

Agenda

PLANNING COMMISSION
MONROE COUNTY
January 27, 2010
10:00 A.M.

MARATHON GOV'T CENTER
2798 OVERSEAS HIGHWAY
MARATHON, FL
MONROE COUNTY, FL

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSION:

Randy Wall, Chairman
James Cameron, Vice Chairman
Jeb Hale
Denise Werling
Elizabeth Lustberg

STAFF:

Townsley Schwab, Sr. Director of Planning and Environmental Resources
Susan Grimsley, Ass't County Attorney
John Wolfe, Planning Commission Counsel
Mitch Harvey, Comprehensive Plan Manager
Kathy Grasser, Comprehensive Planner
Joseph Haberman, Current Principal Planner
Steven Biel, Sr. Planner
Debby Tedesco, 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

PUBLIC HEARING

New Items:

1. AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP DESIGNATION from Residential Low (RL) To Mixed Use / Commercial (MC) in accordance with Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan, requested by MDJ Investments, LLC, for property legally described as Thompson's Subdivision, Key Largo, PB1-147 Lots 13-18, Monroe County, Florida having real estate number 00440100.000000 located at 99101 Overseas Highway, Key Largo, Mile Marker 99.1.

[M29062 FILE.PDF](#)
[M29062 SR PC 1.27.10.PDF](#)
[M29062 Survey.PDF](#)

2. AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AMENDING THE LAND USE DISTRICT DESIGNATION from Sub Urban Residential (SR) To Sub Urban Commercial (SC) in accordance with Monroe County Code, Section 130-43, requested by MDJ Investments, LLC, for property legally described as Thompson's Subdivision, Key Largo, PB1-147 lots 13-18, Monroe County, Florida having real estate number 00440100.000000 located at 99101 Overseas Highway, Key Largo, Mile Marker 99.1.

[M29062 SR PC 01.27.10.PDF](#)

3. AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AMENDING THE LAND USE DISTRICT DESIGNATION from Destination Resort (DR) and Sub Urban Commercial (SC) to Mixed Use (MU) in accordance with Section 130-88 of the Monroe County Code, requested by Lloyd A. Good, Jr., for property legally described as the entire Part Lot 3 having real estate number 00118470.000000 and part of Section 3, Township 67, Range 27 Part Lot 3 and Part Lot 4 having real estate number 00118420.000000, and part of Section 34 Township 66 Range 27, Part Lot 3 having real estate number 00117930.000000 located at 17001 & 17075 Overseas Highway, Sugar Loaf Key, Mile Marker 17.

[M28098 FILE Part 2.pdf](#)

4. AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AMENDING THE DEFINITION OF "ACCESSORY USES OR ACCESSORY STRUCTURES"; defining "adjacent land" and eliminating "adjacent landowner" in section 101-1 of the Monroe County Code; permitting some accessory uses or structures on adjacent non-contiguous land; permitting docking facilities on adjacent land under certain conditions and creating an approval process; providing for a variance process to determine adjacency for certain accessory uses and structures; providing for severability; providing for repeal of conflicting provisions; providing for codification; providing for an effective date.

[29010 SR PC 01.27.10.pdf](#)

BOARD DISCUSSION

GROWTH MANAGEMENT COMMENTS

RESOLUTIONS FOR SIGNATURE

ADJOURNMENT



File #: M29062

Owner's Name: MDJ Investments LLC

Applicant: MDJ Investments LLC

Agent: Peter Bacheler, H L & Y

Type of Application: FLUM + LUD

Key: Key Largo

RE #: 00440100-000100



Additional Information added to File ^{M29062}~~29062~~

County of Monroe
Growth Management Division

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



Board of County Commissioners
Mayor George Neugent, Dist. 2
Mayor Pro Tem Sylvia J. Murphy, Dist. 5
Kim Wigington, Dist. 1
Heather Carruthers, Dist. 3
Mario Di Gennaro, Dist. 4

We strive to be caring, professional and fair

Date: 5/29/09

Dear Applicant:

This is to acknowledge submittal of your application for FLUM
Type of application

MDJ Investments LLC to the Monroe County Planning Department.
Project / Name

Thank you.

Shil Creech

Planning Staff

Ervin A. Higgs, CFA
Property Appraiser
Monroe County, Florida

office (305) 292-3420
fax (305) 292-3501

Property Record View

Alternate Key: 1539791 Parcel ID: 00440100-000000

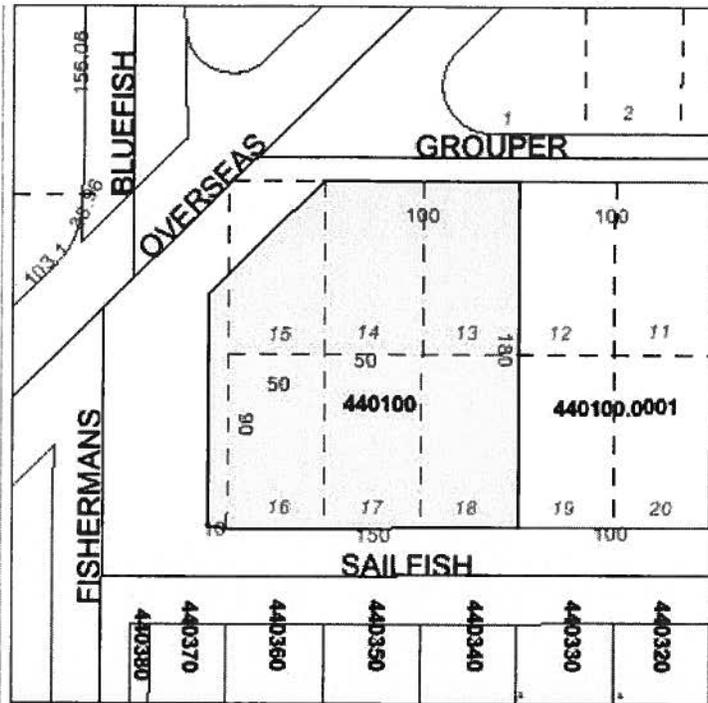
Ownership Details

Mailing Address:
MDJ INVESTMENTS LLC
99101 OVERSEAS HWY
KEY LARGO, FL 33037

Property Details

PC Code: 17 - OFFICE BUILDINGS 1 STORY
Millage Group: 500K
Affordable Housing: No
Section-
Township- 32-61-39
Range:
Property Location: 3 99101 OVERSEAS HWY KEY LARGO
Subdivision: THOMPSON SUB
Legal Description: THOMPSONS SUBD-KEY LARGO PB1-147 LOTS 13-18 SQR 2 D5-197 J1-288 OR88-40/41 OR88-40/41 OR214-591 OR336-452/53 PROB DOCKET 9-117 OR567-15 OR647-103/04 OR656-161 OR671-551/52 OR682-88P OR682-89 OR682-91/92P OR709-280/83 OR770-419QC OR987-133/34 CASE#88-13-CP-10 OR1035-1468DC OR1039-2476/80WILL OR1253-2091 OR1253-2092AFF OR1253-2093 OR2113-912

Parcel Map



Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY			27,110.00 SF

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 1

Total Living Area: 2968
Year Built: 1958

Building 1 Details

Building Type
Effective Age 24
Year Built 1958
Functional Obs 0

Condition A
Perimeter 292
Special Arch 0
Economic Obs 0

Quality Grade 350
Depreciation % 30
Gmd Floor Area 2,968

Inclusions:

Roof Type
Heat 1
Heat Src 1

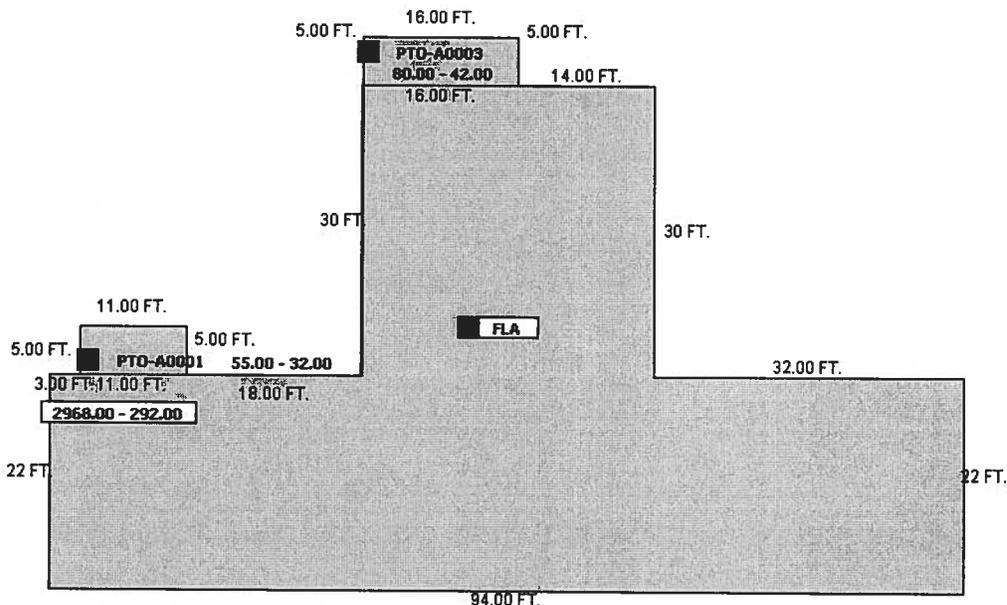
Roof Cover
Heat 2
Heat Src 2

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 9

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



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
0	PTO		1	1957				55
0	PTO		1	1989				80

1	<u>FLA</u>	1	1957	Y	2,968
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Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	AC2:WALL AIR COND	2 UT	0	0	2000	2006	1	20
2	AC2:WALL AIR COND	2 UT	0	0	2000	2006	3	20
3	AP2:ASPHALT PAVING	2,376 SF	0	0	1989	2006	2	25
4	PT3:PATIO	195 SF	3	65	1990	2006	1	50
5	CL2:CH LINK FENCE	560 SF	112	5	2000	2006	1	30
6	UB2:UTILITY BLDG	200 SF	10	20	1989	1990	2	50
7	FN2:FENCES	130 SF	2	65	2000	2006	1	30

Appraiser Notes

ADJ LAND SIZE FROM 21600 TO 27110 FOR THE 2008 TAX ROLL, IT APPEARS THAT THE LAND SIZE AND LEGAL DESC WAS NOT CHANGED WHEN THIS PARCEL WAS SPLIT FOR THE 2007 TAX ROLL. THIS ERROR DID NOT RESULT IN THIS PARCEL BEING OVER ASSESSED. THIS PARCEL WAS UNDER ASSESSED IN 2007. SPLIT PARCEL 00440100-000100 AK 9088667 WAS CORRECTLY ASSESSED FOR 2007 TAX ROLL

2004/6/29 3 UNITS 1 = FLORIDA TITLE 2 = ALL KEYS MORTGAGE 3 = KENNITH GROSSMAN TCF

6/29/06 FIELD INSPECTION (3 BUSINESSES) KEYS CENTER FOR MICROSCOPIC ENDODONTICS, FLA TILE OF THE KEYS AND ALL KEYS MORTGAGE INC.

SPLITTING OUT LOTS 11, 12, 19,20 FROM THIS PARCEL FOR ASSESS PURP (OR2293-260)

Building Permits

Bldg	Number	Date issued	Date Completed	Amount	Description	Notes
	3302781	06/18/2003	01/01/2004	1		REM/REP 4 TON C/U
	04301193	03/16/2004	07/18/2005	1		R/R 4 TON A/H

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
2008	221,605	6,912	677,750	442,254	442,254	0	442,254
2007	177,636	7,050	135,250	319,936	319,936	0	319,936
2006	177,636	7,269	135,250	320,155	320,155	0	320,155
2005	174,088	1,814	56,250	232,152	232,152	0	232,152

2004	174,088	1,899	56,250	232,237	232,237	0	232,237
2003	174,088	2,007	56,250	232,345	232,345	0	232,345
2002	174,088	2,109	56,250	232,447	232,447	0	232,447
2001	174,088	2,207	39,375	215,670	215,670	0	215,670
2000	174,088	964	39,375	214,427	214,427	0	214,427
1999	174,088	1,009	39,375	214,472	214,472	0	214,472
1998	145,724	1,050	39,375	186,149	186,149	0	186,149
1997	145,724	1,099	39,375	186,198	186,198	0	186,198
1996	132,477	1,143	39,375	172,995	172,995	0	172,995
1995	132,477	1,185	39,375	173,037	173,037	0	173,037
1994	121,437	528	16,875	138,840	138,840	0	138,840
1993	121,437	545	16,875	138,857	138,857	0	138,857
1992	121,437	561	16,875	138,873	138,873	0	138,873
1991	121,437	578	16,875	138,890	138,890	0	138,890
1990	121,437	594	16,875	138,906	138,906	0	138,906
1989	115,488	611	16,875	132,974	132,974	0	132,974
1988	114,709	477	16,875	132,061	132,061	0	132,061
1987	112,941	345	16,875	130,161	130,161	0	130,161
1986	113,068	345	16,875	130,288	130,288	0	130,288
1985	110,976	345	16,875	128,196	128,196	0	128,196
1984	109,555	345	13,500	123,400	123,400	0	123,400
1983	109,555	345	6,560	116,460	116,460	0	116,460
1982	78,216	345	6,560	85,121	85,121	0	85,121

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
5/11/2005	2113 / 912	555,000	<u>WD</u>	<u>Q</u>
4/1/1993	1253 / 2091	1	<u>WD</u>	<u>M</u>

This page has been visited 135,504 times.

Monroe County Property Appraiser
Ervin A. Higgs, CFA
P.O. Box 1176
Key West, FL 33041-1176

M29062
End of Additional File ~~29062~~

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



RECEIVED

MAY 29 2009

[Handwritten signature]

MONROE CO. BUILDING DEPT.

Request for a Land Use District and/or Future Land Use Map (FLUM) Amendment

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 District Only (Residential) Application Fee: \$4,131.00
- Amendment to Land Use District Only (Non-Residential) Application Fee: \$4,929.00
- Amendment to Future Land Use Map Only Application Fee: \$5,531.00
- Amendment to Land Use District and Future Land Use Map Application Fee: \$6,000.00

New fee sched. 9/16/09

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 of Submittal: 5/29/09
Month Day Year

Property Owner:

MDI INVESTMENTS LLC
Name

99101 OVERSEAS HWY, KEY LARGO
Mailing Address (Street, City, State, Zip Code) FL 33087

305-852-8440
Daytime Phone

JLUPINO@TROPICALAW.COM
Email Address

Agent (if applicable):

PETER BACHELOR, HL & Y
Name

90130 OLD HWY TAVERNIER
Mailing Address (Street, City, State, Zip Code) FL 33070

305-852-8440
Daytime Phone

P.BACHELOR@TROPICALAW.COM
Email Address

Legal Description of Property:

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

2 Block 13-18 Lots THOMPSONS Subdivision LARGO Key

00440100-000000 Real Estate (RE) Number 1539791 Alternate Key Number

99101 OVERSEAS HWY Street Address (Street, City, State, Zip Code) 99.1 Approximate Mile Marker

APPLICATION

Current Land Use District Designation(s): SE

Proposed Land Use District Designation(s): SC

Current Future Land Use Map Designation(s): RL

Proposed Future Land Use Map Designation(s): MC

Total Land Area Affected: 27110.00 ±

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):

OFFICE BUILDING LEASED TO ORAL SURGEON, TITLE AGENCY (LAND)
AND GENERAL CONTRACTOR

In accordance with the provisions set forth in Monroe County Code, amendments may be proposed by the Board of County Commissioners, the Planning Commission, the Director of Planning, owner or other person having a contractual interest in property to be affected by a proposed amendment.

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:

N/A

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

N/A

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

DATA ERROR WHEN ZONING MAPS CREATED. BUILDING
ON THE PROPERTY HAS BEEN OPERATED SINCE 1958.
PROPERTY HAS BEEN TAXED AS COMMERCIAL PROPERTY
SINCE 1958.

APPLICATION

4) New issues:

N/A

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

MONROE COUNTY MINUTES FROM JULY 23, 1976 CONFIRMS A ZONING CHANGE TO BU-1

6) Data updates:

N/A

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):

THE PROPERTY HAS BEEN IN COMMERCIAL USE SINCE 1958. THERE HAS BEEN A NEED TO CORRECT THE DATA ERROR (ZONING) SINCE THE MAPS WERE ADOPTED IN 1997. THE CORRECTION WOULD REMOVE THE NONCONFORMITY NOMENCLATURE FROM THE PROPERTY

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

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

- Complete map amendment 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;
- Copy of Land Use District Map (please request from the Planning & Environmental Resources Department prior to application submittal);
- Copy of Future Land Use Map (please request from the Planning & Environmental Resources Department prior to application submittal);
- 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);

APPLICATION

- Typed name and address mailing labels of all property owners within a 300 foot radius of the property (three 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 Letters of Understanding pertaining to the proposed 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: [Handwritten Signature] Date: 5/28/09

Sworn before me this 28th day of May, 2009

NOTARY PUBLIC STATE OF FLORIDA
 Cynthia L. Feld
 Commission # DD593854
 Expires: SEP 30, 2010
 BONDED THRU ATLANTIC BONDING CO., INC.

[Handwritten Signature]
 Notary Public
 My Commission Expires

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

THIS INSTRUMENT PREPARED BY AND RETURN TO:
MARY FIELDER
Hershoff & Lupino, L.L.P.
90130 OLD HIGHWAY
TAVERNIER, FLORIDA 33070
Property Appraisers Parcel Identification (Folio) Numbers:

DEED DOC STAMP CL: RHONDA \$3,885.00

Doc# 1515753
Bk# 2113 Pg# 912

Space Above This Line For Recording Data

THIS WARRANTY DEED, made the 11th day of May, 2005 by Mark H. Gregg, a single man, whose post office address is P.O. Box 324, Micanopy, FL 32667 herein called the grantor, to MDJ Investments, LLC, a Florida Limited Liability Co., whose post office address is 99101 Overseas Highway, Key Largo, FL 33037, hereinafter called 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 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in MONROE County, State of Florida, viz.:

Lots 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, Block 2, THOMPSONS SUBDIVISION, Section "A", according to the plat thereof, as recorded in Plat Book 1, at Page 147, of the Public Records of Monroe County, Florida; and the East 10 feet of that portion of Fisherman's Trail, adjacent and contiguous to the West boundary line of Lots 15 and 16, Block 2, lying between the North line of Sailfish Trail and the Southeasterly Right-of-Way line of Old State Road 4A, in Thompsons Subdivision, Section "A", according to the plat thereof, as recorded in Plat Book 1, at Page 147, of the Public Records of Monroe County, Florida.

Subject to easements, restrictions and reservations of record and taxes for the year 2005 and thereafter.

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, and hereby 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, 2004.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Maureen J. Lee
Witness #1 Signature

Mark H. Gregg
Mark H. Gregg

MAUREEN C. LEE
Witness #1 Printed Name

Mary W. Fielder
Witness #2 Signature

Mary W. Fielder
Witness #2 Printed Name

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 11th day of May, 2005 by Mark H. Gregg who is personally known to me or has produced DL De as identification.

SEAL



Mary H. Fielder
MY COMMISSION # DD177322 EXPIRES
January 14, 2007
BONDED THROUGH TROY FARM INSURANCE, INC.

Mary W. Fielder
Notary Public

Printed Notary Name

My Commission Expires:

MONROE COUNTY
OFFICIAL PUBLIC RECORD



EAST DR

GROUPE TRL

SALFISH TRL

SR

BLUEFISH TRL

WOODWARD WAY

BLUEFISH TRL

OVERSEAS HWY

FISHERMANS TRL

FISHERMANS TRL

OVERSEAS HWY

SC

BELL RD

DRURY DR

DR DR

88

CFSD
COMMUNITY DEVELOPMENT



MINUTES

ZONING BOARD
 MONROE COUNTY
 SHERIFF SUB STATION
 MARATHON, FLORIDA

JULY 23, 1976
 1:00 P.M.

CALL TO ORDER:

THIS, THE 23RD DAY OF JULY, 1976, THE MONROE COUNTY ZONING BOARD WAS CALLED TO ORDER.

PLEDGE OF ALLEGIANCE:

SALUTE TO THE FLAG.

ROLL CALL:

MR. TOM ROBERTS, CHAIRMAN
 MR. JOHN EDWARDS, VICE CHAIRMAN
 MR. TED CARTER (ABSENT)
 MR. ED DAVIDSON
 MR. ROY ANDERSON

MR. KERMIT LEWIN, SECRETARY
 TO THE BOARD.
 MR. RICHARD PAYNE, ATTORNEY
 MS. JUDY O'DELL, RECORDING
 SECRETARY

INTRODUCTIONS OF SPECIAL GUESTS:SPECIAL ITEMS NOT ON THE AGENDA:

MR. EUGENE COLLINS AND MR. ARTHUR WRIGHT, ASKED THAT THEIR REQUEST FOR A CHANGE OF ZONING BE WAIVED FOR THE ONE-YEAR TIME LIMITATION, AND THAT THEY BE ALLOWED TO SUBMIT ANOTHER APPLICATION.

THE ZONING BOARD WAIVED THE ONE-YEAR TIME LIMITATION ON BOTH OF THE ABOVE APPLICANTS.

UNFINISHED BUSINESS:NEW BUSINESS:ZONING CHANGES - HOLD OVER ITEMS - APRIL 23, 1976

- PETER JOSEPH LINZI, JR., REQUEST A CHANGE OF ZONING FROM RU-3 TO BU-2 ON LOTS 1, 2 AND 3, BLOCK "B" OF TROPICANA SUBDIVISION AS RECORDED IN PLAT BOOK 3, PAGE 137. LOCATED IN SECTION 1, TOWNSHIP 66 SOUTH, RANGE 32 EAST. (KEY VACA)

A LETTER FROM MR. LENZI, REQUESTING THAT HIS APPLICATION BE WITHDRAWN AT THE PRESENT TIME.

ZONING CHANGES - HOLD OVER ITEMS - JUNE 23, 1976

- EDDIE ROUILLARD, REQUEST A CHANGE OF ZONING FROM GU TO BU-2 ON A PART OF THE S.W. 1/2 OF LOT 13, AS RECORDED IN PLAT BOOK 1, PAGE 59 OF GEORGE L. MAC DONALD'S PLAT OF GOVERNMENT LOTS 5 AND 6 AND THE N.W. 1/4 OF THE N.W. 1/4 OF SECTION 5 AND GOVERNMENT LOTS 1 AND 2 OF SECTION 6, TOWNSHIP 62 SOUTH, RANGE 39 EAST. (KEY LARGO)

MINUTES
ZONING BOARD

-2-

JULY 23, 1976
1:00 P.M.

MR. EDDIE ROUILLARD WAS PRESENT TO SPEAK IN BEHALF OF HIS REQUEST. HE SUBMITTED A LETTER FROM MR. SIMPSON GIVING HIM PERMISSION TO REQUEST THE CHANGE OF ZONING. HOWEVER, HE DID NOT SUBMIT A SURVEY OF THE PROPERTY.

MOTION WAS MADE BY MR. DAVIDSON TO HOLD THIS ITEM OVER UNTIL THE NECESSARY PAPERS ARE SUBMITTED. SECONDED BY MR. EDWARDS. ROLL CALL AS FOLLOWS:

MR. EDWARDS	YES
MR. CARTER	ABSENT
MR. DAVIDSON	YES
MR. ANDERSON	YES
MR. ROBERTS	YES

MOTION TO HOLD OVER CARRIED UNANIMOUSLY.

2. TOWNSITE SUPER MARKET, INC., REQUEST A BU-2C WITH AN EXISTING BU-2 ON LOTS 1 AND 2 OF ISLAMORADA SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 48. LOCATED IN SECTION 28, TOWNSHIP 63 SOUTH, RANGE 37 EAST. (UPPER MATECUMBE KEY)

MR. ALFRED PIMENTAL WAS PRESENT TO SPEAK IN BEHALF OF THE APPLICATION. HE EXPLAINED THAT THE PACKAGE STORE WOULD BE PART OF THE ENCLOSED BUILDING OF THE EXISTING MARKET.

MOTION WAS MADE BY MR. DAVIDSON TO APPROVE THE REQUEST AS IT IS IN KEEPING WITH THE NEEDS OF THE SURROUNDING AREA. SECONDED BY MR. ANDERSON. ROLL CALL AS FOLLOWS:

MR. EDWARDS	YES
MR. CARTER	ABSENT
MR. DAVIDSON	YES
MR. ANDERSON	YES
MR. ROBERTS	YES

ZONING CHANGES - REGULAR ITEMS

1. GEORGE W. EAGER, REQUEST A CHANGE OF ZONING FROM GU TO RU-6 WITH SPECIAL APPROVAL FOR STORAGE OF TRAVEL TRAILERS AND CAMPER STORAGE ON THE NORTH 150' FEET OF LOT 2, OF THE MODEL LAND COMPANY PLAT, AS RECORDED IN PLAT BOOK 1, PAGE 68. LOCATED IN SECTION 28, TOWNSHIP 61 SOUTH, RANGE 39 EAST. (KEY LARGO)

MR. GEORGE EAGER WAS PRESENT TO SPEAK IN BEHALF OF HIS REQUEST. HE WITHDREW HIS APPLICATION AT FIRST, AND THEN AFTER THE BOARD HEARD HIS ITEM #3, HE ASKED THAT ITEM #1 BE HELD OVER.

SEE ITEM #3 FOR THE MOTION AND ROLL CALL VOTE.

MINUTES
ZONING BOARD

-3-

JULY 23, 1976
1:00 P.M.

2. GEORGE W. EAGER, REQUEST A SPECIAL APPROVAL FOR THE SALE OF BEER & WINE IN AN EXISTING CONVENIENCE STORE IN AN RU-5P ZONE, ON 150' FEET BY 150' FEET OF THE N.E. CORNER OF LOT 3 OF THE MODEL LAND COMPANY PLAT AS RECORDED IN PLAT BOOK 1, PAGE 68. LOCATED IN SECTION 28, TOWNSHIP 61 SOUTH, RANGE 39 EAST. (KEY LARGO)

MR. GEORGE EAGER WAS PRESENT TO SPEAK IN BEHALF OF HIS REQUEST.

MR. EDWARDS MADE A MOTION TO GRANT THE REQUEST IN VIEW OF THE FACT THAT IT IS APPROPRIATE WITH THE ORDINANCE. SECONDED BY MR. DAVIDSON. ROLL CALL WAS TAKEN AS FOLLOWS:

MR. EDWARDS	YES
MR. CARTER	ABSENT
MR. DAVIDSON	YES
MR. ANDERSON	YES
MR. ROBERTS	YES

MOTION CARRIED UNANIMOUSLY TO APPROVE THE REQUEST.

3. GEORGE W. EAGER, REQUEST A CHANGE OF ZONING FROM RU-2 TO BU-2 ON LOTS 15 THRU 21 OF BLOCK 3, OF SUNSET WATERWAY SUBDIVISION, AS RECORDED IN PLAT BOOK 4, PAGE 31. LOCATED IN SECTION 28, TOWNSHIP 61 SOUTH, RANGE 39 EAST. (KEY LARGO)

MR. GEORGE EAGER WAS PRESENT TO SPEAK IN BEHALF OF HIS REQUEST, AND HE ASKED THAT ITEM #1 AND ITEM #3 BE HELD OVER SO HE CAN GET TOGETHER WITH THE ATTORNEY AND SEE WHAT HAS TO BE DONE.

MOTION WAS MADE BY MR. DAVIDSON TO HOLD THIS ITEM AND ITEM #1 OVER, SECONDED BY MR. ANDERSON. ROLL CALL WAS AS FOLLOWS:

MR. EDWARDS	YES
MR. CARTER	ABSENT
MR. DAVIDSON	YES
MR. ANDERSON	YES
MR. ROBERTS	YES

MOTION CARRIED UNANIMOUSLY TO HOLD THE TWO ITEMS OVER.

4. RUJO, INC., REQUEST A CHANGE OF ZONING FROM RU-1 TO BU-2 ON LOTS 12 THRU 19, BLOCK 2 OF THOMPSON'S SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 147, AND LOCATED IN SECTION 32, TOWNSHIP 61 SOUTH, RANGE 39 EAST. (KEY LARGO)

MR. KEN SMITH WAS PRESENT REPRESENTING THE APPLICANTS, MR. & MRS. LOMBARDO WHO WERE ALSO PRESENT.

MR. KEN SMITH AMENDED THE APPLICATION FOR A BU-1 WITH SPECIAL APPROVAL FOR RETAIL SALES FOR FURNITURE AND CLOTHING ON LOTS 13, 14, 15, 16, AND 17 ONLY.

MOTION WAS MADE BY MR. EDWARDS TO ADOPT A RESOLUTION DENING THE REQUEST AS STATED AND APPROVE THE REQUEST AS MODIFIED BY KEN SMITH, FOR THE APPLICANT, TO THE EXTENT THAT IT ENCLOSES

MINUTES
ZONING BOARD

JULY 23, 1976
1:00 P.M.

LOTS 13, 14, 15, 16 AND 17, THEREBY EXCLUDING LOTS 12, 18 AND 19 AND THAT IT BE APPROVED FOR BU-1 WITH A SPECIAL USE PERMIT FOR THE RETAIL SALES FOR FURNITURE AND CLOTHING ONLY. MR. ANDERSON SECONDED THE MOTION. ROLL CALL WAS TAKEN AS FOLLOWS:

MR. EDWARDS	YES
MR. CARTER	ABSENT
MR. DAVIDSON	YES
MR. ANDERSON	YES
MR. ROBERTS	NO

THE MOTION CARRIED UNANIMOUSLY BY A 3 TO 1 VOTE WITH 1 ABSENT MEMBER.

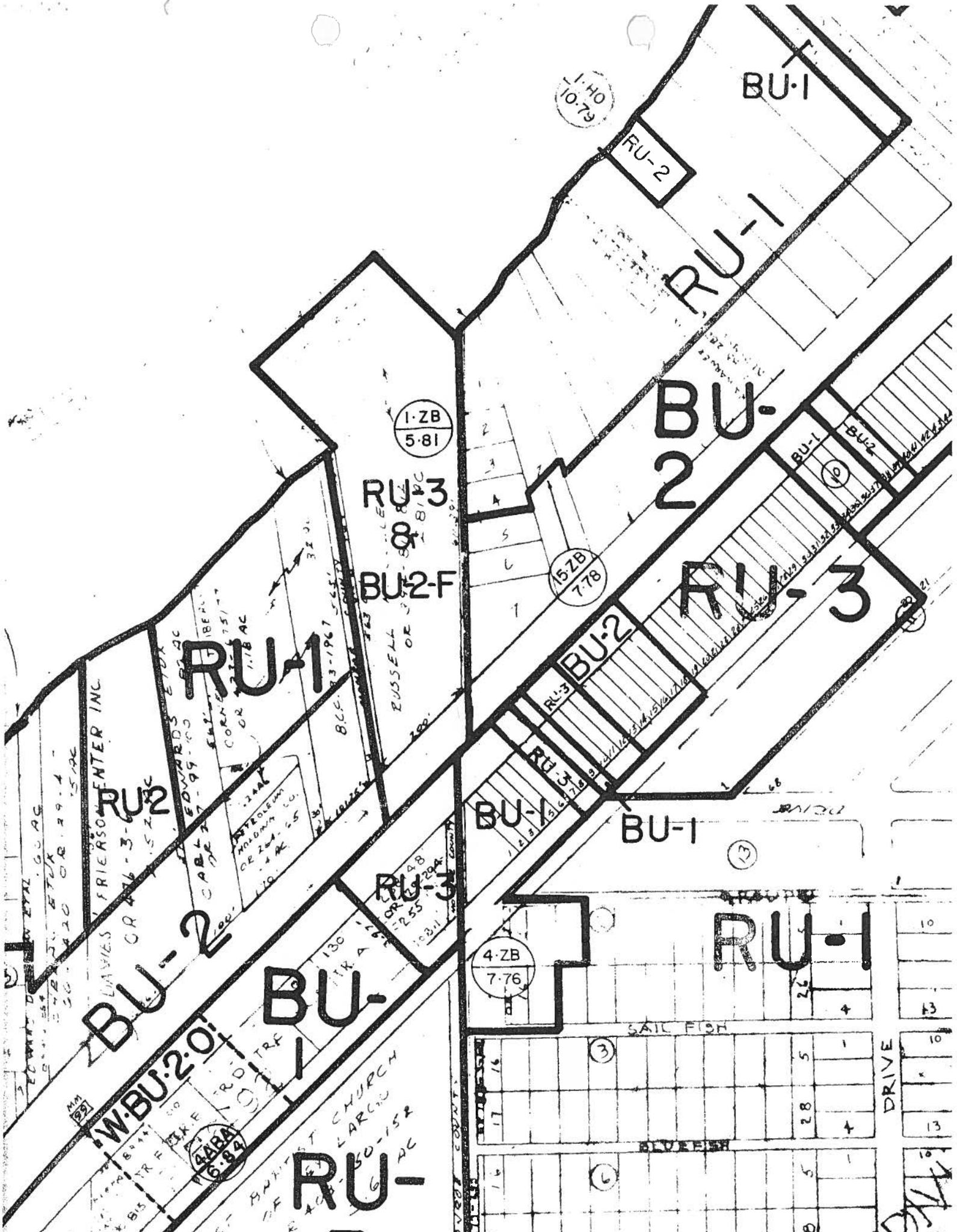
- 5. SOUTHERN BELL TELEPHONE & TELEGRAPH Co., REQUEST A CHANGE OF ZONING FROM BU-1 TO BU-2 ON LOTS 15 AND 16, BLOCK 10, OF PLANTATION BEACH SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 76. LOCATED IN SECTION 7, TOWNSHIP 63 SOUTH, RANGE 38 EAST. (PLANTATION KEY)

MR. HILL & MR. BALDWIN WERE PRESENT TO SPEAK IN BEHALF OF THIS APPLICATION.

MR. DAVIDSON MADE A MOTION TO APPROVE THE APPLICATION TO PROMOTE THE GENERAL WELFARE AND IN KEEPING WITH THE SURROUNDING PROPERTY. SECONDED BY MR. ANDERSON. ROLL CALL WAS TAKEN AS FOLLOWS:

MR. EDWARDS	YES
MR. CARTER	ABSENT
MR. DAVIDSON	YES
MR. ANDERSON	YES
MR. ROBERTS	YES

THE MOTION CARRIED UNANIMOUSLY TO APPROVE THE REQUEST.



1-HO
10-75

BU-1

RU-2

RU-1

BU-2

1-ZB
5-81

RU-3

BU-2-F

15ZB
7-78

RU-1

RU-3

BU-2

BU-1

BU-1

13

RU-2

RU-3

BU-2

BU-

4-ZB
7-76

RU-1

W-BU-2-0

RU-

SAIL FISH

SILVER FISH

DRIVE

6-84

UNIT CHURCH
LARCH

10
13

ID# 00441050-000000
THOMPSONS SUBD-KEY LARGO PB1 147 LOT 10
MONROE CO. COMP PLAN LAND AUTHORITY
3706 N ROOSEVELT BLVD,SUITE 1
KEY WEST, FL 33040

ID 00440410-000000
BK 3 LT 18 THOMPSONS SUBD
FERNANDEZ, ERIC A
504 BLUEFISH TR
KEY LARGO, FL 33037

ID 0040360-000000
BK 3 LT 15 THOMPSONS SUBD-KL JOHN &
MARTHA BELL
605 SAILFISH TRAIL
KEY LARGO, FL 33037

ID 00440390-000000
THOMPSONS SUBD-KL PB1-147 PT LOT 17
BLANCO, GLADYS G
932 SW 136 PL
MIAMI, FL 33184

ID 00440300-000000
BK 3 LT 9 THOMPSONS SUBD-KL
BARBARA HOLLER
P. O. BOX 238
TONAWANDA, NY 14150

ID 00440180-000000
BK 3 LT 23 THOMPSONS SUBD-KL
WEBB, WILLIAM C
1300 NW 167TH ST
MIAMI, FL 33169

ID 00505750-000000
SUNSET COVE PB1-165 KEY LARGO
KEY LARGO VOLUNTEER FIRE DEPT
P. O. BOX 782
KEY LARGO, FL 33037

ID 00440420-000000
BK 3 LT 19 THOMPSONS SUBD KEY LARGO
TIITF C/O DEP
3900 COMMONWEALTH BLVD
TALLAHASSEE, FL 32399-3000

ID 00440380-000000
THOMPSONS SUBD-KL PB1-147 W 10FT LOT 16
MONROE COUNTY
500 WHITEHEAD STREET
KEY WEST, FL 33040

ID 00440430-000000
BK 3 LT 20 THOMPSONS SUBD-KL
HENDRICKS, ROBERT A TRUSTEE
2555 PONCE DE LEON BLVD, STE 320
CORAL GABLES, FL 33134-6033

ID 00440370-000000
THOMPSONS SUBD-KL PB1-147 LOT 16 SQ
3KLUTZ, WILLIAM EDWARD
104500 B-104 OVERSEAS HWY
KEY LARGO, FL 33037

ID 00440170-000000
BK 3 LT 22 THOMPSONS SUBD-KL
LYMAN, TIMOTHY J & DEBRA
190 VENETIAN WAY
ISLAMORADA, FL 33036

ID 00440190-000000
BK 3 LT 24 THOMPSONS SUBD-KL
BAYLES, CATHERINE ZAIR
4568 WOODLANDS VILLAGE DR
ORLANDO, FL 32835

ID 00440020-000000
BK 2 LOT 6 THOMPSONS SUBD-KL
KERN, RICHARD L
2522 SW NATIONAL CIR
PORT ST LUCIE, FL 34953

ID 00504940-000000
SUNSET COVE KEY LARGO LOTS 1-11
RESORTS OF KEY LARGO
99202 OVERSEAS HWY
KEY LARGO, FL 33037

ID 00504310-000000
SUNSET COVE PB1-165 KEY LARGO
DALTON, PETER O
3168 HIGHWAY 17 SOUTH
ORANGE PARK, FL 32073

ID00088000-000000
32-612-39 ISLANDOF KEY LARGO
KAZI FOODS OF KEY WEST INC
P. O. BOX 11239
ST THOMAS,VI 00801-4239

ID 00522411-000100
CAPE SUBDIVISION KEY LARGO PB6-92
SWEETINGS FOUR
P. O. BOX 370141
KEY LARGO, FL 33037-0141

ID 00522411-000200
CAPE SUBDIVION KEY LARGO
TACO BELL OF AMERICA INC
TBC TAX #004404
P. O. BOX 35370
LOUISVILLE,KY 40232-5370

ID 00087980-000000
32 61 39 A61932-22 ISLAND OF KEY LARGO
FIRST BAPTIST CHURCH OF KEY LARGO
99001 OVERSEAS HWY
KEY LARGO, FL 33037



Frank & Elliott

103400

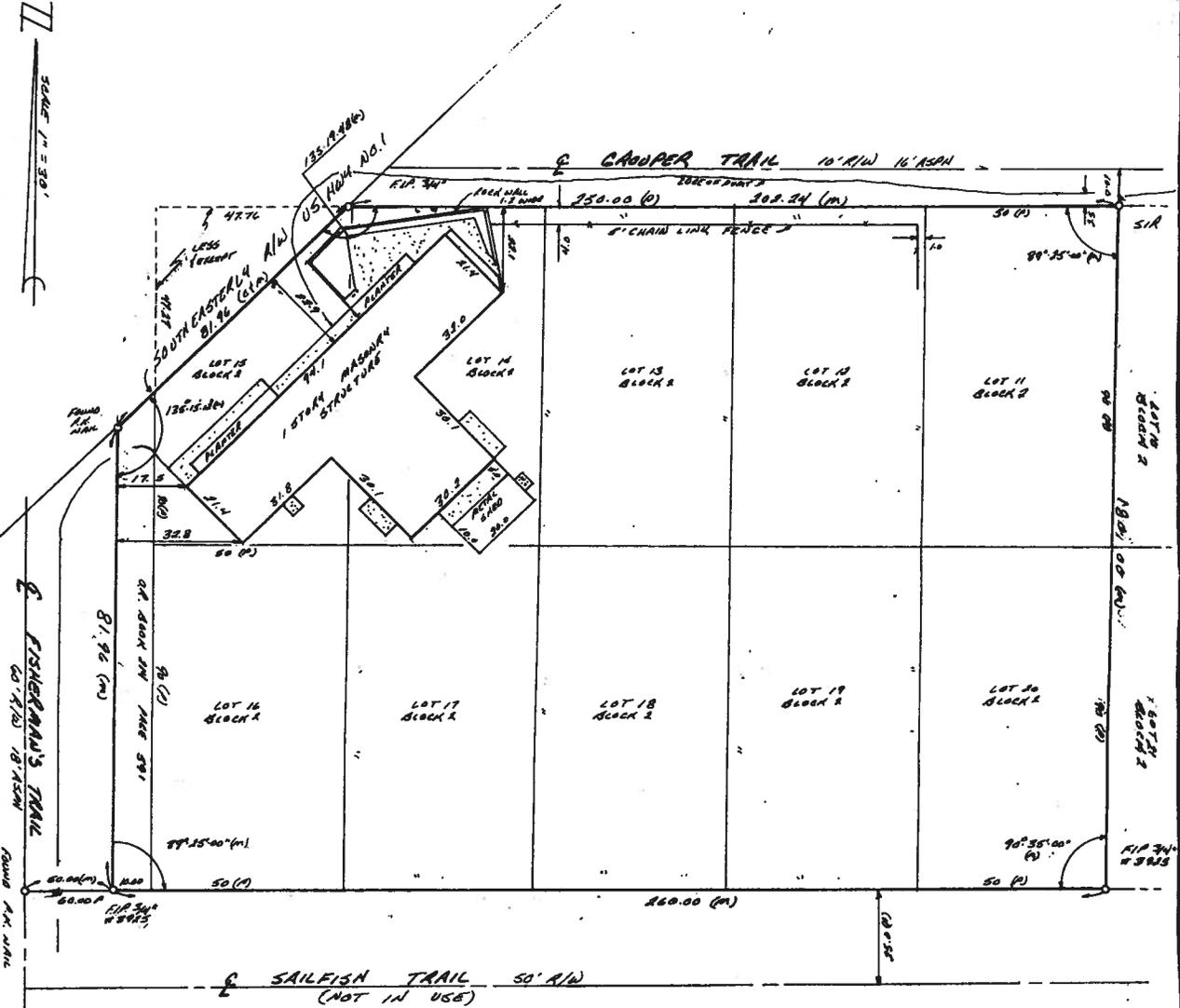
Surveyors, Engineers, Planners
10340 Hwy. Suite 9, Key Largo, Florida 33037
Ph. (305) 451-3636

A Division of MEGAVISION BUSINESS CORPORATION

CERTIFIED TO: Mark H. Gregg, Attorney's Title Insurance Fund, Inc.

DESCRIPTION: Lot 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, Block 2, Thompsons Subdivision
Section "A", as recorded in the plat thereof recorded in Plat Book 1, Page 147,
Public Records of Monroe County, Florida. Together with the East ten feet of that portion of
Fisher's Trail as shown on the plat of Thompsons Subdivision, Section "A", as recorded in Plat Book 1,
Page 147, Public Records of Monroe County, Florida, lying between the North line of Sailfish Trail
as shown on said plat and the Southeasterly side of Old State Road 4A (formerly Dixie Highway).
Less and Except the Northwesterly portion of Lot 15, Block 2, occupied by the South-Easterly
Right-of-Way of Old State Road 4-A.

JOB NO. K 95082
SEC. 32 TWP. 61 S. RGE. 39 E
MONROE COUNTY, FL.



CERTIFIED FOR BOUNDARY SURVEY

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 21 HH-6 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

ABBREVIATION LEGEND:

F.I.R.	FOUND IRON ROD, SIZE INDICATED
F.I.P.	FOUND IRON PIPE, SIZE INDICATED
S.I.R.	SET IRON ROD, 1/2" L.B. 5408
S.N.D.	SET NAIL & DISH, L.B. 5408
F.C.M.	FOUND CONCRETE MONUMENT
P.R.M.	PERMANENT REFERENCE MONUMENT
P.C.P.	PERMANENT CONTROL POINT
P.I.	POINT OF INTERSECTION
R/W	RIGHT-OF-WAY
F.N.D.	FOUND NAIL AND DISC
CONC.	CONCRETE
CDV	COVERED
ASPH.	ASPHALT

REVISED 4/14/93 SHAW FORD

SURVEYOR'S NOTES

1) (D)-DEED, (P)-PLAT, (M)-MEASURED, (C)-CALCULATED
 2) ELEVATION DATUM N.A.
 3) BENCHMARK N.A.
 4) BASIS OF BEARINGS: E. COOPER TRAIL (ASSUMED WEST)
 5) THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP, COMMUNITY NO. 42522, PANEL NO. 5041, EFFECTIVE DATE 12-17-87, AND THE ABOVE DESCRIBED PROPERTY APPEARS TO BE IN ZONE X, WITH A BASE ELEVATION OF 6.11 M.S.L.
 6) NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY, and/or OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN.
 7) NOT VALID UNLESS SEALED.

DATE 4.13.93



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

To: Planning Commission

Through: Townsley Schwab, Senior Director of Environmental & Planning Resources *TS*
Mitch Harvey, AICP, Comprehensive Plan Manager *M/H*

From: Kathy Grasser, Comprehensive Planner *KG*

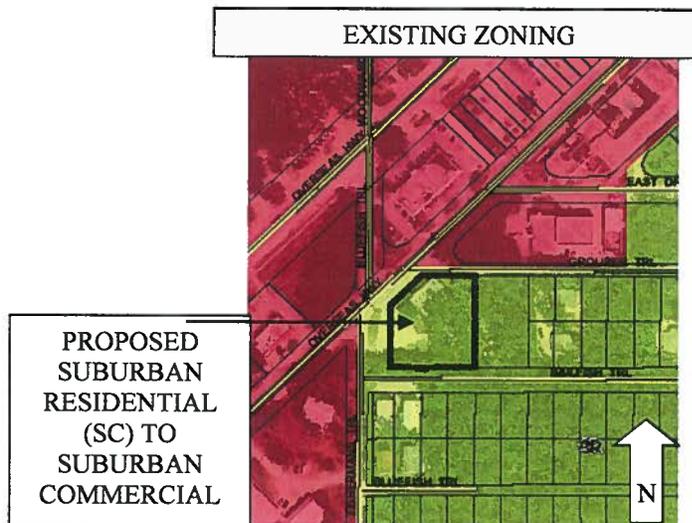
Date: January 8, 2010

Subject: Request for an Amendment to the Land Use District (LUD) Map for MDJ Investments, LLC, Key Largo, Mile Marker 99.1, Real Estate Number 00440100.000000

Meeting: January 27, 2010

I REQUEST

A request by MDJ Investments, LLC to amend the current Land Use District (LUD) designation from Suburban Residential (SR) to Suburban Commercial (SC).



Address: 99101 Overseas Highway
Mile Marker 99.1, Key Largo, Florida

Real Estate Number: 00440100.000000

Legal Description: Thompson's Subdivision, Key Largo, PB1-147 Lots 13-18
Monroe County, Florida

Applicant/Petitioner: Mr. Peter Bacheler, Hershoff Lupino & Yagel LLP

Property Owner: MDJ Investments, LLC

1
2 **NOTE**
3

4 The commercial structure, in the existing Sub Urban Residential (SR) land use district, on
5 the subject parcel is nonconforming to the current code. By amending the land use
6 district to Sub Urban Commercial (SC) this structure would be made conforming by the
7 amendment. However, it would then be deemed to have a conditional use permit as that
8 size/type of development in the SC district requires such.
9

10 The proposed LUD amendment from Sub Urban Residential (SR) to Sub Urban
11 Commercial (SC) does not guarantee future development for the parcel. Currently,
12 Growth Management does not have any pending applications for development on this
13 property. When or if, Growth Management receives an application, it will be addressed
14 at that time.
15

16 **II PROCESS**
17

18 Amendments may be proposed by the Board of County Commissioners (BOCC), the
19 Planning Commission, the Director of Planning, or the owner or other person having a
20 contractual interest in property to be affected by a proposed amendment. The Director of
21 Planning shall review and process map amendment applications as they are received and
22 pass them onto the Development Review Committee and the Planning Commission for
23 recommendation and final approval by the BOCC.
24

25 The Planning Commission and the BOCC shall each hold at least one public hearing on a
26 proposed amendment. The Planning Commission shall review the application, the
27 reports and recommendations of the Department of Planning & Environmental Resources
28 and the Development Review Committee and the testimony given at the public hearing.
29 The Planning Commission shall submit its recommendations and findings to the BOCC.
30 The BOCC considers the LUD staff report and recommendation of and the testimony
31 given at the public hearing and may either deny or adopt the application upon
32 transmitting the proposed LUD amendment to the DCA. Ordinances are then reviewed
33 by the Florida Department of Community Affairs and returned to the County with a
34 Notice of Intent.
35

36 **BACKGROUND INFORMATION**
37

38 **Future Land Use Map (FLUM) Designation**
39

40 Residential Low (RL)

41 The applicant is proposing to change the FLUM designation from Residential Low (RL)
42 to Mixed Use / Commercial (MC).
43

44 **Total Size of Parcel Proposed to be Amended**
45

46 0.62 Acres (27,110ft²)

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Tier Designation

Tier I

Flood Zone

X

Existing Use

The 2,968 ft² office building is leased to an oral surgeon, a land title agency and general contractors.

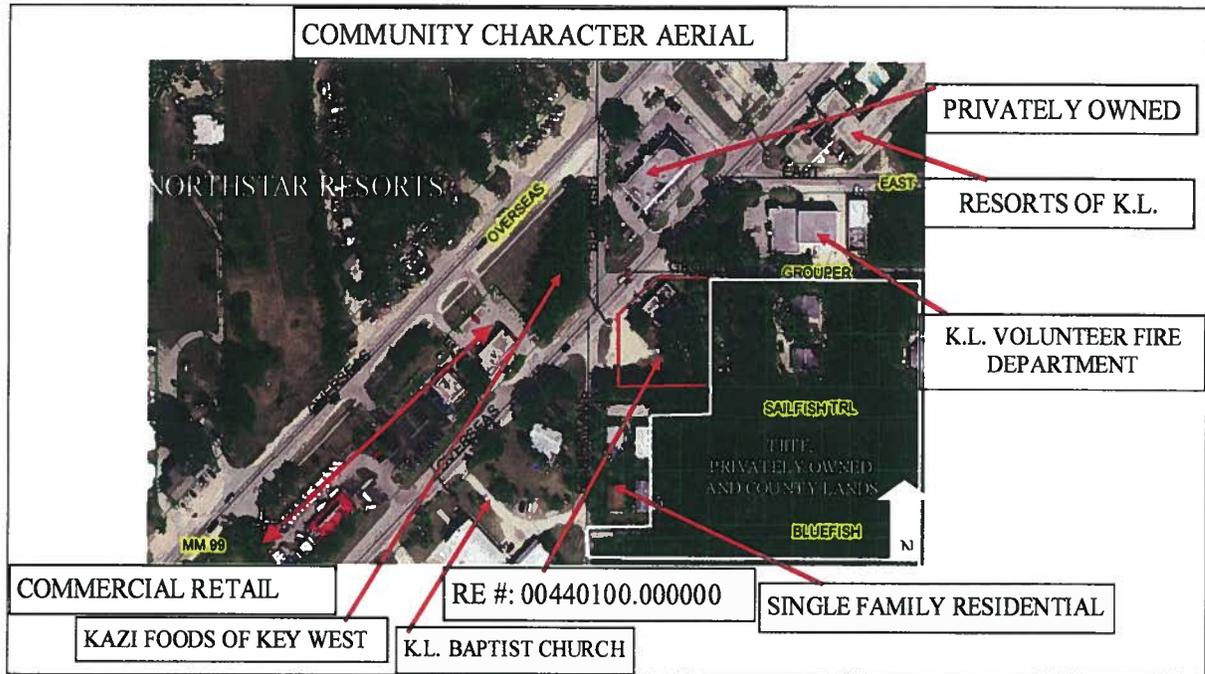
Existing Vegetation / Habitat

Most of the lot is disturbed with a number of large canopy trees remaining. Most of the understory plants have been removed and have been replaced with exotics. Approximately 10-15% of the lot is undisturbed hammock mostly along Grouper Trail.

Community Character of Immediate Vicinity

The applicant's parcel is located at Mile Marker 99.1 on the ocean side. Parcels to the east and southeast contain federal, county and privately owned lands. The Key Largo Volunteer Fire Department is directly north of the subject parcel. The Key Largo Baptist Church is south of the subject parcel. Parcels in the U. S. 1 medium contain commercial retail and some privately owned lands. Northstar Resorts owns the land across from the subject property on the gulf side.

LEFT BLANK INTENTIONALLY.



1
2
3 **III REVIEW OF APPLICATION**

4 A. *Consistency of the proposed amendment with the provisions and intent of the Monroe*
5 *County Year 2010 Comprehensive Plan:*
6

7 The proposed LUD amendment retains the community character and quality of life in the
8 area. The proposed amendment is located in a Tier I area and is adjacent to the U. S. 1
9 corridor. The proposed amendment will retain the surrounding natural resources and
10 direct future growth to this area where appropriate on the parcel. This is consistent with
11 smart growth initiatives. The proposed LUD amendment is consistent with the following
12 provisions and intent of the Monroe County Year 2010 Comprehensive Plan.
13

- 14 1. Goal 101: Monroe County shall manage future growth to enhance the quality of
15 life, ensure the safety of County residents and visitors, and protect valuable
16 natural resources.
17
- 18 2. Objective 101.4: Monroe County shall regulate future development and
19 redevelopment to maintain the character of the community and protect the
20 natural resources by providing for the compatible distribution of land uses
21 consistent with the designations shown on the Future Land Use Map.
22
- 23 3. Goal 105: Monroe County shall undertake a comprehensive land acquisition
24 program and smart growth initiatives in conjunction with its Livable
25 CommuniKeys Program in a manner that recognizes the finite capacity for new
26 development in the Florida Keys by providing economic and housing
27 opportunities for residents without compromising the biodiversity of the
28 natural environment and the continued ability of the natural and manmade

1 systems to sustain livable communities in the Florida Keys for future
2 generations.

- 3
4 4. Objective 105.1: Monroe County shall implement smart growth initiatives in
5 conjunction with its Livable CommuniKeys and Land Acquisition Programs
6 which promote innovative and flexible development processes to preserve the
7 natural environment, maintain and enhance the community character and
8 quality of life, redevelop blighted commercial and residential areas, remove
9 barriers to design concepts, reduce sprawl, and direct future growth to
10 appropriate infill areas.

11
12 B. *Consistency of the proposed amendment with the provisions and intent of Chapter 102 of*
13 *the Monroe County Code, Land Development Regulations:*

14
15 The proposed LUD amendment is consistent with the provisions and intent of the Monroe
16 County Code, Sec. 130-43 purpose of the Sub Urban Commercial district (SC):

- 17
18 1. The purpose of the SC district is to establish areas for commercial uses designed
19 and intended primarily to serve the needs of the immediate planning area in
20 which they are located. This district should be established at locations
21 convenient and accessible to residential areas without use of U.S. 1.

22
23 In accordance with MCC Sec. 102-158(d)(5)b., the BOCC may consider the adoption of
24 an ordinance enacting the proposed change based on one (1) or more of the following
25 factors: *changed projections; changed assumptions; data errors; new issues; recognition*
26 *of a need for additional detail or comprehensiveness; and data updates.* There was no
27 applicant response for *changed projections, changed assumptions, new issues or data*
28 *updates.*

29
30 **APPLICANT RESPONSE:**

31
32 *Data errors:*

33 Data error when zoning maps created. Building on the property has been
34 operating since 1958. Property has been taxed as commercial property since
35 1958.

36
37 *Recognition of a need for additional detail or comprehensiveness*

38 Monroe County minutes from July 23, 1976 confirm a zoning change to BU-1.
39

1 Like the subject parcel, properties adjacent to and north of the subject parcel are in a Tier
2 I land use designation as well as located in the Suburban Commercial (SC) Land Use
3 District designation. Staff finds the proposed land use district change, in accordance with
4 MCC Sec. 102-158(d)(5)b, consistent with subsections 'data errors' and 'recognition of
5 a need for additional detail or comprehensiveness'.
6

7 **C. Goals, Strategies and Action Items from the Key Largo Livable CommuniKeys Plan that**
8 **directly pertain to the proposed development**
9

10 **STAFF RESPONSE:**
11

12 One (1) of the ten (10) goals in the Key Largo Livable CommuniKeys Plan is consistent
13 with the proposed LUD amendment.
14

15 *Goal 1: Direct future growth to lands that are most suitable for development and*
16 *encourage preservation of environmentally sensitive lands.*
17

18 The parcel is adjacent to U. S. 1. There are two (2) parcels adjacent to and north of
19 the subject property in Tier 1 and have a land use district designation of Sub Urban
20 Commercial (SC). Currently, a 2,968ft² building sits on the 27,110ft² parcel. Most of
21 the lot is disturbed with a number of large canopy trees remaining.
22

24 **Impact on Community Character:**
25

26 MCC §102-158 maintains that amendments
27 may not permit an adverse change in
28 community character. The character of the
29 immediate vicinity includes open space,
30 mixed use and residential.
31
32
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40 **Local Use Compatibility**
41

42 The property is in an established area
43 for commercial uses designed and
44 intended to serve the needs of the
45 immediate planning area. Three streets
46 border the parcel. Grouper Trail is
47 located adjacent to and north of the
48 parcel. Sailfish Trail is adjacent to
49 and south of the parcel. U. S. 1 is adjacent to and west of the parcel.
50
51
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58



59 **Density and Intensity (Exhibit 2)**
60

61 Institutional and recreational rentals include recreational vehicle or campground
62 spaces. These are considered transient uses. Transient uses are defined as a hotel
63 or motel room, seasonal residential unit, or space for parking a recreational

1 vehicle or travel trailer. Currently, there is a moratorium on transient uses. In
2 July 2009, Monroe County amended and transmitted to DCA, Comprehensive
3 Plan Policy 101.2.6 extending the moratorium on transient units. The BOCC will
4 consider the adoption of this policy in November 2009.
5

6 The policy states "Monroe County shall adopt Land Development Regulations
7 which prohibit new transient residential units including hotel or motel rooms,
8 campground spaces, or spaces for parking a recreational vehicle or travel trailer
9 until July 31, 2010.
10

11 Open Space Requirement

12
13 There is a 50% open space requirement for nonresidential development in the
14 existing Sub Urban Residential (SR) land use district. The proposed Sub Urban
15 Commercial (SC) land use district designation has a 20% open space requirement.
16 After calculating out the required open space, the SR district has a potential
17 development area of 0.31 acres and the proposed SC district has a potential
18 development area of 0.62 acres (27,110ft²).
19

20 MC Code Section 130-164 Maximum Nonresidential Land Intensities and Open Space

21
22 The two land uses allowed in the existing SR land use district are *Institutional* and
23 *Public buildings and uses*. Each has a floor area ratio (FAR) of 0.25% or
24 3,389ft². The proposed SC allows nine (9) land uses. The FAR in the SC land
25 use district ranges from 0.10 to 0.40 or may allow between 2,169ft² to 8,675ft² of
26 commercial floor area.
27

28 MC Code Section 130-162 Maximum Hotel-Motel, Recreational Vehicle and 29 Institutional Residential Densities

30
31 The existing SR land use district, after the 50% open space ratio is deducted, may
32 allow up one (1) hotel room and / or one (1) recreational rental space per acre.
33 Subsequently, after the 50% open space ratio is deducted; four (4) hotel rooms, 1
34 institutional rental and / or three (3) recreational rentals per buildable area
35 (maximum net density) may be allowed.
36

37 The proposed SC land use district has no open space requirements. The allocated
38 density rooms per acre for hotels rooms and recreational rentals space may allow
39 up to six (6) rooms and / or three (3) institutional rental spaces. Maximum net
40 density rooms per buildable acres may allow nine (9) hotel rooms, twelve (12)
41 institutional rental spaces and / or six (6) recreational rental spaces.
42

43 MC Code Section 130-157 Maximum Residential Density and District Open Space

44
45 The 0.31 acres of the SR district allows no residential dwelling units. However,
46 the maximum net density may allow one (1) dwelling unit per buildable acre.

1 After the 20% open space ratio is deducted, the 0.49 acres of the proposed SC
2 district, may allow one (1) residential dwelling unit per acre and two (2)
3 residential dwelling units per buildable acre (maximum net density).
4

6 Local Traffic, Parking and Circulation

8
10 The subject parcel is located on U. S. 1 on
12 the ocean side. There is adequate parking
14 for the three offices. Some of the undercut
16 was removed leaving room for parking
18 overflow. Driving north on U. S. 1, access
20 to the parcel is from the south only.
22 However, there are cut-throughs from U. S.
24 1 driving south between stores and across
26 the median.
28



30 Effects on Natural Resources

32 Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall
33 direct future growth to lands which are intrinsically most suitable for development
34 and shall encourage conservation and protection of environmentally sensitive
35 lands. Future development would be required to comply with all Monroe County
36 Code, State and Federal environmental regulations.
37

38 Most of the lot is disturbed with a number of large canopy trees remaining. Most
39 of the understory plants have been removed and have been replaced with exotics.
40 Approximately 10-15% of the lot is undisturbed hammock mostly along Grouper
41 Trail.
42

43 Effects on Public Facilities

45 Objective 101.11 of the *Monroe County Year 2010 Comprehensive Plan* requires the
46 County to direct future growth away from environmentally sensitive land and towards
47 established development areas served by existing public facilities. The proposed LUD
48 amendment will not affect Objective 101.11 and will encourage development to remain
49 on disturbed lands rather than encroaching on environmentally sensitive areas. The
50 proposed LUD amendment may affect public facilities, but not significantly.
51

52 Solid Waste (Comprehensive Plan Policy 801.1.1)

54 Monroe County has a solid waste haul out contract with Waste Management Inc.,
55 which authorizes the use of in-state facilities through September 20, 2016.
56

57 Maximum Residential = 2 X 2.1 (household size in people) = 4.2; 4.2 X 5.33
58 pounds per capita per day = 22.84 pounds per day
59

1 Maximum Nonresidential = 12.2 pounds per day per equivalent residential unit X
2 0.62 acres = 7.56 pounds per day

3
4 TOTAL = 22.84 + 7.56 = 30.40 pounds per day

5
6 The proposed land use map (LUD) amendment may affect solid waste, but not
7 significantly.

8
9 Potable Water

10
11 In March 2008, South Florida Water Management District (SFWMD) approved
12 the FKAA's modification of WUP 13-00005-5-W for a 20-year allocation from
13 the Biscayne and Floridian Aquifers. The WUP provides an annual allocation of
14 8,751 Million Gallons (MG) or 23.98 MGD and a maximum monthly allocation
15 of 809 MG with a limited annual withdrawal from the Biscayne Aquifer of 6,492
16 MG or 17.79 MGD and an average dry season (December 1st-April 30th) of 17.0
17 MGD. The overall level of service for potable water is 132 gallons per
18 capita/per/day.

19
20 Maximum Residential = 2 X 2.1 (household size in people) = 4.2; 4.2 X 132
21 pounds per capita per day = 554.4 gallons per day

22
23 Stormwater

24
25 MCC Section 114-3, titled '*Surface Water Management Criteria*', establishes
26 guidelines and criteria for the safe management and disposal of stormwater runoff
27 from developed areas that will minimize or eliminate any resultant adverse
28 impacts on the surface water, groundwater, and other natural resources of the
29 county. Any change in the use of the property must comply with State and Federal
30 regulations as well as the Monroe County Code, the Monroe County
31 Comprehensive Plan and the Livable CommuniKeys Plans.

32
33 Wastewater

34
35 Currently, any permitted or replacement on-site or wastewater treatment facility
36 with a design flow of less than or equal to 100,000 gpd within the County must
37 comply with the 10/10/10/1 Best Available Technology (BAT) standard, as well
38 as require approval from the Monroe County Health Department and / or the
39 Department of Environmental Protection. Any proposed development associated
40 with the proposed amendment will be subject to this provision or will be
41 mandated to hook up to the central sewer system when it is available. The level
42 of service (LOS) for residential and nonresidential flow is 145 gallons per day per
43 equivalent dwelling units (Exhibit 3-8 Sanitary Wastewater Master Plan 2000)

44
45 Maximum Nonresidential = 145 gallons per day per equivalent residential unit X
46 0.62 acres = 89.9 pounds per day

1
2 The proposed LUD is not anticipated to adversely impact the wastewater supply
3 LOS.
4

5 Education
6

7 All public schools are under the purview of Monroe County Board of Education
8 including all capital expenditures relating to facilities improvements or additional
9 development of education facilities. Per the 2008 Monroe County Public
10 Facilities Capacity Assessment Report, the Monroe County requirements are that
11 classroom capacity be “adequate” to accommodate the school-age children
12 generated by proposed land development. The School Board uses recommended
13 capacities provided by the Florida Department of Education to determine each
14 school’s capacity. All schools have adequate reserve capacity to accommodate
15 the impacts of the additional land development activities projected for the next
16 school year.
17

18 Parks and Recreation / Open Space
19

20 The County has adopted an overall level of service, pursuant to Comprehensive
21 Plan Policy 1201.1.1, for resourced-based and activity-based recreation and open
22 space of 0.82 acres of per 1,000 persons (functional population). Using the
23 functional population projection for 2007 of 70,432 persons in unincorporated
24 Monroe County, and the LOS standard of 0.82 acres per 1,000 persons, the
25 demand for resource-based recreation areas is approximately 57.75 acres. The
26 county currently has enough resource- and activity- based lands with reserve
27 capacity of 40.21 acres and 49.93 acres, respectively, to meet the level of service.
28

29 Effects on Redevelopment/Infill Potential
30

31 Sheet 267 of the 1985 Habitat Maps shows the subject parcel as disturbed (740).
32 The habitat Aerial photograph shows at least five (5) canopy trees remaining after
33 the permitted clearing in 1976. No hammock was located on the property at that
34 time. Currently, canopy trees are still present and undisturbed hammock is found
35 along Grouper Trail. If an application for a development permit was pursued on
36 this parcel, a site visit to the property would be mandatory for additional analysis.
37 Federal, State and County regulations shall be followed, particularly MC Code
38 Section 118-9(a-c) on open space requirements.
39

40 MC Code Section 118-9(c) states: “*Site baseline conditions. The legal conditions*
41 *of land existing as of February 28, 1986, and as depicted on the December*
42 *1985 Habitat Classification Aerial Photographs, shall be used as a baseline to*
43 *determine the clearing that may be permitted on a site. The 1985 maps shall be*
44 *supplemented by recent aerial photography and existing site analysis to determine*
45 *any increases in the amount of upland native vegetated areas. Upland native*
46 *vegetated areas cleared between 1986 and the time of permit application shall be*

1 *considered to still include upland native vegetation for purposes of determining*
2 *the amount of open space and clearing permitted.”*
3

4 *D. Consistency with the Principles for Guiding Development in the Florida Keys Area of*
5 *Critical State Concern pursuant to F.S. Chapter 380.0552(7)*
6

7 For the purposes of reviewing consistency of the adopted plan or any amendments
8 to that plan with the principles for guiding development and any amendments to
9 the principles, the principles shall be construed as a whole and no specific
10 provision shall be construed or applied in isolation from the other provisions.

11 (a). To strengthen local government capabilities for managing land use and
12 development so that local government is able to achieve these objectives
13 without the continuation of the area of critical state concern designation.

14 (b). To protect shoreline and marine resources, including mangroves, coral
15 reef formations, seagrass beds, wetlands, fish and wildlife, and their
16 habitat.

17 (c). To protect upland resources, tropical biological communities, freshwater
18 wetlands, native tropical vegetation (for example, hardwood hammocks
19 and pinelands), dune ridges and beaches, wildlife, and their habitat.

20 (d). To ensure the maximum well-being of the Florida Keys and its citizens
21 through sound economic development.

22 (e). To limit the adverse impacts of development on the quality of water
23 throughout the Florida Keys.

24 (f). To enhance natural scenic resources, promote the aesthetic benefits of the
25 natural environment, and ensure that development is compatible with the
26 unique historic character of the Florida Keys.

27 (g). To protect the historical heritage of the Florida Keys.

28 (h). To protect the value, efficiency, cost-effectiveness, and amortized life of
29 existing and proposed major public investments, including:

- 30 1. The Florida Keys Aqueduct and water supply facilities;
- 31 2. Sewage collection and disposal facilities;
- 32 3. Solid waste collection and disposal facilities;
- 33 4. Key West Naval Air Station and other military facilities;
- 34 5. Transportation facilities;
- 35 6. Federal parks, wildlife refuges, and marine sanctuaries;
- 36 7. State parks, recreation facilities, aquatic preserves, and other
37 publicly owned properties;
- 38 8. City electric service and the Florida Keys Electric Co-op; and
- 39 9. Other utilities, as appropriate.

40 (i). To limit the adverse impacts of public investments on the environmental
41 resources of the Florida Keys.

42 (j). To make available adequate affordable housing for all sectors of the
43 population of the Florida Keys.

- 1 (k). To provide adequate alternatives for the protection of public safety and
2 welfare in the event of a natural or manmade disaster and for a post
3 disaster reconstruction plan.
- 4 (l). To protect the public health, safety, and welfare of the citizens of the
5 Florida Keys and maintain the Florida Keys as a unique Florida resource.

6
7 **STAFF RESPONSE:**
8

9 Currently, canopy trees are still present and undisturbed hammock is found along
10 Grouper Trail. The subject parcel contains one (1) 2,968ft² building. The
11 building has been in existence since 1958. The office tenants (title agency, dentist
12 and general contractor) are compatible uses for the neighborhood. The site is land
13 locked. The supply of water and electric to the building is adequate. Section 114-
14 3, '*Surface Water Management Criteria*', establishes guidelines and criteria for
15 stormwater management. The site is not in the AICUZ zone. It is located in Key
16 Largo on U. S. 1. The site is approximately five (5) miles from Pennekamp State
17 Park. The parcels adjacent to the subject parcels are owned by the county and
18 state.

19
20 **RECOMMENDATION:**

21 Staff recommends **APPROVAL**.
22
23

MC Code Section 130-164 Maximum Nonresidential Land Use Intensities and Open Space			
	EXISTING	PROPOSED	
	Sub Urban Residential (SR) Total 13,555 sq. ft. (after 50% required open space ratio) FLOOR AREA RATIO	Sub Urban Commercial (SC) FLOOR AREA RATIO	Sub Urban Commercial (SC) Total Square Footage of Proposed Area: 21,688 (after 20% required open space ratio) Maximum Floor Area Ratio
Land Uses			
Commercial Retail:			
Low Intensity		0.35	7,591
Medium Intensity		0.25	5,422
High Intensity		0.15	3,253
Offices		0.40	8,675
Commercial Recreational	0.25	0.10	2,169
Institutional		0.30	6,506
Outdoor Recreational		0.10	2,169
Public buildings and uses	0.25	0.30	6,506
Light Industry		0.10	2,169

MC Code Section 130-162 Maximum Hotel-Motel, Recreational Vehicle and Institutional Residential Densities				
	EXISTING		PROPOSED	
	Sub Urban Residential (SR) Allocated Density Rooms per Acre: 0.31 Acres (after 50% OSR)	Sub Urban Residential (SR) Maximum Net Density Rooms / Buildable Area: 0.31 Acres (after 50% OSR)	Sub Urban Commercial (SC) Allocated Density Rooms per Acre: 0.62 Acres	Sub Urban Commercial (SC) Maximum Net Density Rooms / Buildable Area: 0.62 Acres
Hotel	1	4	6	9
Institutional Rental	0	1	3	12
Recreation Rental	1	3	6	6

MC Code Section 130-157 Maximum Residential Density and District Open Space				
	EXISTING		PROPOSED	
	Sub Urban Residential (SR) 0.31 Acres (after 50% OSR)	Sub Urban Commercial (SC) 0.49 Acres (after 20% OSR)	Sub Urban Residential (SR) 0.31 Acres (after 50% OSR)	Sub Urban Commercial (SC) 0.49 Acres (after 20% OSR)
Allocated Density: Dwelling Units / Acre	0	1	0	1
Maximum Net Density: Dwelling Units / Buildable Acre	1	2	1	2



MEMORANDUM

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

To: Planning Commission

Through: Townsley Schwab, Senior Director of Environmental & Planning Resources *TS*
Mitch Harvey, AICP, Comprehensive Plan Manager *MH*

From: Kathy Grasser, Comprehensive Planner *KG*

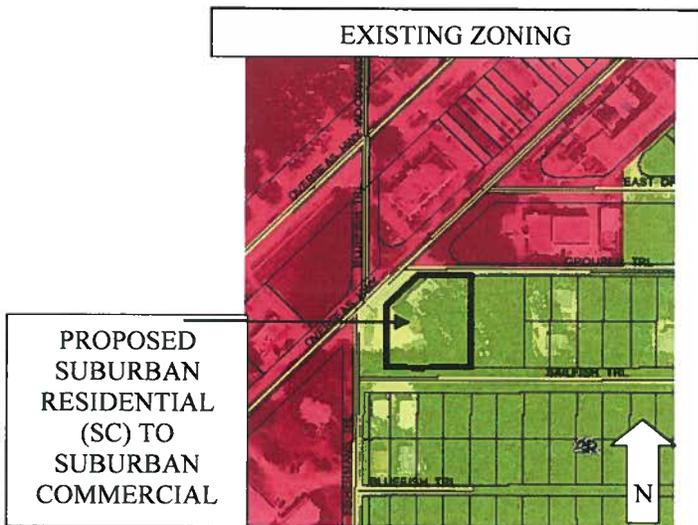
Date: January 8, 2010 (Staff report revised January 27, 2010)

Subject: Request for an Amendment to the Land Use District (LUD) Map for MDJ Investments, LLC, Key Largo, Mile Marker 99.1, Real Estate Number 00440100.000000

Meeting: January 27, 2010

I REQUEST

A request by MDJ Investments, LLC to amend the current Land Use District (LUD) designation from Suburban Residential (SR) to Suburban Commercial (SC).



Address: 99101 Overseas Highway
Mile Marker 99.1, Key Largo, Florida

Real Estate Number: 00440100.000000

Legal Description: Thompson's Subdivision, Key Largo, PB1-147 Lots 13-18
Monroe County, Florida

Applicant/Petitioner: Mr. Peter Bacheler, Hershoff Lupino & Yagel LLP

Property Owner: MDJ Investments, LLC

1
2 **NOTE**
3

4 The commercial structure, in the existing Sub Urban Residential (SR) land use district, on
5 the subject parcel is nonconforming to the current code. By amending the land use
6 district to Sub Urban Commercial (SC) this structure would be made conforming by the
7 amendment. However, it would then be deemed to have a conditional use permit as that
8 size/type of development in the SC district requires such.
9

10 The proposed LUD amendment from Sub Urban Residential (SR) to Sub Urban
11 Commercial (SC) does not guarantee future development for the parcel. Currently,
12 Growth Management does not have any pending applications for development on this
13 property. When or if, Growth Management receives an application, it will be addressed
14 at that time.
15

16 **II PROCESS**
17

18 Amendments may be proposed by the Board of County Commissioners (BOCC), the
19 Planning Commission, the Director of Planning, or the owner or other person having a
20 contractual interest in property to be affected by a proposed amendment. The Director of
21 Planning shall review and process map amendment applications as they are received and
22 pass them onto the Development Review Committee and the Planning Commission for
23 recommendation and final approval by the BOCC.
24

25 The Planning Commission and the BOCC shall each hold at least one public hearing on a
26 proposed amendment. The Planning Commission shall review the application, the
27 reports and recommendations of the Department of Planning & Environmental Resources
28 and the Development Review Committee and the testimony given at the public hearing.
29 The Planning Commission shall submit its recommendations and findings to the BOCC.
30 The BOCC considers the LUD staff report and recommendation of and the testimony
31 given at the public hearing and may either deny or adopt the application upon
32 transmitting the proposed LUD amendment to the DCA. Ordinances are then reviewed
33 by the Florida Department of Community Affairs and returned to the County with a
34 Notice of Intent.
35

36 **BACKGROUND INFORMATION**
37

38 **Future Land Use Map (FLUM) Designation**
39

40 Residential Low (RL)

41 The applicant is proposing to change the FLUM designation from Residential Low (RL)
42 to Mixed Use / Commercial (MC).
43

44 **Total Size of Parcel Proposed to be Amended**
45

46 0.62 Acres (27,110ft²)

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Tier Designation

Tier I

Flood Zone

X

Existing Use

The 2,968 ft² office building is leased to an oral surgeon, a land title agency and general contractors.

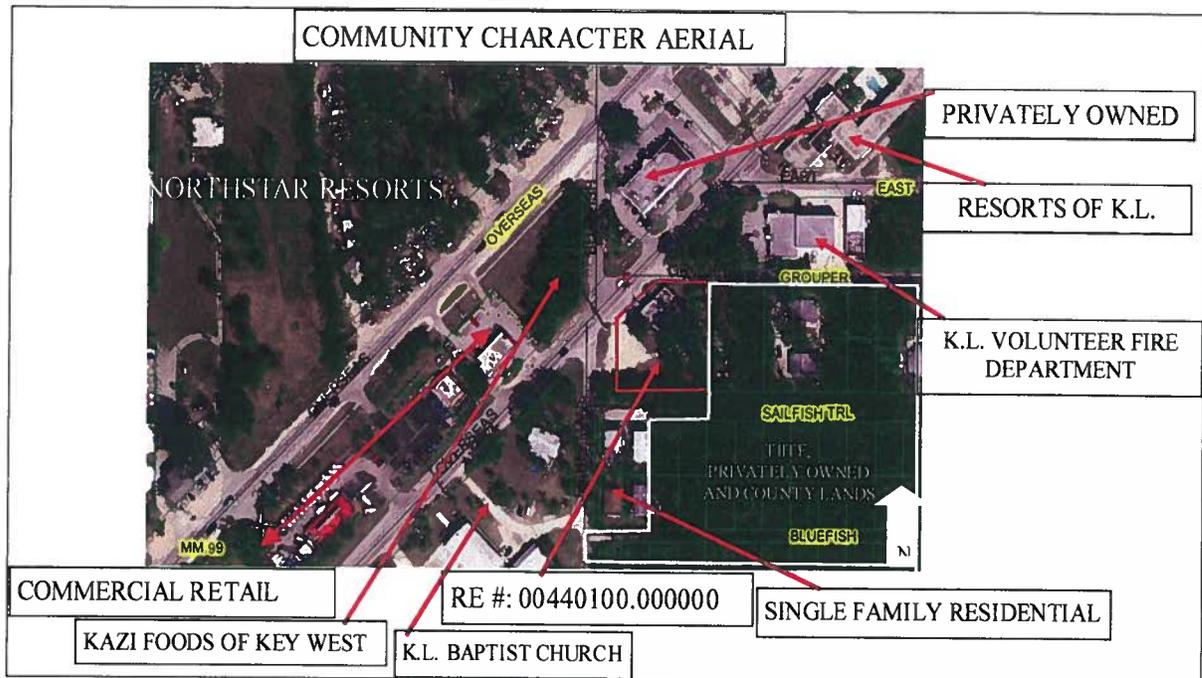
Existing Vegetation / Habitat

Most of the lot is disturbed with a number of large canopy trees remaining. Most of the understory plants have been removed and have been replaced with exotics. Approximately 10-15% of the lot is undisturbed hammock mostly along Grouper Trail.

Community Character of Immediate Vicinity

The applicant's parcel is located at Mile Marker 99.1 on the ocean side. Parcels to the east and southeast contain federal, county and privately owned lands. The Key Largo Volunteer Fire Department is directly north of the subject parcel. The Key Largo Baptist Church is south of the subject parcel. Parcels in the U. S. 1 medium contain commercial retail and some privately owned lands. Northstar Resorts owns the land across from the subject property on the gulf side.

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III REVIEW OF APPLICATION

A. Consistency of the proposed amendment with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan:

The proposed LUD amendment retains the community character and quality of life in the area. The proposed amendment is located in a Tier I area and is adjacent to the U. S. 1 corridor. The proposed amendment will retain the surrounding natural resources and direct future growth to this area where appropriate on the parcel. This is consistent with smart growth initiatives. The proposed LUD amendment is consistent with the following provisions and intent of the Monroe County Year 2010 Comprehensive Plan.

1. Goal 101: Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources.
2. Objective 101.4: Monroe County shall regulate future development and redevelopment to maintain the character of the community and protect the natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map.
3. Goal 105: Monroe County shall undertake a comprehensive land acquisition program and smart growth initiatives in conjunction with its Livable CommuniKeys Program in a manner that recognizes the finite capacity for new development in the Florida Keys by providing economic and housing opportunities for residents without compromising the biodiversity of the natural environment and the continued ability of the natural and manmade

1 systems to sustain livable communities in the Florida Keys for future
2 generations.

3
4 4. Objective 105.1: Monroe County shall implement smart growth initiatives in
5 conjunction with its Livable CommuniKeys and Land Acquisition Programs
6 which promote innovative and flexible development processes to preserve the
7 natural environment, maintain and enhance the community character and
8 quality of life, redevelop blighted commercial and residential areas, remove
9 barriers to design concepts, reduce sprawl, and direct future growth to
10 appropriate infill areas.

11
12 B. *Consistency of the proposed amendment with the provisions and intent of Chapter 102 of*
13 *the Monroe County Code, Land Development Regulations:*

14
15 The proposed LUD amendment is consistent with the provisions and intent of the Monroe
16 County Code, Sec. 130-43 purpose of the Sub Urban Commercial district (SC):

17
18 1. The purpose of the SC district is to establish areas for commercial uses designed
19 and intended primarily to serve the needs of the immediate planning area in
20 which they are located. This district should be established at locations
21 convenient and accessible to residential areas without use of U.S. 1.

22
23 In accordance with MCC Sec. 102-158(d)(5)b., the BOCC may consider the adoption of
24 an ordinance enacting the proposed change based on one (1) or more of the following
25 factors: *changed projections; changed assumptions; data errors; new issues; recognition*
26 *of a need for additional detail or comprehensiveness; and data updates.* There was no
27 applicant response for *changed projections, changed assumptions, new issues or data*
28 *updates.*

29
30 **APPLICANT RESPONSE:**

31
32 *Data errors:*

33 Data error when zoning maps created. Building on the property has been
34 operating since 1958. Property has been taxed as commercial property since
35 1958.

36
37 *Recognition of a need for additional detail or comprehensiveness*

38 Monroe County minutes from July 23, 1976 confirm a zoning change to BU-1.
39

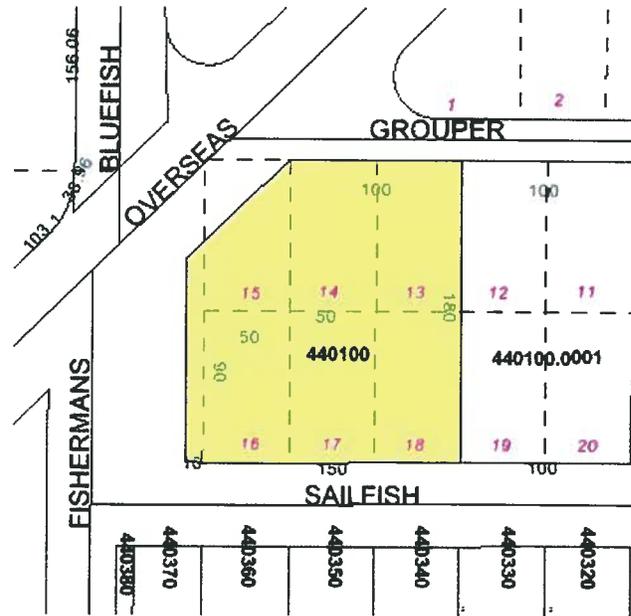
1 **STAFF RESPONSE:**

2
3 History of the property

4 • The property originally consisted of lots 11-20.

6
8 • The existing 2,968 ft² building was
10 constructed in 1957.

12
14 • On July 23, 1976 MC Zoning Board
16 adopted Resolution 20-1975 approving
18 a zoning change to BU-1 on the
20 property with a special use permit
22 approving retail sales for furniture and
24 clothing only. Minutes from the
26 Monroe County Zoning Board, dated
28 July 23, 1976 indicate a change of
30 zoning from RU-1 to BU-1 on lots 13,
32 14, 15, 16 and 17 only with special
34 approval for furniture and clothing
36 retail sales. The motion carried
38 unanimously by 3:1 with one (1) absent
39 voter. The BU-1 zoning allowed professional services such as business services, banks,
40 clothing stores and other retail stores. Apartments were permitted as a principal use.
41 Residential use, industrial and manufacturing uses were prohibited.



- 42
- 43 • Building Permit Number C1809 was issued on August 13, 1976 for land clearing
44 on Blocks 13, 14, 15 and 16 on U. S. 1 and Grouper Trail.
 - 46 • Building Permit Number C2051 was issued on November 19, 1976 for electrical
47 service. The permit states 'install 3 sub feeds and 3-150 amp services – one (1)
48 for each store.'
 - 50 • Building Permit Number C10736 was issued on January 19, 1982 for a
51 commercial sign.
 - 53 • In 2004, offices were leased to Florida Title, All Keys Mortgage and Kenneth
54 Grossman TCF. In 2006 the office building was leased to Keys Center for
55 Microscopic Endodontics, Florida Tile of the Keys and All Keys Mortgage.
 - 57 • On May 9, 2007, Lots 11, 12, 19 and 20 were split off and sold to the State of
58 Florida.
 - 60 • Today, the offices are leased to an oral surgeon, a land title agency and general
61 contractor.
- 62

1 Like the subject parcel, properties adjacent to and north of the subject parcel are in a Tier
2 I land use designation as well as located in the Suburban Commercial (SC) Land Use
3 District designation. Staff finds the proposed land use district change, in accordance with
4 MCC Sec. 102-158(d)(5)b, consistent with subsections 'data errors' and 'recognition of
5 a need for additional detail or comprehensiveness'.
6

7 **C. Goals, Strategies and Action Items from the Key Largo Livable CommuniKeys Plan that**
8 **directly pertain to the proposed development**
9

10 **STAFF RESPONSE:**
11

12 One (1) of the ten (10) goals in the Key Largo Livable CommuniKeys Plan is consistent
13 with the proposed LUD amendment.
14

15 *Goal 1: Direct future growth to lands that are most suitable for development and*
16 *encourage preservation of environmentally sensitive lands.*
17

18 The parcel is adjacent to U. S. 1. There are two (2) parcels adjacent to and north of
19 the subject property in Tier 1 and have a land use district designation of Sub Urban
20 Commercial (SC). Currently, a 2,968ft² building sits on the 27,110ft² parcel. Most of
21 the lot is disturbed with a number of large canopy trees remaining.
22

24 **Impact on Community Character:**
26

28 MCC §102-158 maintains that amendments
30 may not permit an adverse change in
32 community character. The character of the
34 immediate vicinity includes open space,
36 mixed use and residential.
38

40 **Local Use Compatibility**
42

44 The property is in an established area
46 for commercial uses designed and
48 intended to serve the needs of the
50 immediate planning area. Three streets
52 border the parcel. Grouper Trail is
54 located adjacent to and north of the
56 parcel. Sailfish Trail is adjacent to
57 and south of the parcel. U. S. 1 is adjacent to and west of the parcel.
58



59 **Density and Intensity**
60

61 Institutional and recreational rentals include recreational vehicle or campground
62 spaces. These are considered transient uses. Transient uses are defined as a hotel
63 or motel room, seasonal residential unit, or space for parking a recreational

1 vehicle or travel trailer. Currently, there is a moratorium on transient uses. In
 2 July 2009, Monroe County amended and transmitted to DCA, Comprehensive
 3 Plan Policy 101.2.6 extending the moratorium on transient units. The BOCC will
 4 consider the adoption of this policy in November 2009.
 5

6 The policy states “Monroe County shall adopt Land Development Regulations
 7 which prohibit new transient residential units including hotel or motel rooms,
 8 campground spaces, or spaces for parking a recreational vehicle or travel trailer
 9 until July 31, 2010.
 10

11 **Maximum Residential Densities in SR (Allocated) – Sec 130-157**
 12

Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Permanent Residential (market-rate)	0.5 units/acre	0.62 acres	0.31 units	0 units

13 NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development
 14 shall exceed the total density limits.
 15

16 **Maximum Residential Densities in SR (Maximum Net Density) – Sec 130-157**
 17

Permitted Land Uses	Max Net Density	Required Open Space	Size of Site	Total Units	Max Allowed
Permanent Residential (market-rate)	5 units/ buildable acre	0.50	0.62 acres (0.31 buildable acres)	1.55 units	1 unit
Permanent Residential (affordable)	5 units/ buildable acre	0.50	0.62 acres (0.31 buildable acres)	1.55 units	2 units

18 NOTE: Net buildable area means that portion of a parcel of land that is developable and is not open space
 19 required by sec. 130-157 or required minimum bufferyard under chapter 114, article V or required setbacks
 20 under sec. 130-186.

21 NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development
 22 shall exceed the total density limits.

23 NOTE: The maximum net residential density allowed per district shall not require transferable development
 24 rights (TDR) for affordable and employee housing and market rate housing developed in accordance with sec.
 25 130-161(a)(8).
 26

27 **Maximum Hotel-Motel, RV & Institutional Residential Densities in SR (Allocated) – Sec**
 28 **130-162**
 29

Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Institutional Residential	3 units/acre	0.62 acres	1.86 units	1 unit
Hotel	5 units/acre	0.62 acres	3.10 units	3 units
Recreational Rental	5 spaces/acre	0.62 acres	3.10 spaces	3 spaces

30 NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development
 31 shall exceed the total density limits.
 32

1 **Maximum Hotel-Motel, RV & Institutional Residential Densities in SR (Maximum Net**
 2 **Density) – Sec 130-162**

Permitted Land Uses	Max Net Density	Required Open Space	Size of Site	Total Units	Max Allowed
Institutional Residential	6 units/ buildable acre	0.50	0.62 acres (0.31 buildable acres)	1.86 units	1 unit
Hotel	15 units/ buildable acre	0.50	0.62 acres (0.31 buildable acres)	4.65 units	4 units
Recreational Rental	10 spaces/ buildable acre	0.50	0.62 acres (0.31 buildable acres)	3.10 units	3 spaces

4 NOTE: Net buildable area means that portion of a parcel of land that is developable and is not open space
 5 required by sec. 130-157 or required minimum bufferyard under chapter 114, article V or required setbacks
 6 under sec. 130-186.

7 NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development
 8 shall exceed the total density limits.

9
 10 **Maximum nonresidential land use intensities in SR – Sec 130-164**

Permitted Land Uses	FAR	Size of Site	Max Allowed
Commercial Retail (Low)	*	27,110 ft ²	2,500 ft ²
Commercial Retail (Medium)	*	27,110 ft ²	2,500 ft ²
Office	*	27,110 ft ²	2,500 ft ²
Public	0.25	27,110 ft ²	6,777 ft ²
Institutional	0.25	27,110 ft ²	6,777 ft ²

12 * Where commercial uses are allowed as permitted uses, and no FAR is given, the maximum per lot stated the
 13 land development code shall prevail.

14 NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development
 15 shall exceed the total density limits.

16
 17 **Maximum Residential Densities in SC (Allocated) – Sec 130-157**

Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Permanent Residential (market-rate commercial apartments)	3 units/acre	0.62 acres	1.86 units	1 unit

19 NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development
 20 shall exceed the total density limits.

1 **Maximum Residential Densities in SC (Maximum Net Density) – Sec 130-157**
 2

Permitted Land Uses	Max Net Density	Required Open Space	Size of Site	Total Units	Max Allowed
Permanent Residential (market-rate commercial apartments)	6 units/ buildable acre	0.20	0.62 acres (0.50 buildable acres)	3.00 units	3 units
Permanent Residential (affordable employee housing)	18 units/buildable acre	0.20	0.62 acres (0.50 buildable acres)	9.00 units	9 units

3 NOTE: Net buildable area means that portion of a parcel of land that is developable and is not open space
 4 required by sec. 130-157 or required minimum bufferyard under chapter 114, article V or required setbacks
 5 under sec. 130-186.

6 NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development
 7 shall exceed the total density limits.

8 NOTE: The maximum net residential density allowed per district shall not require transferable development
 9 rights (TDR) for affordable and employee housing and market rate housing developed in accordance with sec.
 10 130-161(a)(8).
 11

12 **Maximum Hotel-Motel, RV & Institutional Residential Densities in SC (Allocated) – Sec**
 13 **130-162**
 14

Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Institutional Residential	5 units/acre	0.62 acres	3.10 units	3 units
Hotel	10 units/acre	0.62 acres	6.20 units	6 units
Recreational Rental	10 spaces/acre	0.62 acres	6.20 spaces	6 spaces

15 NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development
 16 shall exceed the total density limits.
 17

18 **Maximum Hotel-Motel, RV & Institutional Residential Densities in SC (Maximum Net**
 19 **Density) – Sec 130-162**
 20

Permitted Land Uses	Max Net Density	Required Open Space	Size of Site	Total Units	Max Allowed
Institutional Residential	20 units/ buildable acre	0.20	0.62 acres (0.50 buildable acres)	10.00 units	10 units
Hotel	15 units/ buildable acre	0.20	0.62 acres (0.50 buildable acres)	7.50 units	7 units
Recreational Rental	10 spaces/ buildable acre	0.20	0.62 acres (0.50 buildable acres)	5.00 units	5 spaces

21 NOTE: Net buildable area means that portion of a parcel of land that is developable and is not open space
 22 required by sec. 130-157 or required minimum bufferyard under chapter 114, article V or required setbacks
 23 under sec. 130-186.

24 NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development
 25 shall exceed the total density limits.
 26

1 **Maximum nonresidential land use intensities in SC – Sec 130-164**
 2

Permitted Land Uses	FAR	Size of Site	Max Allowed
Commercial Retail (Low)	0.35	27,110 ft ²	9,488 ft ²
Commercial Retail (Medium)	0.25	27,110 ft ²	6,777 ft ²
Commercial Retail (High)	0.15	27,110 ft ²	4,066 ft ²
Office	0.40	27,110 ft ²	10,844 ft ²
Commercial Recreational	0.10	27,110 ft ²	2,711 ft ²
Institutional	0.30	27,110 ft ²	8,133 ft ²
Outdoor Recreational	0.10	27,110 ft ²	2,711 ft ²
Public	0.30	27,110 ft ²	8,133 ft ²
Light Industrial	0.30	27,110 ft ²	8,133 ft ²

3 NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development
 4 shall exceed the total density limits.
 5

7 Local Traffic, Parking and Circulation

8
 9
 11 The subject parcel is located on U. S. 1 on
 13 the ocean side. There is adequate parking
 15 for the three offices. Some of the undercut
 17 was removed leaving room for parking
 19 overflow. Driving north on U. S. 1, access
 21 to the parcel is from the south only.
 23 However, there are cut-throughs from U. S.
 25 1 driving south between stores and across
 27 the median.
 29



31 Effects on Natural Resources

32
 33 Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct
 34 future growth to lands which are intrinsically most suitable for development and shall
 35 encourage conservation and protection of environmentally sensitive lands. Future
 36 development would be required to comply with all Monroe County Code, State and
 37 Federal environmental regulations.
 38

39 Most of the lot is disturbed with a number of large canopy trees remaining. Most of the
 40 understory plants have been removed and have been replaced with exotics.
 41 Approximately 10-15% of the lot is undisturbed hammock mostly along Grouper Trail.
 42

43 Effects on Public Facilities

44
 45 Objective 101.11 of the *Monroe County Year 2010 Comprehensive Plan* requires the
 46 County to direct future growth away from environmentally sensitive land and towards
 47 established development areas served by existing public facilities. The proposed LUD
 48 amendment will not affect Objective 101.11 and will encourage development to remain
 49 on disturbed lands rather than encroaching on environmentally sensitive areas. The
 50 proposed LUD amendment may affect public facilities, but not significantly.

1
2 Solid Waste (Comprehensive Plan Policy 801.1.1)
3

4 Monroe County has a solid waste haul out contract with Waste Management Inc.,
5 which authorizes the use of in-state facilities through September 20, 2016.
6

7 Maximum Residential = 2 X 2.1 (household size in people) = 4.2; 4.2 X 5.33
8 pounds per capita per day = 22.84 pounds per day
9

10 Maximum Nonresidential = 12.2 pounds per day per equivalent residential unit X
11 0.62 acres = 7.56 pounds per day
12

13 TOTAL = 22.84 + 7.56 = 30.40 pounds per day
14

15 The proposed land use map (LUD) amendment may affect solid waste, but not
16 significantly.
17

18 Potable Water
19

20 In March 2008, South Florida Water Management District (SFWMD) approved
21 the FKAA's modification of WUP 13-00005-5-W for a 20-year allocation from
22 the Biscayne and Floridian Aquifers. The WUP provides an annual allocation of
23 8,751 Million Gallons (MG) or 23.98 MGD and a maximum monthly allocation
24 of 809 MG with a limited annual withdrawal from the Biscayne Aquifer of 6,492
25 MG or 17.79 MGD and an average dry season (December 1st-April 30th) of 17.0
26 MGD. The overall level of service for potable water is 132 gallons per
27 capita/per/day.
28

29 Maximum Residential = 2 X 2.1 (household size in people) = 4.2; 4.2 X 132
30 pounds per capita per day = 554.4 gallons per day
31

32 Stormwater
33

34 MCC Section 114-3, titled '*Surface Water Management Criteria*', establishes
35 guidelines and criteria for the safe management and disposal of stormwater runoff
36 from developed areas that will minimize or eliminate any resultant adverse
37 impacts on the surface water, groundwater, and other natural resources of the
38 county. Any change in the use of the property must comply with State and Federal
39 regulations as well as the Monroe County Code, the Monroe County
40 Comprehensive Plan and the Livable CommuniKeys Plans.
41

42 Wastewater
43

44 Currently, any permitted or replacement on-site or wastewater treatment facility
45 with a design flow of less than or equal to 100,000 gpd within the County must
46 comply with the 10/10/10/1 Best Available Technology (BAT) standard, as well

1 as require approval from the Monroe County Health Department and / or the
2 Department of Environmental Protection. Any proposed development associated
3 with the proposed amendment will be subject to this provision or will be
4 mandated to hook up to the central sewer system when it is available. The level
5 of service (LOS) for residential and nonresidential flow is 145 gallons per day per
6 equivalent dwelling units (Exhibit 3-8 Sanitary Wastewater Master Plan 2000)
7

8 Maximum Nonresidential = 145 gallons per day per equivalent residential unit X
9 0.62 acres = 89.9 pounds per day

10
11 The proposed LUD is not anticipated to adversely impact the wastewater supply
12 LOS.
13

14 Education

15
16 All public schools are under the purview of Monroe County Board of Education
17 including all capital expenditures relating to facilities improvements or additional
18 development of education facilities. Per the 2008 Monroe County Public
19 Facilities Capacity Assessment Report, the Monroe County requirements are that
20 classroom capacity be "adequate" to accommodate the school-age children
21 generated by proposed land development. The School Board uses recommended
22 capacities provided by the Florida Department of Education to determine each
23 school's capacity. All schools have adequate reserve capacity to accommodate
24 the impacts of the additional land development activities projected for the next
25 school year.
26

27 Parks and Recreation / Open Space

28
29 The County has adopted an overall level of service, pursuant to Comprehensive
30 Plan Policy 1201.1.1, for resourced-based and activity-based recreation and open
31 space of 0.82 acres of per 1,000 persons (functional population). Using the
32 functional population projection for 2007 of 70,432 persons in unincorporated
33 Monroe County, and the LOS standard of 0.82 acres per 1,000 persons, the
34 demand for resource-based recreation areas is approximately 57.75 acres. The
35 county currently has enough resource- and activity- based lands with reserve
36 capacity of 40.21 acres and 49.93 acres, respectively, to meet the level of service.
37

38 Effects on Redevelopment/Infill Potential

39
40 Sheet 267 of the 1985 Habitat Maps shows the subject parcel as disturbed (740).
41 The habitat Aerial photograph shows at least five (5) canopy trees remaining after
42 the permitted clearing in 1976. No hammock was located on the property at that
43 time. Currently, canopy trees are still present and undisturbed hammock is found
44 along Grouper Trail. If an application for a development permit was pursued on
45 this parcel, a site visit to the property would be mandatory for additional analysis.

1 Federal, State and County regulations shall be followed, particularly MC Code
2 Section 118-9(a-c) on open space requirements.
3

4 MC Code Section 118-9(c) states: *“Site baseline conditions. The legal conditions*
5 *of land existing as of February 28, 1986, and as depicted on the December*
6 *1985 Habitat Classification Aerial Photographs, shall be used as a baseline to*
7 *determine the clearing that may be permitted on a site. The 1985 maps shall be*
8 *supplemented by recent aerial photography and existing site analysis to determine*
9 *any increases in the amount of upland native vegetated areas. Upland native*
10 *vegetated areas cleared between 1986 and the time of permit application shall be*
11 *considered to still include upland native vegetation for purposes of determining*
12 *the amount of open space and clearing permitted.”*
13

14 D. *Consistency with the Principles for Guiding Development in the Florida Keys Area of*
15 *Critical State Concern pursuant to F.S. Chapter 380.0552(7)*
16

17 For the purposes of reviewing consistency of the adopted plan or any amendments
18 to that plan with the principles for guiding development and any amendments to
19 the principles, the principles shall be construed as a whole and no specific
20 provision shall be construed or applied in isolation from the other provisions.

21 (a). To strengthen local government capabilities for managing land use and
22 development so that local government is able to achieve these objectives
23 without the continuation of the area of critical state concern designation.

24 (b). To protect shoreline and marine resources, including mangroves, coral
25 reef formations, seagrass beds, wetlands, fish and wildlife, and their
26 habitat.

27 (c). To protect upland resources, tropical biological communities, freshwater
28 wetlands, native tropical vegetation (for example, hardwood hammocks
29 and pinelands), dune ridges and beaches, wildlife, and their habitat.

30 (d). To ensure the maximum well-being of the Florida Keys and its citizens
31 through sound economic development.

32 (e). To limit the adverse impacts of development on the quality of water
33 throughout the Florida Keys.

34 (f). To enhance natural scenic resources, promote the aesthetic benefits of the
35 natural environment, and ensure that development is compatible with the
36 unique historic character of the Florida Keys.

37 (g). To protect the historical heritage of the Florida Keys.

38 (h). To protect the value, efficiency, cost-effectiveness, and amortized life of
39 existing and proposed major public investments, including:

- 40 1. The Florida Keys Aqueduct and water supply facilities;
- 41 2. Sewage collection and disposal facilities;
- 42 3. Solid waste collection and disposal facilities;
- 43 4. Key West Naval Air Station and other military facilities;

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- 5. Transportation facilities;
- 6. Federal parks, wildlife refuges, and marine sanctuaries;
- 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
- 8. City electric service and the Florida Keys Electric Co-op; and
- 9. Other utilities, as appropriate.

- (i). To limit the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (j). To make available adequate affordable housing for all sectors of the population of the Florida Keys.
- (k). To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
- (l). To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

STAFF RESPONSE:

Currently, canopy trees are still present and undisturbed hammock is found along Grouper Trail. The subject parcel contains one (1) 2,968ft² building. The building has been in existence since 1958. The office tenants (title agency, dentist and general contractor) are compatible uses for the neighborhood. The site is land locked. The supply of water and electric to the building is adequate. Section 114-3, 'Surface Water Management Criteria', establishes guidelines and criteria for stormwater management. The site is not in the AICUZ zone. It is located in Key Largo on U. S. 1. The site is approximately five (5) miles from Pennekamp State Park. The parcels adjacent to the subject parcels are owned by the county and state.

RECOMMENDATION:

Staff recommends **APPROVAL**.

File #: **M28098**
Part 2 of 2

Owner's Name: Lloyd A. Good Jr.
(Sugarloaf Lodge)

Applicant: Lloyd A. Good Jr.

Agent: N/A

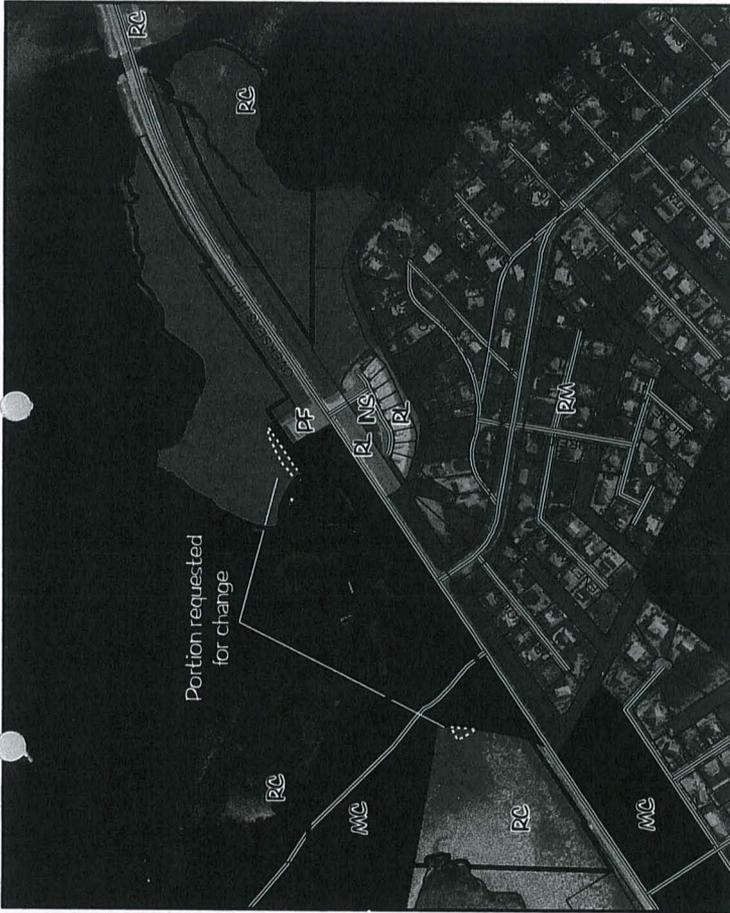
Type of Application: Flum & Map (LUD)

Key: Sugarloaf

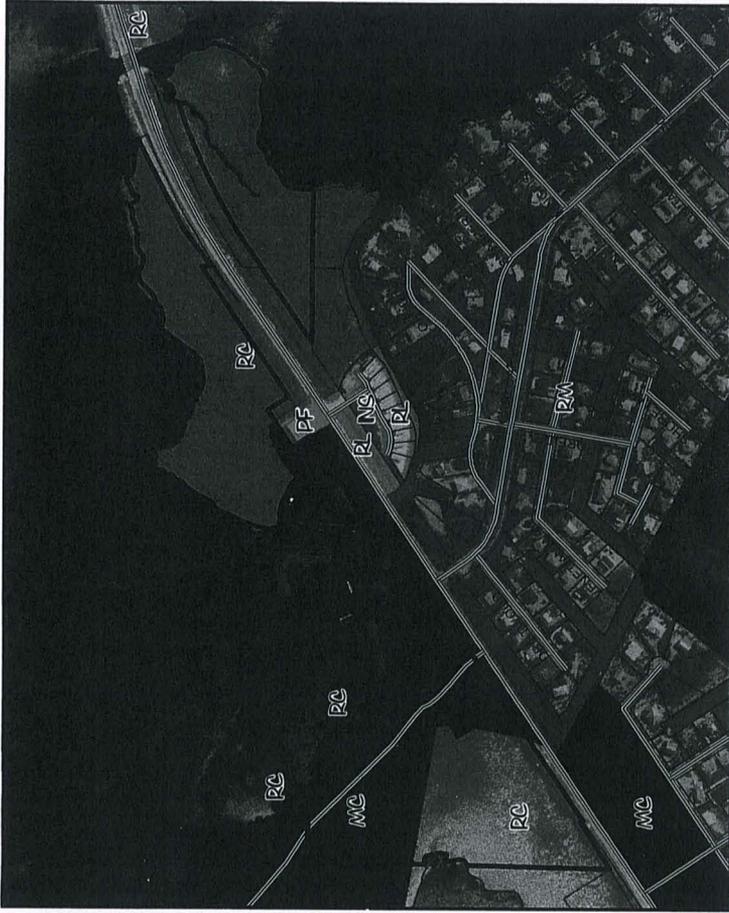
RE #: 00118420-000000
00118470-000000
00117930-000000

Additional Information added to File M28098

Monroe County Future Land Use Map Amendment



Existing Conditions



Proposed Conditions



Growth Management Division

We strive to be caring, professional, and fair.

The Monroe County Future Land Use Map is proposed to be amended as indicated above and briefly described as:

Key: Sugarloaf Key Mile Marker: 17 Map Amendment #: M20088
Land Use District Map #: 281

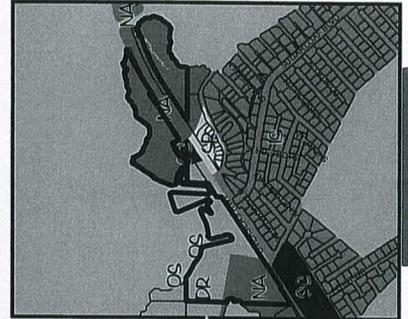
Proposal: Future Land Use change of a portion of two parcels
Residential Conservation (RC) to
Mixed Use/Commercial (MC).

Property Description:

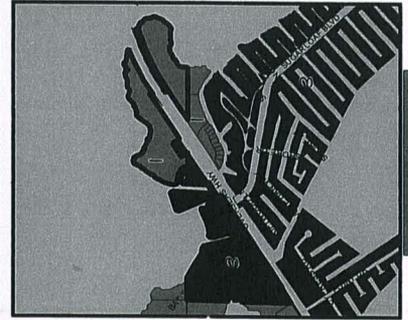
Portions of RE 00118420-000000 and RE 00117930-000000



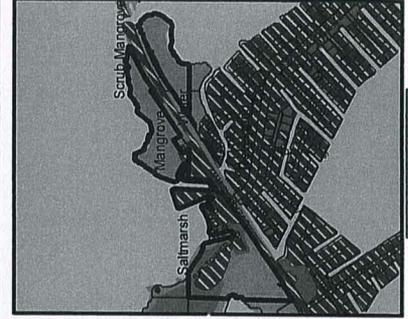
This map is for use by the Monroe County Growth Management Division. The data included herein is not a representation of boundaries, parcels, local government, or other geographic data.



Existing Land Use



Tier Designation



Habitat Type



Number of Protected Species

County of Monroe
Growth Management Division

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



Board of County Commissioners
Mayor Charles "Sonny" McCoy, Dist. 3
Mayor Pro Tem, Mario Di Gennaro, Dist. 4
Commissioner George Neugent, Dist. 2
Commissioner Dixie M. Spehar, Dist. 1
Commissioner Sylvia J. Murphy, Dist. 5

We strive to be caring, professional and fair

Date: 6/26/08
Time: 2 PM

Dear Applicant:

This is to acknowledge submittal of your application for Lloyd Good Jr.
Type of application
~~Map Amend.~~ **FUM Rec'd 10/20/08**
Project / Name to the Monroe County Planning Department.

We are unable at this time to issue a receipt of your application, as it will take our staff two working days to determine that all required materials related to your application have been submitted. All applications received after 12:00 Noon will be considered as submitted the following working day.

Also, as required by Monroe County Code, planning staff will review your application after acceptance, to deem it complete within an additional fifteen working days.

Thank you.

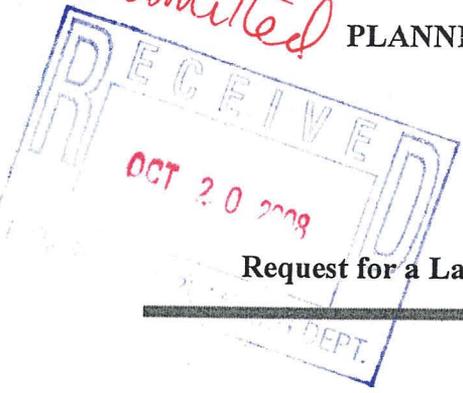
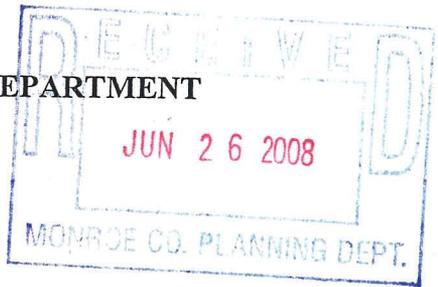
Planning Staff



End of Additional File M28098

Resubmitted

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Request for a Land Use District and/or Future Land Use Map (FLUM) Amendment

Monroe County Code § 9.5-511

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 District Only (Residential) Application Fee: \$4,131.00
- Amendment to Land Use District Only (Non-Residential) Application Fee: \$4,929.00
- Amendment to Future Land Use Map Only Application Fee: \$5,531.00
- Amendment to Land Use District and Future Land Use Map Application Fee: \$6,000.00

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

- Advertising Costs: \$735.00
- Surrounding Property Owner Notification: \$3.00 for each property owner required to be noticed
- Technology Fee: \$20.00

Date of Submittal: 6 / 24 / 2008
Month Day Year

Property Owner:

Lloyd A. Good, Jr.
Name
17001 Overseas Hwy.
Sugarloaf Key, Fl 33042
Mailing Address
305-745-3211
Daytime Phone
SGood24670@aol.com
Email Address

Agent (if applicable):

Name

Mailing Address

Daytime Phone

Email Address

Legal Description of Property:

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

See Attached Legal

Lower Sugarloaf

Block	Lot	Subdivision	Key
00118420-000000	00118470-000000	1151939	1151980
00117930-000000			1151122
Real Estate (RE) Number		Alternate Key Number	
17001-17005		17	
Street Address		Approximate Mile Marker	
U.S. Hwy. 1			

Lloyd - For your approval. Sign Here.

APPLICATION

00117930 NA/DR/SC
00118420 DR/NA
00118470 SC/DR

Current Land Use District Designation(s): DR SE NA

Proposed Land Use District Designation(s): MU

APPROVED BY: [Signature]

Current Future Land Use Map Designation(s): 00117930-000000 & 00118420-0000 RC

Proposed Future Land Use Map Designation(s): PARTS OF 00117930 & 00118420 MC

Total Land Area Affected: 12.98 Tract A & Tract C

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):

DR HOTEL - 31 units, restaurant, motel office, pool, tennis courts (2), marina, bank, real estate office, tire repair shop (2), apartment, former Jens convenience store. SC - vacant but parking. NA - vacant but parking.

In accordance with the provisions set forth in Sec. 9.5-511 of the Monroe County Code, amendments may be proposed by the Board of County Commissioners, the Planning Commission, the Director of Planning, owner or other person having a contractual interest in property to be affected by a proposed amendment.

In accordance with Sec. 9.5-511, 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:

[Blank lines for response to factor 1]

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

[Blank lines for response to factor 2]

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

Any portion of the area RE 00118420-000000 zoned as NA should have originally been DR. This area if NA should now be MU.



APPLICATION

4) New issues:

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

The Use of the area as a bank or real estate office or
tire repair shop is nonconforming in the DR zone but
not in the MU zone.

6) Data updates:

This property has traditionally been used for the uses
permitted in a mixed use zone as distinguished from the
DR zone.

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):

The uses proposed for the mixed use zone are consistent
with the uses the area has had for over forty years.

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

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

- Complete 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; and
- Copy of Land Use District Map (please request from the Planning & Environmental Resources Department prior to application submittal); and
- Copy of Future Land Use Map (please request from the Planning & Environmental Resources Department prior to application submittal); and
- Photograph(s) of site from adjacent roadway(s); (overhead aerial)
- 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 by land use district; and total acreage by habitat); and

LLOYD A GOOD, JR
MIRIAM B GOOD
17001 OVERSEAS HWY
SUGARLOAF KEY, FL 33042

3999

Date June 24 2008

63-43/670
1

Pay to the
Order of Monroe County Planning Department \$ 4929.00

Four thousand nine hundred twenty nine Dollars

FIRST STATE BANK
OF THE FLORIDA KEYS
KEY WEST, FLORIDA 33040

For Application charge of zoning ordinance to MR

Howard

⑆067000438⑆ 0100258155⑆ 3999

© Clarke American

GUARDIAN SAFETY BLUE DE

LLOYD A GOOD, JR
MIRIAM B GOOD
17001 OVERSEAS HWY
SUGARLOAF KEY, FL 33042

4000

Date June 24 2008

63-43/670
1

Pay to the
Order of Monroe County Planning & Environmental Resources Dept. \$ 750.00

seven hundred fifty Dollars

FIRST STATE BANK
OF THE FLORIDA KEYS
KEY WEST, FLORIDA 33040

For _____

Howard

⑆067000438⑆ 0100258155⑆ 4000

© Clarke American

GUARDIAN SAFETY BLUE DE

LLOYD A GOOD, JR
MIRIAM B GOOD
17001 OVERSEAS HWY
SUGARLOAF KEY, FL 33042

4002

Date _____

63-43/670
1

Pay to the
Order of Monroe County Planning & Resources Dept. \$ 80.00

eighty Dollars

FIRST STATE BANK
OF THE FLORIDA KEYS
KEY WEST, FLORIDA 33040

For 20.00 total fee 20.00 8 x 20 - each by label

Howard

⑆067000438⑆ 0100258155⑆ 4002

© Clarke American

GUARDIAN SAFETY BLUE DEBL

317587

WARRANTY DEED
INDIVID. TO INDIVID.

OFF REC 888 PAGE 116

RAMCO FORM 01

2100
115

This Warranty Deed Made the 4th day of August A. D. 1983 by Lloyd A. Good and Lloyd A. Good, Jr., (the same person), individually and as ancillary Executor of the Estate of Clare E. Good, deceased.

hereinafter called the grantor, to Lloyd A. Good, Jr., in distribution of the Estate of Clare E. Good, deceased, and to correct title to show Lloyd A. Good, Jr., as the owner instead of Lloyd A. Good, whose postoffice address is P.O. Box 148, Lower Sugarloaf Key, FL 33044 hereinafter called 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 \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, releases, conveys and confirms unto the grantee, all that certain land situate in Monroe County, Florida, as follows:

1. All that certain subdivision SUGARLOAF SHORES SECTION "C" EXTENSION according to the plat thereof, recorded in Plat Book 6, page 93 of the Public Records of Monroe County Florida.
2. Tracts A and B SUGARLOAF SHORES SECTION "F" according to the plat thereof, recorded in Plat Book 6, Page 9, of the Public Records of Monroe County Florida. (continued on next pages attached hereto).

FILED FOR RECORDS
83 AUG -5 P2:15
RALPH WHITE, CLERK
MONROE COUNTY, FLA.

Together with all the tenements, hereditaments and appurtenances thereto belonging 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, 1982

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Lloyd A. Good
Lloyd A. Good, Jr.

24092000
Lloyd A. Good, Individually
Lloyd A. Good, Jr., Executor

STATE OF FLORIDA
COUNTY MONROE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared Lloyd A. Good and Lloyd A. Good, Jr., individually and as executor

to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this August 5th day of August 5th A. D. 19 83

MONROE PUBLIC STATE OF FLORIDA AT LARGE
COMMISSION EXPIRES JAN 9 1984

This Instrument prepared by: Lloyd A. Good, Jr.
Address P.O. Box 148
Sugarloaf Key, FL 33044

SPACE BELOW FOR RECORDERS USE
DS Paid 457 Date 8-5-83
MONROE COUNTY
RALPH WHITE, CLERK OF SUP. CT.
By *Ralph White* D.C.

RE 00 118420-00000 ALT 1151982

3. A parcel of land in Gov't Lot 4, Section 8, Township 67 South, Range 27 East as shown on "Saddlebunch Shores" and recorded in Plat Book 3 at Page 115 of the Public Records of Monroe County, Florida and being more particularly described by metes and bounds as follows: COMMENCE at the Northeast corner of Lot 51 of the said "Saddlebunch Shores" and thence South 79°58'50" East along the end of Blue Canal as indicated thereon 60 feet to the Point of Beginning of the parcel of land herein being described; thence South 10°01'10" West 370.61 feet to a point; thence South 05°49'10" West 378.35 feet to a point; thence South 00°53'10" West 209.94 feet to a point; thence South 03°28'50" East 290.92 feet to a point; thence South 04°57'40" West 182.05 feet to a point; thence South 12°28'20" East 53.10 feet to a point; thence South 76°50'20" East 25.80 feet to a point; thence South 12°29'40" West 76.65 feet to a point; thence South 06°02'20" East 56.58 feet to a point; thence North 78°44'40" East 272.05 feet to a point; thence North 04°09'40" East 43.10 feet to a point; thence North 23°36'20" West 54.85 feet to a point; thence North 55°28'20" West 46.68 feet to a point; thence North 51°47'40" East 24.08 feet to a point; thence North 00°30'40" East 254.80 feet to a point; thence North 01°45'20" West 237.39 feet to a point; thence North 03°38'40" East 340.48 feet to a point; thence North 10°15'40" East 94.66 feet to a point; thence North 26°57'40" East 130.49 feet to a point; thence North 33°24'40" East 223.88 feet to a point; thence North 26°01'40" East 155.22 feet to a point; thence North 02°43'40" East 39.38 feet to a point; thence North 46°54'40" East 77.52 feet to a point; thence North 36°56'20" West 7.25 feet to a point; thence South 63°01'40" West 187.60 feet to a point; thence North 45°34'20" West 78.50 feet to a point; thence North 03°58'40" East 176.88 feet to a point; thence North 74°45'20" West 78.85 feet to a point; thence South 41°55'40" West 202.90 feet to a point; thence North 70°22'20" West 48.84 feet to a point; thence South 10°01'10" West 76 feet back to the Point of Beginning, containing 11.22 acres more or less;

and

Lot 51 SADDLEBUNCH SHORES, together with reserved sections on opposite sides of Bluewater Drive at entrance of missile site, according to the plat thereof recorded in Plat Book 3, page 115, of the Public Records of Monroe County, Florida.

4. Government Lots 5 and 6 in SUGARLOAF SHORES, Section 33, Township 66 South, Range 27 East, in Monroe County, Florida, containing 54.40 acres, more or less;

and

5. (a) All of Gov't Lot 4 Section 3, Township 67 South, Range 27 East, located on Lower Sugarloaf Key and lying North of U.S. Highway #1 on part of which is located part of the motel area hereinafter described.

(b) All of an unnamed Gov't Lot on Section 34, Township 66 South, Range 67 East located on Lower Sugarloaf Key and lying North of U.S. Highway #1 on which part of the 24 unit one-story motel was built in 1960 and 1961 on filled land and which is included on the motel area hereinafter described.

(c) Part of Gov't Lot 3, Section 3, Township 67 South, Range 27 East located on Lower Sugarloaf Key and lying North of U.S. Highway #1 on which part of the 24 unit one-story motel and part of the motel office building were built in 1960 and 1961 and which is included in the motel area hereinafter described.

(d) Part of Gov't Lot 3, Section 34, Township 66 South, Range 27 East located on Lower Sugarloaf Key and lying North of U.S. Highway #1 on which part of the 24 unit motel and part of the marina area were built in 1960 and 1961 and which is included in the motel area hereinafter described.

The motel area referred to in paragraph 5 (a.,b.,c.,&d.) on page 2 and above is more particularly described as follows:

A tract of land in a part of Government Lot 3 and a part of Government Lot 4, all in Section 3, Township 67 South, Range 27 East and Section 34, Township 66 South, Range 27 East, on SUGARLOAF KEY, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

Commencing at the intersection of the Northerly line of U.S. Highway No. 1 and the West line of Government Lot 3, bear North 56 degrees, 02 minutes and 38 seconds East along the Northerly line of U. S. Highway No. 1, 196.75 feet to the Point of Beginning; of the tract of land hereinafter described; from said Point of Beginning, bear South 56 degrees, 02 minutes and 38 seconds West, 196.75 feet along the northerly line of U. S. Highway No. 1; thence bear South, 60.28 feet; thence bear South 56 degrees, 02 minutes and 38 seconds West, 540.49 feet; thence bear North 33 degrees, 57 minutes and 22 seconds West, 185 feet, more or less; to the Southwest Corner of a canal; thence bear North 14 degrees, 57 minutes and 22 seconds West along the Westerly line of said canal under construction, 360 feet, more or less, to a point on the shoreline of Upper Sugarloaf Sound; thence meander the shoreline of Upper Sugarloaf Sound in an Easterly, Northerly, Easterly, Southerly, Easterly and Northerly direction for a distance of 2025 feet, more or less, to a point where said shoreline intersects a line bearing North 03 degrees, 53 minutes and 08 seconds East from the Point of Beginning; thence bear South 03 degrees, 53 minutes and 08 seconds West for a distance of 350 feet, more or less, back to the Point of Beginning, containing 6.84 acres, more or less. Improvements consisting of a motel, restaurant, marina and lounge operated under the trade name "SUGAR LOAF LODGE".

6. All of Government Lot 1, Section 4, T.67S., R27E., on Sugarloaf Key, Monroe County, Florida;
7. All of Government Lot 2, Section 34, Township 66 South, Range 27 East, on Sugarloaf Key, Monroe County, Florida;
8. All of Government Lot 4, Section 4, Township 67 South, Range 27 East, lying North of U. S. Highway #1, less and except that certain parcel owned by B. Halpert et al by reason of the description contained in Deed Book 655, pages 417 through 419, and Official Records Book 161, page 250 and Official Records Book 274, pages 479 through 480, said parcel containing approximately 3.393 acres and having 745' frontage more or less on U. S. HWY 1, with the Westerly boundary beginning on Lower Sugar Loaf Sound and being 250' deep;
9. A portion of Government Lot 7, Section 33, Township 66 South, Range 27 East, described as follows:

Commencing at the intersection of the West line of Government Lot 7 and the shoreline of lower Sugarloaf Sound said intersection to be known as the POINT OF BEGINNING of a tract of land hereafter described: bear North along said West line 480 feet, more or less, to the shoreline of the Bay of Florida, thence meander said shoreline in a Northerly direction 750 feet, more or less, thence bear East, parallel to the South line of Government Lot 7, 800 feet, more or less, to the shoreline of Upper Sugarloaf Sound, thence bear in a Southeasterly direction, 1100 feet, more or less, to where the shoreline intersects the East line of Government Lot 7, and Section 33, thence bear South along said East line, 480 feet, more or less, to the Southeast corner of Government Lot 7 and Section 33; thence bear West, along the South Line of Government Lot 7 and Section 33, 780 feet, more or less, to the shoreline of Lower Sugarloaf Sound; thence meander said shoreline in a Westerly direction, 650 feet, more or less, back to the POINT OF BEGINNING.

10. All of Government Lot 3, Section 3, Township 67 South, Range 27 East, located on Lower Sugarloaf Key lying North of U.S. Highway #1. Less that portion thereof which was conveyed hereunder as part of the motel area in paragraph 5 hereof and excepting all lands, if any, conveyed to the Sugarloaf Volunteer Fire Department by deeds OR-415-48 and OR-416-914 and being more particularly described by metes and bounds as follows:

Commencing at the Intersection of the North Line of Government Lot 3 and the Northerly right-of-way Line of U. S. Highway No. 1, said intersection to be known as the POINT OF BEGINNING of the tract of land hereinafter described, bear South, 56 degrees, 02 minutes and 38 seconds West, along said right-of-way line, 515 feet, more or less, to a point which is 196.75 feet from the intersection of said right-of-way line and the West Line of Government Lot 3; thence bear North 03 degrees, 53 minutes and 08 seconds, West to the North Line of Government Lot 3; thence bear East, along the North Line of Government Lot 3, 435 feet, more or less, back to the POINT OF BEGINNING, containing 1.55 acres, more or less.

11. All of Government Lot 3, Section 34, Township 66 South, Range 27 East, located on Lower Sugarloaf Key and lying on both the North and South sides of U. S. Highway #1, less only that portion thereof which includes the U. S. #1 right-of-way, the portion thereof which was conveyed hereunder as part of the motel area in paragraph 5 hereof and excepting that portion of the land deeded to the Sugarloaf Fire Department by deeds OR 415-48 and OR 416-914 and that portion of the land deeded to the Sugarloaf Volunteer Fire Department by deed OR 691 p 384 and more particularly described by metes and bounds as follows:

Being a part of Government Lot 3, Section 34, T.66S., R27E., commencing at the Southeast Corner of "THE SUGARLOAF VOLUNTEER FIRE DEPARTMENT PROPERTY" as described in Official Record Books OR 415-48 and OR 416-914, said Corner being the POINT OF BEGINNING of the tract of land hereinafter described and also being on the Northerly right-of-way line of U. S. Highway No. 1.

bear North 56 degrees, 02 minutes and 38 seconds East, along the Northerly right-of-way line of U.S. Highway No. 1, 100 feet; thence bear North 33 degrees, 57 minutes and 22 seconds West, 110 feet; thence bear South 56 degrees, 02 minutes and 38 seconds West, 100 feet to the Northeast Corner of "THE SUGARLOAF VOLUNTEER FIRE DEPARTMENT PROPERTY", thence bear South 33 degrees, 57 minutes and 22 seconds East, along the Easterly Line of "THE SUGARLOAF VOLUNTEER FIRE DEPARTMENT PROPERTY", 110 feet back to the POINT OF BEGINNING.

12. A part of Government Lot 3, Section 3, T.67S., R.27E., on Sugarloaf Key, Monroe County, Florida, lying Southerly of U.S. Highway No. 1 and being more particularly described by metes and bounds as follows:

Commencing at the Northeast Corner of Government Lot 3, said Corner to be known as the POINT OF BEGINNING of the tract of land hereinafter described, bear West, along the North Line of Government Lot 3, 160 feet, more or less, to the Southerly right-of-way line of U.S. Highway No. 1; thence bear South 56 degrees, 02 minutes and 38 seconds West, along the Southerly right-of-way line of U.S. Highway No. 1, 200 feet, more or less, to the Easterly Property Line of the Methodist Church Property described in deeds OR 196-447/44S; thence bear Southerly, along said Easterly Property Line of the Methodist Church Property, 200 feet, more or less, to a canal; thence meander the shoreline of said canal in an Easterly direction, 430 feet, more or less, to where said shoreline intersects the East Line of Government Lot 3, 130 feet, more or less, back to the POINT OF BEGINNING.

13. A part of Government Lot 2, Section 3, T.67S., R.27E., on Sugarloaf Key, Monroe County, Florida and being more particularly described as metes and bounds as follows:

Commencing at the Northeast Corner of Government Lot 2, said Corner to be known as the POINT OF BEGINNING of the tract of land hereinafter described, bear South along the East Line of Government Lot 2, 130 feet, more or less, to the shoreline of an existing canal; thence meander the shoreline of said canal and Upper Sugarloaf Sound in an Easterly and Northerly direction, 450 feet, more or less, to where said shoreline intersects the North Line of Government Lot 2; thence bear West, along the North Line of Government Lot 2; thence bear West, along the North Line of Government Lot 2, 325 feet, more or less, back to the POINT OF BEGINNING.

Being the same premises which J.G. McKay, Jr., et al by deed dated October 5th, 1973, recorded in Monroe County, Deed Book 557, page 130 etc., granted and conveyed to Clare E. Good, a widow, and being part of the same premises which J.G. McKay, Jr., et al by deed dated October 5th, 1973 recorded in Monroe County, Deed Book 557, page 332, granted and conveyed to Clare E. Good a thirty (30%) percent interest, and Lloyd A. Good, a seventy (70%) percent interest as tenants in common. The said Clare E. Good died testate on March 15, 1975 a resident of Philadelphia County, Pennsylvania and letters testamentary were granted to Lloyd A. Good, Jr. and Alan C. Good, by the Register of Wills of Philadelphia County on March 20, 1975, and ancillary letters testamentary were issued to Lloyd A. Good, Jr. by order of M. Ignatius Lester, Circuit Judge in Monroe County, Florida on May 27, 1975. By the terms of said Last Will and Testament all decedent's Florida real estate and tangible personal property, to wit, the above described real estate, were devised and bequeathed to Lloyd A. Good, Jr., who is the same person as Lloyd A. Good named in said above deed.

This deed is executed in distribution of the ESTATE OF CLARE E. GOOD, deceased and to amend and correct the former deed of seventy (70%) percent of the land from J.G. McKay, Jr. et al to Lloyd A. Good so that all title shall be held in the name of Lloyd A. Good, Jr.

RECORDED IN OFFICIAL RECORDS BOOK
OF MONROE COUNTY, FLORIDA
BEING VERIFIED
RALPH W. WHITE
CLERK CIRCUIT COURT

Monroe County Property Record Card (149)

Alternate Key: 1151939
 Effective Date: 6/18/2008 12:53:40 PM
 Roll Year 2008
 Run: 06/18/2008 12:54 PM

GOOD LLOYD A JR
 17001 OVERSEAS HWY
 SUGARLOAF KEY FL 33042

Parcel 00118420-000000-03-67-27
 Alt Key 1151939
 Affordable Housing No
 Inspect Date
 Business Name
 Physical Addr 17075 OVERSEAS HWY , SUGARLOAF KEY

Nbhd 10050
 Mill Group 100C
 PC 3900
 Next Review

Associated Names

Name: GOOD LLOYD A JR,
 DBA: SUGARLOAF MARINA

Role: Owner

Legal Description

3 67 27 Y67703-03 SUGARLOAF KEY PT LOT 3 & PT LOT 4 OR557-330-331 OR557-332-338 CASE #75-102-CP-12 OR888-116/120 OR1039-18/20E(LD)

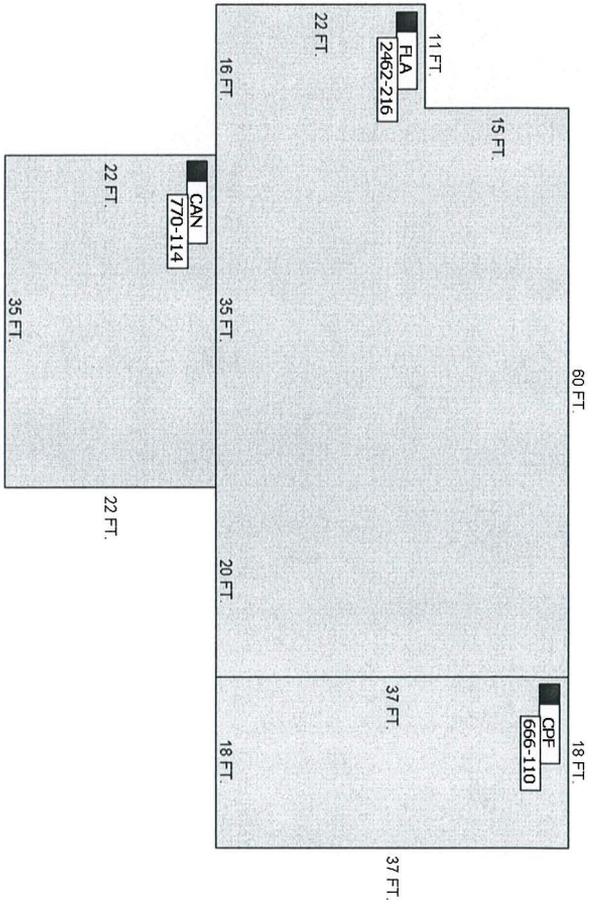
Land Data 1.

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
17032	10HW	0	0	Yes	12.61	AC	0.00		1.00	1.00	1.00	1.00		N		
17033	000T	0	0	Yes	6.08	AC	0.00		1.00	1.00	1.00	1.00		N		
17034	000X	0	0	Yes	7.70	AC	0.00		1.00	1.00	1.00	1.00		N		
Total Just Value																

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Building Sketch 41777



Building Characteristics

Building Nbr 1 Building Type 0 Perimeter 216 Functional Obs 0.00
 Effective Age 12 Condition A Depreciation % 0.15 Economic Obs 0.00
 Grnd Floor Area 2462 Quality Grade 300 Year Built 1968

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

Sections

Type	Number	Wall Height	# Stories	Year Built	% Finished	Area	Sketch ID	SOH %
CPF	1	15	1	1967		666	000	0.00
FLA	2	15	1	1967		2,462	001	0.00
CAN	3	15	1	1967		770	002	0.00

Interior Finish

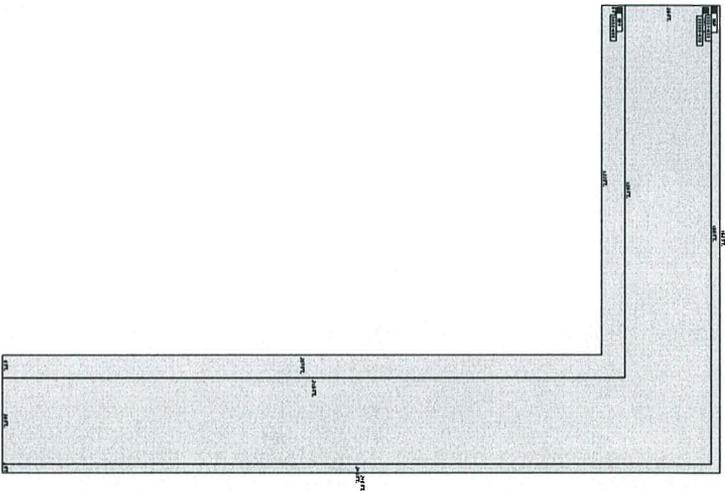
Sec Nbr	Int Nbr	Description	Area %	Sprinkler	A/C	Total RCN	Exterior Finish	Ext Nbr	Wall Type	Area %	Wall Rate	RCN
192018	9454		100.00	N	N	3030	C.B.S.			100.00		

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192019 9455 OFFICE BLD-1 STORY 100.00 N N Y
 192020 9456 100.00 N N

Building Sketch 41778



Building Characteristics

Building Nbr 2 Building Type 0 Perimeter 810 Functional Obs 0.00
 Effective Age 13 Condition A Depreciation % 0.15 Economic Obs 0.00
 Grnd Floor Area 11250 Quality Grade 300 Year Built 1960
 Fireplaces 0 3 Fix Bath 24 5 Fix Bath 0 7 Fix Bath 0
 2 Fix Bath 0 4 Fix Bath 0 6 Fix Bath 0 Extra Fix 0

Sections

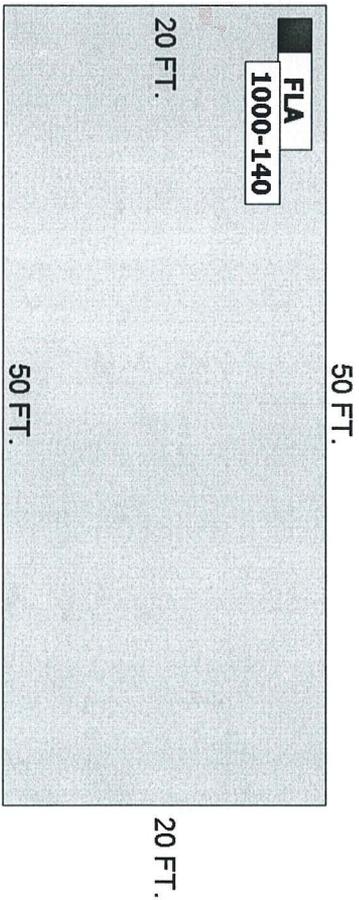
Type	Number	Wall Height	# Stories	Year Built	% Finished	Area	Sketch ID	SOH %
FLA	1	10	1	1959		11,250	003	0.00
SBF	2	0	1	1959		2,696	004	0.00
OUF	3	0	1	1959		1,224	005	0.00

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Interior Finish				Exterior Finish							
Sec Nbr	Int Nbr	Description	Area %	Sprinkler	A/C	Total RCN	Ext Nbr	Wall Type	Area %	Wall Rate	RCN
192021	9457	HOTEL/MOTEL C	100.00	N	Y	3032	BRICK	50.00			
192022	9458		100.00	N	N	3031	C.B.S.	50.00			
192023	9459		100.00	N	N						

Building Sketch 41779



Building Characteristics											
Building Nbr	3	Building Type	0	Perimeter	140	Functional Obs	0.00				
Effective Age	13	Condition	A	Depreciation %	0.15	Economic Obs	0.00				
Grnd Floor Area	1000	Quality Grade	250	Year Built	1967						
Fireplaces	0	3 Fix Bath	0	5 Fix Bath	0	7 Fix Bath	0				
2 Fix Bath	0	4 Fix Bath	0	6 Fix Bath	0	Extra Fix	4				
Sections											
Type	Number	Wall Height	# Stories	Year Built	% Finished	Area	Sketch ID	SOH %			
FLA	1	10	1	1984		1,000	006	0.00			

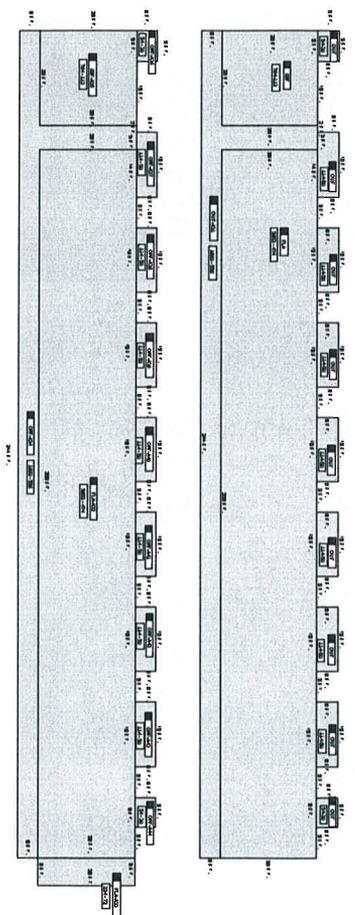
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Sec Nbr	Int Nbr	Description	Area %	Sprinkler	A/C	Total RCN	Ext Nbr	Wall Type	Area %	Wall Rate	RCN
OUF	4		0	1	N	1966	96	010	0.00		
FLA	5		10	1	N	1966	1,408	011	0.00		
OUF	6		0	1	N	2000	376	012	0.00		
PDO	7		0	1	N	1966	143	013	0.00		
OUF	8		0	1	N	1966	40	014	0.00		
EFD	9		0	1	N	1966	4,545	015	0.00		

Interior Finish		Exterior Finish									
Sec Nbr	Int Nbr	Description	Area %	Sprinkler	A/C	Total RCN	Ext Nbr	Wall Type	Area %	Wall Rate	RCN
192025	9461		100.00	N	N	3035	REIN CONCRETE	50.00			
192026	9462	RESTRNT/CAFETR-B-	100.00	N	Y	3034	C.B.S.	50.00			
192027	9463		100.00	N	N						
192028	9464		100.00	N	N						
192029	9465	RESTRNT/CAFETR-B-	100.00	N	Y						

Building Sketch 41781



Monroe County Property Record Card (149)

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Building Characteristics

Building Nbr	5	Building Type	0	Perimeter	1,020	Functional Obs	0.00
Effective Age	12	Condition	A	Depreciation %	0.15	Economic Obs	0.00
Grnd Floor Area	11928	Quality Grade	300	Year Built	1966		
Fireplaces	0	3 Fix Bath	0	5 Fix Bath	0	7 Fix Bath	0
2 Fix Bath	0	4 Fix Bath	0	6 Fix Bath	0	Extra Fix	134

Sections

Type	Number	Wall Height	# Stories	Year Built	% Finished	Area	Sketch ID	SOH %
FLA	16	10	1	1966		5,852	016	0.00
SBF	18	10	1	1966		784	018	0.00
OUF	19	10	1	1966		54	019	0.00
OUF	20	10	1	1966		114	020	0.00
OUF	21	10	1	1966		114	021	0.00
OUF	22	10	1	1966		114	022	0.00
OUF	23	10	1	1966		114	023	0.00
OUF	24	10	1	1966		114	024	0.00
OUF	25	10	1	1966		114	025	0.00
OUF	26	10	1	1966		114	026	0.00
OUF	27	10	1	1966		54	027	0.00
OUF	31	10	1	1966		1,660	031	0.00
FLA	32	10	1	1966		5,852	032	0.00
FLA	33	10	1	1966		224	033	0.00
OPF	34	10	1	1966		1,660	034	0.00
SBF	35	10	1	1966		784	035	0.00
OPF	36	10	1	1966		54	036	0.00
OPF	37	10	1	1966		114	037	0.00
OPF	38	10	1	1966		114	038	0.00
OPF	39	10	1	1966		114	039	0.00
OPF	40	10	1	1966		114	040	0.00
OPF	41	10	1	1966		114	041	0.00
OPF	42	10	1	1966		114	042	0.00
OPF	43	10	1	1966		114	043	0.00
OPF	44	10	1	1966		54	044	0.00

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Interior Finish						Exterior Finish					
Sec Nbr	Int Nbr	Description	Area %	Sprinkler	AI/C	Total RCN	Ext Nbr	Wall Type	Area %	Wall Rate	RCN
192034	9466	HOTELMOTEL C	100.00	N	Y		3037	BRICK	50.00		
192036	9468		100.00	N	N		3036	C.B.S.	50.00		
192043	9475		100.00	N	N						
192044	9476		100.00	N	N						
192045	9477		100.00	N	N						
192037	9469		100.00	N	N						
192038	9470		100.00	N	N						
192039	9471		100.00	N	N						
192040	9472		100.00	N	N						
192041	9473		100.00	N	N						
192042	9474		100.00	N	N						
0	9466	HOTELMOTEL C	100.00	N	Y						
0	9466	HOTELMOTEL C	100.00	N	N						

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Miscellaneous Improvements

Nbr	Impr Type	# Units	Type	SOH %	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
9	DK2:CON DKS/CONPL	800	SF	0.00	100	8	1975	1976	5	60		
8	CC2:COM CANOPY	1,008	SF	0.00	12	84	1975	1976	4	40		
7	UB2:UTILITY BLDG	63	SF	0.00	7	9	1975	1976	1	50		
6	UB2:UTILITY BLDG	585	SF	0.00	0	0	1975	1976	4	50		
5	SW2:SEAWALL	510	SF	0.00	170	3	1975	1976	4	60		
4	PT3:PATIO	1,200	SF	0.00	20	60	1975	1976	1	50		
3	AP2:ASPHALT PAVING	21,842	SF	0.00	0	0	1975	1976	2	25		
24	FN2:FENCES	800	SF	0.00	0	0	1996	1997	2	30		
23	TK2:TIKI	36	SF	0.00	0	0	1979	1980	1	40		
22	AP2:ASPHALT PAVING	14,000	SF	0.00	0	0	1979	1980	3	25		
21	CL2:CH LINK FENCE	7,500	SF	0.00	500	15	1979	1980	1	30		
20	RW2:RETAINING WALL	220	SF	0.00	110	2	1993	1994	4	50		
2	PO6:COMM POOL	600	SF	0.00	20	30	1975	1976	3	50		
19	DK3:CONCRETE DOCK	640	SF	0.00	80	8	1990	1991	1	60		
18	TK2:TIKI	72	SF	0.00	0	0	1993	1994	1	40		
17	TK2:TIKI	962	SF	0.00	0	0	1993	1994	5	40		
16	CL2:CH LINK FENCE	2,730	SF	0.00	455	6	1993	1994	1	30		
15	DK3:CONCRETE DOCK	2,800	SF	0.00	700	4	1975	1976	4	60		
14	SW2:SEAWALL	2,100	SF	0.00	700	3	1975	1976	3	60		
13	UB2:UTILITY BLDG	100	SF	0.00	0	0	1975	1976	3	50		
12	PT3:PATIO	1,800	SF	0.00	0	0	1975	1976	2	50		
11	DK2:CON DKS/CONPL	590	SF	0.00	118	5	1975	1976	3	60		
10	AP2:ASPHALT PAVING	28,218	SF	0.00	0	0	1975	1976	2	25		
1	UB2:UTILITY BLDG	160	SF	0.00	16	10	1975	1976	3	50		
Total Depreciated Value												

Appraiser Notes

SUGARLOAF LODGE MOTEL 55 UNITS THE DK3-01 IS THE FOOT BRIDGE BUILD 3 OF 5 IS THE CHEVRON SUGAR SHACK MARINA 95 10000574 DOCKS \$9,000 4/8/97. 17075 O/S HWY 2002/6/6 SB, TTP AK: 8902905 - CHEVRON SIGNS ONLY 8787995 - STORE EQ (NO TANKS/EQ) (1 2-HOSE PUMP) *****CHARTERS***** 8726074 - CARLISLE, TIM - GUIDE SERVICE 8720513 - WARD, RON - WAYWARD CHARTERS 8970501 - MOORE, JOE

14-1 ORIGINAL OVERRIDE VALUE WAS \$ 5,251,821

Monroe County Property Record Card (149)

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Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
08101303	Apr 10 2008 12:00AM		24,500	Commercial	DEMO 24 UNIT MOTEL, POOL AND LIFT STATION
08101856	May 15 2008 12:00AM		3,000	Commercial	60 CY OF FILL
93-6938	Jan 1 1994 12:00AM	Nov 1 1994 12:00AM	10,000	Commercial	GAZEBO
94-0422	Apr 1 1994 12:00AM	Nov 1 1994 12:00AM	984	Commercial	RETAINING WALL
94-1471	May 1 1995 12:00AM	Jan 1 1996 12:00AM	20,000	Commercial	COMM.MISC.
94-0813	Jul 1 1994 12:00AM	Nov 1 1994 12:00AM	2,450	Commercial	FENCE
98-1765	Oct 30 1998 12:00AM	Jun 15 1999 12:00AM	5,000	Commercial	ROOFING
06107007	Dec 27 2006 12:00AM		2,450	Commercial	DEEP GROUND SLAB
07103388	Sep 18 2007 12:00AM	Apr 23 2008 12:00AM	65,000	Commercial	Pool, deck & fence

Monroe County Property Record Card (149)

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Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2007F	O	1,960,184	0	3,038,228	240,065	3,567,813	3,567,813	0	N	3,567,813
2006F	O	1,897,134	0	3,064,539	222,252	3,678,337	3,678,337	0	N	3,678,337
2005F	O	1,897,134	0	3,103,597	227,722	4,218,859	4,218,859	0	N	4,218,859
2004F	O	1,266,621		3,147,210	231,659	4,218,859	4,218,859	0	N	4,218,859
2003F	O	1,266,621		3,147,210	237,139	4,546,671	4,546,671	0		4,546,671
2002F	O	1,345,120		3,147,210	242,464	4,392,919	4,392,919	0		4,392,919
2001F	O	1,345,120		2,890,289	246,561	4,392,919	4,392,919	0		4,392,919
2000F	O	1,345,120		2,890,289	114,061	4,397,106	4,397,106	0		4,397,106
1999F	O	1,345,120		2,890,289	117,159	3,600,900	3,600,900	0		3,600,900
1998F	O	1,345,120		1,926,973	119,413	3,600,900	3,600,900	0		3,600,900
1997F	O	1,345,120		1,926,973	121,685	3,600,900	3,600,900	0		3,600,900
1996F	O	1,345,120		1,608,958	124,797	3,335,595	3,335,595	0		3,335,595
1995F	O	1,345,120		1,591,174	127,461	3,335,595	3,335,595	0		3,335,595
1994F	O	1,345,120		1,506,453	92,225	3,333,312	3,333,312	0		3,333,312
1993F	O	1,345,120		1,506,453	94,528	3,333,312	3,333,312	0		3,333,312
1992F	O	1,345,120		1,506,453	96,246	3,333,312	3,333,312	0		3,333,312
1991F	O	1,345,120		1,506,453	98,553	3,333,312	3,333,312	0		3,333,312
1990F	O	1,345,120		1,506,624	102,906	3,333,312	3,333,312	0		3,333,312
1989F	O	1,345,120		1,506,624	106,979	3,333,312	3,333,312	0		3,333,312
1988F	O	1,345,120		1,245,288	85,934	3,148,999	3,148,999	0		3,148,999
1987F	O	1,347,876		1,227,610	89,239	2,887,016	2,887,016	0		2,887,016
1986F	O	916,868		1,229,531	91,637	2,485,490	2,485,490	1		2,485,489
1985F	O	825,350		1,208,617	94,931	2,048,335	2,048,335	7,500		2,040,835
1984F	O	825,350		1,172,563	44,631	2,623,017	2,623,017	7,500		2,615,517
1983F	C	825,350		1,068,653	44,631	1,938,634	1,938,634	7,500		1,931,134
1982F	C	335,397		1,044,130	44,631	1,424,158	1,424,158	0		1,424,158

Sales History

Book	Page	Sale Date	Instrument	Transfer Code	Q/U	Vacant	Sale Price
557	332	2/1/1973	Conversion Code	0	Q	I	1,125,000

Monroe County Property Record Card (149)

Alternate Key: 1151980
 Effective Date: 6/18/2008 1:17:07 PM
 Roll Year 2008
 Run: 06/18/2008 01:17 PM

GOOD, LLOYDA
 17001 OVERSEAS HWY
 SUGARLOAF KEY FL 33042

Parcel 00118470-000000-03-67-27
 Alt Key 1151980
 Affordable Housing No
 Inspect Date
 Business Name
 Physical Addr 17075 OVERSEAS HWY, SUGARLOAF KEY

Nbhd 10050
 Mill Group 100C
 PC 1200
 Next Review

Associated Names

Name	DBA	Role
GOOD, CLARE E T/C		Owner
GOOD, LLOYDA		Owner

Legal Description

Y67703-08 SUGARLOAF KEY PT LOT 3 OR557-332/338 CASE #75-102-CP-12

Land Data 1.

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
17039	10HW	0	0	Yes	1.55	AC	0.00		1.00	1.00	1.00	1.00		N		
Total Just Value																

Monroe County Property Record Card (149)

Alternate Key: 1151980
 Effective Date: 6/18/2008 1:17:07 PM
 Roll Year 2008
 Run: 06/18/2008 01:17 PM

CAN 7 0 1 2001 144 006 0.00

Interior Finish				Exterior Finish							
Sec Nbr	Int Nbr	Description	Area %	Sprinkler	A/C	Total RCN	Ext Nbr	Wall Type	Area %	Wall Rate	RCN
192048	9480		100.00	N	N		3039	C.B.S.	50.00		
192049	9481	1 STORY STORES	100.00	N	N		3038	MIN WOOD SIDING	50.00		
192050	9482		100.00	N	N						
192051	9483		100.00	N	N						
192052	9484		100.00	N	N						

Miscellaneous Improvements

Nbr	Impr Type	# Units	Type	SOH %	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
3	UB2:UTILITY BLDG	96	SF	0.00	12	8	2000	2001	3	50		
2	UB2:UTILITY BLDG	96	SF	0.00	12	8	1999	2000	1	50		
1	AP2:ASPHALT PAVING	4,330	SF	0.00	0	0	1975	1976	1	25		
Total Depreciated Value												

Appraiser Notes
 SUGARLOAF TEXACO AND JENS CONVENIENCE STORE. SUGARLOAF KEY - US1. HURRICANE DAMAGE 1998 STORE DAMAGE 30% 2002/8/21 SB, TPP: 8645961 - SUGARLOAF GENERAL STORE 9031364 - SUGARLOAF MAIL BOX & MORE INC

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	93-5665	Mar 1 1993 12:00AM	Apr 1 1993 12:00AM	55,471	Commercial	COMMERCIAL REMODEL
	98-0648	Jun 1 1998 12:00AM	Jan 1 1900 12:00AM	1		UPGRADE GAS PUMPS
	98-1765	Oct 30 1998 12:00AM	Jun 15 1999 12:00AM	10,000		ROOFING

Monroe County Property Record Card (149)

Alternate Key: 1151980
 Effective Date: 6/18/2008 1:17:07 PM
 Roll Year 2008
 Run: 06/18/2008 01:17 PM

Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2007F	O	240,250	0	213,700	4,742	368,991	368,991	0	N	368,991
2006F	O	232,500	0	224,253	4,787	371,839	371,839	0	N	371,839
2005F	C	232,500	0	224,253	4,832	461,585	461,585	0	N	461,585
2004F	C	154,998		224,193	4,877	384,068	384,068	0	N	384,068
2003F	C	154,998		224,193	4,923	384,114	384,114	0		384,114
2002F	C	193,748		224,193	4,967	422,908	422,908	0		422,908
2001F	C	193,748		212,625	2,771	409,144	409,144	0		409,144
2000F	C	193,748		212,625	1,559	407,932	407,932	0		407,932
1999F	O	193,748			1,559	174,179	174,179	0		174,179
1998F	O	193,748		42,693	1,559	238,000	238,000	0		238,000
1997F	O	193,748		42,693	1,559	238,000	238,000	0		238,000
1996F	O	193,748		42,693	1,559	238,000	238,000	0		238,000
1995F	O	193,748		42,693	1,559	238,000	238,000	0		238,000
1994F	O	193,748		43,552	700	238,000	238,000	0		238,000
1993F	O	193,748		43,552	700	238,000	238,000	0		238,000
1992F	O	193,748		43,552	700	238,000	238,000	0		238,000
1991F	O	193,748		43,552	700	238,000	238,000	0		238,000
1990F	O	193,748		43,552	700	238,000	238,000	0		238,000
1989F	O	193,748		43,552	700	238,000	238,000	0		238,000
1988F	O	193,748		43,552	700	238,000	238,000	0		238,000
1987F	O	193,748		43,552	700	238,000	238,000	0		238,000
1986F	O	153,450		83,850	700	238,000	238,000	0		238,000
1985F	O	147,250		90,050	700	238,000	238,000	25,000		213,000
1984F	I	147,250		70,506	700	218,456	218,456	0		218,456
1983F	I	147,250		67,613	700	215,563	215,563	0		215,563
1982F	C	69,749		87,178	700	157,627	157,627	0		157,627

Monroe County Property Record Card (149)

Alternate Key: 1151122
 Effective Date: 6/18/2008 1:17:37 PM
 Roll Year 2008
 Run: 06/18/2008 01:17 PM

GOOD LLOYD A JR
 17001 OVERSEAS HWY
 SUGARLOAF KEY FL 33042

Parcel 00117930-000000-34-66-27
 Alt Key 1151122
 Affordable Housing No
 Inspect Date
 Business Name
 Physical Addr SUGARLOAF KEY

Nbhd 362
 Mill Group 100C
 PC 9900
 Next Review

Associated Names

Name	DBA	Role
GOOD LLOYD A JR,		Owner

Legal Description

34 66 27 Y66734-02 SUGARLOAF KEY PT LOT 3 OR557-332/338 OR635-549/562 CASE #75-102-CP-12 OR888-116/120

Land Data 1.

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
16899	000X	0	0	Yes	15.61	AC	0.00		1.00	1.00	1.00	1.00		N		
Total Just Value																

Monroe County Property Record Card (149)

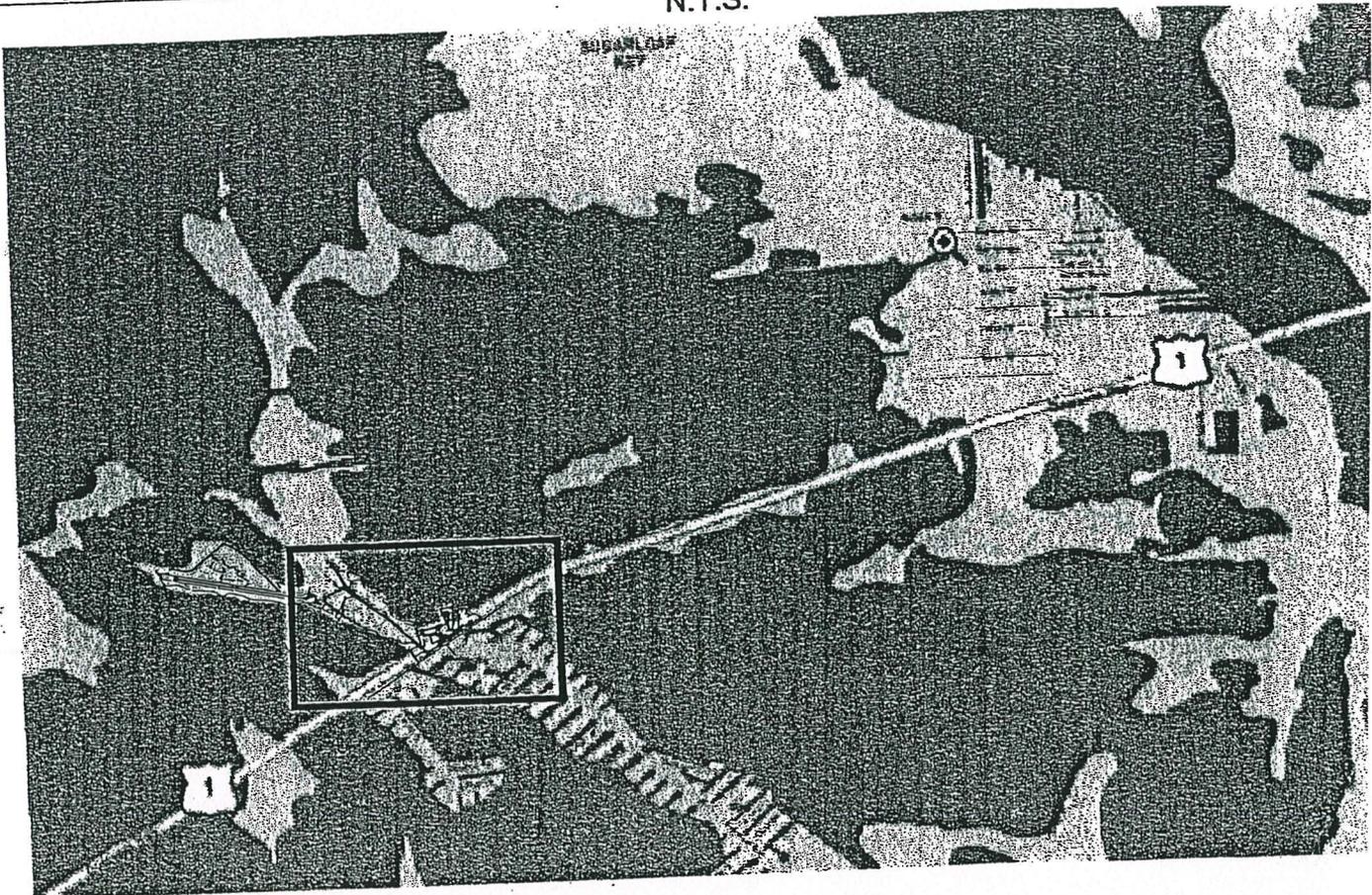
Alternate Key: 1151122
 Effective Date: 6/18/2008 1:17:37 PM
 Roll Year 2008
 Run: 06/18/2008 01:17 PM

Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2007F	C	1,561	0	0	0	1,561	1,561	0	N	1,561
2006F	C	1,561	0	0	0	1,561	1,561	0	N	1,561
2005F	C	937	0	0	0	937	937	0	N	937
2004F	C	1,561		0	0	936	936	0	N	936
2003F	C	1,561		0	0	936	936	0		936
2002F	C	1,561		0	0	936	936	0		936
2001F	C	1,561		0	0	936	936	0		936
2000F	C	1,561		0	0	936	936	0		936
1999F	C	1,561		0	0	936	936	0		936
1998F	C	1,561		0	0	937	937	0		937
1997F	C	1,561		0	0	937	937	0		937
1996F	C	1,561		0	0	937	937	0		937
1995F	C	1,561		0	0	1,561	1,561	0		1,561
1994F	C	1,561		0	0	1,561	1,561	0		1,561
1993F	C	1,561		0	0	1,561	1,561	0		1,561
1992F	C	1,561		0	0	1,561	1,561	0		1,561
1991F	C	1,561		0	0	1,561	1,561	0		1,561
1990F	C	1,561		0	0	1,561	1,561	0		1,561
1989F	C	1,561		0	0	1,561	1,561	0		1,561
1988F	C	1,561		0	0	1,561	1,561	0		1,561
1987F	C	4,683		0	0	4,683	4,683	0		4,683
1986F	C	4,239		0	0	4,239	4,239	1		4,238
1985F	C	14,130		0	0	14,130	14,130	8,502		5,628
1984F	C	14,130		0	0	14,130	14,130	8,502		5,628
1983F	C	14,130		0	0	14,130	14,130	8,502		5,628
1982F	C	33,019		0	0	33,019	33,019	8,502		24,517

Project Location Map

N.T.S.





SEWELL JAMES C
17120 MOSHER DR
SUGARLOAF KEY, FL 33042

SUGARLOAF KEY VOLUNTEER FIRE DEPT
INC
17175 OVERSEAS HWY
SUGARLOAF KEY, FL 33042

~~DOLPHIN COVE PROPERTY OWNERS
17170 MOSHER DR
SUGARLOAF KEY, FL 33042~~

~~DOT/STATE OF FL
TALLAHASSEE, FL 32399~~

KIERAN MAHONEY
17095 OVERSEAS HIGHWAY
SUGARLOAF KEY, FL 33042

JOHN & JOELLE KEANE
16960 DRIFTWOOD LANE
SUGARLOAF KEY, FL 33042

ANA & PEDRO DELGADO
10460 SW 41ST TERRACE
MIAMI, FL 33165

JOHN & LORETTA JACKSON
16921 DRIFTWOOD LANE
SUMMERLAND KEY, FL 33042-3600

KAPLAN EDWARD E
4 DEERLAND DR
EAST QUOGUE, NY 11942

ARTHUR & MARY GANDOLFI
16821 DRIFTWOOD LANE
SUGARLOAF KEY, FL 33042

CABRERA LUIS
17110 MOSHER DR
SUMMERLAND KEY, FL 33042

RODRIGUEZ ALVARO AND ANGIE
MARIE
17140 MOSHER DR
SUGARLOAF KEY, FL 33042

~~DOT/STATE OF FL
FT. LAUDERDALE, FL 33304~~

HISTORIC TOURS OF AMERICA INC
201 FRONT ST #224
KEY WEST, FL 33040

ROGER AND MARSHA REWOLINSKI
10150 WHITNALL EDGE DR
FRANKLIN, WI 53132

PURSINO GLORIA & BURKE RICHARD
3706 BEACH WAY
COOPER CITY, FL 33026

LEAH MARIE ANSON
16861 DRIFTWOOD LN
SUGARLOAF KEY, FL 33042

DOT/STATE OF FLORIDA
1317 NE 4TH STREET
FT. LAUDERDALE, FL 33304

DOLPHIN COVE PROPERTY OWNERS
17170 MOSHER DR
SUGARLOAF KEY, FL 33042

WITCZAK JACEK AND MAGDALENA
17130 MOSHER DR
SUGARLOAF KEY, FL 33042

LORNA MC INTYRE HOWARD
P O BOX 338
LUMBERPORT, WV 26386

KNAUP C TRUST
P O BOX 901
BEAVER DAM, WI 53916

MYRON ALPERT ESQ ETAL
3115 S OCEAN BLVD APT 904
HIGHLAND BEACH, FL 33431



MEMORANDUM

Monroe County Planning & Environmental Resources Department
We strive to be caring, professional and fair

DRAFT

To: Monroe County Planning Commission
From: Steven Biel, Sr. Planner
Through: Townsley Schwab, Sr. Director of Planning & Environmental Resources
Date: January 11, 2010
Subject: *Request for an amendment to Sections 101-1; 102-187; & 118-12 of the Monroe County Code, amending the definition of "accessory uses and structures", and defining adjacent land*

Meeting: January 27, 2010

UPDATE

At the November 4, 2009 Planning Commission meeting, the Commission indicated they would like to discuss the draft ordinance at the December 15, 2009 meeting. Staff has made some revisions that were discussed at the November 4 meeting. Upon arrival of Christine Hurley, Growth Management Director, this item was continued to the January 27, 2010 meeting in order for Ms. Hurley to become familiar with the item and to have time to discuss with staff. The following highlights the revisions made from the November 4, 2009 Planning Commission meeting:

- **Section 1. Section 101-1(d): under the definition of accessory uses or accessory structures, deleted the reference to the need for a minor conditional use.**
- **Section 1. Section 101-1(d)(3): reinserted the second paragraph on page 3 of the ordinance.**
- **On page 3 of the ordinance, the second paragraph referencing home gardens in relation to accessory uses has been restored.**
- **On page 3 of the ordinance, in the third paragraph defining adjacent, the reference to "and shall be considered adjacent if they meet at one point" has been reinserted.**
- **Section 3. Section 118-12(m)(4)(g): added "if in violation" to the end of the first sentence.**

- **Section 3. Section 118-12(m)(4)(h): “as a minor conditional use” has been deleted from the end of the sentence.**

DRAFT

REQUEST

The Planning Commission is requesting to amend the Land Development Code in order to amend the definition of “accessory uses or accessory structures”, define “adjacent land”, and eliminate “adjacent landowner” in Section 101-1 of the Monroe County Code. In addition, this request proposes the permitting of certain accessory uses or structures on adjacent non-contiguous land, the permitting of docking facilities on adjacent land under certain conditions and creates an approval process, and provides for a variance process to determine adjacency for certain accessory uses and structures.

PROCESS

In accordance with the provisions set forth in Sec. 102-158 of the Monroe County Code (MCC), amendments may be proposed by the Board of County Commissioners (BOCC), the Planning Commission, the Director of Planning, or the owner or other person having a contractual interest in property to be affected by a proposed amendment. The Director of Planning shall review and process the text and map amendment applications as they are received and pass them on to the Development Review Committee and the Planning Commission for recommendation and final approval by the BOCC.

The Planning Commission and the BOCC shall each hold at least one public hearing on a proposed amendment to the text or to the land use district map. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee, and the testimony given at the public hearing, and shall submit its recommendations and findings to the BOCC. The BOCC shall consider the report and recommendation of and the testimony given at the public hearings and may either deny the application or adopt an ordinance approving the proposed amendment. Ordinances are then reviewed by the Florida Department of Community Affairs.

RELEVANT PRIOR COUNTY ACTIONS

Ordinance 036-2006 was approved by the Board of County Commissioners (BOCC) on September 20, 2006. Ordinance 036-2006 amended the Land Development Code to allow water service to a dock on an adjacent (non-contiguous) lot under the same ownership and allowed docks as an accessory use on lots under the same ownership within 500 feet of the lot with the principal use processed as a variance to be granted by the planning director, and allowed adjacent non-contiguous lands to be aggregated for purposes of development if they shared a border of 50% of the smaller lot or at least 50 feet, thus allowing development and accessory structures and uses to be made by combining the area of lots across streets.

Ordinance 036-2006 was rejected by the Final Order of the Department of Community Affairs primarily on the basis that the 500 feet was too far a distance from the principal use, and the ordinance was inconsistent regarding development on Tier 1 lands.

DRAFT

1 Staff was directed by the Planning Commission to further evaluate potential accessory uses on
2 adjacent properties. Staff prepared a draft ordinance which was tailored after Ordinance 036-
3 2006 and presented at a public hearing held by the Planning Commission on March 25, 2009.
4 The Planning Commission directed staff to expand the accessory uses on adjacent lots and
5 provide a variance procedure to allow properties within 25 feet of a common point to be
6 considered adjacent.

7
8 On June 10, 2009 Staff presented an amended ordinance reflecting the Planning Commission
9 directions from the March 25, 2009 Commission meeting. The Commission directed Staff to
10 revise the Ordinance clarifying the permitted use of water, vehicles storage, dry storage of boats,
11 and structure size for adjacent property.

12 REVIEW OF APPLICATION

13
14
15 In response to Planning Commission direction, Staff has amended the Ordinance defining
16 adjacent; clarifying what uses can be allowed on adjacent properties, providing for variance
17 procedures, and eliminating the allowance of accessory structures on adjacent lots, as included in
18 the previous draft.

19
20 *Consistency of the proposed amendment with the provisions and intent of the Monroe County*
21 *Year 2010 Comprehensive Plan:*

22
23 The proposed amendments to the Monroe County Code are generally consistent with the Monroe
24 County Year 2010 Comprehensive Plan.

25
26 *Consistency of the proposed amendment with the provisions and intent of the Monroe County*
27 *Land Development Code:*

28
29 In accordance with MCC Sec. 102-58(d)(5)b., the BOCC may consider the adoption of an
30 ordinance enacting the proposed change based on one (1) or more of the following factors:

31
32 *Changed projections (e.g., regarding public service needs) from those on which the text or*
33 *boundary was based;*

34
35 None

36
37 *Changed assumptions (e.g., regarding demographic trends);*

38
39 None

40
41 *Data errors, including errors in mapping, vegetative types and natural features described in*
42 *Volume 1 of the Monroe County Year 2010 Comprehensive Plan;*

43
44 None

45
46 *New issues;*

DRAFT

1 Ordinance 036-2006 was rejected by the Florida Department of Community Affairs who
2 determined that 500 feet was too far a distance from the principal use, and the ordinance was
3 inconsistent regarding development on Tier 1 lands. The proposed ordinance recommends a
4 variance procedure to allow properties within 25 feet of a common point to be considered
5 adjacent. This proposed ordinance removes Tier I properties from the definition of accessory
6 uses or structures.

7
8 *Recognition of a need for additional detail or comprehensiveness; or*

9
10 The Planning Commission has directed Staff to clarify the definition of adjacent and what uses
11 are allowed on adjacent properties.

12
13 *Data updates;*

14
15 None

16
17 *Consistency with the Principles for Guiding Development in the Florida Keys Area of Critical*
18 *State Concern:*

19
20 For the purposes of reviewing consistency of the adopted plan or any amendments to that plan
21 with principles for guiding development and any amendments to the principles, the principles
22 shall be construed as a whole and no specific provision shall be construed or applied in isolation
23 from the other provisions.

- 24
- 25 (a) To strengthen local government capabilities for managing land use and development so
26 that local government is able to achieve these objectives without the continuation of the
27 area of critical state concern designation.
 - 28 (b) To protect shoreline and marine resources, including mangroves, coral reef
29 formations, seagrass beds, wetland, fish and wildlife, and their habitat.
 - 30 (c) To protect upland resources, tropical biological communities, freshwater wetlands,
31 native tropical vegetation (for example, hardwood hammocks and pinelands), dune
32 ridges and beaches, wildlife, and their habitat.
 - 33 (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound
34 economic development.
 - 35 (e) To limit the adverse impacts of development on the quality of water throughout the
36 Florida Keys.
 - 37 (f) To enhance natural scenic resources, promote the aesthetic benefits of the natural
38 character of the Florida Keys.
 - 39 (g) To protect the historical heritage of the Florida Keys.
 - 40 (h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and
41 proposed major public investments, including:

- 42
- 43 1. The Florida Keys Aqueduct and water supply facilities;
 - 44 2. Sewage collection and disposal facilities;
 - 45 3. Solid waste collection and disposal facilities;
 - 46 4. Key West Naval Air Station and other military facilities;

DRAFT

- 1 5. Transportation facilities;
- 2 6. Federal Parks, wildlife refuges, and marine sanctuaries;
- 3 7. State parks, recreation facilities, aquatic preserves, and other publicly owned
- 4 properties;
- 5 8. City electric service and the Florida Keys Electric Co-op; and
- 6 9. Other utilities, as appropriate.

- 7
- 8 (i) To limit the adverse impacts of public investments on the environmental resources of the
- 9 Florida Keys.
- 10 (j) To make available adequate affordable housing for all sectors of the population of the
- 11 Florida Keys.
- 12 (k) To provide adequate alternatives for the protection of public safety and welfare in the
- 13 event of a natural or manmade disaster and for a post disaster reconstruction plan.
- 14 (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and
- 15 Maintain the Florida Keys as a unique Florida resource.
- 16

17 Staff finds the proposed amendment consistent with the Principals for Guiding Development as a
18 whole and is not inconsistent with any one principle.

19
20 *Impact on Community Character:*

21
22 The proposed ordinance will allow lots intended for residential development to be used for
23 storage of vehicles and marine vessels. The visibility of the storage lots from adjacent lots
24 having two story structures, and from the waterside of canal lot will change the visual character
25 of the neighborhood from a residential character to a residential/storage residential and use, thus
26 degrading the intended and desired neighborhood quality.

27
28 FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 29
- 30 1. Under the current Monroe County Code, only docks with no water or electric service are
- 31 currently allowed on adjacent, non-contiguous lots under the same ownership as an exception
- 32 to the requirement that accessory uses must be on a contiguous lot under the same ownership
- 33 (see Exhibit B). No dry boat storage, cars, or unoccupied RVs are permitted on adjacent lots.
- 34 However, they are permitted on contiguous-owned lots.
- 35
- 36 2. Ordinance 036-2006 was passed by the Board of County Commissioners on September 20,
- 37 2006, which ordinance amended the Monroe County Code to allow water service to a dock
- 38 on an adjacent (non-contiguous) lot under the same ownership and allow docks as an
- 39 accessory use on lots under the same ownership within 500 feet of the lot with the principal
- 40 use processed as a variance to be granted by the planning director, and allowed adjacent non-
- 41 contiguous lands to be aggregated for purposes of development if they shared a border of
- 42 50% of the smaller lot or at least 50 feet, thus allowing development and accessory structures
- 43 and uses to be made by combining the area of lots across streets (see Exhibit A).
- 44

DRAFT

1 Ordinance 036-2006 was rejected by Final Order of the Department of Community Affairs
2 seemingly on the basis that 500 feet was too far a distance from the principal use, and that
3 the ordinance encouraged development on Tier 1 lands (see Exhibit A).
4

- 5 3. The proposed ordinance, as drafted, is based on planning commission direction and provides
6 for cars, docks, dry storage of boats, and RVs on adjacent lots (see Exhibit C).
7
8
9
- 10 4. Adjacent and contiguous lands need to be better defined in the definitions of the Monroe
11 County Land Development Code.
12
- 13 5. Federal and State law grants power to Monroe County to regulate and restrict the use of land
14 and buildings in order to promote the safety and general welfare of its citizens.
15
- 16 6. Monroe County has adopted land use goals, policies, and objectives in a comprehensive plan
17 to guide policy on building and land use regulations, and to promote health, safety, and
18 general welfare.
19
- 20 7. The provision of this ordinance is consistent with the Monroe County Comprehensive Plan
21 and the Principles for Guiding Development in the Florida Keys Area of Critical State
22 Concern.
23
- 24 8. The Monroe County Planning Commission held a duly advertised public hearing on March
25 25, 2009, June 10, 2009, November 4, 2009, and January 27, 2010 and recommended
26 _____ to the Board of County Commissioners.
27

28 STAFF RECOMMENDATION
29

30 Staff recommends denial of the proposed ordinance, as drafted, to the Monroe County Planning
31 Commission for the following reasons:
32

- 33 • Negative visual impact on community character due to storage of vehicles and marine
34 vessels in residential neighborhoods on land that is not contiguous to the location of the
35 primary structure
36
- 37 • Influx of accessory uses on adjacent lots that do not have a principal structure
38
- 39 • Creation of accessory storage lots in residential subdivisions
40
- 41 • Unsightly views of parked cars and marine vessels on lots adjacent to multi level
42 residences
43
- 44 • Visual blight of views from waterways due to storage of parked vehicles and marine
45 vessels on vacant lots
46

DRAFT

- 1 • Allowance of incompatible use in residential neighborhoods
- 2
- 3 • Allows for conversion of residential lot to storage lots
- 4
- 5
- 6
- 7