSHORE ISLANDS; MAP AMENDMENTS FOR OFFSHORE ISLANDS TO INCREASE POTENTIAL DENSITY OR INTENSITY AND TEXT AMENDMENTS FOR OFFSHORE ISLANDS TO INCREASE DEVELOPMENT POTENTIAL (DENSITY/INTENSITY), COMMENCING JANUARY 21, 2015, UNTIL SUCH TIME AS A COMPREHENSIVE PLAN AMENDMENT PROCESS IS COMPLETED REGARDING OFFSHORE ISLANDS AND PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF THIS INTERIM DEVELOPMENT ORDINANCE OR WHEN THE COMPREHENSIVE PLAN AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST, PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, on January 21, 2015, the Monroe County Board of County Commissioners adopted Resolution No. 022-2015 directing the Monroe County Planning and Environmental Resources Department to process an Ordinance to defer the approval of applications for the transfer of development rights to offshore islands, transfer of ROGO exemptions to offshore islands, tier amendments for offshore islands, map amendments for offshore islands to increase potential density or intensity and text amendments to increase development potential (density/intensity); and

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WHEREAS, the Monroe County Board of County Commissioners, at a special meeting on January 14, 2015 in Marathon, Florida unanimously passed a motion to direct staff to impose a temporary moratorium upon certain development applications of Offshore Islands due to pending legislation; and

1 **WHEREAS**, on December 10, 2014, the Board of County Commissioners directed that
2 pending and proposed new Comprehensive Plan amendments specifically concerning Offshore
3 Islands and building height restrictions be removed from the larger Comprehensive Plan update
4 project (2030 Comprehensive Plan) and that each be considered as a separate and distinct
5 Comprehensive Plan Amendment to be voted upon and submitted to the State of Florida separately
6 from the rest of the cumulative Comprehensive Plan update project package; and
7

8 **WHEREAS**, the Comprehensive Plan amendment process remains pending and an
9 ongoing process, an ordinance to prohibit new applications from being processed is necessary to
10 ensure new Amendment(s) regarding Offshore Islands are fully evaluated, including the provision
11 of public participation in the planning process; and

12 **WHEREAS**, absent an ordinance addressing the interim time period between the current
13 adopted Comprehensive Plan and the adoption of the new Amendment(s), regarding Offshore
14 Islands, Offshore Islands will be subject to potential development that fails to address Tier
15 designations, habitat review and/or consideration of new Comprehensive Plan policies currently
16 under review and consideration by the Board of County Commissioners.
17

18 **NOW THERE, BE IT ORDAINED BY THE BOARD OF COUNTY**
19 **COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

20 **Section 1. Moratorium Imposed.** Monroe County Planning and Environmental Resource
21 Department shall defer the approval of applications that include the Transfer of Development
22 Rights to offshore islands, Transfer of ROGO Exemptions to offshore islands, Tier Amendments
23 for offshore islands, Map Amendments or Text Amendments having the effect of increasing
24 development potential on offshore islands, commencing January 21, 2015, for 365 days from the
25 effective date of this ordinance or until such time as a comprehensive plan amendment process is
26 completed and becomes effective, whichever comes first..
27

28 **Section 2. Term.** The moratorium imposed by this Ordinance is temporary and, unless
29 dissolved earlier by the Board of County Commissioners, shall automatically dissolve upon the
30 adoption of comprehensive plan amendments specifically concerning Offshore Islands, the
31 formulation of which shall be expeditiously pursued. In no event, however, shall the moratorium
32 imposed by this Ordinance extend beyond 365 days.
33

34 **Section 3. Severability.** The provisions of this Ordinance are declared to be severable and
35 if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be
36 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,
37 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the
38 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.
39



**MONROE COUNTY, FLORIDA
RESOLUTION NO. 022 -2015**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, DIRECTING THE MONROE COUNTY PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO PROCESS AN ORDINANCE TO DEFER THE APPROVAL OF APPLICATIONS FOR THE TRANSFER OF DEVELOPMENT RIGHTS TO OFFSHORE ISLANDS, TRANSFER OF ROGO EXEMPTIONS TO OFFSHORE ISLANDS, TIER AMENDMENTS FOR OFFSHORE ISLANDS; MAP AMENDMENTS FOR OFFSHORE ISLANDS TO INCREASE POTENTIAL DENSITY OR INTENSITY AND TEXT AMENDMENTS FOR OFFSHORE ISLANDS TO INCREASE DEVELOPMENT POTENTIAL (DENSITY/INTENSITY), COMMENCING JANUARY 21, 2015, UNTIL SUCH TIME AS A COMPREHENSIVE PLAN AMENDMENT PROCESS IS COMPLETED REGARDING OFFSHORE ISLANDS AND PROVIDING FOR EXPIRATION WITHIN 365 DAYS OF THE EFFECTIVE DATE OF AN INTERIM DEVELOPMENT ORDINANCE OR WHEN THE COMPREHENSIVE PLAN AMENDMENTS BECOME EFFECTIVE, WHICHEVER COMES FIRST.

WHEREAS, the Board of County Commissioners of Monroe County, at a special meeting on January 14, 2015 in Marathon , Florida unanimously passed a motion to direct staff to impose a temporary moratorium upon certain development applications of Offshore Islands due to pending legislation; and

WHEREAS, Monroe County is currently in the process of updating its Comprehensive Plan, to the 2030 Comprehensive Plan which includes updates and revisions on policies regulating development on all lands within the County, including Offshore Islands; and

WHEREAS, on December 10, 2014, the Board of County Commissioners directed that pending and proposed new Comprehensive Plan amendments specifically concerning Offshore Islands and building height restrictions be removed from the larger Comprehensive Plan update project and that each be considered as a separate and distinct Comprehensive Plan Amendment to be voted upon and submitted to the State of Florida separately from the rest of the cumulative Comprehensive Plan update project package; and

WHEREAS, during a special meeting of the Board of County Commissioners to consider the transmittal of the 2030 Comprehensive Plan amendment package on January 14, 2015, a discussion was held and motion made and passed to direct staff not to accept any applications regarding Offshore Islands that would involve a Transfer of Development Rights to Offshore Islands, Transfer of ROGO

Exemptions to Offshore Islands, and Map Amendments or Text Amendments that would bring about increased density or intensity to Offshore Islands; and

WHEREAS, the Comprehensive Plan amendment process remains pending and an ongoing process, an ordinance to prohibit new applications from being processed is necessary to ensure new Amendment(s) regarding Offshore Islands are fully evaluated, including the provision of public participation in the planning process; and

WHEREAS, absent an ordinance addressing the interim time period between the current adopted Comprehensive Plan and the adoption of the new Amendment(s), regarding Offshore Islands, Offshore Islands will be subject to potential development that fails to address Tier designations, habitat review and/or consideration of new Comprehensive Plan policies currently under review and consideration by the Board of County Commissioners; and

WHEREAS, staff has been directed to process an ordinance to ensure that no Transfer of Development Rights to offshore islands, Transfer of ROGO Exemptions to offshore islands, tier amendments for offshore islands, Map Amendment or Text Amendment applications increasing development potential on offshore islands will be accepted until new and revised Monroe County Comprehensive Plan Amendment(s) concerning offshore islands has been formally adopted and approved by the State of Florida.

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

Staff of the Planning & Environmental Resources Department shall process an interim development ordinance which defers the approval of applications that include the Transfer of Development Rights to offshore islands, Transfer of ROGO Exemptions to offshore islands, tier amendments for offshore islands, Map Amendments or Text Amendments having the effect of increasing development potential on offshore islands, commencing January 21, 2015, until such time as a comprehensive plan amendment process is completed regarding offshore islands. The proposed interim development ordinance shall provide for a sunset date no greater than 365 days from its effective date or when the comprehensive plan amendments become effective, whichever comes first.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of the Board held on the 21st day of January, 2015.

Mayor Danny L. Kolhage	<u>Yes</u>
Mayor Pro Tem Heather Carruthers	<u>Yes</u>
Commissioner George Neugent	<u>Yes</u>
Commissioner David Rice	<u>Yes</u>
Commissioner Sylvia Murphy	<u>Yes</u>



Attest: AMY HEAVILIN, CLERK

Amy Heavilin
Deputy Clerk

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: *D. P. Kolhage*
Mayor

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Steven J. Williams
STEVEN J. WILLIAMS
ASSISTANT COUNTY ATTORNEY
Date 1/20-15