

## Agenda

PLANNING COMMISSION  
MONROE COUNTY  
April 14, 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  
Denise Werling  
Jeb Hale  
Jim Cameron  
Elizabeth Lustberg

### STAFF:

Townsley Schwab, Senior Director of Planning and Environmental Resources  
Susan Grimsley, Ass't County Attorney  
John Wolfe, Planning Commission Counsel  
Mitch Harvey, Comp Plan Manager  
Kathy Grasser, Comprehensive Planner  
Joe Haberman, Principal Planner  
Debby Tedesco, Planning Commission Coordinator

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### COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

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### SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

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### SWEARING OF COUNTY STAFF

### CHANGES TO THE AGENDA

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## MEETING

### Continued Items:

1. An Ordinance of the Board of County Commissioners of Monroe County, Florida, creating Section 130-131 of the Monroe County Land Development Code. creating the Lower Sugarloaf Key Community Center Overlay District for Real Estate Number 00118470.000000 and for portions of parcels having Real Estate numbers 00118420.000000 and 00117930.000000 described as a portion of Government Lot 3 and portion of Government Lot 4, Section 3, Township 67 South, Range 27 East and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida at 17001 Overseas Highway, Lower Sugarloaf Key, at approximately Mile Marker 17.

[2010-015 Draft Ord BOCC.PDF](#)

**2. An Ordinance of the Board of County Commissioners of Monroe County, Florida, amending the Land Use District Map** designation from Destination Resort (DR), Native Area (NA) and Suburban Commercial (SC) to Mixed Use (MU) for Real Estate Number 00118470.000000 and for portions of parcels having Real Estate numbers 00118420.000000 and 00117930.000000 described as a portion of Government Lot 3 and Portion of Government Lot 4, Section 3, Township 67 South, Range 27 East and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida at 17001 Overseas Highway, Lower Sugarloaf Key, at approximately Mile Marker 17.

[M28098 Draft Ord & Backup.PDF](#)

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**New Item:**

**3. Lakeview Gardens aka Northstar Resort, 106003 Overseas Highway (US 1), Key Largo, Mile Marker 106:** A request for a major deviation to the major conditional use permit and site plan approved by Planning Commission Resolution P27-08. The subject parcels are legally described as Island of Key Largo Subdivision, Part Lots 5, 12, and 13, Section 6, Township 61 South, Range 40 East, Key Largo, Monroe County, Florida, having real estate numbers 00083970.000000 & 00083971.000000.

[2010-030 FILE.PDF](#)

[2010-030 COMBINED Solaria Lakeview Gardens 03.02.10.pdf](#)

[2010-030 SR 04.14.10.pdf](#)

**BOARD DISCUSSION**

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**GROWTH MANAGEMENT COMMENTS**

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**RESOLUTIONS FOR SIGNATURE**

**ADJOURNMENT**



ORDINANCE \_\_\_\_\_ - 2010

**AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS CREATING SECTION 130-131 OF THE MONROE COUNTY LAND DEVELOPMENT CODE, CREATING THE LOWER SUGARLOAF KEY COMMUNITY CENTER OVERLAY DISTRICT FOR REAL ESTATE NUMBER 00118470.000000 AND FOR PORTIONS OF PARCELS HAVING REAL ESTATE NUMBERS 00118420.000000 AND 00117930.000000 DESCRIBED AS A PORTION OF GOVERNMENT LOT 3 AND PORTION OF GOVERNMENT LOT 4, SECTION 3, TOWNSHIP 67 SOUTH, RANGE 27 EAST AND A PORTION OF GOVERNMENT LOT 3, SECTION 34, TOWNSHIP 66 SOUTH, RANGE 27 EAST, SUGARLOAF KEY, MONROE COUNTY, FLORIDA AND A PORTION OF GOVERNMENT LOT 3, SECTION 34, TOWNSHIP 66 SOUTH, RANGE 27 EAST, SUGARLOAF KEY, MONROE COUNTY, FLORIDA LOWER SUGARLOAF KEY GULF SIDE AT APPROXIMATELY MILE MARKER 17; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE**

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**WHEREAS**, the purpose of the Lower Sugarloaf Key Community Center Overlay District is to implement the policies of the comprehensive plan, to protect the natural and man-made historic resources of the community and to encourage development that maintains the small scale and low intensity of Lower Sugarloaf Key; and

**WHEREAS**, the goal is to protect and maintain the historic character of the densities and intensities within the Lower Sugarloaf Key Community Center Overlay District; and

**WHEREAS**, the proposed amendment is consistent with the Monroe County Year 2010 Comprehensive Plan; and

**WHEREAS**, the proposed amendment is consistent with the Florida Administration Code (F.A.C.), Chapter 9J-5; and

**WHEREAS**, the proposed amendment is consistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle; and

**WHEREAS**, this ordinance was recommended for approval to the Board of County Commissioners by the Planning Commission at its meeting of April 28, 2010;

**NOW, THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS:**

(Deletions are ~~stricken through~~ and additions are underlined.)

**Section 1.** Chapter 130, Article VII Division 2 shall be amended as follows:

Section 130-131. Lower Sugarloaf Key Community Center Overlay District

(a) The purpose of the Lower Sugarloaf Key Community Center Overlay District is to implement the policies of the comprehensive plan, to protect the natural and man-made historic resources of the community and to encourage development that maintains the small scale and low intensity of Lower Sugarloaf Key. The goal is to protect and maintain the historic character of the densities and intensities within the Lower Sugarloaf Key Community Center Overlay District.

(b) The Lower Sugarloaf Key Community Center Overlay District, shown on attached Map Exhibit A, and is comprised of the following property legally described as:

Legal Description:

Total Land: (Prepared by Mr. Fred Hildebrandt)

A portion of Government Lot 3 and Portion of Government Lot 4, Section 3, Township 67 South, Range 27 East and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and being more particularly described as follows (All references to Government Lot Lines are per Bailey's Survey of Sugarloaf Properties, December 22, 1972):

Begin at the intersection of the Northwesterly Line of U.S. Highway No. 1 (State Road No. 5) and the West Line of Government Lot 3, of said Section 3; thence N.00°16'32"E., along the said Government Lot Line a distance of 60.28 feet; thence N.56°19'10"E., along the said Northwesterly Right-of-Way Line of U.S. Highway No. 1 a distance of 644.56 feet; thence N.33°41'00"W., a distance of 110.00 feet; thence N.56°19'10"E., a distance of 157.47 feet thence meander the Mean High Tide Line along natural shoreline, Concrete Seawalls, and man made canals for the following 112 metes and bounds; thence S.89°59'13"W., a distance of 39.25 feet; thence S.63°40'43"W., a distance of 125.84 feet; thence S.52°19'26"W., a distance of 139.22 feet; thence S.81°00'25"W., a distance of 28.60 feet; thence N.49°28'21"W., a distance of 36.77 feet; thence N.44°25'27"W., a distance of 56.18 feet; thence N.83°14'35"W., a distance of 35.52 feet; thence S.73°27'37"W., a distance of 55.45 feet; thence S.16°04'40"W., a distance of 11.80 feet; thence S.08°43'26"E., a distance of 47.16 feet; thence S.03°53'20"W., a distance of 14.59 feet;

thence S.15°36'18"W., a distance of 14.67 feet; thence N.88°55'31"W., a distance of 8.77 feet; thence S.03°25'47"W., a distance of 99.98 feet; thence S.02°57'49"W., a distance of 17.80 feet; thence S.05°37'36"E., a distance of 27.23 feet; thence S.04°18'37"W., a distance of 80.00 feet; thence S.29°03'10"W., a distance of 8.24 feet; thence S.58°12'03"W., a distance of 94.46 feet; thence N.44°15'14"W., a distance of 27.06 feet; thence N.05°53'54"W., a distance of 25.96 feet; thence N.00°27'22"E., a distance of 17.67 feet; thence N.06°04'01"E., a distance of 27.63 feet; thence N.08°28'38"E., a distance of 18.79 feet; thence N.05°15'40"E., a distance of 45.38 feet; thence N.03°11'25"W., a distance of 68.18 feet; thence N.01°01'22"E., a distance of 189.87 feet; thence N.89°07'33"W., a distance of 4.34 feet; thence N.00°59'43"E., a distance of 79.47 feet; thence N.07°26'49"W., a distance of 9.10 feet; thence N.80°53'10"W., a distance of 10.77 feet; thence S.70°37'47"W., a distance of 107.27 feet; thence S.75°11'06"W., a distance of 110.85 feet; thence N.31°25'52"W., a distance of 7.55 feet; thence S.45°41'00"W., a distance of 20.00 feet; thence S.12°56'49"E., a distance of 17.13 feet; thence S.23°15'23"E., a distance of 148.59 feet; thence S.22°11'53"E., a distance of 87.98 feet; thence S.22°07'09"E., a distance of 53.48 feet; thence S.89°05'36"E., a distance of 11.23 feet; thence S.17°43'53"E., a distance of 22.70 feet; thence S.21°46'32"E., a distance of 46.95 feet; thence S.24°32'10"E., a distance of 32.10 feet; thence S.16°46'14"E., a distance of 25.08 feet; thence S.82°11'34"W., a distance of 7.57 feet; thence S.46°06'51"W., a distance of 15.15 feet; thence S.40°40'00"W., a distance of 8.26 feet; thence S.75°50'28"W., a distance of 27.17 feet; thence N.34°49'37"W., a distance of 9.41 feet; thence N.86°53'25"W., a distance of 13.76 feet; thence S.79°27'09"W., a distance of 14.28 feet; thence S.74°36'52"W., a distance of 18.07 feet; thence S.62°19'33"W., a distance of 46.19 feet; thence S.64°17'02"W., a distance of 13.39 feet; thence S.56°50'06"W., a distance of 6.88 feet; thence S.75°59'06"W., a distance of 3.58 feet; thence N.83°26'32"W., a distance of 14.66 feet; thence N.66°30'52"W., a distance of 3.03 feet; thence N.34°15'31"W., a distance of 2.61 feet; thence N.07°05'54"W., a distance of 3.06 feet; thence N.38°42'24"W., a distance of 2.31 feet; thence N.54°10'15"W., a distance of 4.07 feet; thence N.30°57'03"W., a distance of 4.14 feet; thence N.08°54'19"W., a distance of 17.54 feet; thence N.07°24'27"E., a distance of 11.48 feet; thence N.26°55'05"E., a distance of 20.95 feet; thence N.36°45'25"E., a distance of 8.54 feet; thence N.39°54'31"E., a distance of 8.27 feet; thence N.42°41'53"E., a distance of 8.81 feet; thence N.45°02'39"E., a distance of 10.01 feet; thence N.46°00'46"E., a distance of 10.52 feet; thence N.43°30'16"E., a distance of 22.20 feet; thence N.36°38'25"E., a distance of 9.34 feet; thence N.27°19'49"E., a distance of 8.71 feet; thence N.09°53'03"E., a distance of 8.12 feet; thence N.14°25'46"W., a distance of 5.77 feet; thence N.29°34'21"W., a distance of 8.10 feet; thence N.27°43'11"W., a distance of 8.27 feet; thence N.19°14'14"W., a distance of 6.80 feet; thence N.21°40'53"W., a distance of 7.56 feet; thence

N.39°27'59"W., a distance of 3.20 feet; thence N.67°23'31"W., a distance of 2.51 feet; thence S.83°41'23"W., a distance of 3.79 feet; thence S.62°02'51"W., a distance of 11.10 feet thence S.55°00'14"W., a distance of 96.97 feet; thence S.58°44'30"W., a distance of 27.82 feet; thence S.71°47'47"W., a distance of 29.56 feet; thence S.66°18'30"W., a distance of 129.11 feet; thence S.77°18'41"W., a distance of 49.70 feet; thence N.89°13'39"W., a distance of 18.11 feet; thence S.80°45'45"W., a distance of 75.01 feet; thence N.76°26'39"W., a distance of 10.79 feet; thence S.86°24'08"W., a distance of 12.48 feet; thence S.63°10'25"W., a distance of 19.95 feet; thence S.50°26'45"W., a distance of 9.58 feet; thence S.65°06'48"W., a distance of 5.74 feet; thence S.02°28'04"W., a distance of 15.86 feet; thence S.30°01'28"W., a distance of 12.67 feet; thence S.44°36'29"E., a distance of 15.15 feet; thence S.15°09'31"E., a distance of 195.02 feet; thence S.15°49'58"E., a distance of 26.50 feet; thence S.06°58'48"E., a distance of 24.39 feet; thence S.17°44'08"W., a distance of 19.93 feet; thence S.39°59'05"W., a distance of 10.31 feet; thence S.54°24'35"W., a distance of 10.99 feet; thence S.68°48'10"W., a distance of 11.09 feet; thence S.89°58'27"W., a distance of 21.32 feet; thence N.65°14'43"W., a distance of 10.86 feet; thence N.47°15'08"W., a distance of 12.74 feet; thence N.28°56'26"W., a distance of 19.18 feet; thence N.13°02'50"W., a distance of 63.96 feet; thence N.13°01'37"W., a distance of 70.92 feet; thence N.13°36'04"W., a distance of 113.63 feet; thence N.15°10'25"W., a distance of 100.91 feet; thence N.59°53'45"W., a distance of 5.95 feet; thence S.75°02'38"W., and leaving the said shoreline a distance of 175.86 feet; thence S.14°57'22"E., a distance of 356.02 feet; thence S.59°39'59"W., a distance of 77.48 feet; thence S.30°16'10"E., a distance of 269.50 feet to the said Northwesterly Right-of-Way line of U.S. Highway no. 1; thence N.56°19'10"E., along the said Northwesterly Right-of-Way line of U.S. Highway No. 1 a distance of 792.73 feet to the Point of Beginning. Parcel contains 481,358 square feet or 10.59 acres, more or less.

(c) The uses within the overlay district shall be subject to all land development regulations (i.e setbacks, heights, etc.) including minor conditional and major conditional use regulations of the Monroe County Code.

(d) The Lower Sugarloaf Key Community Center Overlay District densities shall be enforced, in lieu of Section 130-157 Maximum Residential Density and District Open Space and Section 130-162 Maximum Hotel-Motel, RVs and Institutional Residential Densities, and the intensities shall be enforced, in lieu of Section 130-164 Maximum Nonresidential Land Use Intensities and Open Space Ratios and only within the boundaries of the district.

The uses within the overlay district shall be developed with the following density and intensity regulations:

(1) Density and Intensity:

(a) For the purposes of this overlay district, uses with corresponding density / intensity thresholds shall not be cumulative, except no combination of commercial retail and office shall exceed 20,758ft<sup>2</sup> FAR.

TABLE INSET:

<b>MAXIMUM DENSITY / INTENSITY BY PROPOSED LOWER SUGARLOAF KEY COMMUNITY CENTER OVERLAY DISTRICT</b>			
<b>Land Use</b>	<b>Density/Intensity</b>	<b>Size of Site (upland)</b>	<b>Max Allowed</b>
Hotel <sup>(1)</sup>	7.25 Rooms per Acre	10.59 acres	75 Rooms
Office <sup>(2)</sup>	0.045 FAR	461,300.4 sq.ft.	20,758 sq.ft.
Marina <sup>(2)</sup>	0.045 FAR	461,300.4 sq.ft.	20,758 sq.ft.
Perm. Residential	0.25 Units per Acre	10.59 acres	2 units
Commercial Retail - Medium <sup>(2)</sup>	0.045 FAR	461,300.4 sq.ft.	20,758 sq.ft.
Recreational Rentals <sup>(1)</sup>	2.4 Spaces per Acre	10.59 acres	25 Spaces
Commercial Fishing <sup>(2)</sup>	0.045 FAR	461,300.4 sq.ft.	20,758 sq.ft.
	<b>TOTAL DENSITY RESIDENTIAL:</b>		<b>100 transient, 2 market rate units</b>
	<b>TOTAL INTENSITY FAR <sup>(3 &amp; 4)</sup>:</b>		<b>20,758ft<sup>2</sup></b>
Affordable / Employee Housing	0.75 Units per Acre	10.59 acres	8 Units
<b>(1) These uses shall not be cumulative.</b>			
<b>(2) A combination of hotel rooms or recreational rentals shall not exceed a total of 100 rooms and/or spaces.</b>			
<b>(3) No combination of commercial retail and office structure shall exceed 20,758 sq.ft. FAR.</b>			
<b>(4) Maximum square footage of any one building or structure shall not exceed 10,000 sq.ft.</b>			

\*Maximum square footage of any one building or structure shall not exceed 10,000 square feet. However, cumulative square footage is governed by floor area ratio maximums. The intent of this limitation is to prevent large scale, out of character retail or commercial development.

(2) No Open Space Ratios are modified by this Section 130-131.

**Section 2. Severability.**

If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

**Section 3. Conflicting Provisions.**

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state, or County law, rule code or regulation, the more restrictive shall apply.

**Section 4. Transmittal.**

This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs as required by F.S. 380.05(11) and F.S. 380.0552(9).

**Section 5. Filing.**

This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

**Section 6. Inclusion in the Monroe County Code.**

The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition to amendment thereto, and shall be appropriately renumbered to conform to the uniform marking system of the Code.

**Section 7. Effective Date.**

This ordinance shall become effective as provided by law and stated above.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2010.

Mayor Sylvia J. Murphy	_____
Mayor <i>pro tem</i> Heather Carruthers	_____
Commissioner Kim Wigington	_____
Commissioner George Neugent	_____
Commissioner Mario Di Gennaro	_____

**MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**

Attest: DANNY L. KOLHAGE, CLERK

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Mayor Sylvia J. Murphy



ORDINANCE NO. \_\_\_\_\_-2010

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING THE LAND USE DISTRICT MAP DESIGNATION FROM DESTINATION RESORT (DR), NATIVE AREA (NA) AND SUBURBAN COMMERCIAL (SC) TO MIXED USE (MU) FOR REAL ESTATE NUMBER 00118470.000000 AND FOR PORTIONS OF PARCELS HAVING REAL ESTATE NUMBERS 00118420.000000 AND 00117930.000000 DESCRIBED AS A PORTION OF GOVERNMENT LOT 3 AND PORTION OF GOVERNMENT LOT 4, SECTION 3, TOWNSHIP 67 SOUTH, RANGE 27 EAST AND A PORTION OF GOVERNMENT LOT 3, SECTION 34, TOWNSHIP 66 SOUTH, RANGE 27 EAST, SUGARLOAF KEY, MONROE COUNTY, FLORIDA AND A PORTION OF GOVERNMENT LOT 3, SECTION 34, TOWNSHIP 66 SOUTH, RANGE 27 EAST, SUGARLOAF KEY, MONROE COUNTY, FLORIDA AT 17001 OVERSEAS HIGHWAY, LOWER SUGARLOAF KEY, AT APPROXIMATELY MILE MARKER 17.**

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**WHEREAS**, On December 16, 2008, the Planning Commission approved Resolution P39-08 recommending approval to the BOCC amending the FLUM from Residential Conservation (RC) to Mixed Use / Commercial (MC).

**WHEREAS**, On January 26, 2009, the BOCC approved Resolution 002-2009 transmitting an ordinance for adoption to the Department of Community Affairs (DCA). There were no objections, recommendations or comments from the DCA on the proposed FLUM amendment.

**WHEREAS**, On June 2, 2009, the BOCC adopted Ordinance 019-2009 amending a FLUM change on real estate number 00118420.000000 and only on 379ft<sup>2</sup> the triangular portion located 110 feet west of Bat tower Road near U. S. 1 from Residential Conservation (RC) to Mixed Use / Commercial (MC),

**WHEREAS**, in the map amendment application to the Planning & Environmental Resources Department, received June 24, 2008 the Applicant requested that the land use district designation of three (3) parcels identified as Real Estate Numbers 00118420.000000, 00118470.000000 and 00117930.000000 be amended from Suburban Commercial (SC), Destination Resort (DR) and Native Area (NA) to Mixed Use (MU) land use district designation.

**WHEREAS**, the legal boundary of the text amendment is as follows:

**Parcel A:**

A portion of Government Lot 3 and Portion of Government Lot 4, Section 3, Township 67 South, Range 27 East and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and being more particularly described as follows (All references to Government Lot Lines are per Bailey's Survey of Sugarloaf Properties, December 22, 1972):

BEGIN at the intersection of the Northwesterly Line of U.S. Highway No. 1 (State Road No. 5) and the West line of Government Lot 3 of said Section 3, thence N 0 degrees 16' 32" E along the said Government Lot line for 60.28 feet; thence N 56' 19' 10" East along the said Northwesterly right of way line of U.S. Highway No. 1 for 644.56 feet; thence North 33 degrees 41' W for 147.88 feet, more or less to the Mean High Tide Line of Upper Sugarloaf Sound; thence meander said Mean High Tide Line with the following metes and bounds; thence S 52 degrees 19' 26" W for 139.22 feet; thence S 81 degrees 00' 25" W for 28.6 feet; thence N 49 degrees 28' 21" W for 36.77 feet; thence N 44 degrees 25' 27" W for 56.18 feet; thence N 83 degrees 14' 35" W for 35.52 feet; thence S 73 degrees 27' 37" W for 55.44 feet; thence N 42 degrees 13' 57" W and across a marina for 179.20 feet; thence continue meandering the Mean High Tide Line and a concrete seawall with the following metes and bounds: thence N 80 degrees 53' 10" W for 10.77 feet; thence S 70 degrees 37' 47" W for 107.27 feet; thence S 75 degrees 11' 6" W for 110.85 feet; thence North 31 degrees 25' 52" W for 7.55 feet; thence S 45 degrees 41' W for 20.0 Feet; thence S 12 degrees 56' 49" E for 17.13 feet; thence S 23 degrees 15' 23" E for 148.59 feet; thence S 22 degrees 11' 53" E for 87.98 feet; thence S 55 degrees 00' 14" W and across an open deep water pool for 96.97 feet; thence continue meandering said seawall and the Mean High Tide Line of Upper Sugarloaf Sound with the following metes and bounds; thence S 58 degrees 44' 30" W for 27.82 feet; thence South 71 degrees 47' 47" W for 29.56 feet; thence S 66 degrees 18' 30" W for 129.11 feet; thence S 77 degrees 18' 41" W for 49.7 feet; thence N 89 degrees 13' 39" W for 18.11 feet; thence S 80 degrees 45' 45" W for 75.01 feet; thence N 76 degrees 26' 39" W for 10.79 feet; thence S 86 degrees 24' 08" W for 12.48 feet; thence N 73 degrees 28' 09" W and across a canal for 136.57 feet; thence continue meandering the said Mean High Tide Line for the following metes and bounds; thence N 59 degrees 53' 45" W for 5.95 feet; thence S.75°02'38"W., a distance of 175.86 feet; thence S.14°57'22"E., a distance of 356.02 feet; thence S.59°39'59"W., a distance of 77.48 feet; thence S.30° 16'10"E., a distance of 269.50 feet to the said Northwesterly right of way line of U.S. Highway No. 1, thence N 56' 19' 10" E along the said Northwesterly right of way line of U.S. Highway No. 1 for 792.73 feet to the Point of Beginning. Parcel contains 557,839 square feet or 12.81 acres, more or less.

AND

**Parcel C**

A portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and being more particularly described as follows (All references to Government Lot Lines are per Bailey's Survey of Sugarloaf Properties, December 22, 1972):

COMMENCE at the intersection of the Northwesterly Line of U.S. Highway No. 1 (State Road No. 5) and the West line of Government Lot 3, Section 3, Township 67 South, Range 27 East, thence N 0° 16' 32" E along the said Government Lot line for 60.28 feet; thence N 56° 19' East along the said Northwesterly right of way line of U.S. Highway No. 1 for 644.56 feet; thence North 33° 41' W for 110.00 feet to the Point of Beginning; thence continue N 33° 41' W for a distance of approximately 37.88 feet to the point of intersection with the Mean High Tide Line of Upper Sugarloaf Sound; thence meander said Mean High Tide Line Northeasterly to a point, said point bears N 63°40'43" E from the first point of intersection with the said Mean High Tide Line at a distance of 125.84 feet from said point of intersection with the Mean High Tide Line; thence S 89°59'13" W for a distance of 39.25 feet; thence S 56°19'10" W for a distance of 157.47 feet back to the Point of Beginning. Parcel contains 4,077 square feet or 0.09 acres, more or less.

**WHEREAS**, the size of the proposed amendment is 10.89 acres on three parcels:

1. RE number 00118420.000000 is 8.63 acres
2. RE number 00118470.000000 is 1.55 acres
3. RE number 00117930.000000 is 0.68 acres

**WHEREAS**, the tier for real estate number 00118420.000000 has been undesignated pursuant to Final Order Number DC07-GM-166. This parcel will be evaluated by the Tier Designation Committee and recommendations made to the BOCC.

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

1. The proposed LUD amendment will change one parcel (RE 00118470.000000) and portions of two parcels (RE 00117930.000000 and RE 00118420.000000) from Destination Resort (DR), Suburban Commercial (SC) and Native Area (NA) land use district designations to Mixed Use (MU) land use district designation as seen on Mr. Good's boundary survey (Exhibit A).
2. Goal 101 of the Year 2010 Monroe County Comprehensive Plan manages future growth to enhance the quality of life.
3. Objective 101.4 Year 2010 Monroe County Comprehensive Plan maintains the community characters and protects natural resources by regulating future development and redevelopment.

4. Staff determined that the proposed map amendment is in accordance with MCC Section 102-158(d)(5)b(v) Recognition of a need for additional detail or comprehensiveness.
5. Staff finds proposed LUD amendment consistent with the Principles for Guiding Development as a whole and not inconsistent with any one principle.
6. The proposed area is cleared and scarified and will not significantly affect natural resources.
7. Staff has determined the proposed LUD designation to Mixed Use (MU) will change community character.
8. Local roads are already in place and have been well maintained.
9. The area is scarified. Effects on natural resources are not anticipated.
10. The proposed LUD amendment will encourage commercial development to remain on disturbed lands rather than encroaching on environmentally sensitive area.
11. The 2008 U. S. 1 Arterial Travel Time and Delay Study for Monroe County indicates a LOS of "D" on Sugarloaf Key (MM 16.5 to MM 20.5). Applications for new development located within backlogged or constrained segments are required to undergo a thorough traffic analysis as part of the review process.
12. The LUD amendment may have an affects on solid waste, potable water and wastewater.
13. The real estate office and auto body repair shop are nonconforming under the Destination Resort LUD designation.
14. The 379ft<sup>2</sup> of Native Area is not consistent with the future land use map of Mixed Use / Commercial.
15. The proposed Mixed Use LUD designation will bring both into accordance with the Land Development Regulations and Comprehensive Plan.
16. Land use district amendment is contingent on a final approval and effective date of the Lower Sugarloaf Key Overlay District text amendment;

**WHEREAS**, the Planning & Environmental Resources Department Staff has found that all of the required standards are met and recommends approval of the application; and

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA**, that the preceding Findings of Fact and Conclusions of Law support its decision to **RECOMMEND APPROVAL** to the Board of County Commissioners of the request by Lloyd A. Good, Jr., to amend the subject property's Land Use District (LUD) designation from Destination Resort (DR), Suburban Commercial (SC) and Native Area (NA) to Mixed Use (MC).

**PASSED AND ADOPTED BY THE PLANNING COMMISSION** of Monroe County, Florida, at a regular meeting held on the 24<sup>th</sup> day of March, 2010.

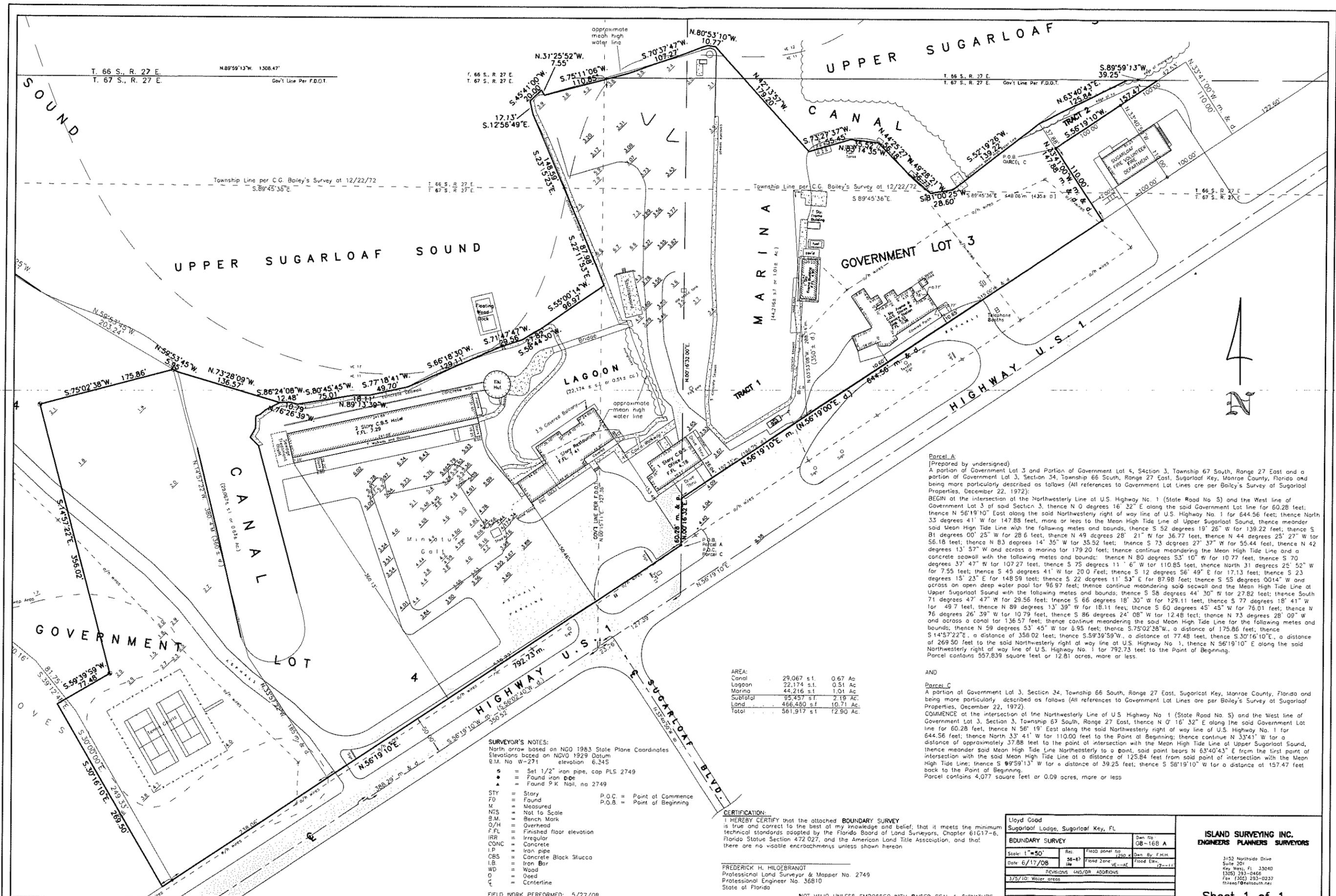
Chair Wall	_____
Vice-Chair Cameron	_____
Commissioner Hale	_____
Commissioner Lustberg	_____
Commissioner Werling	_____

---

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Randolph D. Wall, Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.



**Parcel A**  
 (Prepared by undersigned)  
 A portion of Government Lot 3 and Portion of Government Lot 4, Section 34, Township 67 South, Range 27 East and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and being more particularly described as follows (All references to Government Lot Lines are per Bailey's Survey of Sugarloaf Properties, December 22, 1972):

BEGIN at the intersection of the Northwesterly Line of U.S. Highway No. 1 (State Road No. 5) and the West line of Government Lot 3 of said Section 34, thence N 0 degrees 16' 32" E along the said Government Lot line for 60.28 feet; thence N 56°19'10" East along the said Northwesterly right of way line of U.S. Highway No. 1 for 644.56 feet; thence North 33 degrees 41' W for 147.88 feet, more or less to the Mean High Tide Line of Upper Sugarloaf Sound, thence meander said Mean High Tide Line with the following metes and bounds, thence S 52 degrees 19' 26" W for 139.22 feet, thence S 81 degrees 00' 25" W for 28.6 feet, thence N 49 degrees 28' 21" W for 36.77 feet, thence N 44 degrees 25' 27" W for 56.18 feet; thence N 83 degrees 14' 35" W for 35.52 feet; thence S 73 degrees 27' 37" W for 55.44 feet, thence N 42 degrees 13' 57" W and across a marina for 179.20 feet; thence continue meandering the Mean High Tide Line and a concrete seawall with the following metes and bounds: thence N 80 degrees 53' 10" W for 10.77 feet, thence S 70 degrees 37' 47" W for 107.27 feet, thence S 75 degrees 11' 6" W for 110.85 feet, thence North 31 degrees 25' 52" W for 7.55 feet; thence S 45 degrees 41' W for 20.0 feet; thence S 12 degrees 56' 49" E for 17.13 feet; thence S 23 degrees 15' 23" E for 148.59 feet; thence S 22 degrees 11' 53" E for 87.98 feet; thence S 55 degrees 00' 14" W and across an open deep water pool for 96.97 feet; thence continue meandering said seawall and the Mean High Tide Line of Upper Sugarloaf Sound with the following metes and bounds, thence S 58 degrees 44' 30" W for 27.82 feet; thence South 71 degrees 47' W for 29.56 feet; thence S 66 degrees 18' 30" W for 129.11 feet, thence S 77 degrees 18' 41" W for 49.7 feet, thence N 89 degrees 13' 39" W for 18.11 feet, thence S 60 degrees 45' 45" W for 76.01 feet, thence N 76 degrees 26' 39" W for 10.79 feet, thence S 86 degrees 24' 08" W for 12.48 feet, thence N 73 degrees 28' 09" W and across a canal for 136.57 feet; thence continue meandering the said Mean High Tide Line for the following metes and bounds, thence N 59 degrees 53' 45" W for 0.95 feet; thence S 75°02'28"W, a distance of 175.86 feet, thence S 14°57'22"E, a distance of 358.02 feet; thence S 59°39'59"W, a distance of 77.48 feet, thence S 30°16'10"E, a distance of 269.50 feet to the said Northwesterly right of way line of U.S. Highway No. 1, thence N 56°19'10" E along the said Northwesterly right of way line of U.S. Highway No. 1 for 792.73 feet to the Point of Beginning. Parcel contains 557,839 square feet or 12.81 acres, more or less.

AND

**Parcel C**  
 A portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and being more particularly described as follows (All references to Government Lot Lines are per Bailey's Survey of Sugarloaf Properties, December 22, 1972):

COMMENCE at the intersection of the Northwesterly Line of U.S. Highway No. 1 (State Road No. 5) and the West line of Government Lot 3, Section 34, Township 67 South, Range 27 East, thence N 0° 16' 32" E along the said Government Lot line for 60.28 feet, thence N 56° 19' East along the said Northwesterly right of way line of U.S. Highway No. 1 for 644.56 feet; thence North 33° 41' W for 110.00 feet to the Point of Beginning; thence continue N 33° 41' W for a distance of approximately 37.88 feet to the point of intersection with the Mean High Tide Line of Upper Sugarloaf Sound, thence meander said Mean High Tide Line Northwesterly to a point, said point bears N 63° 40' 43" E from the first point of intersection with the said Mean High Tide Line at a distance of 125.84 feet from said point of intersection with the Mean High Tide Line; thence S 09° 59' 13" W for a distance of 39.25 feet; thence S 86° 19' 10" W for a distance of 157.47 feet back to the Point of Beginning. Parcel contains 4,077 square feet or 0.09 acres, more or less.

AREA:		
Canal	29,067 s.f.	0.67 Ac.
Lagoon	22,174 s.f.	0.51 Ac.
Marina	44,216 s.f.	1.01 Ac.
Subtotal	95,457 s.f.	2.19 Ac.
Land	466,480 s.f.	10.71 Ac.
Total	561,917 s.f.	12.90 Ac.

**SURVEYOR'S NOTES:**  
 North arrow based on NAD 83 State Plane Coordinates  
 Elevations based on NGVD 1929 Datum  
 E.M. No. W-271 elevation 6.345

S = Set 1/2" iron pipe, cap PLS 2749  
 F = Found iron pipe  
 N = Found N.K. Nail, no 2749  
 STY = Stary  
 F = Found  
 M = Measured  
 NTS = Not to Scale  
 B.M. = Bench Mark  
 O/H = Overhead  
 F.F.L. = Finished floor elevation  
 IRR = Irregular  
 CONC = Concrete  
 I.P. = Iron pipe  
 CBS = Concrete Block Stucco  
 I.B. = Iron Bar  
 WD = Wood  
 D = Deed  
 C = Centerline

P.O.C. = Point of Commence  
 P.O.B. = Point of Beginning

**CERTIFICATION:**  
 I HEREBY CERTIFY that the attached BOUNDARY SURVEY is true and correct to the best of my knowledge and belief, that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 61G17-6, Florida Statute Section 472.027, and the American Land Title Association, and that there are no visible encroachments unless shown hereon.

FREDERICK H. HILDEBRANT  
 Professional Land Surveyor & Mapper No. 2749  
 Professional Engineer No. 36810  
 State of Florida

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL & SIGNATURE

Lloyd Good Sugarloaf Lodge, Sugarloaf Key, FL		Own file OB-168 A
<b>BOUNDARY SURVEY</b>		
Scale: 1"=50'	Res. 1/2" iron pipe	Drawn By: F.H.H.
Date: 6/17/08	36" = Flood Zone	Flood Elev. 17'-11"
REVISIONS AND/OR ADDITIONS		
3/5/10: Water areas		
Fred\Drawings\Sugarloaf Lodge\New Lodge Legal		

**ISLAND SURVEYING INC.**  
 ENGINEERS PLANNERS SURVEYORS

3152 Northside Drive  
 Suite 201  
 Key West, FL 33640  
 (305) 283-0466  
 Fax (305) 283-0237  
 thilse@islandsurveying.com

Sheet 1 of 1

**File #:** **2010-030**

**Owner's Name:** Lakeview Gardens  
aka Northstar Resort Ent. Corp.

**Applicant:** Lakeview Gardens  
aka Northstar Resort Ent. Corp.

**Agent:** Solaria Design & Consulting Co

**Type of Application:** Major Deviation

**Key:** Key Largo

**RE:** 00083970-000000  
00083971-000000

**Additional Information added to File 2010-030**

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: 3/10/10

Dear Applicant:

This is to acknowledge submittal of your application for Major Deviation  
Type of application

Northstar Resort to the Monroe County Planning Department.  
Project / Name

Thank you.

Gail Creech

Planning Staff

**End of Additional File 2010-030**



March 6, 2010

Monroe County Planning Department  
Mr. Townsley Schwab, Senior Director  
Marathon Government Center  
2798 Overseas Highway Suite 400  
Marathon, FL 33050

RE: *Application for a Conditional Use Major Deviation Application*

Mr. Schwab:

Please find the enclosed application for a request for a Major Deviation to an approved Conditional Use P27-08 at the former Florida Keys RV Park located at 106003 Overseas Highway, Key Largo, FL 33037. Also enclosed is a check for \$1,768 for the application fee.

Please find the enclosed attachments

- ✓ Conditional Use Permit Major Deviation Application
- ✓ Description of Major Deviation Request
- ✓ Check in the amount of \$1,768
- ✓ Warranty Deed
- ✓ Current Property Record Card
- ✓ Copy of Signed Development <sup>Resolution</sup> Order P27-08
- ✓ Copy of Developers Agreement
- ✓ Copy of Approved Original Site Plan
- ✓ Copy of Signed and Sealed Proposed Site Plan
- ✓ Notarized Agent Authorization Forms

If I can provide any further information or be of any further assistance in this matter, please contact me at your earliest opportunity.

Sincerely,

*Joel C. Reed*  
Joel C. Reed

**Key Largo**  
Tavernier, FL 33070  
Phone: 305-393-5413

**Marathon**  
3000 Overseas Highway  
Marathon, FL 33050  
Phone: 305-852-4852

**Key West**  
925 Truman Ave.  
Key West, FL 33040  
Phone: 305-296-8885

APPLICATION  
MONROE COUNTY  
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



**Request for a Major Deviation to a Conditional Use Permit**

After a conditional use permit has been issued, certain adjustments may be approved as major deviations.

Major Deviation to a Conditional Use Permit Application Fee: \$1,768.00

Date of Submittal: 2 / 24 / 10  
Month Day Year

**Property Owner:**

Northstar Resort Enterprises Corp.

Name

4775 Collins Ave., Apt. 4003

Miami Beach, FL 33140-5208

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

305.453.4521

Daytime Phone

Email Address

**Agent (if applicable):**

Solaria Design & Consulting Co.

Name

3000 Overseas Hwy., Marathon, FL

33050

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

305.852.4852

Daytime Phone

joel@solariadesign.com

Email Address

Development Order / Resolution Number: \_\_\_\_\_ *Development Order P27-08 and  
Development Agreement; Monroe County and Northstar Resort Enterprises Corp.* \_\_\_\_\_

**Applicant on Conditional Use Application:**

Northstar Resort Enterprises Corp.

Name

4775 Collins Ave., Apt. 4003, Miami Beach, FL 33140-5208

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

305.453.4521

Daytime Phone

Email Address

APPLICATION

Legal Description of Property:

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

6-61-40 Island of Key Largo, PT Lots 5, 12, & 13 Largo

Block Lot Subdivision Key
00083970-000000 & 00083971-000000 1092631 & 9091107

Real Estate (RE) Number Alternate Key Number
106003 Overseas Hwy 106

Street Address (Street, City, State, Zip Code) Approximate Mile Marker

Major deviations: If the holder of an approved conditional use wishes to make an adjustment to the approval that is not a minor deviation, approval of the planning commission in accordance with the provisions of MCC §110-73(b)(5) must be obtained. If the director of planning finds that the development is not proceeding in substantial accordance with the approved plans or schedule or that it fails in any other respect to comply with the conditional use approval issued or any provision contained in this chapter, that director shall immediately notify the development review coordinator and the planning commission and may, if necessary for the protection of the public health, safety or welfare, notify the building official to issue a temporary order stopping any and all work on the development until such time as any noncompliance is cured. No action may be taken by the planning commission that effectively amends the conditional use approval except by way of the procedures set out in MCC §110-70

Please describe what the requested major deviation would allow. (If necessary, attach additional sheets)

PLEASE SEE ATTACHED DESCRIPTION

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 conditional use permit major deviation 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;
Copy of Signed Development Order or Resolution;
Copy of Approved Site Plan;
Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect (drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale). At a minimum, the site plan should include all of the information provided on the approved site plan as well as all requested adjustments. Areas to be adjusted should be marked with diagonal lines or otherwise clearly delineated.

APPLICATION

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

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

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

If for any reason the minor deviation application requires review and consideration by the Monroe County Planning Commission, additional fees, mailing labels and copies of all plans shall be required prior to item being scheduled for commission review

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: Joel C. Reed Date: ~~2/24/09~~ 2-24-2010

Sworn before me this 24 day of February, 2010



Karen Shotwell  
Notary Public  
My Commission Expires 4-24-2011

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

PREPARED BY:  
John M. Spottswood, Jr.  
Spottswood, Spottswood and Spottswood  
500 Fleming Street  
Key West, FL 33040

Please Return to: FRANK X. CASTORO, ESQ.  
2100 Hollywood Blvd.  
Hollywood, FL 33020

RCD May 30 2003 03:55PM  
DANNY L KOLHAGE, CLERK

Parcel ID Number:  
Grantee #1 TIN:  
Grantee #2 TIN:

DEED DOC STAMPS 31500.00  
05/30/2003 DEP CLK

# Warranty Deed

This Indenture, Made this 29<sup>th</sup> day of May, 2003 A.D. Between  
SH 3, LTD., a Florida limited partnership

of the County of **Monroe**, State of **Florida**, grantor, and  
**NORTHSTAR RESORT ENTERPRISES CORP.**, a corporation existing under the  
laws of the State of Florida  
whose address is: **9261 S.W. 140th Street, Miami, FL 33176**

of the County of **Miami-Dade**, State of **Florida**, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS,  
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has  
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,  
lying and being in the County of **Monroe** State of **Florida** to wit:

All that part of Lots 5, 12 and 13, in Section 6, Township 61 South,  
Range 40 East, which is West of a line beginning at a point on the  
center of the South boundary of Lot 13, and extending straight through  
the center of Lots 13 and 12 and through Lot 5 of the southeast side  
of Monroe County Road; all said land being on the South side of the  
Florida East Coast Railroad Right-of-Way, according to the Plat  
thereof as recorded in Plat Book 1, at Page 68, of the Public Records  
of Monroe County, Florida.

### AND ALSO:

A portion of Lots 12 and 13, Section 6, Township 61 South, Range 40  
East, according to survey made by P.F. Jenkins and recorded in Plat  
Book 1, Page 68 of the Public Records of Monroe County, Florida and  
being more particularly described as follows:  
Commence at the Southeast corner of said Lot 13; thence in a Westerly  
direction along the South boundary line of said Lot 13, South 89  
degrees 04'38" West, a distance of 331.48 feet; thence North 00  
degrees 40'47" West, a distance of 381.69 feet to a point of

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

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

Signed, sealed and delivered in our presence:

SH 3, LTD., a Florida limited  
partnership  
By: SH 3, INC., a Florida  
corporation, GENERAL PARTNER

Shelley F. Polcher  
Printed Name: Shelley F. Polcher  
Witness

By: Robert A. Spottswood (Seal)  
ROBERT A. SPOTTSWOOD, President  
P.O. Address: 506 Fleming Street, Key West, FL 33040

Robin R. GEDMIN  
Printed Name: ROBIN R. GEDMIN  
Witness

STATE OF **Florida**  
COUNTY OF **Monroe**

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of May, 2003 by  
**ROBERT A. SPOTTSWOOD**, President of **SH 3, INC.**, a Florida corporation  
and a general partner of **SH 3, LTD.**, a Florida limited partnership, on  
behalf of the corporation and the partnership  
he is personally known to me or he has produced his Florida driver's license as identification.

Robin R. GEDMIN  
Printed Name: Robin R. GEDMIN  
Notary Public  
My Commission Expires April 1, 2007  
BONDED THROUGH FARM INSURANCE, INC.

**Warranty Deed - Page 2**

Parcel ID Number:

FILE #1373136  
BK#1892 PG#1785

beginning; thence continue North 00 degrees 40'47" West, a distance of 1033.82 feet; thence North 89 degrees 19'13" East, a distance of 17.00 feet; thence South 00 degrees 40'47" East, a distance of 901.27 feet; thence North 89 degrees 19'13" East, a distance of 8.00 feet; thence South 00 degrees 40'47" East, a distance of 132.55 feet; thence South 89 degrees 19'13" West, a distance of 25.00 feet to the Point of Beginning.

Subject to conditions, limitations, restrictions and easements of record and taxes for the year 2003 and subsequent years.

MONROE COUNTY  
OFFICIAL RECORDS

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

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

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## Property Record View

**Alternate Key: 1092631 Parcel ID: 00083970-000000**

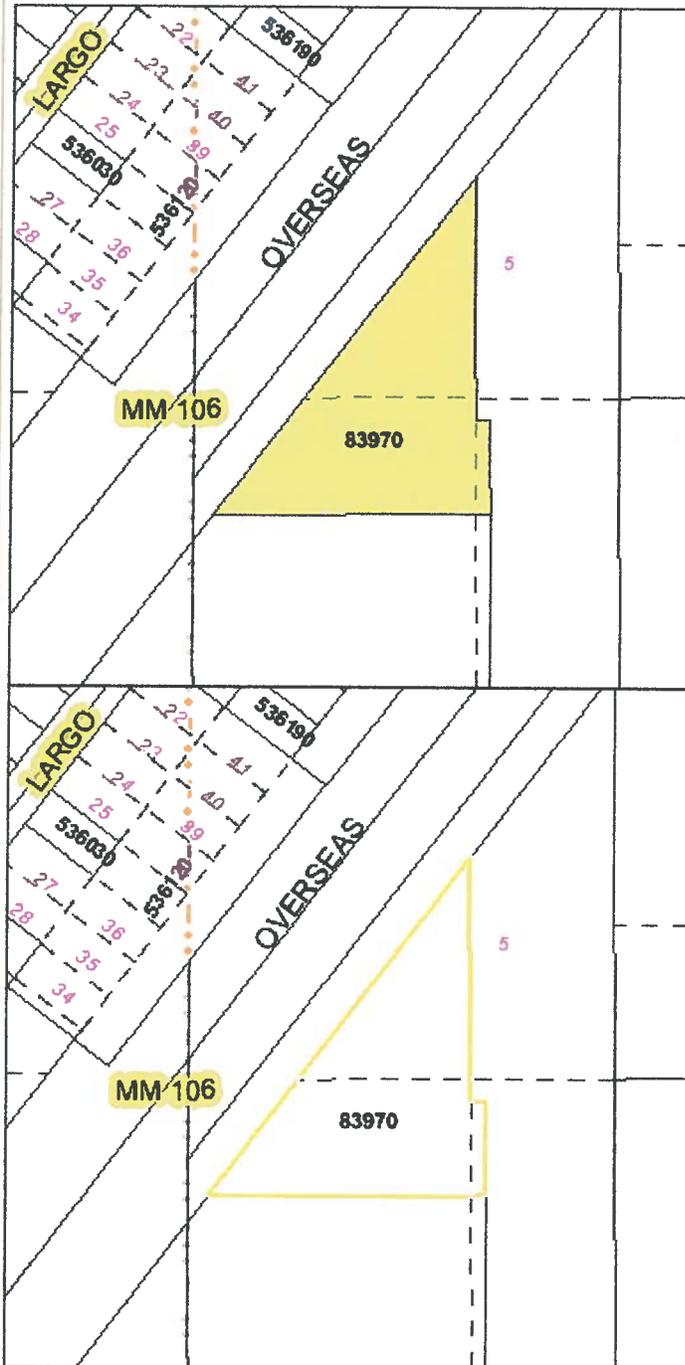
### Ownership Details

**Mailing Address:**  
NORTHSTAR RESORT ENTERPRISES CORP  
4775 COLLINS AVE  
APT 4003  
MIAMI BEACH, FL 33140-5208

### Property Details

**PC Code:** 28 - PARKING LOTS, MOBILE HOME PARKS  
**Millage Group:** 500K  
**Affordable Housing:** No  
**Section-Township-Range:** 06-61-40  
**Property Location:** 106003 OVERSEAS HWY UNIT: 139 KEY LARGO  
**Legal Description:** 6-61-40 ISLAND OF KEY LARGO PT LOTS 5 AND 12 OR463-879 OR735-585 OR735-586-589 OR1014-2340 OR1175-2027/30AMFJ OR1180-1670/71CT OR1220-952/53 OR1328-935/36 OR1330-833 OR1479-961/62 OR1635-1522 OR1806-610/11 OR1892-1784/85 OR2388-544/49(RESNO P27-08)

**Parcel Map**



**Land Details**

Land Use Code	Frontage	Depth	Land Area
02RV - REC VEHICLE PARK	0		1.43 AC

**Building Summary**

Number of Buildings: 1  
 Number of Commercial Buildings: 1

Total Living Area: 1329  
Year Built: 1973

### Building 1 Details

Building Type  
Effective Age 71  
Year Built 1973  
Functional Obs 0

Condition A  
Perimeter 192  
Special Arch 0  
Economic Obs 0

Quality Grade 50  
Depreciation % 60  
Gmd Floor Area 1,329

**Inclusions:**

Roof Type  
Heat 1  
Heat Src 1

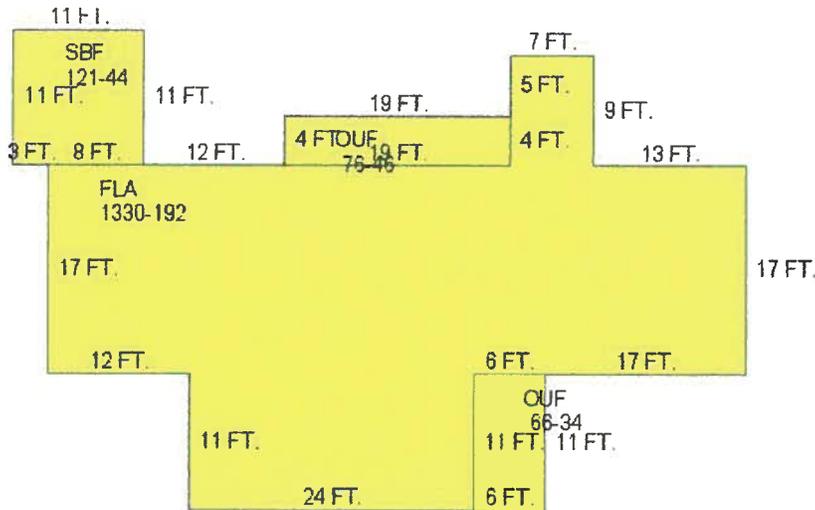
Roof Cover  
Heat 2  
Heat Src 2

Foundation  
Bedrooms 0

**Extra Features:**

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

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



**Sections:**

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1938					1,329
2	OUF		1	1938					76
3	OUF		1	1938					66
4	SBF		1	1938					121

**Interior Finish:**

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	6534	OFF BLDG-1 STY-B	100	N	Y
	6535	OUF	100	N	N
	6536	OUF	100	N	N
	6537	SBF	100	N	N

**Exterior Wall:**

Interior Finish Nbr	Type	Area %
1808	C.B.S.	100

**Misc Improvement Details**

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	PO6:COMM POOL	800 SF	0	0	1973	1974	3	50
3	PT3:PATIO	1,288 SF	0	0	1973	1974	2	50
4	CL2:CH LINK FENCE	800 SF	200	4	1973	1974	2	30
6	AP2:ASPHALT PAVING	8,400 SF	0	0	1992	1993	2	25
7	PT3:PATIO	400 SF	20	20	1992	1993	2	50
8	HT2:HOT TUB	1 UT	0	0	1992	1993	5	50
9	WF2:WATER FEATURE	1 UT	0	0	1992	1993	2	20

**Appraiser Notes**

INCORRECT LAND VALUE KEYED FOR 2005 ROLL. DOR AUDIT PARCEL . CORRECTION TO TAX ROLL FOR 2005 ROLL.

FOR THE 2008 TAX ROLL PT LOTS 12 AND 13 HAS BEEN SPLIT OUT FROM THIS PARCEL TO A NEW PARCEL THAT HAS BEEN CREATED PARCEL NUMBER 00083971-000000 AK 9091107 PER SURVEY PARCEL A AND PT PARCEL 2 PER OWNER'S REQUESTED.

OR 2388-544 - REDEVELOPMENT PLAN TO CONSTRUCT LAKEVIEW GARDENS 110 DEED REST AFFORDABLE HOUSING DWELLING UNITS 13 MARKET RATE DWELLINGS AND 1 COMMUNITY CENTER

2003/02/04 FLORIDA KEYS R.V. RESORT MM106 139 R.V. SITES . BA 8865996 - FL KEYS RV RESORT (LETTERS B-L IDENTIFY PHOTOS) BLDG 1 - OFFICE 1973 BLDG 2 - CAMP BUILDING 1973 BLDG 3 - MEDAL MOBILE HOME 1972 BLDG 4 - INTL MOBILE HOME 1964 BLDG 5- LAYT MOBILE HOME 1993 (PHOTO F) BLDG 6 - LAYTON MOBILE HOME 1981, BELONGS TO OWNER (PHOTO K) BLDG 7 - 1973, 12 X 56, (MOBILE HOME USED AS STORAGE, LISTED IN MISC IMPROVEMENTS UB2 GRADE 3) BLDG 8 - PROWLER MOBILE HOME, 1987, 8 X 16 (PHOTO B) BLDG 9 - LASA MOBILE HOME, 1974, 8 X 16 (PHOTO C) BLDG 10 - ANDE MOBILE HOME, 1955, 6 X 24 (PHOTO D) BLDG 11 - SPORT MOBILE HOME, 1993 8 X 16 (PHOTO E) BLDG 12 - WILD MOBILE HOME, 1993, 8 X 16 (PHOTO G) BLDG 13 - COACH MOBILE HOME, 1990, 8 X 16 (PHOTO H) BLDG 14 - ROYA MOBILE HOME, 1970, 12 X 20 (PHOTO I) BLDG 15 - INTL MOBILE HOME, 1984, 12 X 56 (PHOTO J) BLDG 16 - PROWLER MOBILE HOME, 1987, 8 X 16 (PHOTO L)

**Building Permits**

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
09302439	06/26/2009		1		CHAIN LINK FENCE
08302104	07/13/2009		1	DEMO EXISTING CBS BLDG, TRAILER AND DRIVEWAY	

**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
2009	150,864	58,290	1,072,500	3,641,278	3,641,278	0	3,641,278
2008	150,864	58,714	714,000	3,451,483	3,451,483	0	3,451,483
2007	351,747	75,768	5,025,125	3,451,483	3,451,483	0	3,451,483
2006	356,604	77,147	5,025,125	5,458,876	5,458,876	0	5,458,876
2005	360,178	78,571	4,221,125	4,659,874	4,659,874	0	4,659,874
2004	362,412	80,729	3,641,994	4,085,135	4,085,135	0	4,085,135
2003	1,322,546	84,579	1,859,375	3,266,500	3,266,500	0	3,266,500
2002	162,203	79,212	1,859,375	2,100,790	2,100,790	0	2,100,790
2001	158,686	82,729	1,859,375	2,100,790	2,100,790	0	2,100,790
2000	512,818	37,658	784,025	1,334,501	1,334,501	0	1,334,501
1999	511,269	39,207	784,025	1,334,501	1,334,501	0	1,334,501
1998	509,712	40,764	784,025	1,334,501	1,334,501	0	1,334,501
1997	244,977	42,351	784,025	1,071,353	1,071,353	0	1,071,353
1996	243,422	43,906	784,025	1,071,353	1,071,353	0	1,071,353
1995	503,177	45,457	784,025	1,332,659	1,332,659	0	1,332,659
1994	126,161	35,741	784,025	945,927	945,927	0	945,927
1993	500,675	29,023	653,375	1,183,073	1,183,073	0	1,183,073
1992	499,744	29,954	653,375	1,183,073	1,183,073	0	1,183,073
1991	498,755	30,943	653,375	1,183,073	1,183,073	0	1,183,073
1990	497,796	31,902	653,375	1,183,073	1,183,073	0	1,183,073
1989	496,843	32,855	653,375	1,183,073	1,183,073	0	1,183,073
1988	84,434	26,270	653,263	763,967	763,967	0	763,967
1987	82,505	24,514	512,925	619,944	619,944	0	619,944
1986	120,243	25,181	452,000	597,424	597,424	0	597,424
1985	128,555	25,849	347,950	502,354	502,354	0	502,354
1984	76,293	26,523	347,950	450,766	450,766	0	450,766
1983	76,293	27,190	347,950	451,433	451,433	0	451,433
1982	62,852	24,950	347,950	435,752	435,752	0	435,752

**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
5/29/2003	1892 / 1784	4,500,000	WD	Q
5/30/2000	1635 / 1522	2,600,000	WD	Q
10/1/1997	1479 / 0961	1,800,000	WD	Q
10/1/1994	1328 / 0935	1,600,000	WD	Q
6/1/1992	1220 / 952	776,000	WD	U
6/1/1987	1014 / 2340	800,000	WD	U

10/1/1977	735 / 586	225,000	00	Q
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This page has been visited 221,444 times.

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

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

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

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## Property Record View

Alternate Key: 9091107 Parcel ID: 00083971-000000

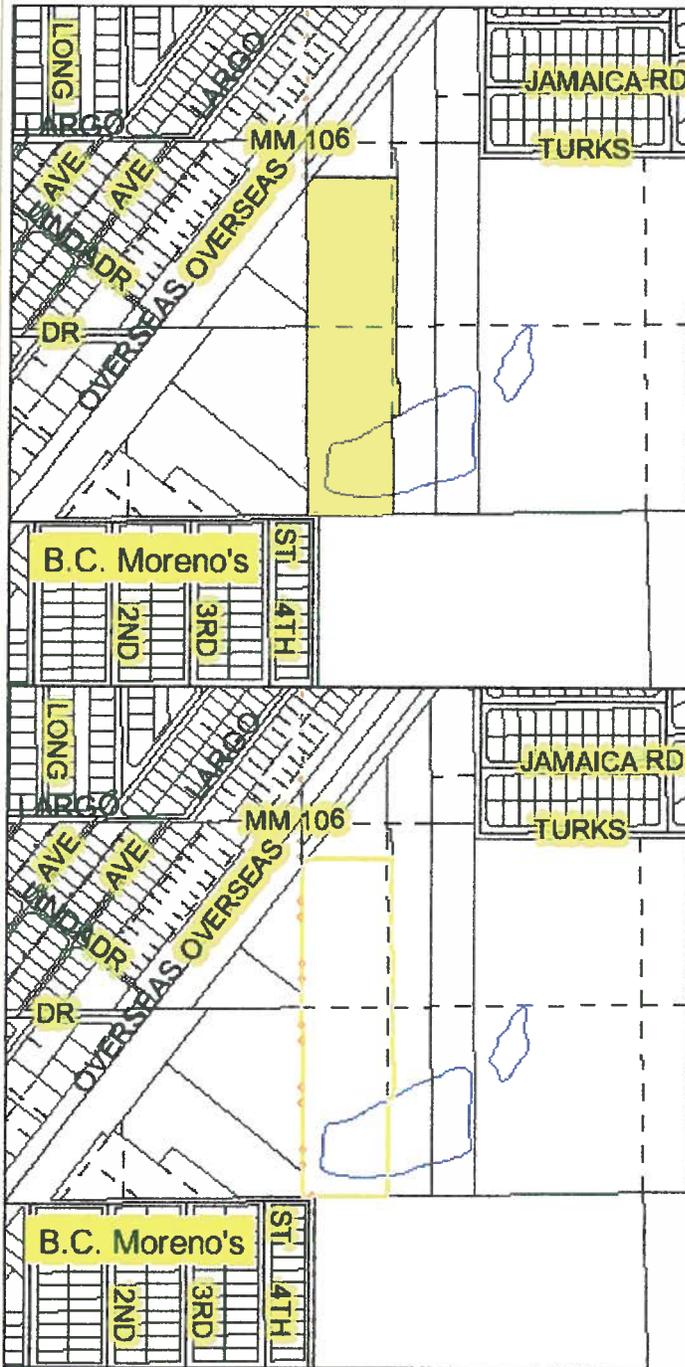
### Ownership Details

**Mailing Address:**  
NORTHSTAR RESORT ENTERPRISES CORP  
4775 COLLINS AVE  
APT 4003  
MIAMI BEACH, FL 33140-5208

### Property Details

PC Code: 28 - PARKING LOTS, MOBILE HOME PARKS  
Millage Group: 500K  
Affordable Housing: No  
Section-Township- 06-61-40  
Range:  
Property Location: OVERSEAS HWY KEY LARGO  
Legal 6-61-40 ISLAND OF KEY LARGO PT LOTS 12 AND 13 OR463-879 OR735-585 OR735-586/89 OR1014-2340  
Description: OR1175-2027/30AMFF/J OR1180-1670/71C/T OR1220-952/53 OR1328-935/36 OR1330-833 OR1479-961/62 OR1635-1522 OR1806-610/11 OR1892-1784/85 OR2388-544/49(RESNO P27-08)

**Parcel Map**



**Land Details**

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY			8.58 AC
000X - ENVIRONMENTALLY SENS			1.68 AC

### Building Summary

Number of Buildings: 6  
 Number of Commercial Buildings: 6  
 Total Living Area: 4847  
 Year Built: 1964

### Building 1 Details

Building Type  
 Effective Age 39  
 Year Built 1973  
 Functional Obs 0

Condition P  
 Perimeter 164  
 Special Arch 0  
 Economic Obs 0

Quality Grade 250  
 Depreciation % 50  
 Grnd Floor Area 1,067

**Inclusions:**

Roof Type  
 Heat 1  
 Heat Src 1

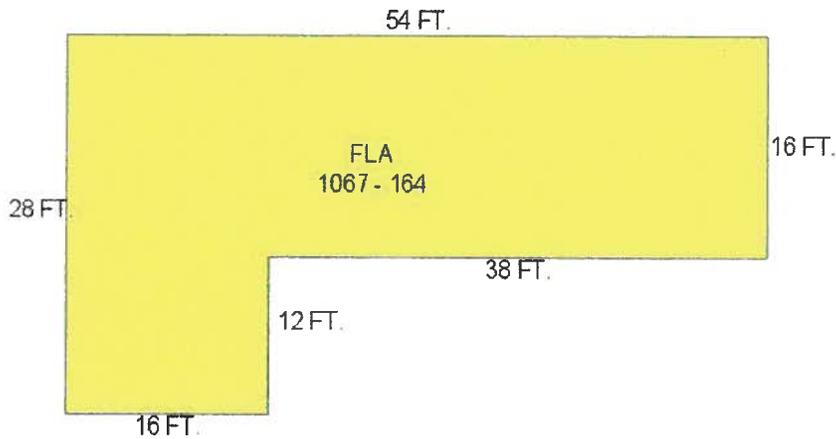
Roof Cover  
 Heat 2  
 Heat Src 2

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 23

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	FLA		1	1973					1,067

**Interior Finish:**

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		CAMP BLDG-D-	100	N	N

Exterior Wall:

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

### Building 2 Details

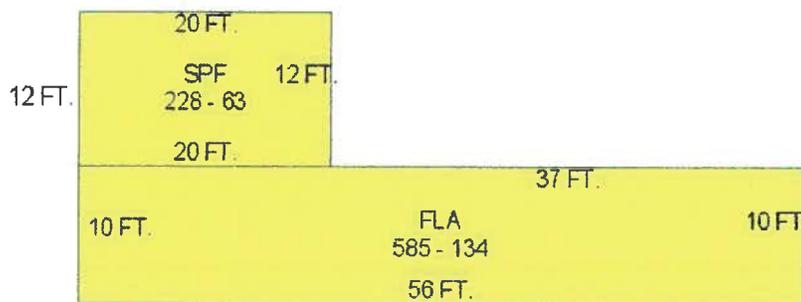
<b>Building Type</b>	<b>Condition P</b>	<b>Quality Grade</b> 200
Effective Age 49	Perimeter 134	Depreciation % 60
Year Built 1964	Special Arch 0	Grnd Floor Area 585
Functional Obs 0	Economic Obs 0	

Inclusions:

<b>Roof Type</b>	<b>Roof Cover</b>	<b>Foundation</b>
Heat 1	Heat 2	Bedrooms 0
Heat Src 1	Heat Src 2	

Extra Features:

2 Fix Bath 0	Vacuum 0
3 Fix Bath 0	Garbage Disposal 0
4 Fix Bath 0	Compactor 0
5 Fix Bath 0	Security 0
6 Fix Bath 0	Intercom 0
7 Fix Bath 0	Fireplaces 0
Extra Fix 8	Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
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0	FLA	1	1964	585
0	SPF	1	1964	228

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		CAMP BLDG-D-	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
	METAL SIDING	100

### Building 3 Details

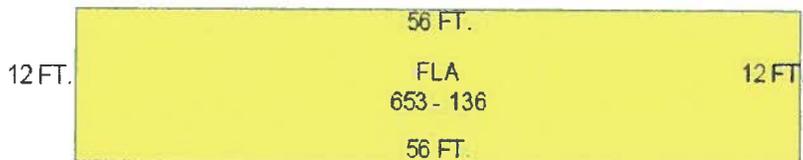
<b>Building Type</b>	<b>Condition P</b>	<b>Quality Grade 200</b>
Effective Age 49	Perimeter 136	Depreciation % 60
Year Built 1964	Special Arch 0	Grnd Floor Area 653
Functional Obs 0	Economic Obs 0	

Inclusions:

<b>Roof Type</b>	<b>Roof Cover</b>	<b>Foundation</b>
Heat 1	Heat 2	Bedrooms 0
Heat Src 1	Heat Src 2	

Extra Features:

2 Fix Bath 0	Vacuum 0
3 Fix Bath 0	Garbage Disposal 0
4 Fix Bath 0	Compactor 0
5 Fix Bath 0	Security 0
6 Fix Bath 0	Intercom 0
7 Fix Bath 0	Fireplaces 0
Extra Fix 8	Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
0	FLA		1	1964					653

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		CAMP BLDG-D-	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
	METAL SIDING	100

### Building 4 Details

Building Type  
 Effective Age 30  
 Year Built 1984  
 Functional Obs 0

Condition P  
 Perimeter 176  
 Special Arch 0  
 Economic Obs 0

Quality Grade 250  
 Depreciation % 38  
 Grnd Floor Area 1,548

Inclusions:

Roof Type  
 Heat 1  
 Heat Src 1

Roof Cover  
 Heat 2  
 Heat Src 2

Foundation  
 Bedrooms 0

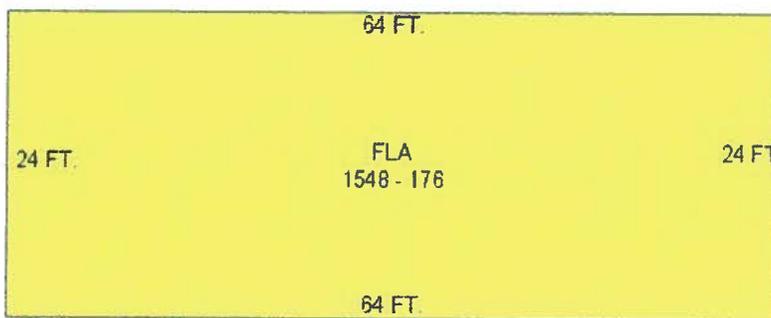
Extra Features:

2 Fix Bath 0  
 3 Fix Bath 0  
 4 Fix Bath 0  
 5 Fix Bath 0

Vacuum 0  
 Garbage Disposal 0  
 Compactor 0  
 Security 0

6 Fix Bath 0  
 7 Fix Bath 0  
 Extra Fix 10

Intercom 0  
 Fireplaces 0  
 Dishwasher 0



**Sections:**

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
0	FLA		1	1984					1,548

**Interior Finish:**

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		CAMP BLDG-D-	100	N	N

**Exterior Wall:**

Interior Finish Nbr	Type	Area %
	METAL SIDING	100

**Building 5 Details**

Building Type  
 Effective Age 34  
 Year Built 1981  
 Functional Obs 0

Condition P  
 Perimeter 88  
 Special Arch 0  
 Economic Obs 0

Quality Grade 200  
 Depreciation % 40  
 Grnd Floor Area 335

**Inclusions:**

Roof Type  
 Heat 1  
 Heat Src 1

Roof Cover  
 Heat 2  
 Heat Src 2

Foundation  
 Bedrooms 0

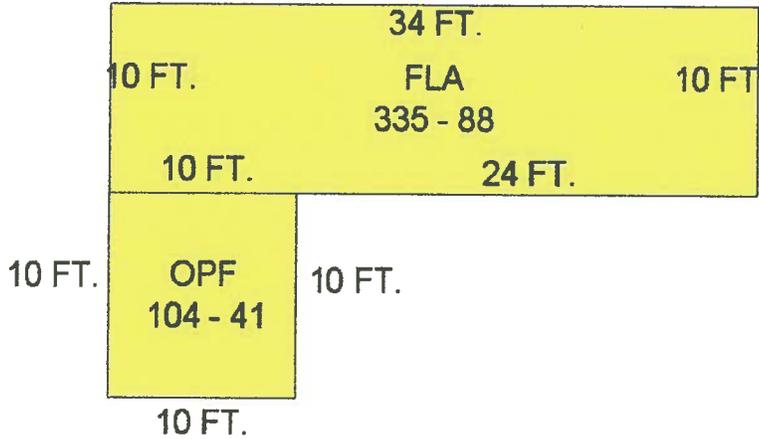
**Extra Features:**

2 Fix Bath 0

Vacuum 0

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

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	OPF		1	1981					104
0	FLA		1	1981					335

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		CAMP BLDG-D-	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
	METAL SIDING	100

### Building 6 Details

Building Type  
 Effective Age 29  
 Year Built 1984  
 Functional Obs 0

Condition P  
 Perimeter 135  
 Special Arch 0  
 Economic Obs 0

Quality Grade 250  
 Depreciation % 38  
 Grnd Floor Area 659

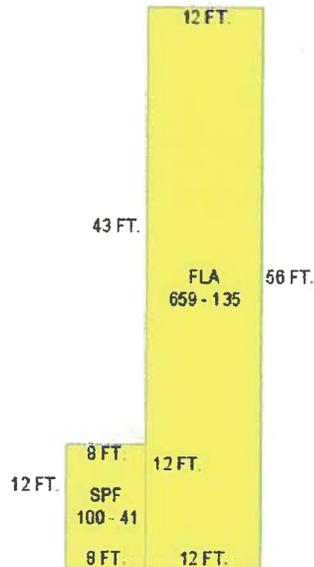
Inclusions:

Roof Type

Roof Cover

Foundation

Heat 1 Heat Src 1	Heat 2 Heat Src 2	Bedrooms 0
<b>Extra Features:</b>		
2 Fix Bath 0		Vacuum 0
3 Fix Bath 0		Garbage Disposal 0
4 Fix Bath 0		Compactor 0
5 Fix Bath 0		Security 0
6 Fix Bath 0		Intercom 0
7 Fix Bath 0		Fireplaces 0
Extra Fix 8		Dishwasher 0



**Sections:**

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
0	SPF		1	1984					100
0	FLA		1	1984					659

**Interior Finish:**

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		CAMP BLDG-D-	100	N	N

**Exterior Wall:**

Interior Finish Nbr	Type	Area %
	METAL SIDING	100

**Misc Improvement Details**

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
0	UB2:UTILITY BLDG	96 SF	12	8	1979	1980	1	50

0	PT3:PATIO	600 SF	0	0	1973	1974	1	50
0	WD2:WOOD DECK	200 SF	10	20	1979	1982	2	40
0	WD2:WOOD DECK	200 SF	10	20	1979	1980	2	40
0	WD2:WOOD DECK	200 SF	10	20	1979	1980	2	40
0	CC2:COM CANOPY	192 SF	24	8	1997	1998	2	40
0	AC2:WALL AIR COND	3 UT	0	0	1984	1985	2	20
0	AP2:ASPHALT PAVING	14,000 SF	0	0	1992	1993	2	25

### Appraiser Notes

FOR THE 2008 TAX ROLL PT LOTS 12 AND 13 HAS BEEN SPLIT OUT OF PARCEL 00083970-000000 AK 1092361 PER OWNER'S REQUEST PER SURVEY PARCEL 1 AND PT PARCEL 2.

### 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
2009	173,122	19,290	1,717,168	533,121	533,121	0	533,121
2008	180,283	19,377	2,146,418	2,346,078	2,346,078	0	2,346,078

### Parcel Sales History

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

There are no sales to display for this parcel.

This page has been visited 221,480 times.

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



Doc# 1718205 11/12/2008 9:37AM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

Doc# 1718205  
Bk# 2388 Pg# 544

**MONROE COUNTY, FLORIDA  
PLANNING COMMISSION RESOLUTION NO. P27-08**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING THE REQUEST BY NORTHSTAR RESORT ENTERPRISES CORP. FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE PERMIT IN ORDER TO CONSTRUCT LAKEVIEW GARDENS, A DEVELOPMENT CONSISTING OF ONE HUNDRED TEN (110) DEED-RESTRICTED AFFORDABLE EMPLOYEE HOUSING DWELLING UNITS, THIRTEEN (13) MARKET-RATE DWELLING UNITS, ONE (1) COMMUNITY CENTER BUILDING AND OTHER ACCESSORY DEVELOPMENT, AT PROPERTY LEGALLY DESCRIBED AS ISLAND OF KEY LARGO SUBDIVISION, PART LOTS 5, 12 AND 13, SECTION 6, TOWNSHIP 61 SOUTH, RANGE 40 EAST, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00083970.000000 & 00083971.000000.

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**WHEREAS**, during a regularly scheduled public meeting held on February 5, 2008, the Monroe County Planning Commission conducted a review and consideration of a request by Reed & Company Development Services Inc., on behalf of Northstar Resort Enterprises Corp., for an amendment to a major conditional use permit in order to redevelop the subject property, which shall be known as Lakeview Gardens and was formerly known as Florida Keys RV Park and the Happy Vagabond, in accordance with §9.5-69 and §9.5-235 of the Monroe County Code; and

**WHEREAS**, the subject property is located at 106003 US Highway 1 (Overseas Highway) on Key Largo, approximate Mile Marker 106 (oceanside), and is legally described as Island of Key Largo subdivision, Part Lots 5, 12 and 13, Key Largo, Monroe County, Florida, currently having real estate numbers 00083970.000000 and 00083971.000000; and

**WHEREAS**, the redevelopment plan includes the construction of one hundred ten (110) deed-restricted affordable employee housing dwelling units, thirteen (13) market-rate dwelling units, one (1) community center building and other accessory development and the carrying out several other associated site improvements; and

**WHEREAS**, the amendment to a major conditional use permit approved under this resolution was contingent on the approval of a development agreement between the County and the property owner/developer, as conditioned by the Planning Commission at the February 5, 2008 public meeting; and

**WHEREAS**, a development agreement was entered into between the Board of County Commissioners of Monroe County and Northstar Resorts Enterprises, Inc. concerning the redevelopment of the subject property as set forth in this resolution. The development agreement was approved by the Board on March 19, 2008, filed and recorded on April 1, 2008, and, after passing its appeal periods, became effective on May 12, 2008. The development agreement is filed and recorded with the Monroe County Clerk of the Circuit Court as Document no. 1688538, Book no. 2352, Page no. 2310; and

**WHEREAS**, the Planning Commission reviewed the following documents and other information relevant to the request (the site plans and floor plans updated and sealed after the Board of County Commissioners approval of the Development Agreement), which by reference are hereby incorporated as part of the record of said hearing:

1. Major conditional use permit application received by the Monroe County Planning & Environmental Resources Department on May 23, 2007;
2. Development Agreement of Board of County Commissioners of Monroe County and Northstar Resorts Enterprises, Inc., recorded April 1, 2008;
3. Site Plan – Phase I (A-1) by Robert Barnes & Associates, sealed July 3, 2008;
4. Site Plan – Phase II (A-2) by Robert Barnes & Associates, sealed July 3, 2008;
5. Site Plan – Phase III (A-3) by Robert Barnes & Associates, sealed July 3, 2008;
6. Site Plan – Phase IV (A-4) by Robert Barnes & Associates, sealed July 3, 2008;
7. Site Plan – Phase V (A-5) by Robert Barnes & Associates, sealed July 3, 2008;
8. Floor Plans / Elevations Building A (A-2 & A-3) by Robert Barnes & Associates, dated July 2, 2008 and sealed July 3, 2008;
9. Floor Plans / Elevations Building B (A-2 & A-3) by Robert Barnes & Associates, dated July 2, 2008 and sealed July 3, 2008;
10. Floor Plans / Elevations Building C (A-2 & A-3) by Robert Barnes & Associates, dated July 2, 2008 and sealed July 3, 2008;
11. Floor Plans / Elevations Building D (A-2 & A-3) by Robert Barnes & Associates, dated July 2, 2008 and sealed July 3, 2008;
12. Floor Plan / Elevations Building E (A-2) by Robert Barnes & Associates, dated July 2, 2008 and sealed July 3, 2008;
13. Floor Plans / Elevations Building F (A-2 & A-3) by Robert Barnes & Associates, dated July 2, 2008 and sealed July 3, 2008;
14. Floor Plans / Elevations Building G (A-2 & A-3) by Robert Barnes & Associates, dated July 2, 2008 and sealed July 3, 2008;
15. Floor Plans / Elevations Building H (A-2 & A-3) by Robert Barnes & Associates, dated July 2, 2008 and sealed July 3, 2008;
16. Landscape Plan (LP) by Keys Engineering Services, dated / sealed July 14, 2007; and
17. Storm Water Management Plan (SW-1) by Keys Engineering Service, sealed June 7, 2007;

**Doc# 1718208  
Bk# 2388 P# 545**

18. Boundary Survey by Task Surveyors, dated February 24, 2004, and last revised October 14, 2006;
19. Level III Traffic Study by Transport Analysis Professionals, dated January 2007;
20. Staff report prepared by Julianne Thomas, Planner, dated January 31, 2008;
21. Sworn testimony of Monroe County Planning & Environmental Resources Department Staff;
22. Sworn testimony of the Applicant and the general public;
23. Advice and counsel of Susan Grimsley, Assistant County Attorney, and John Wolfe, Planning Commission Counsel; and

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

1. The Future Land Use Map (FLUM) designations of the subject property are Mixed Use / Commercial (MC), Residential Low (RL) and Residential Conservation (RC). The development shall take place entirely on the portion of the site designated as Mixed Use / Commercial (MC). Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan states that the principal purpose of the Mixed Use / Commercial (MC) land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted. This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited; and
2. The land use district designations of the subject property are Sub Urban Commercial (SC), Sub Urban Residential (SR) and Native Area (NA). The development shall take place entirely on the portion of the site designated as Sub Urban Commercial (SC). Pursuant to §9.5-206 of the Monroe County Code, the purpose of the SC District is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located; and
3. The tier map overlay designation of the subject property is Tier 3; and
4. Pursuant to §9.5-235 of the Monroe County Code, in the Sub Urban Commercial (SC) District, the development shall require major conditional use permit approval; and
5. §9.5-65 of the Monroe County Code provides the standards which are applicable to all conditional uses. When considering applications for a conditional use permit, the Planning Commission shall consider the extent to which:

**Doc# 1719205  
Bk# 2388 Pg# 546**

- (a) The conditional use is consistent with the purposes, goals, objectives and standards of the Monroe County Year 2010 Comprehensive Plan and Monroe County Code; and
  - (b) The conditional use is consistent with the community character of the immediate vicinity of the parcel proposed for development; and
  - (c) The design of the proposed development minimizes adverse effects, including visual impacts, or the proposed use on adjacent properties; and
  - (d) The proposed use will have an adverse effect on the value of surrounding properties; and
  - (e) The adequacy of public facilities and services, including but not limited to roadways, park facilities, police and fire protection, hospital and Medicare services, disaster preparedness program, drainage systems, refuse disposal, water and sewers, judged according to standards from and specifically modified by the public facilities capital improvements adopted in the annual report required by the Monroe County Code; and
  - (f) The Applicant for conditional use approval has the financial and technical capacity to complete the development as proposed and has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development; and
  - (g) The development will adversely affect a known archaeological, historical or cultural resource; and
  - (h) Public access to public beaches and other waterfront areas is preserved as a part of the proposed development; and
  - (i) The proposed use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use and by all other applicable requirements of the Monroe County Code; and
6. Developments requiring a major conditional use permit shall be consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and
  7. A development agreement was entered into between the Board of County Commissioners of Monroe County and Northstar Resorts Enterprises, Inc. concerning the redevelopment of the subject property as set forth in this resolution; and
  8. Planning & Environmental Resources Department staff found that the applicant has demonstrated that all of the required standards shall be met and recommended approval of the amendment to a major conditional use permit application with conditions; and

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

1. The amendment to a major conditional use permit request is consistent with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan.

**Doc# 1719205  
Bk# 2388 Pg# 547**

- a. The redevelopment is consistent with the purpose of the Mixed Use / Commercial (MC) future land use category, as set forth in Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan; and
2. The amendment to a major conditional use permit request is consistent with the provisions and intent of Chapter 9.5 of the Monroe County Code.
  - a. The redevelopment is consistent with the purpose of the Sub Urban Commercial (SC) District designation, as set forth in §9.5-206 of the Monroe County Code.
  - b. The land uses of the redevelopment are permitted uses in the Sub Urban Commercial (SC) District, as set forth in §9.5-235 of the Monroe County Code.
  - c. The redevelopment shall meet all of the standards for a conditional use permit as set forth in §9.5-65 of the Monroe County Code; and
3. The amendment to a major conditional use permit request is consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and
4. The amendment to a major conditional use permit request is consistent with the development agreement that was entered into between the Board of County Commissioners of Monroe County and Northstar Resorts Enterprises, Inc.; and

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

1. Prior to the issuance of a building permit, the proposed development and buildings shall be found in compliance by the Monroe County Building Department, the Monroe County Floodplain Administrator, the Monroe County Engineer and the Monroe County Office of the Fire Marshal.
2. Prior to the issuance of more than one hundred (100) Certificates of Occupancy, the applicant shall provide a) a letter from the Key Largo Wastewater Treatment District stating that the site has been connected with sanitary sewer and can support all of the dwelling units or b) a letter from the Florida Department of Health stating that the wastewater treatment plant has been updated and improved and can accommodate the additional units.
3. All provisions and requirements set forth in the development agreement between the Board of County Commissioners of Monroe County and Northstar Resorts Enterprises, Inc., as filed and recorded on April 1, 2008, shall be met.

**Doc# 1719205  
Bkn 2388 Pgn 548**

4. All of the employee housing units shall be deed restricted as affordable employee housing units as set forth in §9.5-266 of the Monroe County Code. Occupants of the employee housing units must meet all requirements for occupancy of employee housing and affordable housing as set forth in the Monroe County Code.

**PASSED AND ADOPTED BY THE PLANNING COMMISSION** of Monroe County, Florida, at a regular meeting held on the 5<sup>th</sup> day of February, 2008.

Chair Wall	<u>YES</u>
Vice-Chair Cameron	<u>YES</u>
Commissioner Marston	<u>YES</u>
Commissioner Popham	<u>YES</u>
Commissioner Windle	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY *Randolph D. Wall*  
Randolph D. Wall, Chair

Signed this 7-31-08 day of \_\_\_\_\_, 2008.

Doc# 1719205  
Bkn 2388 Pgn 549

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY *[Signature]*  
Attorney's Office

AGENT AUTHORIZATION FORM

FOR: Keys Lake Villas  
Formerly Lakeview Gardens  
106003 Overseas Hwy  
Key Largo, FL 33037

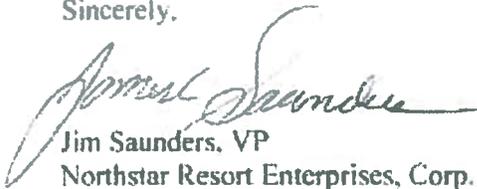
Owner: Northstar Resort Enterprises Corporation  
102901 Overseas Hwy  
Key Largo, FL 33037

Please be advised that this letter will certify that Joel C. Reed, VP of SOLARIA Design & Consulting Co., will act as agent on behalf of Northstar Resort Enterprises Corp., in order to assist with application submissions and retrievals of all documents pertaining to the above described site/project.

Joel C. Reed will be the contact person on the project and will acquire any additional information that the County is requesting from all professionals involved. Please refer to him for, but not limited to, any inquiries, request for additional information, phone conversations, etc. He may be reached at 3000 Overseas Hwy, Marathon, FL 33050 or by phone at 305-852-4852 (Office) or 305-393-5413 (Cell).

If there is anything else you require regarding this letter please do not hesitate to contact me at the above listed address and/or phone number. Thank you for your time in this matter.

Sincerely,

  
Jim Saunders, VP  
Northstar Resort Enterprises, Corp.

SWORN TO AND SUBSCRIBED before me this 8 day of March 2010.  
By JIM SAUNDERS who is personally known  
To me or who produced \_\_\_\_\_ as identification, and  
who did not take an oath.

SIGNATURE OF NOTARY   
PRINTED NAME VIRGINIA PENNELL



Prepared by:  
Reed & Company Development Services, Inc.  
89240 Overseas Highway, Suite 3  
Tavernier, FL 33070  
Phone: 305-852-4852

Doc# 1688538  
Bkn 2352 Pgn 2310

**DEVELOPMENT AGREEMENT BETWEEN BOARD OF  
COUNTY COMMISSIONERS OF MONROE COUNTY,  
FLORIDA AND NORTHSTAR RESORTS ENTERPRISES,  
INC.**

**THIS AGREEMENT** is made and entered into as of this **19th** day of **March, 2008**, by and between the **BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA** ("Board" or "County"), and **NORTHSTAR RESORTS ENTERPRISES, INC.**, a Florida Corporation ("Developer").

**Recitals**

**WHEREAS**, the Board and the Developer recognize the following:

A. This agreement is entered into in accordance with the Florida Local Government Development Agreement Act, 163.3220-163.3243, Florida Statutes ("Act").

B. The Developer is the owner of certain real property located in Monroe County, Florida, and described in the attached Exhibit "A", currently referred to as Lakeview Gardens ("Lakeview Gardens"), and previously known as Florida Keys RV Resort, Barefoot Key RV Resort and Happy Vagabond. The site is comprised of some 11.68 acres of which approximately 10.24 acres are upland with a 1.44 lake. This site is currently developed with thirteen (13) market rate, Rate of Growth Ordinance (ROGO) exemptions established on the site in the form of mobile homes. The site was previously developed in addition to the 13 market rate units with 126 RV ROGO exempt spaces.

C. The Developer is also owner of certain real property located in Monroe County, Florida, and described in the attached Exhibit "B", currently referred to as Northstar Resorts, (the "Resort Site"), which is subject to approval P02-07 for the development of a 138 unit resort hotel, restaurant and accessory structures.

D. Resolution P55-03 by the Monroe County Planning Commission lawfully established one hundred twenty-six (126) Rate of Growth Ordinance (herein after referred to as "ROGO") exemptions from the Lakeview Gardens Site (MM 106) as eligible for transfer.

E. Resolution P56-03 by the Monroe County Planning Commission approved the request filed by Northstar Resort to receive seventy-seven (77) ROGO exemptions from the Lakeview Gardens site at the Resort Site.

F. Resolution P02-07 by the Monroe County Planning Commission approved the request filed by Northstar Resort Enterprises Corporation to receive forty-nine (49) transient transferable ROGO exemptions (TREs) from the Lakeview Gardens site at the Resort site. This resolution also identified the Lakeview Gardens as a linked site to the Resort site where fifteen (15) affordable housing units would be built prior to receiving a certificate of occupancy on any of the hotel units at the Resort Site.

G. Development Order #04-04 established forty-seven (47) ROGO exemptions at the Resort Site.

H. Development Order #05-04 approved Lakeview Gardens as a receiver site for the forty-seven (47) ROGO exemptions identified in Development Order #04-04.

I. There is limited land area suitable for residential development in the County.

J. There is an unmet need of 7,317 affordable housing units.

K. Even moderate income households (those earning from 120-160% of the County median income) are in need of affordable housing.

L. Due to state-imposed requirements related to hurricane evacuation standards, there are a limited number of residential building permits available on an annual basis.

M. The County faces an unprecedented number of applications for Administrative Relief and current market rate building permits applications with an insufficient amount of market rate permits available to satisfy the demand.

N. The County acts as an unbiased partner in the issuance of available Rate of Growth Ordinance ("ROGO") allocations.

O. Most of the recent awards of affordable ROGO allocations have been to Lower Keys affordable housing projects: i.e. Park Village (40 allocations); Islander Village (89 allocations); Overseas Redevelopment (49 allocations).

P. For funding approvals and other purposes Developer needs immediate verification of affordable ROGO dwelling unit allocation set asides in order to receive assurance of the County's commitment in order to proceed with the project.

Q. The County has amended land development regulations and created new approaches with incentives to encourage development of affordable housing, but which may not be applicable to this project.

R. This project will help to meet Goal 601 of the Monroe County Comprehensive Plan which states Monroe County shall adopt programs and policies to facilitate access by all current and future residents to adequate and affordable housing

that is safe, decent, and structurally sound, and that meets the needs of the population based on type, tenure characteristics, unit size and individual preferences.

S. Developer will develop 123 units of which 110 units will be designated as affordable employee housing units and 13 will be designated as market rate units, in addition to an accessory day care serving the residents of this development as well as a community club house.

T. The County will provide to the Developer 110 required affordable ROGO allocations. Developer will donate to the County the 47 market rate ROGO exemptions from the Northstar Resort parcel. The developer will use its 13 market rate ROGO exemptions to construct the 13 market rate units, without the need to apply for any additional market rate allocations. County will provide Developer with 91 Inclusionary Housing Tracking Certificates (IHTCs) to be used as credits to satisfy inclusionary requirements at future locations.

U. On May 23, 2007 an application for an amendment to a Major Conditional Use Application was filed with the Monroe County Planning Department for development of 123 residential units and accessory structures on the Lakeview Gardens site.

V. In order to foster comprehensive planning and to comply with Goal 601 of the Monroe County Comprehensive plan and to encourage the efficient use of resources, to reduce the economic cost of development, and to afford certainty in the approval of development, the Board and the Developer desire to establish by agreement the terms under with the Property may be developed.

W. On January 23, 2008 the Monroe County Planning Commission held the first public hearing on this Agreement. Notice of intent to consider this Agreement was provided in accordance with law. The item was heard and continued to the next Planning Commission public hearing date on February 5, 2008.

X. On March 19, 2008 the Board of County Commissioners held the second public hearing on this Agreement after providing notice in accordance with law.

**NOW THEREFORE**, in consideration of the mutual covenants entered into between the parties, and in consideration of the benefits to accrue to each, it is agreed to as follows:

1. Recitals.

The above recitals are true and correct and are incorporated herein and made a part hereof.

2. Purpose of Agreement.

The parties agree as follow:

- a. County shall reserve 110 affordable ROGO allocations for Developer to be built as affordable employee housing units, upon the effective date of this Agreement. One hundred and four (104) allocations shall be moderate affordable ROGO allocations and six (6) shall be low and very low allocations.
- b. County to issue 75 of the 110 reserved ROGO affordable allocations to developer upon the effective date of this Agreement.
- c. County shall issue the remaining 35 reserved ROGO affordable allocations on or before August 1, 2008.
- d. Developer to build 110 deed restricted affordable employee housing units to help meet the deficit of current and future affordable housing needs. All units shall be deed restricted as employee units, unless 2n below is applicable. Six (6) units shall be deed restricted for those meeting low and very low income standards.
- e. Developer shall retain all 13 market rate ROGO exemptions and shall rebuild the 13 market rate residential units on site as protected and provided by Chapter 9.5-268 of the Monroe County Code (MCC).
- f. Developer shall convert the existing 2,892 square feet of existing commercial floor area into a 1,558 square foot accessory club house and a 1,334 square foot accessory owner's day care.
- g. Developer shall donate to the County forty-seven (47) market rate ROGO exemptions from the Resort site as established by Development Order #04-04 upon the effective date of this Agreement for County's use.
- h. Developer shall receive Ninety-one (91) Inclusionary Housing Tracking Certificates (IHTCs) from the County that can be used to satisfy Inclusionary Housing requirements for future developments by Developer or others as outlined in Section 9.5-266 of the Monroe County Code (MCC) or for any other inclusionary affordable housing requirements which may be imposed in the future. Such certificates shall be provided by County to Developer upon issuance of a certificate of occupancy for each of the ninety-one (91) units. Tracking certificates shall survive the expiration or termination of the agreement.
- i. Ninety-One (91) of the affordable housing units are recognized as inclusionary housing unit credits to satisfy future projects in the upper keys sub area. This may include municipalities within the same sub area if there is an appropriate interlocal agreement pursuant to 9.5-266 of the Monroe County Code.
- j. This agreement constitutes approved linkage of the sender site and any receiver site(s) associated with these certificates and acts as a

covenant running in favor of Monroe County which shall not require further Board approval. The covenant running in favor of Monroe County will be tracked through the filing of the Inclusionary Housing Tracking Certificate (IHTC) certificate in the public record. The Developer, as holder of the certificates, shall provide a notarized document evidencing the transfer including: owner of project, project name, legal description, real estate number, number of units and numbered certificate being transferred.

- k. Fifteen (15) of the one hundred and ten (110) Affordable employee units serve to meet Resolution P02-07 in which Developer agreed to build fifteen (15) affordable units linked to the Resort site. Four (4) of the One Hundred and ten (110) units serve as inclusionary housing requirements for the thirteen (13) market rate units to be redeveloped on site. These units will not receive Inclusionary Housing Tracking Certificates and can not be linked with future projects.
- l. Developer will apply for building permits within 9 months of receipt of the initial 75 affordable ROGO allocations and receive certificates of occupancy on the first 75 units within 24 months of building permits being issued.
- m. Developer will apply for building permits within one (1) year of the receipt of the remaining 35 affordable ROGO allocations from the County and receive certificates of occupancy on the remaining 35 units within two (2) years of the building permits being issued.
- n. Developer will return to County any portion of the unused 110 affordable allocations not used by the dates as specified in "l", "m" and "q" unless Developer requests an extension of time within the term of this agreement, from the County, based on circumstances that have created undue hardship to Developer, at which time the timeframes as outlined may be extended by the County.
- o. Developer will not be held to additional designation of restricting the units to employee housing if prior to certificate of occupancy of any of the units a land development regulation occurs in which affordable housing units are added a permitted use without the further designation of employee. However, under no circumstances shall no less than nineteen (19) units be designated as affordable employee units.
- p. Ownership of affordable units may be by partnership, limited partnership, corporation, governmental entity, co-operative or similar types of ownership so long as the sales price and occupants of the subject units meet affordable guidelines as provided in the Monroe County Code.

- q. The Planning Director may grant a one time extension of six (6) months for building permit applications and construction deadlines as set forth in "l" and "m" above.

3. General Provisions.

a. Legal Description and Owner

The Lakeview Gardens property is described in Exhibit A attached hereto and made part hereof. Northstar Resort Enterprises Corporation, a Florida Corporation, is the legal and equitable title holder to the Lakeview Gardens site.

The Resort Site is described in Exhibit B attached hereto and made part hereof. Northstar Resort Enterprises Corporation, a Florida Corporation is the legal and equitable title holder to the Resort Site.

b. Duration.

This Agreement shall expire ten (10) years after the Effective Date provided in Provision 9, unless earlier terminated as provided in Provisions 5 and 6, or extended as provided in Provision 7.

c. Development Uses Proposed to be Permitted

(1) The development proposed on the Property includes 123 Residential units of which 110 of the units will be designated as affordable employee housing units and 13 will be market rate units. In addition the development includes a 1,558 square foot accessory club house and a 1,334 square foot accessory owners day care. All units proposed to be constructed have been designed to be under the 35 foot height restriction as outlined in Section 9.5-283 and all buildings have been designed to have finished floor elevations at or above those required per floodplain management sections 9.5-316 and 317. Furthermore all buildings have been designed with open porches, ceiling fans and energy efficient air-conditioning units and appliances to reduce energy use. Installation of native plant landscaping will reduce the requirements for water and maintenance.

(2) Section 9.5-266 (a)(1)(b.) of the Monroe County Code (MCC) permits the development of affordable and employee housing as defined in Section 9.5-4(A-5) and (E-1) on parcels of land classified as Suburban Commercial (SC) at an intensity up to a maximum net residential density of (18) dwelling units per acre.

Based on 9.88 acres of upland Suburban Commercial zoned land the site could support up to 142 affordable housing units.

(3) Section 9.5-268 of the MCC states that “notwithstanding the provisions of sections 9.5-262 and 9.5-263, the owners of land upon which a lawfully established dwelling unit or a mobile home...shall be entitled to one (1) dwelling unit for each such unit in existence. Such legally-established dwelling unit shall not be considered as a non-conforming use”. Therefore the replacement of the thirteen (13) market rate residential units is permitted.

(4) Owners club house and owners daycare are considered permitted accessory structures under Section 9.5-4 (A-2).

d. Description of Adequate Public facilities serving development.

(1) Roads - Based on the Level III Traffic study prepared by Transport Analysis Professionals (TRP) there are sufficient reserve trips on US 1 Segment 24 in which the project is located to handle the additional trips generated by the development.

(2) Solid Waste - As of June 2006, Waste Management Inc., reports a reserve capacity of approximately 26 million cubic yards at their Central Sanitary Landfill in Broward County, a volume sufficient to serve their clients for another seven (7) years. Monroe County has a contract with WMI authorizing use of in-state facilities through September 30, 2016, thereby providing the County with approximately ten years of guaranteed capacity. Ongoing modifications at the Central Sanitary Landfill are creating additional air space and years of life. In addition to this contract, the 90,000 cubic yard reserve at the County landfill on Cudjoe Key would be sufficient to handle the County's waste stream for an additional three years (at current tonnage levels). The combination of the existing haul-out contract and the space available at the Cudjoe Key landfill provides the County with sufficient capacity to accommodate all existing and approved development for up to thirteen years. (Source PFCA 2006)

(3) Potable Water - According to the 2006 PFCA there is are 132 gallons on average per day per person available with a maximum of 157 gallons per person per day. Based on an average household size of 2.26, 132 gallons per person per day would translate to 298 average gallons per household per day or a maximum of 354 (157 gallons per person per day X 2.26) gallons per person per day. A single family

home is expected to generate on average 350 gallons per day. Based on 110 units, since 13 of the units will be redevelopments, it is estimated that upon build out the project will require 38,500 (350 gpd X 110) additional gallons of water per day. The existing 13 units will continue to require 4,550 gallons of water per day. Therefore the entire site with existing and new units will require 43,050 gallons of water per day or 1,5713,250 gallons a year. A letter of coordination from Ed Nicolle, Florida Keys Aqueduct Authority, on March 29, 2007 signifies that there is a 6" water main located in front of the project and that it appears adequate to serve this project.

- (4) Fire Protection - A six inch water main provides adequate flow for fire protection
- (5) Florida Keys Electric Cooperative (FKEC) - FKEC has issued a letter of coordination stating there is sufficient capacity to service this project.
- (6) Wastewater - Department of Health estimates 100 gallons of wastewater per day per bedroom. Key Largo Waste Water Treatment District estimates 145 to 167 gallons of waste water per unit/per day. Based upon the number of bedrooms in the facility the site is estimated to generate 29,100 gallons of wastewater per day based on the more conservative estimate of 100 gallons per bedroom per day provided by the Health Department.

Currently the site has a DEP Package plant, permit #014733. The current plant can accommodate up to 100 residences with minor upgrades that will be permitted through the DEP. The package plant will continue to operate at the time until the site can be "hooked" up to the central sewer system which is operated by the Key Largo Waste Treatment District. Coordination Key Largo Waste Treatment district confirmed that the force main is in place running to the Key Largo treatment plant, however until the second plant is operational connection will not be available. KLWTD confirmed that by mid 2008 the plant would be operational and hook up available. Construction on Lakeview Gardens is anticipated to begin in the first quarter of 2008 which would bring the initial units on line by the end of 2008 which would coordinate with operation of the Key Largo waste treatment plant. However, if they are not prepared to handle the wastewater the DEP package plant will be online until such a time.

- (7) Schools - The Monroe County Land Development Regulations do not identify a numeric level of service standard for schools (such as 10 square feet of classroom space per student). Instead, Section 9.5-292 of the regulations requires classroom capacity "adequate" to accommodate the school-age children generated by proposed land development.

The School Board uses recommended capacities provided by the Florida Department of Education (FDOE) to determine each school's capacity. All schools have adequate reserve capacity to accommodate the impacts of the additional land development activities projected for 2005-2006 school year. The capacity runs approximately 93-95% of student stations which vary in number from elementary, middle and high school due to class size reduction. The class size reduction was a result of a state constitutional amendment setting limits for the maximum allowable number of student in a class by the start of the 2010-11 school year that was passed by Florida's voters in November 2002.

Enrollment figures for the 2004-2005 school year and projected enrollment figures for the 2005-2006 school year, show that none of the schools are expected to exceed their recommended capacity. School facility plans are based on enrollment projections 5 years out. And the utilization rate 5 years out is between 50 to 90 percent confirming adequate capacity. If utilization was projected to exceed one hundred percent then there would not be sufficient capacity.

- (8) Housing - The median value (dollars) for a single family residence in Monroe County in 2000 was \$241,200 and in 2005 was \$683,200. (US Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3) and 2005 American Community Surveys). There is a current unmet need of 7,317 affordable housing units in Monroe County. The Developer is proposing to redevelop thirteen market rate units and to provide 110 affordable units in the range of \$199K to the maximum sales price under affordable housing guidelines. This project will help to meet the needs of affordable housing as outlined by GOAL 601 of the Monroe County Comprehensive Plan.
- (9) Fees - Impact Fees shall be waived pursuant to Monroe County Code (MCC) and no payment shall be required

upon termination of the ninety-nine (99) year deed restriction. Building permit application and building permit fees shall not be changed to developer, in accordance with the fees waived in Resolution 156-2007 for not for profit organizations.

e. Reservation of Land for Public Purposes

The Developer is not currently aware of and specific reservation(s) or dedication(s) necessary for the development authorized by this Agreement. Any reservations and dedications for public purpose in connection with this Agreement will be as required by the County's Comprehensive Plan and County Code or local utility companies. Such reservations or dedications may include, by way of example, easements necessary for the provision of stormwater, utility, and wastewater services to the Property.

f. Local Development Permits

The following is a list of all development permits approved or needed to be approved for the development of the property as specified and requested in this Agreement:

- (1) This Development Agreement; and
- (2) Amendment to a Major Conditional Use approval for development of the Lakeview Gardens site; and
- (3) Building and related construction permits for grading, paving, drainage; each residential unit and accessory structures, land clearing, and landscaping; and
- (4) Federal, State, regional, and local permits for stormwater runoff, driveway connections, and environmental (or endangered species) takings, when necessary and if required.

g. Consistency with Comprehensive Plan and Land Development Regulations

The Board finds that the Development Program proposed for the Property as provided in this Agreement is consistent with County's Comprehensive Plan and Land Development Regulations.

h. Description of conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens

There are no additional conditions, terms, restrictions or other requirements that are not already contained herein that are necessary by the local government for the public health, safety, or welfare of citizens.

i. Compliance with law governing permitting requirements, conditions, term, or restriction

The failure of this Agreement to address a particular permit, condition, term, or restriction shall not relieve Developer of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

4. Local Laws and Policies Governing Agreement

The County's laws and policies governing the development of the land at the time of the execution of this Agreement shall govern the development of the Property for the duration of the Agreement. County's laws and policies adopted after the Effective Date may be applied to the Property only if the determinations required by section 163.3233(s), Florida Statutes, have been made after written notice to Developer and at a public hearing.

5. Amendment or Cancellation by Mutual Consent

This Agreement may be amended or cancelled by mutual consent of the parties, and shall terminate upon the issuance of the last Inclusionary Housing Tracking Certificate. Prior to amending this Agreement, the Board shall hold public hearings as required to by law.

6. Involuntary Revocation of Development Agreement

The Board may revoke this Agreement if the Board determines through its annual review of this Agreement that there has not been substantial compliance with the terms and conditions of this Agreement, including all amendments or extensions thereto. Prior to any revocation of this Agreement, the Board shall hold two public hearings. At the public hearing(s), the Developer will be given an opportunity to rebut the assertion that there has not been substantial compliance with the requirements of this Agreement or any amendments thereto. If the Board determines that revocation of this Agreement is not necessary, the Board may amend the terms of the Agreement to provide for any reasonable condition necessary to assure compliance with the requirements of this Development Agreement, and any extensions or amendments thereto. Either party or any aggrieved or adversely affected person may file an action for injunctive relief in the Circuit Court for Monroe County to appeal the revocation or amendment of this Agreement.

7. Term

The initial term of this Agreement shall be ten (10) years from the Effective Date. This Agreement may be extended by mutual consent of the Board and the Developer, subject to the County's public hearing requirement. However, this Agreement shall expire after all terms and conditions have been met by both parties.

8. Record; Submission to Florida Department of Community Affairs

Within 14 days the Clerk to the Board shall record the Agreement in the Public Records of Monroe County. A copy of the recorded Agreement shall be submitted to the Florida Department of Community Affairs within 14 days after the Agreement is recorded. If this Agreement is amended, canceled, modified, extended, or revoked, the Clerk shall have notice of such action recorded in the public records and such recorded notice shall be submitted to the Florida Department of Community Affairs.

9. Effective Date.

This Agreement shall be effective 30 days after its receipt by the Florida Department of Community Affairs. Notice of the effective date of this Agreement shall be provided by the Board to all affected parties to the Agreement.

10. Annual Review

The Board shall review the development that is subject to this Agreement every 12 months, commencing 12 months after the Effective Date of this Agreement. The Board shall begin the review process by giving notice, a minimum of 30 days prior to the anniversary date for the effective date of this Agreement, to the Developer of its intention to undertake the annual review of this Agreement and of the necessity for the Developer to provide the following:

- a. An identification of any changes in the plan of development as contained in the Development Order, or in any phasing for the reporting year and for the next year.
- b. If the Development Order provided for phasing, a summary comparison of development activity proposed and actually conducted for the year.
- c. An assessment of the Developer's compliance with each condition of approval set forth in this Agreement.
- d. Identification of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each.

Any information required of the Developer during a review shall be limited to that necessary to determine the extent to which the Developer is proceeding in good faith to comply with the terms of this Agreement. For each annual review conducted during years 6

through 10 of this Agreement, the Board shall prepare a written report in accordance with rules promulgated by the state land planning agency. The report shall be submitted to the parties to the Agreement and the State land planning agency. If the County finds on the basis of substantial competent evidence that there has been a failure to comply substantially with the terms of the Agreement, the County may revoke or modify the terms of this Agreement in accordance with the procedures set forth in Provision 5.

11. Effect of Contrary State or Federal Laws.

In the event that any state or federal law is enacted after the execution of this Agreement that is applicable to and precludes the parties from complying with the terms of this Agreement, then this Agreement shall be modified or revoked as is necessary to comply with the relevant state or federal law. Prior to modifying or revoking this Agreement under this provision, the Board shall hold public hearings as required by law.

12. Enforcement.

Either party, any aggrieved or adversely affected person, or the state land planning agency, may file an action for injunctive relief in the Circuit Court for Monroe County to enforce the terms of this Agreement or to challenge compliance of this agreement with the provisions of ss. 163.3220-163.3243.

13. Notices.

- a. The parties designate the following persons as representatives to be contacted and to receive all notices regarding this Agreement:

For the Board:  
County Administrator  
County of Monroe  
1100 Simonton Street  
Key West, Florida 33040

with a copy to:  
County Attorney  
Monroe County Attorneys Office  
PO BOX 1026  
Key West FL 33041-1026

with a copy to:  
Growth Management Division Director  
Growth Management Division  
Marathon Government Center  
2798 Overseas Highway  
Marathon, FL 33050

For the Developer:  
Mr. Constantin Zaharia  
9251 SW 140<sup>th</sup> Street  
Miami, FL 33176

with a copy to:  
Joel Reed  
Reed & Company Development Services, Inc  
89240 Overseas Highway, Suite 3  
Tavernier, FL 33070

- b. Any change in the person designated by a party to receive notices hereunder shall be communicated in writing to the representative of the other party designated hereunder.

14. Successors, Assigns, and Assignments.

This Agreement shall be binding upon the parties and their successors and assigns. This Agreement, or portions hereof, will not be assigned by Developer, without the express written approval of County, and such approval shall not be unreasonably withheld. In the event of an assignment, the Developer shall provide notice to:

County Administrator  
County of Monroe  
1100 Simonton Street  
Key West, Florida 33040

County Attorney  
Monroe County Attorneys Office  
PO BOX 1026  
Key West FL 33041-1026

Growth Management Division Director  
Growth Management Division  
Marathon Government Center  
2798 Overseas Highway  
Marathon, FL 33050

IN WITNESS WHEREOF, the parties hereto have caused the execution of this Agreement by their duly authorized officials as of the day and year first above written.

Signed, sealed and delivered in the Presence of:

NORTHSTAR RESORT ENTERPRISES CORPORATION  
a Florida corporation

By: [Signature]

Constantin Zaharia

Its: President

[Signature]

Print Name: MATTHEW A CANNOLLY

Witness

[Signature]  
Print Name: JAMES C SAUNDERS



[Signature]  
C. DeSantis  
3/19/08

BOARD OF COUNTY COMMISSIONERS  
MONROE COUNTY, FLORIDA

By: [Signature]

Charles "Sonny" McCoy, Mayor

APPROVED AS TO FORM AND CORRECTNESS

By: [Signature]

County Attorney

STATE OF FLORIDA  
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 28th day of February, 2008, by Constantin Zaharia, the President of Northstar Resort Enterprises Corporation, a Florida corporation, who is personally known to me, or who has produced as identification and who did not take an oath.

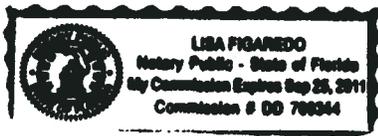
Notary Seal

[Signature] 2.28.08

Notary Public, State of Florida

Print Name: Lisa Figaredo

My Commission Expires: 8.25.2011



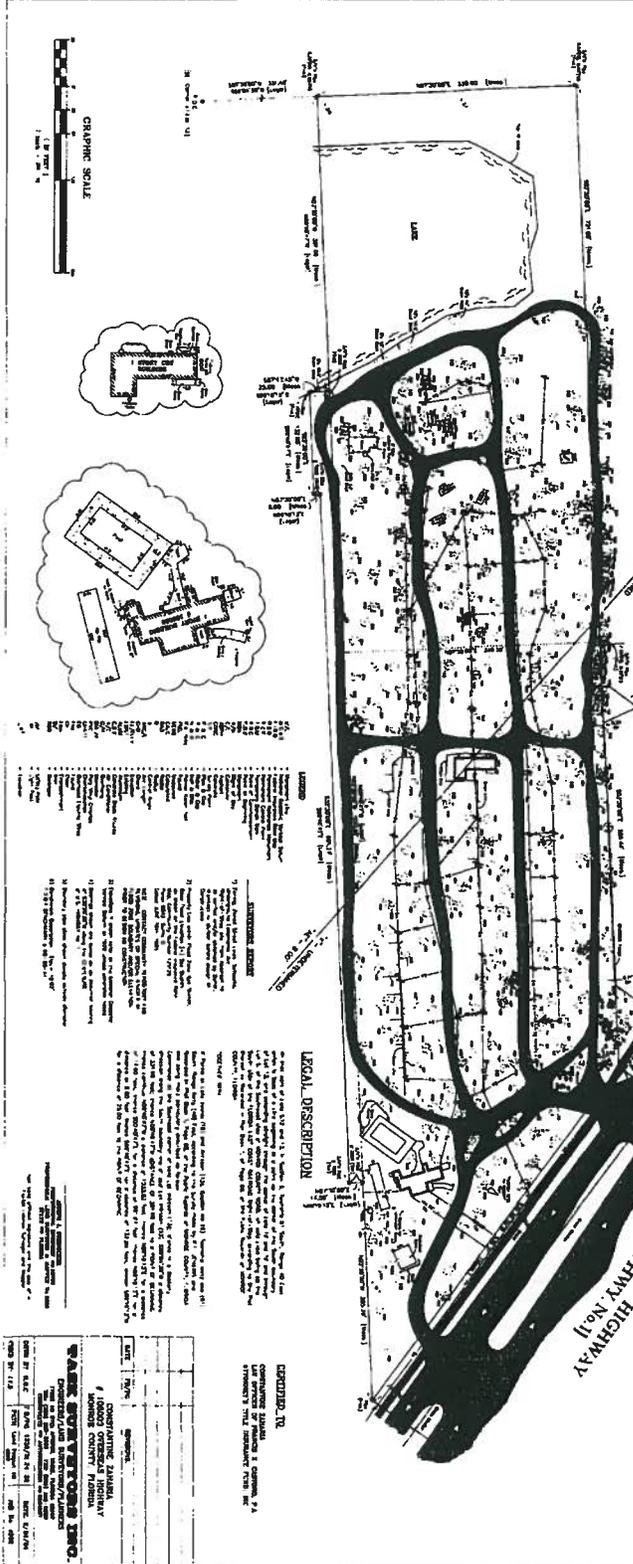
**Exhibits**

- A Survey with Legal Description of Lakeview Gardens**
- B Survey with Legal Description of Resort Site**
- C DOAH Final Order Case # 04-1568 with Resolutions P55-03 and P56-03**
- D Resolution P02-07**
- E Development Order #04-04**
- F Development Order #05-04**
- G Sample Inclusionary Housing Tracking Certificate(s)**

Doc# 1688538  
Bk# 2352 Pg# 2328

Exhibit A

SECTION	DESCRIPTION	DATE	BY	CHECKED
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**DATE:** 10/1/54

**BY:** [Signature]

**CHECKED:** [Signature]

**PROJECT:** OVERSEAS HIGHWAY (I-5 FMV No. 1)

**CLIENT:** STATE OF FLORIDA

**LOCATION:** ...

**SCALE:** 1" = 100'

**NO. OF SHEETS:** 100

**SHEET NO.:** 2327

Doc# 1688538  
Bk# 2352 Pg# 2328

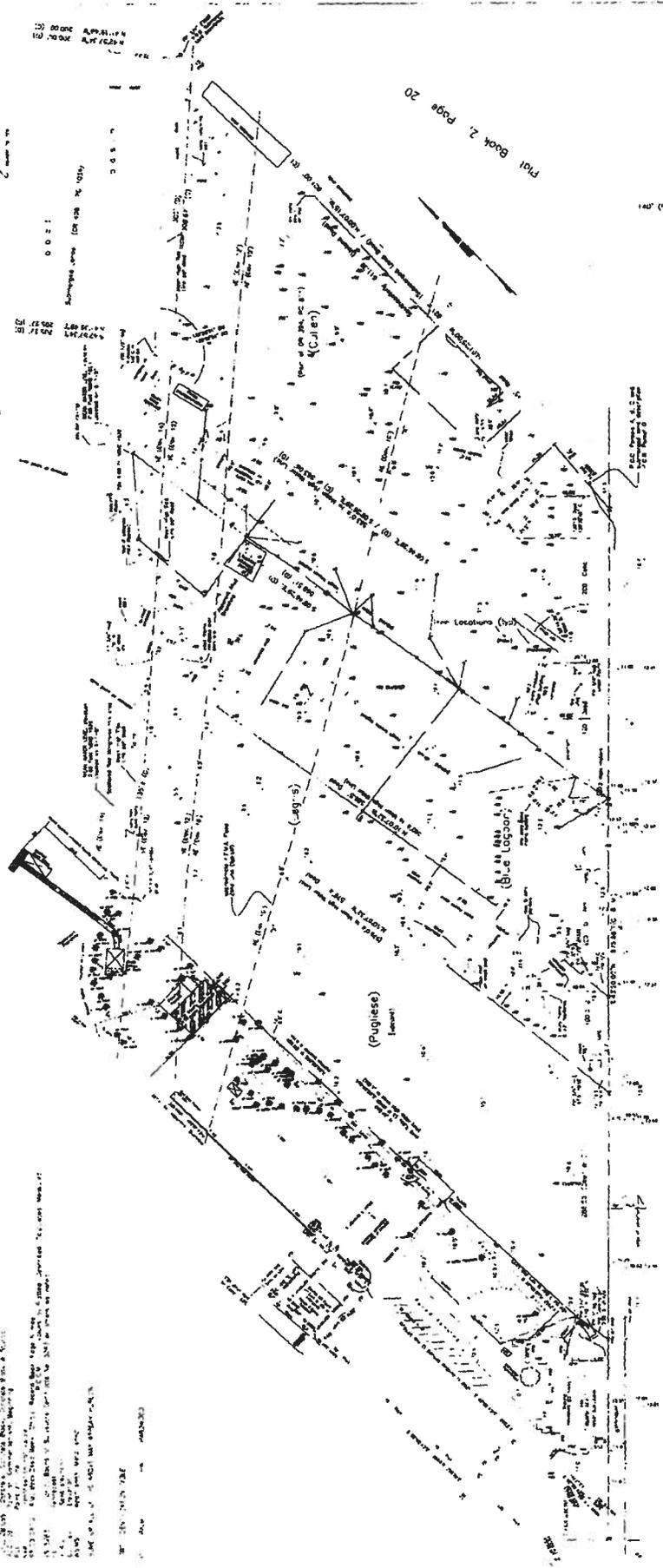
Exhibit B

NOT IN CLASS ATTACHED TO INDEX OF 2

LB 5591

1. This map shows the location of the site of the ...  
 2. The site is located in the ...  
 3. The site is located in the ...  
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 10. The site is located in the ...



Plot Book 2, Page 20



1. This map shows the location of the site of the ...  
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 10. The site is located in the ...



Doc# 1888538  
Bk# 2352 Pg# 2331

Exhibit C

State of Florida  
Division of Administrative Hearings



**Jeb Bush**  
Governor  
**Robert S. Cohen**  
Director and Chief Judge  
**Ann Cole**  
Clerk of the Division

**Harry L. Hooper**  
Deputy Chief  
Administrative Law Judge  
**Steven Scott Stephens**  
Deputy Chief Judge  
Judges of Compensation Claims

November 4, 2004 Doc# 1688538  
Bk# 2352 Pg# 2332

Nicole Petrick, Planning Commission Coordinator  
Monroe County Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

Re: SMART PLANNING AND GROWTH COALITION AND JEFF OSBORN vs.  
MONROE COUNTY PLANNING COMMISSION AND NORTHSTAR RESORT  
ENTERPRISES CORPORATION, DOAH Case No. 04-1568

Dear Ms. Petrick:

Enclosed is a copy of pages 1 and 2 from the Final Order,  
issued November 1, 2004. The only changes are to correct  
Intervenor's name.

Sincerely,

  
CHARLES A. STAMPELOS  
Administrative Law Judge

CAS/hks

Enclosures

cc: Lee Robert Rohe, Esquire  
Timothy Nicholas Thomes, Esquire  
Dirk M. Smits, Esquire  
Andrew M. Tobin, Esquire

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

SMART PLANNING AND GROWTH )  
COALITION and JEFF OSBORN, )  
 )  
Appellants, )  
 )  
vs. )  
 )  
MONROE COUNTY PLANNING ) Case No. 04-1568  
COMMISSION, )  
 )  
Appellee, )  
 )  
and )  
 )  
NORTHSTAR RESORT ENTERPRISES )  
CORPORATION, )  
 )  
Intervenor. )  
\_\_\_\_\_ )

FINAL ORDER

Appellants, Smart Planning and Growth Coalition (Smart Planning) and Jeff Osborn (Osborn), seek review of Monroe County Planning Commission (Commission) Resolution Nos. P55-03 and P56-03, approved by the Commission on September 24, 2003, and signed by the Chair of the Commission on October 22, 2003. Appellants' appeals were timely filed and consolidated.

The Division of Administrative Hearings, by contract, and pursuant to Article XIV, Section 9.5-535, Monroe County Code (M.C.C.), has jurisdiction to consider these appeals.

Appellants filed separate Initial Briefs and Smart Planning filed a Reply Brief, which Osborn adopted. The Commission and Intervenor, Northstar Resort Enterprises Corporation (Northstar), filed separate Answer Briefs. Oral Argument was presented by telephone on September 17, 2004.

Citations to the record on appeal in Case No. 04-1568 shall be by the symbol (R) followed by a page reference. Citations to the record on appeal in Case No. 03-4720 shall be by the symbol (SR) followed by a page reference. See Endnote 2.

I. Issues

Smart Planning contends that the Commission denied it procedural due process of law and departed from the essential requirements of law by denying Appellants' counsel the right to cross-examine witnesses during the Commission hearing and in denying party status to Appellants. Smart Planning contends that there is no competent substantial evidence to support the Commission's determination to authorize the transfer of 126 Recreational Vehicle (RV) spaces from the Florida Keys R.V. Resort (the Sender site) to the Receiver site (Northstar's property and site for a proposed hotel and the subject of a Major Conditional Use) or to recognize the existence and lawful establishment of a 12-unit motel on the Receiver site. Smart Planning also contends that the Commission departed from the

State of Florida  
Division of Administrative Hearings



**Job Bush**  
Governor  
**Robert S. Cohen**  
Director and Chief Judge  
**Ann Cole**  
Clerk of the Division

**Harry L. Hooper**  
Deputy Chief  
Administrative Law Judge  
**Steven Scott Stephens**  
Deputy Chief Judge  
Judges of Compensation Claims

November 1, 2004 Doc# 1688538  
Bk# 2352 Pg# 2335

Nicole Petrick, Planning Commission Coordinator  
Monroe County Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

Re: PLANNING AND GROWTH COALITION AND JEFF OSBORN vs. MONROE  
COUNTY PLANNING COMMISSION AND NORTHSTAR RESORT ENTERPRISES  
CORPORATION, DOAH Case No. 04-1568

Dear Ms. Petrick:

Enclosed is my Final Order in the referenced case. Also enclosed is the two-volume transcript, together with the Index of the Administrative Appeal. Copies of this letter will serve to notify the parties that my Final Order has been transmitted this date.

Sincerely,

  
CHARLES A. STAMPELOS  
Administrative Law Judge

CAS/hks

Enclosures

cc: Lee Robert Rohe, Esquire  
Timothy Nicholas Thomes, Esquire  
Dirk M. Smits, Esquire  
Andrew M. Tobin, Esquire

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

SMART PLANNING AND GROWTH COALITION and JEFF OSBORN,	)	Doc# 1888538
	)	Bk# 2352 Pg# 2336
Appellants,	)	
vs.	)	
MONROE COUNTY PLANNING COMMISSION,	)	Case No. 04-1568
Appellee,	)	
and	)	
NORTHSTAR ENTERPRISES RESORT CORPORATION,	)	
Intervenor.	)	
<hr/>		

FINAL ORDER

Appellants, Smart Planning and Growth Coalition (Smart Planning) and Jeff Osborn (Osborn), seek review of Monroe County Planning Commission (Commission) Resolution Nos. P55-03 and P56-03, approved by the Commission on September 24, 2003, and signed by the Chair of the Commission on October 22, 2003. Appellants' appeals were timely filed and consolidated.

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I. Issues

Smart Planning contends that the Commission denied it procedural due process of law and departed from the essential requirements of law by denying Appellants' counsel the right to cross-examine witnesses during the Commission hearing and in denying party status to Appellants. Smart Planning contends that there is no competent substantial evidence to support the Commission's determination to authorize the transfer of 126 Recreational Vehicle (RV) spaces from the Florida Keys R.V. Resort (the Sender site) to the Receiver site (Northstar's property and site for a proposed hotel and the subject of a Major Conditional Use) or to recognize the existence and lawful establishment of a 12-unit motel on the Receiver site. Smart Planning also contends that the Commission departed from the

essential requirements of law by ignoring the pending ordinance doctrine.

Osborn incorporates the arguments made by Smart Planning and likewise contends that there is no competent substantial evidence to support the transfer of 126 RV spaces from the Sender site and further that the moratorium adopted by the Board of County Commissioners of Monroe County (Board) prohibits the transfer of these RV spaces to the Receiver site.

## II. Background

### A. General

Northstar sought development approval for the transfer of 126 RV spaces from the off-site Sender site. Northstar filed a Sender site application with supporting documents to accomplish this request. (R95). Northstar also filed a separate application to receive Transferable ROGO Exemptions (TRES) in the form of RV spaces for the Receiver site. (R286-288). Both applications sought the approval of Minor Conditional Uses.

In a collateral proceeding before the Commission, Northstar applied for approval of a Major Conditional Use for authorization to construct 89 hotel rooms and 8,158 square feet of commercial use on the Receiver site.<sup>1</sup> On June 25, 2003, the Commission approved this application by Resolution No. P47-03. The Chair of the Commission signed this Resolution on September 10, 2003. (SR215-220). Resolution No. P47-03 is the

subject of a pending appeal in Case No. 03-4720 brought by Smart Planning and Osborn. A separate Final Order has been entered this date in Case No. 03-4720.<sup>2</sup>

B. The Sender Site Application

1. Generally

On April 21, 2003, Northstar's agent, Mr. Donald L. Craig, A.I.C.P., of The Craig Company, signed an application requesting development approval for the transfer of 126 RV spaces located at the Florida Keys R.V. Resort, Mile Marker (MM) 106.003, 106.003 Overseas Highway, Key Largo, Florida, the Sender site. Northstar requested the transfer of TREs.<sup>3</sup> (R95).

The Sender site application represents there are 13 mobile homes that will remain on the Sender site and that the proposed use of the Sender site property will be for affordable housing for moderate income levels. (R96).

The Sender site application included several documents:

1. A description of the property is included. (R100).
2. Also included is a "miscellaneous receipt" from Monroe County indicating the fees for the Sender and Receiver site applications were received on July 18, 2003. (R101).
3. Appendix A includes a commercial contract and two addendums to the commercial contract relating to the purchase and sale, in part, of the Sender site property (Northstar is the purchaser.) (R104-111).

4. Appendix B consists of 18 pages of Monroe County Property Record Cards for the Sender site property. (R113-130). These documents include building sketches and were apparently run on April 17, 2003. Page 17 in part refers to Florida Keys R.V. Resort at MM 106 and identifies 16 buildings including an office (with a date of 1973), a camp building (1973), and 13 mobile homes with varying dates and 1 mobile home identified as being used for storage. (R129). The second half of page 17 lists a "history of taxable values" from years 1982 thru 2002 for land, buildings, and miscellaneous/equipment. The document also states: "139 R.V. SITES . BA." (R129).

5. Appendix C consists of two occupational tax certificates issued by Monroe County with expiration dates of September 30, 2001, one for laundry machines and the second for a trailer park and campground at the Florida Keys R.V. Resort. These documents also state: "THIS IS ONLY A TAX. YOU MUST MEET ALL COUNTY PLANNING AND ZONING REQUIREMENTS." (R132). Appendix C also includes an "operating" permit for the Florida Keys R.V. Resort issued by the Florida Department of Health and Rehabilitation Services (DHRS) indicating, in part, 126 RV park authorized spaces and 13 mobile home park authorized spaces. (R133). This permit number 44-54-00037 has an expiration date of September 30, 1997. Also included is a Florida Department of Health (DOH) "official receipt," permit number 44-54-00037, issued September 26, 2002, for Florida Keys R.V. Resort for mobile home/RV park program and notes 13 mobile home spaces and 126 RV spaces. (R134).

6. Appendix D includes a list of adjacent property owners. (R136-139).

7. Appendix E is a site map indicating the location of the Florida Keys R.V. Resort in or around MM 106. (R141).

8. Appendix F are undated site photographs for the Florida Keys R.V. Resort indicating what purports to be RV sites, a lake, RV sites and debris collection, and the back of property and debris collection. (R143-145).

9. Appendix H is an unsealed survey from Hal Thomas a Florida registered surveyor. This appears to be a survey of the Sender site, which is described in the upper right hand portion of the survey. (R148).

2. Staff Memoranda

Mr. J. G. Buckley, a Planner, and Mr. Niko Reisinger, a Biologist, submitted a Memorandum dated June 9, 2003, to the DRC regarding the Sender site application. (R191-194). The DRC considered the Sender site application on June 17, 2003, and unanimously recommended approval. (R195-198).

On August 26, 2003, Mr. Buckley and Mr. Reisinger prepared a similar Memorandum for the Commission regarding the Sender site application. (R200-202). The Memorandum restated that Northstar proposed to transfer 126 TREs in the form of 126 RV spaces off-site with 77 of the TREs utilized to develop an 89-room hotel on the Receiver site. (R200).

The Memorandum stated that the Sender and Receiver sites are in the Suburban Commercial land use (zoning) district with the future land use map designation of Mix Use/Commercial. The Sender site is described as disturbed with isolated native trees

and the Receiver site is described as disturbed with scattered native growth. The Memorandum describes the community character of the immediate vicinity of the Sender and Receiver sites.

(R201).

The Memorandum sets forth an analysis of the Sender site as follows:

The sender site, a 9.8-acre parcel at Mile Marker 106 contains the Florida Keys RV Park, a Florida State licensed RV Park. The site has been determined, by the Planning Department, to have 126 RV spaces that are eligible for transfer off-site. The site also has a license for thirteen (13) mobile homes that are not part of this transfer. The property is zoned Suburban Commercial and the current use is a non-conforming one. The Biologist has determined the site to be disturbed with some scattered native trees. There is no hammock on the property. The sender site is equivalent to the receiver site in terms of environmental sensitivity. Only 77 of the 126 RV spaces will be transferred to the designed receiver site. The remaining 49 spaces will be held in reserve until a suitable receiver site is found.

(R201).

After analyzing provisions of the Monroe County Code, i.e., Article IV, Section 9.5-120.4.(b)a.i)-iii), M.C.C. (R160-165), and having found the Sender site to be in compliance with these Land Development Regulations and Article III, Section 9.5-65, M.C.C., the Planning and Environmental Resources Staff recommended approval for the transfer of 126 RV spaces off-site, with 77 TREs going to the Receiver site. (R200-202). See also (R73).

3. The Public Hearing

On September 24, 2003, the Commission considered the Sender site application. The Commission considered Northstar's Receiver site application later on the same day at a separately convened public hearing. (R232).

During the public hearing on the Sender site application, the central issue was whether there were 126 RV spaces on the Sender site that are eligible for transfer from the Sender site.

During the public hearing, there were numerous witnesses testifying for and against approval of the Sender site application. The Commission also considered documentary evidence.

A summary of the relevant testimony and evidence follows.

On September 2, 1987, the Department of Health and Rehabilitative Services (DHRS) conducted an inspection of the Barefoot Key R.V. Resort (Barefoot), which is also known as the Florida Keys R.V. Resort. Permit number 44-037-87 is noted on this report. This inspection report indicated that there were authorized spaces for 75 RVs and 44 mobile homes. (R214).

The DHRS issued an "operating permit" (permit number 44-037-88) with an expiration date of September 30, 1988, for the site and identified 75 Park RVs and 44 mobile home park authorized spaces. (R215).

On August 1, 1990, Barefoot made an application to the DHRS for a permit (permit number 44-037-90) for 75 RV spaces and 44 mobile home spaces. This was an annual renewal. (R206). On August 1, 1990, the DHRS issued another inspection report for the site noting authorized spaces for 75 RVs and 44 mobile homes, with 101 occupied spaces. (R216).

In or around September of 1991, the DHRS issued an "operating permit" (permit number 44-037-92) to Florida Keys R.V. Resort noting 96 RV Park authorized spaces and 28 mobile home park authorized spaces. This permit had an expiration date of September 30, 1992. (R217).

On or about December 2, 1992, a DHRS application form for mobile home permit and recreational vehicle park permit, permit number 44-037-92, was filled out in the name of Florida Keys R.V. Resort, requesting a capacity change from 96 RVs and 28 mobile homes to 132 RVs and 13 mobile homes. The owners are listed as Edward J. and Laurie S. Mertens. (R14-15) (SR578). See pages 14-15, infra, regarding Mr. Buckley and Mr. Craig's explanations of, what appears to be, this document.

The DHRS issued another "operating permit" (permit number 44-037-93) with an expiration of September 30, 1993, for 75 RV Park authorized spaces and 44 mobile home park authorized spaces. (R204, 218).

On July 15, 1994, the DHRS issued another RV Park and mobile home inspection report (permit number 44-037-93), which has the number 75 with a line through it and replaced with the number 126 for authorized RV spaces and the number 44 with a line through it and a designation of 13 authorized mobile home spaces with a total of 65 RV and 15 mobile home occupied spaces. The owners are listed as Edward J. and Laurie S. Mertens. (R205). See also (R55-56) (SR85, 580). There is no evidence in the record to indicate why the numbers were stricken and replaced with the other numbers. Id. However, under the section of the inspection report designated "comments and instructions," there is a handwritten notation stating: "New operating permit must show correct allocation of spaces." (R205) (SR580).

The DHRS issued another "operating permit" (permit number 44-54-00037) to the Florida Keys R.V. Resort in care of the owner, Risky Inc., with an expiration date of September 30, 1997, indicating 126 RV Park authorized spaces and 13 Mobile Home Park authorized spaces. (R133, 219).

On September 26, 2000, the Department of Health (DOH) issued an "official receipt," permit number 44-54-00037, to Florida Keys R.V. Resort and noted 126 RV spaces and 13 mobile home spaces. The permit expired on September 30, 2001. (R220).

On September 27, 2001, Mr. Edward Koconis, A.I.C.P, Island Planning Team Director, advised Mr. Craig of the following:

After reviewing the history of Florida Keys RV Park including permit records and State of Florida Department of Health operating permits, as well as several visits to the site with other members of Planning staff, it is the decision of this department that Florida Keys RV Park has 13 mobile home spaces and 126 RV spaces.

Therefore, these units may be transferred to the Blue Lagoon site provided that any and all activity is in compliance with the Year 2010 Comprehensive Plan and the Monroe County Code, particularly Section 9.5-120.4, which is the section dealing with transferring development off-site.

(R166).<sup>4</sup>

During the public hearing, Commission Chair Jerry Coleman denied Appellants party status and the opportunity to cross-examine witnesses. Appellants were allowed to submit questions for witnesses through the Chair. (R17-21, 38) (SR3-21, 50).

Mr. Buckley discussed the staff's recommendation regarding the Sender site application. This was the first time staff prepared a TRE staff report. Staff was satisfied that the Sender site application should be approved. (R3-5).<sup>5</sup>

Ms. Conaway, testified during the hearing. Ms. Conaway stated that before the middle of the 1980's, it was "very difficult to find any records at all" pertaining to particular land uses. (R24). See also (SR148).

Staff evaluated several types of documents and other information in order to assess whether 126 RV spaces were in existence on the Sender site as of January 4, 1996, were accounted for in the hurricane evacuation model, which forms the basis of ROGO, and whether they were lawfully established.

Ms. Conaway explained that she could not find a permit per se that was issued by a Monroe County planning department entity recognizing the number of RV spaces on the Sender site. Therefore, she looked at other information including the operating permit issued by the DHRS with an expiration of September 30, 1997, which indicated that there were 126 RV Park authorized spaces and 13 mobile home park authorized spaces. (R31-32, 45, 133, 219). A DOH official receipt indicated 126 RV spaces, but Ms. Conaway stated that would relate to the maximum number of RV spaces that could be on the Sender site. (R46, 134). (Ms. Conaway stated that staff "work[s] with the Health Department." (R25)).

Ms. Conaway clarified that the DOH/DHRS licenses/official receipts are based on the concerns of these departments for sewage capacity, but the officials also visit the site. (R45-46).

Ms. Conaway stated that staff also looked at aerial photographs that are a part of the research they performed. She indicated that it was "almost impossible to count spaces in the

aerial" photographs, but that was something they looked at to find out how the property was used. (R33).

The property record cards were used to show the other uses on the property. (R33). Ms. Conaway stated that the property appraiser cards of record show 13 mobile homes, but not the number of RV spaces on the Sender site. (R27). Ms. Conaway explained that the occupational licenses (R132) do not provide the number of RVs, only that the property was a trailer park and campground. (R30).

Referring to page 17 of the property appraiser cards, for Ms. Conaway, it was important that the history went back to 1982 and that there were camp buildings, for example, on the Sender site. (R35, 129). Mr. Craig explained that page 17 also mentions 13 mobile homes, although the number of mobile homes is not at issue. (R34).

Mr. Buckley also stated that Ms. Dianne Bair, the Flood Plain Administrator, was asked in 1992 to make a list of all mobile homes and RV parks. Her unofficial count indicated in a memo to Mr. Timothy McGarry, Director of Growth management, dated September 24, 2003, that Florida Keys R.V. Resort, formerly Barefoot Key Resort in 1992, had 124 spaces (28 RVs and 96 mobile homes). Mr. Buckley clarified that the numbers were transposed on Ms. Bair's memo (R231) and should reflect 96 RV spaces and 28 mobile homes. (R37). See also (R217) (SR 578).

This memo is consistent with the September 1991, "operating permit" and the December 2, 1992, application discussed at page 9, supra; however, the memo is not an official Monroe County document. Id.

Ms. Conaway relied on the DHRS operating permit, the DOH official receipt, the occupational tax receipts, the property appraisers record cards, and other information recited above in reaching her determination that there were 126 RV spaces on the Sender site property in or around 1996. (R36).<sup>6</sup>

Mr. Bud Cornell testified that he had a history of being associated with the Sender site property. He sold it the last three times. He testified that the property was purchased (by the last two purchasers) because it had 126 RV spaces and 13 mobile home spaces. (R60-61) (SR107-110). Mr. Craig reiterated, "[t]hose RV spaces are there." (R62-63).

Mr. Buckley testified that he reviewed a document issued by the DHRS in 1992 that accounts for 132 RV spaces on the Sender site for the purpose of the hurricane evacuation log, although the Planning Department determined that only 126 RV spaces were qualified. Mr. Buckley clarified that the 1992 document "was an application [sic] was approved by HRS. It reflects the ensuing licenses which all reflect from that point in time on 126 RV spaces and 13 mobilehomes [sic]. It was - just to clarify." Mr. Craig explained, "basically it's an application and

inspection report." (R5, 14-16). The 1992 application appears to be in the record on appeal at (SR 578), although Mr. Buckley advised the Commission that he did not believe it was in their packet because he received it the morning of the public hearing. (R5). See page 9, supra.

There was also testimony and argument of Appellants' counsel in opposition to Northstar's Sender site application. For example, Ms. Sheryl Bower, A.I.C.P., who has a master's degree in urban planning, expressed very strong concerns regarding the number of RV spaces on the Sender site. In part, Ms. Bower opined that the Sender site was "over-density already. They can accommodate 78 RVs on that property." Based on her review of licenses and other documents of record, Ms. Bower stated that the number of RV spaces, for example, 75 RV spaces listed on several documents, could not have been increased without the approval of a conditional use. (R47-50). See Endnote 9. See also (R 54-56, for Mr. Rob Cook's testimony).

Ms. Bower and Mr. Lee Rohe, representing Smart Planning, also stated that the proposed transfer of RV spaces violated the moratorium adopted by the Board. (R51-53).

After hearing argument of counsel, Chair Coleman concluded, without dissent, that the moratorium issue would not be heard. (R52).

After hearing all of the evidence, the Commission approved the Sender site application with Commissioner Werling voting no. (R72). But see (R93, Resolution No. P55-03, showing Commissioner Werling voting in the affirmative.) The Commission found that 126 RV spaces were in existence on the Sender site as of January 4, 1996, were accounted for in the hurricane evacuation model that forms the basis of ROGO, and were lawfully established. The Commission concluded that 126 RV spaces are eligible and may be transferred off-site. The Commission concluded that the 13 mobile home spaces would remain on the Sender site. (R72-73, 92).

C. Receiver Site Application

1. Generally

Northstar submitted an application for development approval for the transfer of ROGO exemptions to the Receiver site. This application is dated April 21, 2003, and is signed by the agent for Northstar, Mr. Craig. (R286-288).

The application indicated, in part, that the Receiver site is expected to have 89 hotel rooms utilizing 77 TRES for 77 of the 89 hotel rooms. (R287). The land use district for the Receiver site is Suburban Commercial. Northstar indicated that the present use of the property included a 12-unit motel, 45-unit mobile home park, various retail commercial, single-family homes, and a restaurant. The proposed use of the property is

for a resort hotel with a restaurant. No affordable housing units are associated with the Receiver site. (R287).

Northstar indicated that it had filed a Major Conditional Use application in November of 2002, which is the subject of the appeal in Case No. 03-4720. (R288). As in the case with the Sender site application, the record does not indicate precisely when the Receiver site application was filed. However, there is competent substantial evidence to support a conclusion that the Receiver site application was filed on or about April 21, 2003. See Endnote 3.

The Receiver site application was submitted with an Appendices A-G as follows:

1. Appendix A consists of several warranty deeds. (R296-305).
2. Appendix B consists of Monroe County property record cards. (R307-323).
3. Appendix C consists of a list of adjacent property owners. (R325-329).
4. Appendix D is an aerial photograph that includes the project site and adjacent property. (R331).
5. Appendix E contains undated site photographs of the receiver site, including: Blue Lagoon at U.S. 1; an interior picture, existing residential, commercial; a vacant interior parcel; a vacant parcel to the Bay; existing storage area; and Stan & Mary's Restaurant. (R333-337).

6. Appendix F is an unsealed survey of the Receiver site dated September 21, 2001. (R339-340).

7. Appendix G is a site plan dated May 2, 2002. This document has a drawing number of A-1. (R342).

2. Staff Memoranda

Mr. Buckley and Biologist, Ms. Julie Cheon, submitted a Memorandum to the DRC dated June 6, 2003, pertaining to the Receiver site application. (R360).<sup>7</sup> This Memorandum stated that Northstar has proposed to develop an 89-room hotel with amenities and proposed to transfer (pursuant to the Sender site application) 126 TREs in the form of 126 RV spaces off-site with 77 of the TREs being utilized to develop the 89-room hotel at the Receiver site. Id.

The land use (zoning) district designations are the same for the Sender and Receiver sites, i.e., Suburban Commercial, and both sites share the same future land use map designation, i.e., Mixed Use/Commercial. The Receiver site consists of 8.1 acres and Sender site consists of 9.8 acres. The Receiver site is disturbed with scattered native growth and the Sender site is disturbed with isolated native trees. Staff characterizes the community character of the immediate vicinity of the Receiver site as a mix of uses including conforming and non-conforming residential, commercial retail, and a Florida Keys Aqueduct Authority (FKAA) water storage facility. (R361).

Staff determined that the proposed development of the Receiver site is consistent with the mix of uses that composes the community character of the immediate vicinity; that there was no empirical evidence that the proposed use would adversely affect the value of the surrounding properties; that there was adequate water and electricity for the proposed use based on letters of coordination issued from the FCAA and the Florida Keys Electrical Coop; that the project will have on-site waste water treatment plant; that there was no indication that the proposed use would adversely impact any of the listed public facilities; that there was no empirical evidence that Northstar does not have the financial resources or the technical capacity to complete the development as proposed; and that the proposed development will not adversely affect a known archeological, historical, or cultural site. (R362-363).

Staff also determined that the Receiver site is composed of four-aggregated parcel zoned as Suburban Commercial. "The habitat has been determined by the Biologist to be disturbed with some scattered native trees; there is no hammock on-site. The receiver site has been determined by the Biologist to be of comparable environmental quality as the sender site. Both are disturbed with some native vegetation but neither site has any hammock." (R363).

Staff analyzed the Receiver site application for compliance with a Receiver site receiving TREs from the Sender site.

(R363-364). See Art. IV, § 9.5-120.4(b)a.(1)a.(i) and (ii), M.C.C. (R162-163).

The Planning and Environmental Resources staff recommended approval for the receivership of 77 RV spaces to the designated receiver site based upon staff's determination that the Receiver site application complied with the applicable criteria. (R364). See also (R372).

On June 17, 2003, the DRC considered the Receiver site application, and unanimously approved the application. (R365-368).

3. Northstar Submits Additional Information: the 12-unit motel

The Commission approved Northstar's request for a Major Conditional Use to develop an 89-room hotel on the Receiver site. (SR215-220). In approving this project, the Commission expressly stated (as a condition) that Northstar "shall document the existence of the twelve-unit motel formerly on-site via a valid Florida license. If documented, then [Northstar] shall need 77 Transferable ROGO Exemptions (TRE[s]) to construct eighty-nine (89) hotel units; if not documented then [Northstar] shall utilize 89 TRE[s] to construct eighty-nine (89) units prior to the issuance of a building permit." (SR218). (During the public hearing on the Major Conditional Use application,

Mr. John Wolfe explained that the Commission had "been asked in here to find that these 12 units exist. That's pretty clear." (SR 144). However, during the public hearing on the Major Conditional Use Application (Case No. 03-4720), the Commission was not satisfied with the evidence regarding the 12-unit motel issue and, as a result, imposed the condition. (SR148).

On or about July 17, 2003, Mr. Craig sent a letter with attachments to Mr. Buckley providing additional information regarding Northstar's claim of the existence of the 12-unit motel, 45-unit mobile home park, and a marina on the Blue Lagoon property that is part of the Receiver site. (R169, 348).

The information provided by Mr. Craig included several documents including a letter from Mr. Anthony Perez, a Management Review Specialist with the Department of Business and Professional Regulation, who advised Monroe County Building & Zoning by letter dated July 13, 2000, "that Blue Lagoon Resorts Int'l, Inc., owner & operator Blue Lagoon Resorts located at 99096 Overseas Highway, Key Largo, Florida, had a state operational license with our Division through 1998. This 12-unit motel, Control # 54-01633 H, at this time ceased operations and no further business has taken place thus its state license was cancelled. At any future date when a suitable structure that meets all Monroe County building & zoning codes is constructed and approved our Division will license and regulate

according, and reissue a minimum of a 12-unit motel license." A copy of the "license account" for the same control number is consistent with Mr. Perez' letter. (R348, 350-351).

The Department of Business Regulation (DBR) issued a license to "R & R Publishing Inc. Blue Lagoon Resort Motel & Mar" with an expiration of October 1, 1992, indicating 12 motel units with a license number 54 01633H-Transient. (R254, 352). This is the same number referred to in Mr. Perez' July 13, 2000, letter although it is referred to as a control number rather than a license number. The DOH issued separate operating permits to Blue Lagoon Resorts International, Inc., both indicating 45 mobile home spaces and 0 RV spaces, with expiration dates of October 1, 1999. (R353). See also (R354). The DHRS issued an "operating permit" to "Blue Lagoon Resort & Marina R & R Publishing, Inc. - owner" indicating 45 mobile park and 0 RV park authorized spaces. The expiration date is not legible. (R355).

Mr. Craig also attached a copy of an occupational license issued by Monroe County with an expiration of September 30, 1992, issued to Blue Lagoon Marina with a notation that the "licensee was hereby licensed to engage in the business profession or occupation of [] marina" at 99096 Overseas Highway, part of the Receiver site. (R356). Other Monroe County occupational licenses dated September 30, 2003, pertained

to trailer park/campground, water sport rentals, marina and storage, merchandise vending, and retail/grocer at the same address of 99096 Overseas Highway. (R357-359). See also (R181-190, for other licenses).

Regarding this issue, Ms. Conaway's January 25, 2002, letter of understanding to Mr. Craig, in paragraph 2, page 2 of 6, stated: "There was a hotel license for a 12-unit hotel on the Blue Lagoon resort site (Parcel C) that was valid in 1994-1995. It is not clear where these motel units were located on the site. These transient units may be credited toward the proposed project." (SR376). Compare with (SR382, 386, and 389). (Mr. Koconis' letters to Ms. Joy Martin of January 22, 2001, and to Mr. Craig of March 6, 2001, stated, in part: "There was a hotel license for a 12-unit hotel on the Blue Lagoon Resort site that was valid in 1994-1995. It is not clear where these motel units were located on the site. These transient units may be credited provided that the motel was permitted and the hotel license has been maintained." (R375) (SR382).)

#### 4. The Public Hearing

On September 24, 2003, the Commission conducted a public hearing regarding the Receiver site application. (R232).

Mr. Buckley briefly presented the item for consideration. (R234-235). The Commission, consistent with the prior ruling, denied Smart Planning and Osborn party status and denied them

the opportunity to cross-examine witnesses although questions could be submitted through the Chair. (R237-241). In advising the Commission on this issue, Mr. Wolfe relied on Article III, Section 9.5-46, M.C.C., which provides hearing procedures for applications for development approval. (R239)(SR3-9). Smart Planning and Osborn were offered the opportunity to, and did offer evidence before the Commission regarding the Receiver site application.

During the public hearing, there was evidence, documentary and testimonial, which supported and detracted from the approval of the Receiver site application. Smart Planning and Osborn objected to the Receiver site application, in part, because of the lack of evidence indicating that there was a 12-unit motel on the Receiver site and the applicability of the pending ordinance doctrine. Ms. Bower and others also opposed the application.

By letter dated July 17, 2003, Mr. Craig provided documentation to Mr. Buckley, in part relating to Northstar's claim of the existence of the 12-unit motel. (R169). See pages 20-23, supra, and Endnote 5.

The Buckley/Reisinger Memorandum (Sender site) of August 26, 2003, and the Buckley/Cheon Memorandum (Receiver site) of August 26, 2003, do not mention the existence of the 12-unit motel. (R200-202; 370-372). See also Endnote 7.

However, Mr. Buckley and Ms. Cheon prepared a Memorandum to the Commission, dated May 9, 2003, analyzing Northstar's Major Conditional Use application. (SR 486-492). In particular, they describe the proposed use and size of the site, in part, as follows: "Parcel "C" (Blue Lagoon Parcel) contained the Blue Lagoon Resort. The Blue Lagoon Resort had a valid operating permit for 45 mobile homes as well as a hotel license for a 12-unit motel." (SR487). See also (SR489, "[t]he site has twelve (12) transient units from the Blue Lagoon motel.") Staff recommended a finding of fact that the subject site contains a mix of uses including a 12-motel unit motel." (SR490). As noted herein, the Commission required Northstar to document the existence of the 12-unit motel. (SR218).

Notwithstanding, there was testimony and documentary evidence received and considered by Commission during the public hearing on the Receiver site application. See (R19-20, 24-25 for Mr. Buckley's initial explanation (during the public hearing on the Sender site application) of the direction staff received from the Commission. See also (R253).) However, during the public hearing on the Receiver site application, Mr. Andrew Tobin, Osborn's counsel, specifically asked staff to identify the evidence they relied on to determine the existence of the 12-unit motel. (R253). Chair Coleman advised that Mr. Tobin, could ask that question because the Commission had asked staff

to "research that very same question." (R253). Mr. Buckley responded that staff received direction "to provide a license for a hotel." Mr. Buckley advised the Commission that the license he reviewed was issued by the DBPR, with an expiration date of October 1, 1992, indicating that it was issued to "R & R Publishing Inc. Blue Lagoon Resort Motel & Mar" referencing 12 motel lodging units. (R19-20, 24-25, 253-254, 345, 352). Ms. Conaway advised the Commission that staff asked Mr. Craig to provide them with information which resulted in Mr. Craig's July 17, 2003, letter with attachments. (R254, 348, 359). Mr. Craig included, among other documents, a copy of the DBR license. (R352).

It appears that Mr. Buckley and other planning staff relied on the information provided by Mr. Craig on July 17, 2003, as well as three previous letters of understanding that were incorporated into the Commission's consideration of the original Major Conditional Use application submitted by Northstar, "all of which referred to a license for 12-unit motel, although the location of those units are not clearly defined." (R254-255). See also (SR375-386, 570-577, 603).

Mr. Buckley advised the Commission that he believed he was only required to present a license to the Commission: "that was the direction, no additional research was done on that." (R255). See Endnote 5.

Mr. Craig reiterated that they presented the Commission "with each and every license that [they] had that [they] could find in the record trail" pertaining to the 12-unit motel. (R263) (SR130-131). He also referred to the testimony of Mr. Bill Cullen who testified during the public hearing on the Major Conditional Use. Id. See also (SR100-103).<sup>8</sup> Referring to the hotel units, Mr. Craig stated: "They were in the big building that was on the middle of the site that you have property record cards for. Also in that large house that is there, it still remains there. If you can't see that by walking out on the site then perhaps you need glasses." (R263). But see (R249, 253) (SR81-86), for Mr. Rob Cook's testimony and (SR61-62) for Ms. Bower's testimony.) Mr. Cook's research indicated that the licensure file with DBPR (formerly DBR) regarding the 12-unit motel was closed in or around October 1, 1998. (SR81-82, 562). Compare with (R345, 352-DBR license for the 12-motel units, expiration October 1, 1992). Mr. Cook's testimony is consistent with Mr. Perez' July 13, 2000, letter, which indicated that the 12-unit motel was licensed through 1998 and had ceased operation. (R346).

Mr. Bud Cornell also provided the Commission with a two-page document dated March 17, 2003, and testified regarding the 12-unit motel issue. (R259-260) (SR107-110, 593-594).

Ms. Conaway was satisfied with the documentation of record including, but not limited to, the information provided by Mr. Craig with the July 17, 2003 letter. (R253-254). See Endnote 5.

Toward the end of the public hearing on the Receiver site application, Chair Coleman stated:

Thank you Mr. Thomes. It's coming back to me staff and fellow commissioners when we were here in June I believe on this project we did not -- our directions were defined -- all the other evidence about the 12 units had already been entered. It wasn't just this one '92 receipt. Our directions we were approving a project with the caveat, not a condition, the caveat that you were to satisfy the Planning Director that the 12 units, in your normal how you would be satisfied, existed. It was not to bring to this proceeding here today the burden of proving 12 units. Okay. So that has been almost injected maybe, and if you go back and look, unfairly because we approved this project. And this is just moving 77. And the question of the existence of the 12 units was a caveat that make sure while we are approving this if it isn't bring it back. That's my recollection, okay. We didn't say we are going to retry this thing again. And it's unfair to say this one license -- I know there was a lot more evidence. There's direct testimony that was resolved in that other meeting. With that we are bringing it to the board.

(R265-266).

Immediately thereafter, Commissioner David Ritz, Mr. Buckley, and Ms. Conaway had a question and answer session regarding whether other negative or positive

points should have been awarded. (R267-269). See also (R260-262). With these clarifications by staff, Commissioner Ritz moved to approve the staff recommendation that received a second by Commissioner Mapes. The Commission unanimously approved staff's recommendation, i.e., to approve the Receiver site application. (R269-270).

The Commission's approval of the Major Conditional Use (including the 89-unit hotel) was specifically conditioned on Northstar's documenting the existence of the 12-unit motel formerly on-site via a valid Florida license. If documented, Northstar's needed 77 TREs to construct the hotel.

(R266) (SR218). The Commission ultimately approved Northstar's request for the receivership of 77 TREs. (R283). But, the Commission did not make any specific finding pertaining to the 12-unit motel issue. (R281-284).

Nevertheless, staff recommended the receivership of 77 TREs having been satisfied of the existence of the 12-unit motel. By approving the Receiver site application as recommended by staff and having considered the evidence regarding the existence of the 12-unit motel, the Commission implicitly approved this determination by staff. While Appellants objected to the competency and sufficiency of the evidence on this issue, Appellants did not object to the Commission's consideration of

the issue during consideration of the Sender and Receiver site applications.

### III. Legal Discussion

The Division of Administrative Hearings has jurisdiction over the subject matter of this proceeding and of the parties pursuant to Article XIV, Section 9.5-535, M.C.C. The hearing officer "may affirm, reverse or modify the order of the planning commission." Art. XIV, § 9.5-540(b), M.C.C. The scope of the hearing officer's review under Article XIV is as follows:

The hearing officer's order may reject or modify any conclusion of law or interpretation of the Monroe County land development regulations or comprehensive plan in the planning commission's order, whether stated in the order or necessarily implicit in the planning commission's determination, but he may not reject or modify any findings of fact unless he first determines from a review of the complete record, and states with particularity in his order, that the findings of fact were not based upon competent substantial evidence or that the proceeding before the planning commission on which the findings were based did not comply with the essential requirements of law.

Id. "The hearing officer's final order shall be the final administrative action of Monroe County." Art. XIV, § 9.5-540(c), M.C.C.

In DeGroot v. Sheffield, 95 So. 2d 912 (Fla. 1957), the court discussed the meaning of "competent substantial evidence" and stated:

We have used the term "competent substantial evidence" advisedly. Substantial evidence has been described as such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred. We have stated it to be such relevant evidence as a reasonable mind would accept as adequate to support a conclusion. . . . In employing the adjective "competent" to modify the word "substantial" we are aware of the familiar rule that in administrative proceedings the formalities and the introduction of testimony common to the courts of justice are not strictly employed. . . . We are of the view, however, that the evidence relied upon to sustain the ultimate findings should be sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached. To this extent, the "substantial" evidence should also be "competent."

Id. at 916. (citations omitted).

A hearing officer (administrative law judge) acting in his or her appellate review capacity is without authority to reweigh conflicting testimony presented to the Commission or to substitute his or her judgment for that of the Commission on the issue of the credibility of witnesses. See Haines City Community Development v. Heggs, 658 So. 2d 523, 530 (Fla. 1995).

The question on appeal is not whether the record contains competent substantial evidence supporting the view of the appellant; rather, the question is whether competent substantial evidence supports the findings made by the Commission. Collier Medical Center, Inc. v. Department of Health and Rehabilitative

Services, 462 So. 2d 83, 85 (Fla. 1st DCA 1985). See also  
Dusseau v. Metropolitan Dade County, Board of County  
Commissioners, 794 So. 2d 1270, 1275-1276 (Fla. 2001); Dorian v.  
Davis, 874 So. 2d 661, 663 (Fla. 5th DCA 2004). In Dusseau,  
supra, the court stated:

the "competent substantial evidence"  
standard cannot be used by a reviewing court  
as a mechanism for exerting covert control  
over the policy determinations and factual  
findings of the local agency. Rather, this  
standard requires a reviewing court to defer  
to the agency's superior technical expertise  
and special advantage point in such matters.  
This issue before the court is not whether  
the agency's decision is the "best" decision  
or the "right" decision or even a "wise"  
decision, for these are technical and  
policy-based determinations properly within  
the purview of the agency. The circuit  
court has no training or experience -- and  
is inherently unsuited -- to sit as a roving  
"super agency" with plenary oversight in  
such matters.

Dusseau, 794 So. 2d at 1275-1276.

The issue of whether the Commission "complied with the  
essential requirements of law" is synonymous with whether the  
Commission "applied the correct law." Haines City Community  
Development, 658 So. 2d at 530.

Appellants contend that they were denied procedural due  
process of law and that the Commission departed from the  
essential requirements of law by denying the Appellants party  
status and the right to cross-examine witnesses during the

Commission hearings. Under the Monroe County Code, the review criteria are limited and do not include consideration of whether procedural due process was afforded by the Commission. Because the decision to grant or deny a permit is a quasi-judicial action, Appellants may, if they wish, seek review of this final order by filing a petition for the writ of certiorari with the appropriate circuit court. See Upper Keys Citizens Association and Florida Keys chapter Izaak Walton League of America v. Monroe County and Florida Keys Electric Cooperative Association, Inc., Case No. 01-3914 (DOAH March 5, 2003), and cases cited therein at page 31.

Appellants also argue that the Commission's decision to approve the Sender site application should be reversed because there is no competent substantial evidence to support the Commission's finding that 126 RV spaces were (1) in existence as of January 4, 1996, on the Sender site; (2) were accounted for in the hurricane evacuation model which forms the basis for ROGO; and (3) were lawfully established.

The evidence on this issue is not free from doubt. Planning staff acknowledged the paucity of documents that demonstrate compliance with the criteria. In fact, there is no permit per se of record issued by a Monroe County planning department entity that approved the existence and lawful establishment of 126 RV spaces on the Sender site. (R31-32).

The term "lawfully established" is not defined in the Monroe County Code and the Commission did not affirmatively interpret this criterion.

However, Attachment A, which is part of the Sender site application, required the applicant to provide documentation including proof that the units or spaces are lawfully established and legally existing. Attachment A enumerates documentation which must be submitted and, in part, states: "Copy of Deed of Ownership, Property Record Card AND documentation that the units and/or spaces were accounted for in the hurricane evacuation model which forms the basis of ROGO (lawfully established on or before January 4, 1996) in the form of: . . .OR. . .Other relevant documentation may be used to satisfy both tests, if an applicant cannot provide the above materials, but this substitute requires approval of the Planning Director." (R98).

The staff Memoranda concluded that the Sender site application complies with the three criteria, but affords no explanation. (R194, 202). Ms. Conaway stated that they look at information "around '96"; "we are looking for from '96 to '97 when the Comprehensive Plan was determined." (R27, 31). (Chair Coleman stated: "January 1st, 1996. We want to see that they were lawfully established recognized." Id.) Ms. Conaway, referring to a state license, was asked: "does that mean that it

is authorized lawfully built spaces for Monroe County purposes?" Ms. Conaway responded: "[w]hat it means is I could not find a permit ever given here because of our permitting system. So this is what we used to determine if it is a lawfully permitted use." (R31-32).

It is not proper for the undersigned to weigh or reweigh the evidence, including but not limited to Ms. Conaway's explanation for using the 1996 date to determine whether the 126 RV spaces were in existence and "lawfully established."

Based upon a review of the entire records on appeal in Case Nos. 04-1568 and 03-4720, it is concluded that there is competent substantial evidence to support the Commission's findings that the Sender site application should be approved and that the 126 RV spaces meet the eligibility requirements of Article IV, Section 9.5-120.4(b)a.i)-iii), M.C.C. (R83). As a result, 126 RV spaces are eligible and may be transferred off-site.<sup>9</sup>

Appellants also argue that there is no competent substantial evidence to support Northstar's request for authorization to utilize the 12-unit motel toward the proposed 89-unit hotel. Northstar claims that the 12-unit motel is derived from the Blue Lagoon Motel, which allegedly was located on part of the Receiver site.

The Commission did not resolve this issue in Resolution No. P47-03. (SR216). Rather, the Commission approved Northstar's request for a Major Conditional Use for the construction of a hotel with 89 units, 8,158 square feet of commercial space and other amenities on the Receiver site. The Commission was not satisfied with the evidence regarding the 12-unit motel issue. See, e.g., (SR142-149). Mr. McGarry advised the Commission that the issue would return to the Commission. (SR148, 189).

The project was approved with the condition that Northstar document the existence of the 12-unit motel formerly on-site. Importantly, the condition further recited that if a 12-unit motel was documented, then Northstar needed 77 TREs to construct the 89 hotel units. Otherwise, Northstar needed 89 TREs to construct the 89-unit hotel prior to the issuance of a building permit. (SR148, 216).

In this case, the Commission approved what Northstar requested, i.e., receivership of 77 TREs. (R283). Staff recommended approval of the Receiver site application (the receipt of 77 TREs) because staff determined that Northstar satisfied the condition regarding proof of the existence of the 12-unit motel. (SR218). See also (SR23).

It is concluded that the Commission implicitly approved the existence of the 12-unit motel and there is competent substantial evidence to support this decision.

Finally, the Appellants contend that the Commission departed from the essential requirements of law by ignoring the pending ordinance doctrine in approving the transfer of the 126 RV spaces. The parties agree that Northstar's Major Conditional Use application filed on or about November of 2002, and Northstar's Sender and Receiver site applications filed on or about April 21, 2003, are inextricably linked. (The parties disagree when the Sender and Receiver site applications were filed. See Endnote 3.)

Resolution No. 120-2003, adopted by the Board on March 19, 2003, directed the Monroe County Planning staff "to immediately undertake such development review as is necessary to take forward to the Planning Commission as expeditiously as possible a recommendation regarding a moratorium on the transfer of (TRE's) of redevelopment rights from sender units which are RV spaces to sender units which are hotel or motel rooms, using the draft ordinance (Exhibit A) attached hereto and incorporated herein by reference as a guideline." See Supplemental Record, Aug. 31, 2004.

The Board of County Commissioners of Monroe County (Board) adopted Ordinance No. 025-2003 on June 18, 2003, after both applications were submitted for consideration. (R224-226).

In the Project Overview of the Major Conditional Use application, Northstar stated: "The 89 rooms are created by the

use of the existing 12 motel units and the importation [sic] sufficient transferable development rights (TDRs) and Transferable ROGO Exemptions (TRES) to achieve the desired density. . . .The TDRs and ROGO exemptions have been identified and will be purchased upon completion of the development review process for this project. This transfer will be by means of Minor Conditional Use approval." (SR231). The record in Case No. 03-4720 also contained several letters from Ms. Conaway to Mr. Craig referencing Northstar's proposal to use TDRs and TRES coupled with the requested Major Conditional Use. See, e.g., (SR371-380). In particular, in a letter dated January 25, 2002, Ms. Conaway stated in part: "There was a hotel license for a 12-unit motel on the Blue Lagoon Resort (Parcel C) that was valid in 1994-1995. It is not clear where these motel units were located on the site. These transient units may be credited toward the purposed project." (SR376).

Based upon the forgoing, Northstar's Major Conditional Use application contemplated separate conditional use approval components, including both Major and Minor Conditional Use approvals, which were required to complete the entire project. As such, they are inextricably intertwined.

The moratorium, albeit contemplated by the Board in March of 2003, was not adopted until June 18, 2003. The planning for the moratorium and the actual adoption post-date

the filing of Northstar's Major Conditional Use application and predate the letters of understanding issued by planning staff. The pending ordinance doctrine does not apply in this case. See Smith v. City of Clearwater, 383 So. 2d 681 (Fla. 2d DCA 1980), pet. dismiss., 403 So. 2d 407 (Fla. 1981).

DECISION

Based on the foregoing, the Commission's decisions in Resolution Nos. P55-03 and P56-03 are AFFIRMED.

DONE AND ORDERED this 1st day of November, 2004, in Tallahassee, Leon County, Florida.

  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 1st day of November, 2004.

ENDNOTES

<sup>1/</sup> See Jeff Osborn and Smart Planning and Growth Coalition v. Monroe County Planning Commission and Northstar Resort Enterprises Corporation, Case No. 03-4720 (DOAH November 1, 2004) at page 45 n.3.

<sup>2/</sup> Although the Commission approved the Major and Minor Conditional Uses requested by Northstar by separate Resolutions, it is apparent that the evidence in both cases is inextricably

linked and should be considered in this appeal. For example, in Resolution No. P47-03, the Commission approved Northstar's request for a Major Conditional Use for the construction of a resort hotel with 89 units, 8,158 square feet of commercial space and other amenities on the Receiver site. However, the Commission required Northstar to "document the existence of the twelve-unit motel formerly on-site via a valid Florida license. If documented, then [Northstar] shall need 77 Transferable ROGO Exemptions (TRE[s]) to construct eighty-nine (89) hotel units; if not documented then [Northstar] shall utilize 89 TRE[s] to construct eighty-nine (89) units prior to the issuance of a building permit." (SR218). The Commission did not determine in Case No. 03-4720 whether a 12-unit motel existed on the Receiver site and further did not resolve any Sender/Receiver site issues in Resolution No. P47-03. However, there is evidence regarding the 12-unit motel issue compiled in the record in Case No. 03-4720. Smart Planning's unopposed motion to supplement the record with the record on appeal, Volumes 1-4, in Case No. 03-4720, is granted. Johnson v. State, 660 So. 2d 648, 653 (Fla. 1995).

<sup>3/</sup> The record on appeal in Case No. 04-1568 does not indicate when this application was actually filed with the Monroe County Planning and Environmental Resources Department. However, on April 29, 2003, Mr. Timothy Nicholas Thomes, counsel for Northstar, advised Mr. Tim McGarry and Ms. K. Marlene Conaway, Growth Management Division, that the Northstar application was filed "prior to any proposed consideration of the moratorium on the transfer recreational vehicle spaces to hotel and motel units off-site." Mr. Thomes also renews a request for expediting consideration of Northstar's transfer application dated April 21, 2003. (R167). On June 11, 2003, Ms. Jill Patterson requested a hearing before the Development Review Committee (DRC) scheduled for June 17, 2003, with respect to items one and two relating to Northstar's Sender and Receiver site applications. (R168, 344). Biologist, Mr. Niko Reisinger, and Planner, Mr. J. G. Buckley, submitted a Memorandum dated June 9, 2003, to the DRC summarizing the Sender site application. The DRC considered the Sender site application at a meeting held June 17, 2003. (R197). Apparently, the Sender and Receiver site application fees were not received by Monroe County until July 18, 2003. (R101). Based on this chronology, it appears that there is competent substantial evidence to support a conclusion that the Sender site application was filed on or about April 21, 2003.

4/ During the public hearing on the Sender site application, Ms. Conaway explained that under the regulation, she had the authority to make this determination. Usually every letter has her name on it. She was surprised that the Koconis letter (R166) did not "because this one was researched a number of times even before Embassy Suites there was another hotel looking to do similar things. So people have been counting out there for a long time." (R71).

5/ Mr. Buckley also stated: "The Director of Planning [Ms. Conaway] is comfortable, based on the commission's direction, that the documentation of the 12 units existing then did require Northstar to transfer 77 TREs rather than the full total of 89. So that's why we are considering the transfer of 126 RV spaces with 77 of those spaces going toward the receiver site for the proposed Northstar hotel." (R4, 16). Mr. Wolfe also clarified that the Commission (during the public hearing on the Major Conditional Use) asked staff to "clarify the receiver site of 12 units. That would determine whether or not 77 units had to be transferred in or 89. So they went back and found the license from the state on the 12." (R24). See also pages 20-27, infra, for more discussion of the 12-unit motel issue.

6/ Attachment A, which is part of the Sender site application, required the applicant to provide documentation including proof the units or spaces are lawfully established and legally existing. Attachment A enumerates documentation which must be submitted and, in part, states: "Copy of Deed of Ownership, Property Record Card AND documentation that the units and/or spaces were accounted for in the hurricane evacuation model which forms the basis of ROGO (lawfully established on or before January 4, 1996) in the form of: . . .OR. . .Other relevant documentation may be used to satisfy both tests, if an applicant cannot provide the above materials, but this substitute requires approval of the Planning Director." (R98).

Ms. Conaway stated that they look at information "around '96"; "we are looking for from '96 to '97 when the Comprehensive Plan was determined." (R27, 31). (Chair Coleman stated: "January 1st, 1996. We want to see that they were lawfully established recognized." Id.) Ms. Conaway, referring to a state license, was asked: "does that mean that it is authorized lawfully built spaces for Monroe County purposes?" Ms. Conaway responded: "[w]hat it means is I could not find a permit ever given here because of our permitting system. So this is what we used to determine if it is a lawfully permitted use." (R31-32).

<sup>7</sup>/ On August 26, 2003, Mr. Buckley and Ms. Cheon submitted a Memorandum to the Commission that is substantially the same as the Memorandum submitted to the DRC, which is incorporated by reference herein. (R370-372). Staff made the same recommendation. (R372).

<sup>8</sup>/ Bill Cullen owns the property immediately adjacent to the Receiver site. He testified that he moved to Key Largo in the 1960's and is quite familiar with the Receiver site and the surrounding area. He also stated: "Twelve motel units were there and I'll gladly testify under oath as to their location and existence any time you would like." (SR102).

<sup>9</sup>/ Even if it was determined that 126 RV spaces did not meet the criteria for transfer, the evidence, including the testimony of Ms. Bower, supports the eligibility of 75 to 78 RV spaces on the Sender site. See pages 8-10, 15, supra. Further, while he relied on the expertise of Ms. Bower, Mr. Tobin thought the Sender site could only have 10 units per acre. The Sender site is "9.8 upland acres" which could yield 98 RV spaces if Mr. Tobin's analysis is applied. (R41, 191, 200).

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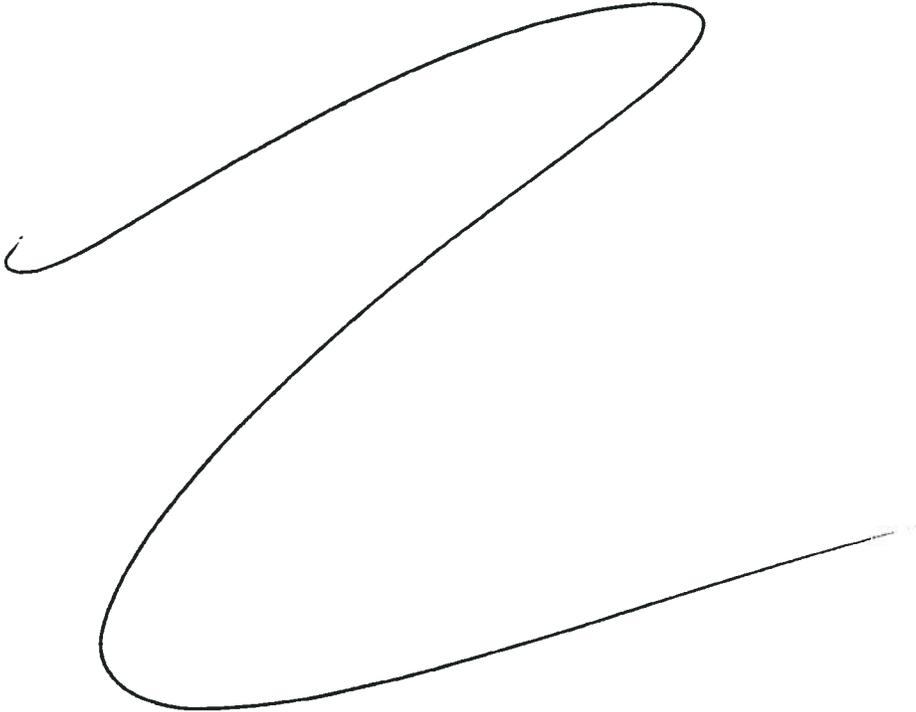
Doc# 1888538  
Bk# 2352 Pg# 2378

Nicole Petrick, Planning Commission Coordinator  
Monroe County Growth Management Division  
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NOTICE OF RIGHTS

Pursuant to Article XIV, Section 9.5-540(c), M.C.C., this Final Order is "the final administrative action of Monroe County." It is subject to judicial review by common law petition for writ of certiorari to the circuit court in the appropriate judicial circuit.

**Doc# 1688538**  
**Bk# 2352 Pg# 2379**

A large, stylized handwritten signature or scribble, consisting of a single continuous line that forms a large, elongated loop with a tail extending to the right.

**RESOLUTION NO. P55-03**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING THE REQUEST FILED BY THE NORTHSTAR RESORT ENTERPRISES CORPORATION TO TRANSFER ONE HUNDRED TWENTY-SIX (126) TRANSFERABLE ROGO EXEMPTIONS IN THE FORM OF RECREATIONAL VEHICLE SPACES OFF-SITE FROM PROPERTY IN KEY LARGO, FLORIDA, DESCRIBED AS SECTION 6, TOWNSHIP 61, RANGE 40, PART OF LOTS 5, 12, AND 13 WITH THE REAL ESTATE NUMBER 00083970.000000

---

**WHEREAS**, Northstar Resort Enterprises Corporation is the owner of real property described as Section 6, Township 61, Range 40, Parts of lots 5, 12, and 13 with the Real Estate Number 00083970.000000; and

**WHEREAS**, the above described property is located in the Suburban Commercial (SC) land use (zoning) district; and

**WHEREAS**, Northstar Resort Enterprises Corporation applied for a Minor Conditional Use approval for the transfer of one hundred twenty-six (126) Transferable ROGO Exemptions (TRE) off-site from the property described above; and

**WHEREAS**, the Planning Commission of Monroe County, Florida, in accordance with the provisions of Sections 9.5-24 and 9.5-68 of the Monroe County Land Development Regulations, met at a regular scheduled meeting on September 24, 2003 to review the request of Northstar Resort Enterprises Corporation for approval of a Minor Conditional Use; and

**WHEREAS**, the proposed request meets the requirements of a Minor Conditional Use as delineated in Section 9.5-68 of the Monroe County Code; and

**WHEREAS**, the Planning Commission reviewed the following documents and other information relevant to the request for approval of a Minor Conditional Use:

1. The application for a Minor Conditional Use dated, April 21, 2003; and
2. Site survey, signed but not sealed, prepared by Hal Thomas, Professional Land Surveying, dated 5/25/00; and
3. Contractual agreement between the buyer, Northstar Resort Enterprises Corp. and the seller, SH3, LTD for the aforesaid property described by Real Estate Number 00083970.000000; and



4. Property record card from the Monroe County Property Appraiser's office; and
5. State of Florida, Department of Health and Rehabilitative Services permit #44-54-00037; and
6. Site map; and
7. Staff report prepared by J.G. Buckley, Planner, and Niko Reisinger, Biologist, dated August 26, 2003; and
8. Comments by members of the Planning Commission; and
9. Sworn testimony and exhibits by members of the general public; and
10. Sworn testimony of Growth Management Division staff; and
11. Advice from John Wolfe, Esq., Planning Commission Counsel; and
12. Sworn testimony made by Don Craig, AICP, on behalf of the applicant; and
13. Comments from Tim Thomes, Esq., on behalf of the applicant; and

**WHEREAS**, based upon the information and empirical evidence submitted, the Planning Commission adopted the following Analysis of Compliance, Findings of Fact and Conclusions of Law:

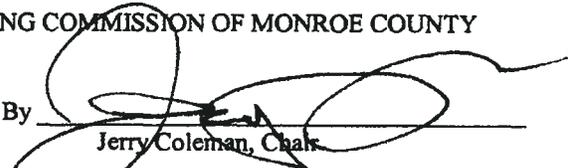
1. Based on the plans submitted, the transfer off site is consistent with Section 9.5-120.4(b). Therefore, we conclude that the transfer off site shall consist of the demolition of a unit or space from a sender site and the development of a new unit(s) on a receiver site.
2. Based on the plans submitted and the testimony heard, the sender spaces meet the eligibility requirements of Section 9.5-120(4):
  - In existence as of January 4, 1996; and
  - Accounted for in the hurricane evacuation model which forms the basis of ROGO; and
  - Lawfully established;Therefore, we conclude that one hundred twenty-six (126) recreational vehicle spaces are eligible and will be transferred off-site.
3. Based on the plans submitted, we conclude that thirteen (13) mobile home spaces will remain on site.

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, THAT:** the preceding Findings of Fact and Conclusions of Law support its decision to **APPROVE**, the request by Northstar Resort Enterprises Corporation for the transfer of one hundred twenty-six (126) Transferable ROGO Exemptions from the sender site.

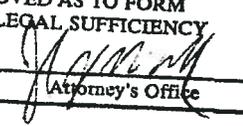
**PASSED AND ADOPTED** by the Planning Commission of Monroe County, Florida, at a regular scheduled meeting held on the 24<sup>th</sup> day of September 2003.

Chair Coleman	<u>Yes</u>
Vice Chair Werling	<u>Yes</u>
Commissioner Mapes	<u>Yes</u>
Commissioner Margalli	<u>Yes</u>
Commissioner Ritz	<u>Yes</u>

PLANNING COMMISSION OF MONROE COUNTY

By   
Jerry Coleman, Chair

Signed this 22<sup>ND</sup> day of October, 2003

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY   
Attorney's Office

**RESOLUTION NO. P56-03**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION **APPROVING** THE REQUEST FILED BY THE NORTHSTAR RESORT ENTERPRISES CORPORATION TO RECEIVE SEVENTY-SEVEN (77) TRANSFERABLE ROGO EXEMPTIONS IN THE FORM OF RECREATIONAL VEHICLE SPACES TO DEVELOP AN EIGHTY-NINE UNIT HOTEL WITH RESTAURANT, 8,158 SQUARE FEET OF COMMERCIAL USE AND OTHER AMENITIES ON PROPERTY DESCRIBED AS SECTION 32, TOWNSHIP 61 SOUTH, RANGE 39 EAST IN LEITNER'S SUBDIVISION AND EL DORADO HEIGHTS SUBDIVISION, KEY LARGO, MONROE COUNTY, FLORIDA WITH THE REAL ESTATE NUMBERS 00087940.000100, 00087970.000100, 00088020.000000, 00088030.000000, AND 00088040.000000.

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**WHEREAS**, Northstar Resort Enterprises Corporation is the owner of real property described as Section 32, Township 61 South, Range 39 East in Leitner's Subdivision and El Dorado Subdivision, Key Largo, Monroe County, Florida with the Real Estate Numbers 00087940.000100, 00087970.000100, 00088020.000000, 00088030.000000, and 00088040.000000; and

**WHEREAS**, the above described property is located in the Suburban Commercial (SC) land use (zoning) district; and

**WHEREAS**, Northstar Resort Enterprises Corporation applied for a Minor Conditional Use approval for the receivership of seventy-seven (77) Transferable ROGO Exemptions (TRE) on the property described above; and

**WHEREAS**, the Planning Commission of Monroe County, Florida, in accordance with the provisions of Sections 9.5-24 and 9.5-68 of the Monroe County Land Development Regulations, met at a regular scheduled meeting on September 24, 2003 to review the request of Northstar Resort Enterprises Corporation for approval of a Minor Conditional Use; and

**WHEREAS**, the proposed request meets the requirements of a Minor Conditional Use as delineated in Section 9.5-68 of the Monroe County Code; and

**WHEREAS**, the Planning Commission reviewed the following documents and other information relevant to the request for approval of a Minor Conditional Use:

*gc*

1. The application for a Minor Conditional Use dated, April 21, 2003; and
2. Field survey prepared by Barrow Survey and Mapping, drawing #22557h-3, updated 9/21/01; and
3. Site plan, signed and sealed by Robert Barnes & Associates, dated 5/02/02; and
4. Landscape plan, by Brown and Crebbin Design Studio, Inc., dated 5/17/02; and
5. Drainage plan, prepared by Allen Perez, Perez Engineering & Development, Inc., dated 10/23/02; and
6. Level III Traffic Study, prepared by Transport Analysis Professionals, dated 6/19/02; and
7. Restaurant floor plan, prepared by Robert Barnes & Associates, dated 5/16/02; and
8. Elevation drawings, prepared by Robert Barnes & Associates, dated 4/24/02; and
9. Staff Report prepared by J.G. Buckley, Planner, and Julie Cheon, Biologist, dated August 26, 2003; and
10. Comments by members of the Planning Commission; and
11. Sworn Testimony and exhibits by the general public; and
12. Sworn testimony by Growth Management Division staff; and
13. Sworn testimony by Don Craig, AICP, on behalf of the applicant; and
14. Comments by Tim Thomes, Esq., Counsel for the applicant; and
15. Advice from John Wolfe, Esq., Counsel for the Planning Commission

**WHEREAS**, based upon the information and empirical evidence submitted, the Planning Commission adopted the following Analysis of Compliance, Findings of Fact and Conclusions of Law:

1. Based on the plans submitted, the transfer off site is consistent with Section 9.5-120.4(b). Therefore, we conclude that the transfer off site shall consist of the demolition of a unit or space from a sender site and the development of a new unit(s) on a receiver site.
2. Based on the plans submitted and the criteria delineated in Section 9.5-120.4(a) the transfer shall be to develop a hotel. Therefore, we conclude that the sender site or space is eligible and has been used as a recreational vehicle space(s).
3. Based on the plans submitted, the receiver site is located in the same ROGO sub-area. Therefore, we conclude that the sub-area criteria is being met.
4. Based on the plans and material submitted the receiver site shall not garner any negative points when evaluated pursuant to Section 9.5-122.3(a)(7) or (8) or (9). Therefore, we conclude that the receiver site contains (7) no

hammock, (8) no threatened or endangered species, and (9) no critical habitat areas.

5. Based on the plans submitted, the receiver site (location of the hotel) is not in a V zone. The property is located in a split flood zone including V, AE, and X zones; the new hotel units will be located in the AE zone. Therefore, we conclude that the receiver site is consistent with Section 9.5-122.3(a)(11) which prohibits transfer to a V zone.
6. Based on the plans submitted, the site is not located in a Coastal Barrier Resource System. Therefore, we conclude that the site is consistent with Section 9.5-122.3(a)(12) that prohibits transfer to a Coastal Barrier Resource System area.
7. Based on the plans submitted, the receiver site is not located on an offshore island/conservation land protection area. Therefore, we conclude that the receiver site is consistent with Section 9.5-122.3(a)(13) that prohibits transfer to an offshore island or a conservation land protection area.
8. Based on the plans submitted, the receiver site is eligible for infrastructure availability points pursuant to Section 9.5-122.3(a)(2). Therefore, we conclude that the receiver site is served by existing infrastructure which includes at a minimum, potable water, electricity and roadways which are paved.
9. Based on the plans submitted, we conclude that the receiver site has an overall ROGO score that is equal to or greater than the sender site.

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, THAT:** the preceding Findings of Fact and Conclusions of Law support its decision to **APPROVE**, the request by Northstar Resort Enterprises Corporation for the receivership of seventy-seven (77) Transferable ROGO Exemptions on the receiver site.

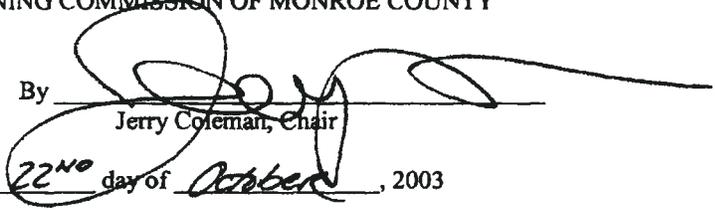
**PASSED AND ADOPTED** by the Planning Commission of Monroe County, Florida, at a regular scheduled meeting held on the 24<sup>th</sup> day of September 2003.

Chair Coleman	<u>Yes</u>
Vice Chair Werling	<u>Yes</u>
Commissioner Mapes	<u>Yes</u>
Commissioner Margalli	<u>Yes</u>
Commissioner Ritz	<u>Yes</u>

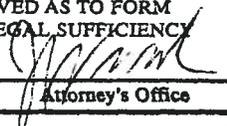
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PLANNING COMMISSION OF MONROE COUNTY

By

  
Jerry Coleman, Chair

Signed this 22<sup>ND</sup> day of October, 2003

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY   
Attorney's Office

Doc# 1688538  
Bk# 2352 Pg# 2387

Exhibit D

RESOLUTION NO. P02-07

Doc# 1635314  
Bkn 2283 Pgn 1289

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A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING A REQUEST BY NORTHSTAR RESORT ENTERPRISES CORP. TO AMEND RESOLUTION P47-03 IN ORDER TO BUILD A ONE HUNDRED THIRTY-EIGHT (138) UNIT RESORT HOTEL INCLUDING THE FOLLOWING AMENITIES: A 4,910 ft<sup>2</sup> RESTAURANT, TWO (2) TIKI BARS, TIKI HUTS, A MAINTENANCE BUILDING, OFFICES AND ONE (1) AFFORDABLE HOUSING UNIT. ADDITIONALLY, THIS RESOLUTION IS APPROVING A FRONT YARD VARIANCE OF TWELVE (12) FEET ALONG WOODWARD WAY AND A 13% REDUCTION IN PARKING TO ALLOW 182 SPACES.

WHEREAS the Monroe County Planning Commission during a public hearing held on July 26, 2006 in Key Largo reviewed and considered this amendment to a major conditional use along with the front yard variance and parking reduction waiver; and

WHEREAS Northstar Resort Enterprises Corp. is the owner of record for 11.67 acres at Mile Marker 99.5 in Key Largo, Monroe County, Florida having Real Estate Numbers: 00566430.000000, 00087940.000000, 00087940.000100, 00087970.000100, 00088020.000000, 00088030.000000, 00088040.000000, 0088060.000000, and 00087950.000000; and

WHEREAS Resolution P47-03 approved a major conditional use permit to construct an eighty-nine (89) transient unit resort hotel and amenities; and

WHEREAS Resolution P47-03 linked the Northstar Resort Project with an affordable housing project and required that a minimum of ten (10) affordable housing units be built; and

WHEREAS the increase in units from eighty-nine (89) to one hundred thirty-eight (138) increases the minimum number of affordable housing units from ten (10) to fifteen (15); and

WHEREAS Development Order #4-04 was a minor conditional use application issued to establish forty-seven (47) ROGO exemptions from the Northstar Resort site to be eligible for transference; and

WHEREAS Development Order #5-04 was a minor conditional use application issued which received the forty-seven (47) ROGO exemptions from the Northstar Resort site at the Florida Keys RV Park to be built as attached affordable housing units; and

WHEREAS Resolution P55-03 approved the request filed by Northstar Resort to transfer one hundred twenty-six (126) ROGO exemptions from the Florida Keys RV Park off of the site; and

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WHEREAS Resolution P56-03 approved the request filed by Northstar Resort to receive seventy-seven (77) ROGO exemptions transferred from the Florida Keys RV Park via P55-03 at the Northstar Resort site; and

WHEREAS Development Order #17-96 established 1.5 Transferable Development Rights (TDRs), Development Order # 18-97 established 2.59 TDRs, and Development Order #7-05 established 7.36 TDRS and transferred a total of 11.45 TDRs to the Northstar Resort site; and

WHEREAS Northstar Resort has two required front yard setbacks - one along US-1 and another along Woodward Way; and

WHEREAS Allowing a thirteen (13) foot front yard setback along Woodward Way will not negatively impact surrounding property owners; and

WHEREAS Woodward Way will remain a 24 ft. road and allow ingress and egress for all property owners along Woodward Way even though Northstar Resort Enterprises owns nine (9) feet of the Western portion of the road; and

WHEREAS Planning Commission Resolution P47-03, condition 15, requires that for every square foot of parking lot area that is waived a correlating square foot of open space must be created in excess of the required 20% and remain as open space via a Grant of Conservation Easement (GOCEA); and

WHEREAS Northstar Resort Enterprises has requested a waiver of twenty-seven (27) spaces that will require a GOCEA be recorded for a minimum of 4,131 ft<sup>2</sup> running in favor of Monroe County prior to the issuance of any Certificate of Occupancy (C.O.); and

WHEREAS, the Planning Commission reviewed the following documents and other information relevant to the amendment to the Major Conditional Use request:

1. Master Site Plan, Sheet A-1, by Robert Barnes, 6/20/06; and
2. Partial Site Plans, Sheets A-2 - 5, by Robert Barnes, 6/20/06; and
3. Reception & Office Floor Plan, Sheet A-6, by Robert Barnes, 1/10/06; and
4. Reception & Office Elevations, Sheets A-7 - 8, by Robert Barnes, 1/10/06; and
5. Restaurant & Lounge Floor Plan, Sheet A-9, by Robert Barnes, 6/20/06; and
6. Restaurant Elevations, Sheet A-10 -11, by Robert Barnes, 6/20/06; and
7. Maintenance First Floor Plan, Sheet A-13, by Robert Barnes, 6/20/06; and
8. Maintenance Affordable Housing - Second Floor, Sheet A-14, by Robert Barnes, 6/20/06; and



- 1 9. Maintenance Affordable Housing - Elevations, Sheet A-15, by Robert
- 2 Barnes, 6/20/06; and
- 3 10. Building A4 first floor, Sheet A-16, by Robert Barnes, 6/20/06; and
- 4 11. Building A4 second floor, Sheet A-17, by Robert Barnes, 1/10/06; and
- 5 12. Building A4 third floor, Sheet A-18, by Robert Barnes, 6/20/06; and
- 6 13. Building B2 first floor, Sheet A-19, by Robert Barnes, 1/10/06; and
- 7 14. Building B2 second floor, Sheet A-20, by Robert Barnes, 1/10/06; and
- 8 15. Building B2 elevations, Sheet A-21, by Robert Barnes, 1/10/06; and
- 9 16. Building B1 first floor, Sheet A-22, by Robert Barnes, 1/10/06; and
- 10 17. Building B1 second floor, Sheet A-23, by Robert Barnes, 1/10/06; and
- 11 18. Building B1 elevations, Sheet A-24, by Robert Barnes, 1/10/06; and
- 12 19. Building B3 first floor, Sheet A-25, by Robert Barnes, 1/10/06; and
- 13 20. Building B3 second floor, Sheet A-26, by Robert Barnes, 1/10/06; and
- 14 21. Building B3 elevations, Sheet A-27, by Robert Barnes, 1/10/06; and
- 15 22. Buildings A1-3 first floor, Sheet A-28, by Robert Barnes, 1/10/06; and
- 16 23. Buildings A1-3 second floor, Sheet A-29, by Robert Barnes, 1/10/06;
- 17 and
- 18 24. Buildings A1-3 third floor, Sheet A-30, by Robert Barnes, 1/10/06;
- 19 and
- 20 25. Buildings A1-3 Elevations, Sheets A-31-32, by Robert Barnes, 1/10/06;
- 21 and
- 22 26. Field Survey drawing #22557h-3 by Barrow Surveying & Mapping,
- 23 9/21/01; and
- 24 27. Field Survey drawing #24937 Pugliese Parcel by Barrow Surveying &
- 25 Mapping, not dated; and
- 26 28. Field Survey, drawing 4601 - Cullen Parcel by Task Surveyors, not
- 27 dated; and
- 28

29 **WHEREAS**, the Planning Commission has made the following Findings  
30 of Fact and Conclusion of Law, based on the sworn testimony of the Monroe  
31 County Planning Department staff and the record:

- 32
- 33 1. The proposed project site is 11.67 acres with a land use
- 34 designation of Suburban Commercial (SC) and a Future Land Use
- 35 Map (FLUM) designation of Mixed Use/Commercial (MC).
- 36 2. Northstar Resort currently owns 9.32 acres of the proposed site
- 37 with a contract to purchase 2.35 acres included in the project
- 38 proposal.
- 39 3. The 9.32 acres owned by Northstar Resort is associated with 89
- 40 lawfully established transient units, 1 market rate residential unit,
- 41 and 9,210 sq. ft. of lawfully established non-residential floor area.
- 42 4. The 2.35 acres under contract for purchase contains 3 market rate
- 43 residential units.
- 44 5. The Northstar Resort project is linked to an affordable housing
- 45 project to be located at approximate mile marker 106.
- 46 6. The Northstar Resort site has two sides which front roads and
- 47 would require a 25 ft. front yard setback. Approving a variance to

- 1 allow Northstar to maintain only a 13 ft. setback along Woodward
- 2 Way instead of the required 25 ft. setback will not cause any
- 3 hardship to surrounding property owners or impact the property
- 4 values of surrounding property owners.
- 5 7. Northstar Resort is required to have 209 parking spaces.
- 6 Reducing that number by 13% or 27 spaces pursuant to MCC §9.5-
- 7 523(b)(2) to require 182 parking spaces will still allow for adequate
- 8 parking for the facility. Pursuant to Resolution P47-03, Northstar
- 9 Resort has identified 4,131 ft<sup>2</sup> GOCEA to be recorded in
- 10 conjunction with this parking space reduction request.
- 11 8. Resolution P55-03 identified the Florida Keys RV Park at mile
- 12 marker 106 as a transferable ROGO exemption (TRE) sender site
- 13 and recognized 126 TREs.
- 14 9. Resolution P56-03 transferred 77 of these TREs to the Northstar
- 15 Resort site leaving 49 TREs on the Florida Key RV Park site
- 16 available for transfer.
- 17 10. Northstar Resort meets the criteria detailed in 120.4 (b)a. iii) (1) a.
- 18 (ii) and is eligible to receive the 49 remaining TREs identified in
- 19 P55-03 from the Florida Keys RV Park site.
- 20 11. Conditions 2, 3, 4, 6, 7, 8, 11, 12, 13, 16 and 17 from Resolution P47-
- 21 03 shall be maintained.
- 22

23 **NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION**  
24 **OF MONROE COUNTY, FLORIDA,** that the preceding Findings of Fact and  
25 **Conclusions of Law, support its decision to:**

26  
27 **APPROVE** the request filed by Northstar Resort Enterprises Corp. to  
28 construct a one hundred thirty-eight (138) unit resort hotel including the  
29 following amenities: a 4,910 ft<sup>2</sup> restaurant, two (2) tiki bars, tiki huts, a  
30 maintenance building, offices and one (1) affordable housing unit; as well as, a  
31 front yard variance of twelve (12) feet along Woodward Way and a 13%  
32 reduction in parking to allow 182 spaces with the following conditions:

- 33 1. Prior to drafting a Planning Commission Resolution, the applicant  
34 shall:
  - 35 a. Submit proof of ownership for the Cullen parcel including  
36 exact acreage owned as well as who will possess the three (3)  
37 market rate permanent residential units established on that  
38 parcel; and
  - 39 b. Submit a Preliminary Plat Application for the Cullen parcel  
40 only a portion of the current parcel is being bought by  
41 Northstar. If this plat does not show that the Northstar  
42 Resort is purchasing a minimum of 2.36 acres or if the Board  
43 of County Commissioners does not approve this plat, any  
44 approvals given for the project shall be vacated and the  
45 project shall submit a new amendment to their major  
46 conditional use permit; and



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- c. Submit a revised Traffic Study to determine if the restaurant can be considered as a low intensity use or a medium intensity use. If the restaurant can be considered a low intensity use, then two (2) 250 sq. ft. Tiki Bars can be permitted on the site. If the restaurant must be considered as a medium intensity use then no Tiki Bars shall be permitted. The Planning Commission Resolution shall state whether Tiki Bars shall be permitted; and
  - d. Submit a revised Traffic Study to conform with Monroe County Traffic Consultant request outlined in XIII.D. of this report. The Planning Commission Resolution shall only be issued if the Monroe County Traffic consultant finds that this project can be built without causing negative impacts to local traffic circulation and hurricane evacuation times. If this condition is not satisfied, a new conditional use amendment application shall be proffered to meet this criteria.
2. Prior to issuance of a building permit, the applicant shall:
- a. Transfer an additional 11.55 development rights to the Northstar Resort site; and
  - b. Have the plat of the Cullen parcel approved by the BOCC; and
  - c. Submit revised stormwater and landscape plans which do not show a possible future spa and include the Class D buffer as required along Thurmond Street. The landscape plan should include enough detail to ensure that the installation criteria found in MCC § 9.5-364 is met; and
  - d. Provide additional permits from the Florida Department of Environmental Protection and the Army Corps of Engineers for the dock extension, slip reconfiguration, and boat ramp removal; and
  - e. Obtain Florida Department of Environmental Protection and U.S. Army Corps of Engineers approval for filling the boat ramp. Any development so filled shall conform to the setbacks established by DEP and ACOE permits; and
  - f. Provide the Surface Water Management Plan to be reviewed by the County Engineering Department for compliance. The plan must be reviewed and approved by the South Florida Water Management District. All surface water shall be managed on-site, retained with swales or approved drainage, drainage calculations must be shown on the plans; and
  - g. Provide a plan to retrofitting existing docking facilities to include an on-site pump-out station and sewage treatment as required by the Comprehensive Plan for any facility having ten (10) or more slips (wet or dry); and



- 1 h. Have the proposed on-site waste treatment system approved
- 2 by the Department of Health and comply with the minimum
- 3 requirements of Chapter 10D-6 of the Florida Administrative
- 4 Code; and
- 5 3. Prior to issuance of a certificate of occupancy for any unit, a
- 6 minimum of fifteen (15) affordable housing units at the linked site
- 7 at approximate mile marker 106 shall be completed with
- 8 certificates of occupancy; and
- 9
- 10 4. The Resort will not be gated from US-1 to allow local residents
- 11 and other guests to use the restaurant facility.

12 **APPROVE** to reduce the required parking by twenty-seven spaces for a  
13 total of one hundred eighty two spaces (182) provided with the following  
14 condition:

- 15
- 16 1. A Grant of Conservation Easement be recorded for a minimum of
- 17 4,131 ft<sup>2</sup> running in favor of Monroe County prior to the issuance
- 18 of any C.O. on the property; and
- 19

20 **APPROVE** to waive the 25 ft. front yard required setback along  
21 Woodward Way to a minimum of 13 ft. with the following condition:

- 22 1. An access easement be recorded running in favor of Monroe
- 23 County prior to the issuance of any C.O. on the property to ensure
- 24 that Woodward Way remains a minimum of 24 ft. wide to allow
- 25 access for all parcels which front Woodward Way; and
- 26

27 **APPROVE** to transfer the forty-nine (49) remaining eligible units  
28 established by Resolution P55-03 at the Florida Keys RV Park to the Northstar  
29 Resort site;

30  
31 **WHEREAS** Condition 1.a. has been satisfied by providing a warranty  
32 deed showing ownership of approximately 2.36 acres and stating that the three  
33 (3) market rate ROGO exemptions are to be retained by Mr. Cullen; and

34  
35 **WHEREAS** Condition 1.b. has been partially satisfied by submittal of a  
36 preliminary plat application for the parcel showing that Northstar Resort has  
37 purchased approximately 2.36 acres; and

38  
39 **WHEREAS** Conditions 1.c. and 1.d. have been met as Northstar Resort  
40 Enterprises has submitted a traffic study meeting the requirements of the County  
41 Traffic consultant which has concluded that the restaurant can be considered as a  
42 low intensity use, the resort will not be gated, and may include two (2) Tiki Bars;

43  
44 **PASSED AND ADOPTED** by the Planning Commission of Monroe County  
45 Florida at a meeting held on the 26<sup>th</sup> day of July 2006

46  
47 Chairman Cameron YES

 Doc# 1688538  
Bk# 2352 Pg# 2394

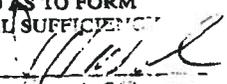
- 1 Commissioner Windle YES
- 2 Commissioner Popham YES
- 3 Commissioner Wall YES
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12

Doc# 1635314  
Bk# 2283 Pg# 1294

Planning Commission of  
Monroe County, Florida

By   
James Cameron, Chairman

Signed this 24<sup>th</sup> day of January 2007

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY   
Attorney's Office

MONROE COUNTY  
OFFICIAL RECORDS

Doc# 1688538  
Bk# 2352 Pg# 2395

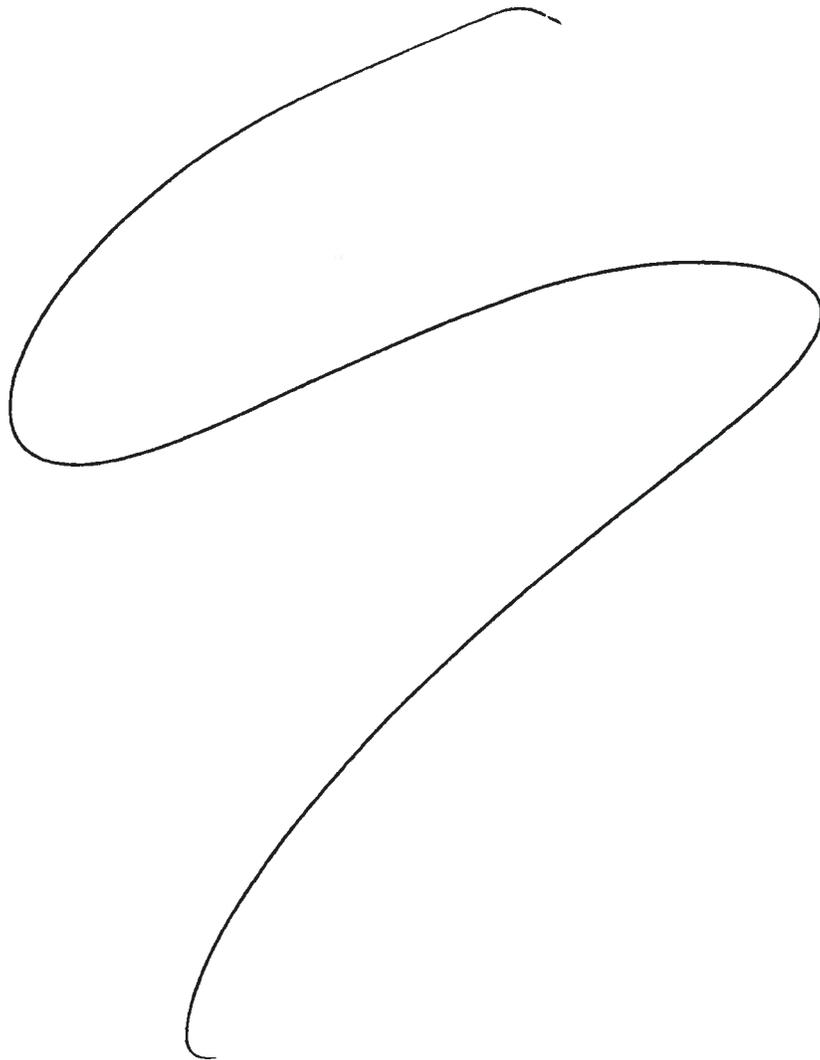


Exhibit E



**MONROE COUNTY FLORIDA  
MINOR CONDITIONAL USE DEVELOPMENT ORDER # 4-04**

**A DEVELOPMENT ORDER ESTABLISHING THAT 47 ROGO  
EXEMPTIONS FROM NORTHSTAR RESORT ENTERPRISES,  
INC. ARE ELIGIBLE FOR TRANSFERENCE**

**WHEREAS**, Northstar Resort Enterprises, Inc. is the owner of property legally described as Parts of Lots 4, 8, 9, 11 and 12, Section 32, Township 161, Range 39, Island of Key Largo, Monroe County, Florida and is addressed as: 99500 Overseas Highway with Real Estate Numbers: 00087940.000100, 00087970.000100, 00088020.000000, 00088030.000000, and 00088040.000000; and

**WHEREAS**, the above described property is located in the Suburban Commercial (SC) land use district, and the future land use map designation (FLUM) is Mixed Use/Commercial (MC); and

**WHEREAS**, the applicant is seeking development approval to establish 47 residential ROGO exemption units (TREs) for off-site relocation; and

**WHEREAS**, the Biologist has determined that the habitat is disturbed with some scattered native trees and no hammock on-site; and

**WHEREAS**, the Development Review Committee (DRC) of Monroe County, Florida, in accordance with the provisions of Sections 9.5-24 and 9.5-68 of the Monroe County Land Development Regulations, met to review the request of Northstar Resort Enterprises for approval of the application for transfer of 47 ROGO exemptions on May 18, 2004; and

**WHEREAS**, the Development Review Committee reviewed the following documents and other information relevant to the request for approval of a Minor Conditional Use:

1. A completed application for development approval for transfer of ROGO exemptions (Sender Site) which included all documents required by the application dated March 25, 2004; and
2. A sender site staff report prepared by by Jason King, Planner and Niko Reisinger, Biologist dated May 11, 2004; and



**WHEREAS**, based upon the information and documentary evidence submitted, the Development Review Committee adopted the following findings of fact and conclusions of law:

1. The Northstar Resort Enterprises, Inc. had a valid operating permit from the Department of Health and Rehabilitative Services for 45 mobile homes, which were accounted for in the 1988 Monroe County Mobile Home and RV Study; and
2. There is also a one-story concrete residence and a two-story residence on the premises recognized as established in the Letter of Understanding dated January 5, 2004; and

**WHEREAS**, the Development Review Committee, based on its findings of fact and conclusions of law, recommended **approval** with conditions of the application for development approval of transfer of 47 ROGO exemptions; and

**WHEREAS**, the Director of Planning has duly considered the recommendation of the Development Review Committee; and

**WHEREAS**, the record established, the testimonies, offered, and the evidence submitted, support the findings of fact adopted by the Development Review Committee:

**NOW THEREFORE, BE IT RESOLVED BY THE DIRECTOR OF PLANNING OF MONROE COUNTY, FLORIDA**, that the request by Northstar Resort Enterprises Inc. to approve for transfer of ROGO exemptions of 47 Non-transient TREs is hereby **APPROVED** with the following conditions:

1. The sender units have been assigned unique identifier numbers that shall be used for tracking and monitoring by the Planning Department. The unique identifier numbers listed below shall be itemized in the conditional use orders and building permits required for both the sender and receiver sites.

The unique identifier numbers for eligible transferable residential units are identified in Development Order # 4-04 as Nos. A-0153 through A-0200.

2. No building permit shall be issued for the new unit on the receiver site until one (1) of the following conditions are met:
  - a. The units are demolished as per an issued demolition permit and a final inspection for the demolished units or spaces have been completed by the Building Department are for the sender site; or
  - b. The units are removed pursuant to a development approval, development order, or development permit and a final inspection for the removed unit is completed by the Building Department for the sender site.



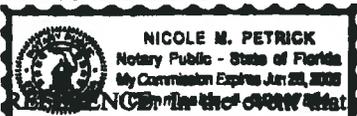
- 3. The applicant shall have five (5) years from the date of the approval of the Minor Conditional Use to transfer the eligible units, identified in Development Order # 4-04 as Nos. A-0153 through A-0200, or the Minor Conditional Use shall become void and Northstar Resort Enterprises, Inc. shall be required to apply for and secure a new minor conditional use permit for future transfers off-site. The Director of Planning may extend this time limitation and grant an additional two (2) years for the allocation and transfer of the residential ROGO exemption units upon written request and for good cause shown.

6/29/04  
Date

K. Marlene Conaway  
K. Marlene Conaway  
Director of Planning and Environmental Resources

HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared K. Marlene Conaway, to me known to be the persona described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 29<sup>TH</sup> day of JUNE, 2004.



Nicole M. Petrick  
NOTARY PUBLIC, STATE OF FLORIDA

Reference is made to the fact that this development order constitutes an amendment, extension, variation, or alteration of a previous conditional use permit, that document may be referenced by the following N/A "NONE"

**NOTICE**

If this development order is appealed under the Monroe County code or by the Department of Community Affairs, the above time limits shall be tolled until the appeals are resolved.

This instrument shall not take effect for thirty (30) working days following the date of memorialization thereof, and during that time, the permit shall be subject to appeal as provided in Section 9.5-521(c) of the Monroe County land development regulations. An appeal shall stay the effectiveness of this instrument until resolved.

In addition, please be advised that pursuant to Chapter 9J-1, Florida Administrative Code (FAC), this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Department of Community Affairs. Pursuant to FAC Section 9J-1.003(2), "Development orders shall not be rendered until the time within which to file any local administrative appeals pursuant to local ordinances has expired." During that forty-five days, the Florida Department of Community Affairs may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

Doc# 1688538  
Bk# 2352 Pg# 2399

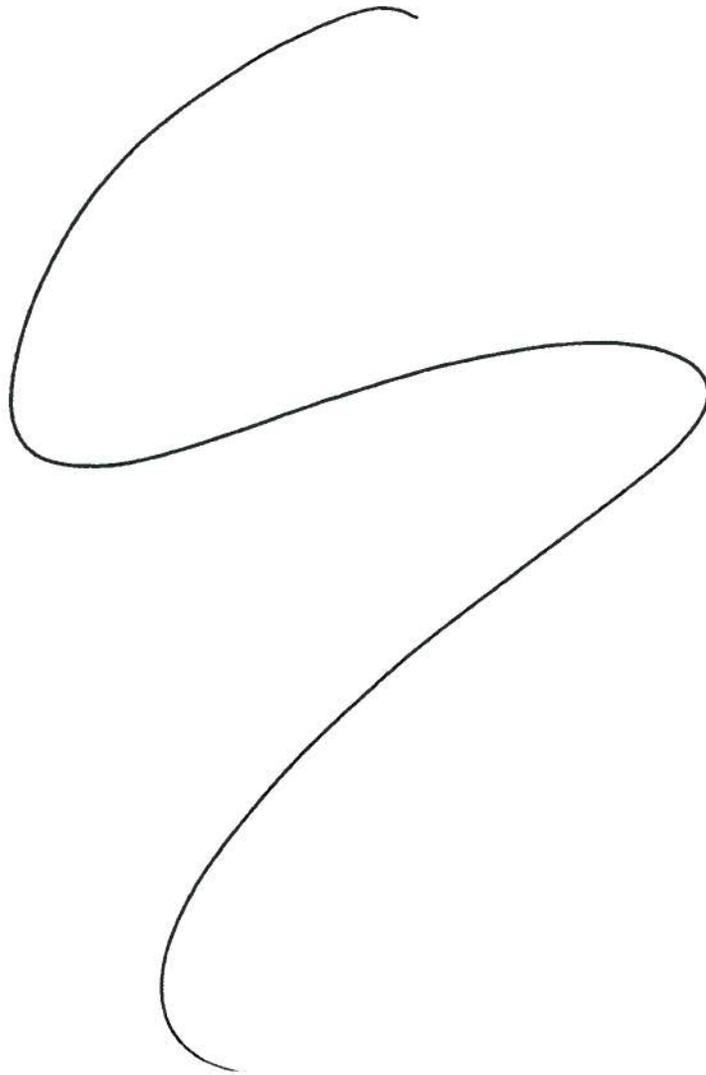


Exhibit F



**MONROE COUNTY FLORIDA  
MINOR CONDITIONAL USE DEVELOPMENT ORDER # 5-04**

**A MINOR CONDITIONAL USE DEVELOPMENT ORDER  
ESTABLISHING THAT 47 ROGO EXEMPTIONS MAY BE  
RECEIVED AT THE FLORIDA KEYS RV PARK**

**WHEREAS**, Northstar Resort Enterprises, Inc. is the owner of Florida Keys R.V. Resort property and is described as Parts of Lots 5, 12, and 13, Section 6, Township 61, Range 40, Island of Key Largo, Monroe County, Florida. [6-61-40 ISLAND OF KEY LARGO PT LOTS 5-12-13 OR463-879 OR 735-585 OR 735-586-589 OR 1014-2340(DCP) OR 1175-2027 / 30AMFJ(CW) OR 1180-1670/71(CW)]; and

**WHEREAS**, the above described property is located in the Suburban Commercial (SC) land use district, with the future land use map designation (FLUM) of Mixed Use/ Commercial (MC); and

**WHEREAS**, the applicant is requesting development approval for transfer of 47 ROGO exemption units (TREs) to the above described property henceforth referred to as the receiver site; and

**WHEREAS**, the Biologist has determined the site to be disturbed with some scattered native trees and that there is no hammock on the property; and

**WHEREAS**, the current request to transfer 47 residential ROGO exempt (TRE) units from Northstar Resort Enterprises, Inc. to the Florida Keys R.V. Resort is being made in lieu of condition number ten of Resolution P47-03, which states, "*Not less than ten (10) and not more than twenty (20) newly constructed affordable housing employee housing units consistent with Sections 9.5-4(A-5) and 9.5-4(E-1) shall be constructed off-site. The employee units shall be completed prior to the issuance of a Certificate of Occupancy for the Northstar Hotel.*"; and

**WHEREAS**, the Development Review Committee (DRC) of Monroe County, Florida, in accordance with the provisions of Sections 9.5-24 and 9.5-68 of the Monroe County Land Development Regulations, met to review the request of Northstar Resort Enterprises, Inc. for approval of the application for development approval of transfer of 47 ROGO exemptions; and

**WHEREAS**, the Development Review Committee reviewed the following documents and other information relevant to the request:

1. A completed application for development approval for transfer of ROGO exemptions (Receiver Site) which included all documents required by the application dated March 25, 2004; and



- 2. A receiver site staff report prepared by Jason King, Planner and Niko Reisinger, Biologist dated May 11, 2004; and

**WHEREAS**, based upon the information and documentary evidence submitted, the Development Review Committee adopted the following findings of fact and conclusions of law:

- 1. Based upon the information and documentary evidence submitted, the site in question complies with the criteria under Section 9.5-120.4 through 9.5-120.5. Therefore, we find that the Florida Keys RV Park is an appropriate receiver site for 47 TREs from Northstar Resort Enterprises, Inc.; and

**WHEREAS**, the Development Review Committee, based on its findings of fact and conclusions of law, recommended **approval** with conditions of the application for development approval of transfer of ROGO exemption; and

**WHEREAS**, the Director of Planning has duly considered the recommendation of the Development Review Committee; and

**WHEREAS**, the record established, the testimonies, offered, and the evidence submitted, support the findings of fact adopted by the Development Review Committee:

**NOW THEREFORE, BE IT RESOLVED BY THE DIRECTOR OF PLANNING OF MONROE COUNTY, FLORIDA** that the request by Northstar Resort Enterprises Inc. to receive 47 Non-transient TREs is hereby **APPROVED** subject to the following conditions:

- 1. A building permit will be required for the development of units at the receiver site. A major conditional use application will also be required for the development of those units at the receiver site. The major conditional use development will require a Pre-Application Conference in which the following shall be required in the form of a Letter of Understanding:
  - a) The receiver units must be attached dwelling units pursuant to Section 9.5-120.4 (B) (i); and
  - b) The receiver units meet the criteria for affordable housing pursuant to Sections 9.5-4 (A-5) and 9.5-266; and
  - c) Any development application must demonstrate with a traffic study acceptable to Monroe County traffic engineers that their proposed development will not impact hurricane evacuation times; and
  - d) The development conforms to all other Land Development Regulations.
- 2. The unique identifier numbers assigned to Northstar Development for eligible TREs are identified as A-0153 through A-0200.

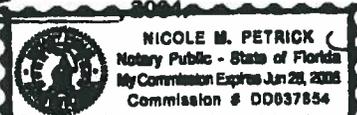
- 3. The applicant Northstar Resort Enterprises Inc., shall have three (3) years from the date of the approval of the Minor Conditional Use to utilize the 47 TREs and to complete construction of all structures for which the TREs were granted, or the Minor Conditional User shall become void and Northstar Resort Enterprises Inc., shall be required to apply for and secure a new Minor Conditional Use for the transfer of TREs to the site.

Date 6/29/04

K. Marlene Conaway  
K. Marlene Conaway  
Director of Planning and Environmental Resources

HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared K. Marlene Conaway, to me known to be the persona described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 29<sup>th</sup> day of JUNE 2004



Nicole M. Petrick  
NOTARY PUBLIC, STATE OF FLORIDA

REFERENCE: In the event that this development order constitutes an amendment, extension, variation, or alteration of a previous conditional use permit, that document may be referenced by the following N/A "NONE"

**NOTICE**

If this development order is appealed under the Monroe County code or by the Department of Community Affairs, the above time limits shall be tolled until the appeals are resolved.

This instrument shall not take effect for thirty (30) working days following the date of memorialization thereof, and during that time, the permit shall be subject to appeal as provided in Section 9.5-521(c) of the Monroe County land development regulations. An appeal shall stay the effectiveness of this instrument until resolved.

In addition, please be advised that pursuant to Chapter 9J-1, Florida Administrative Code (FAC), this instrument shall not take effect for forty-five (45) days following the rendition to the Florida Department of Community Affairs. Pursuant to FAC Section 9J-1.003(2), "Development orders shall not be rendered until the time within which to file any local administrative appeals pursuant to local ordinances has expired." During that forty-five days, the Florida Department of Community Affairs may appeal this instrument to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

MONROE COUNTY  
OFFICIAL RECORDS

Doc# 1688538  
Bk# 2352 Pg# 2403

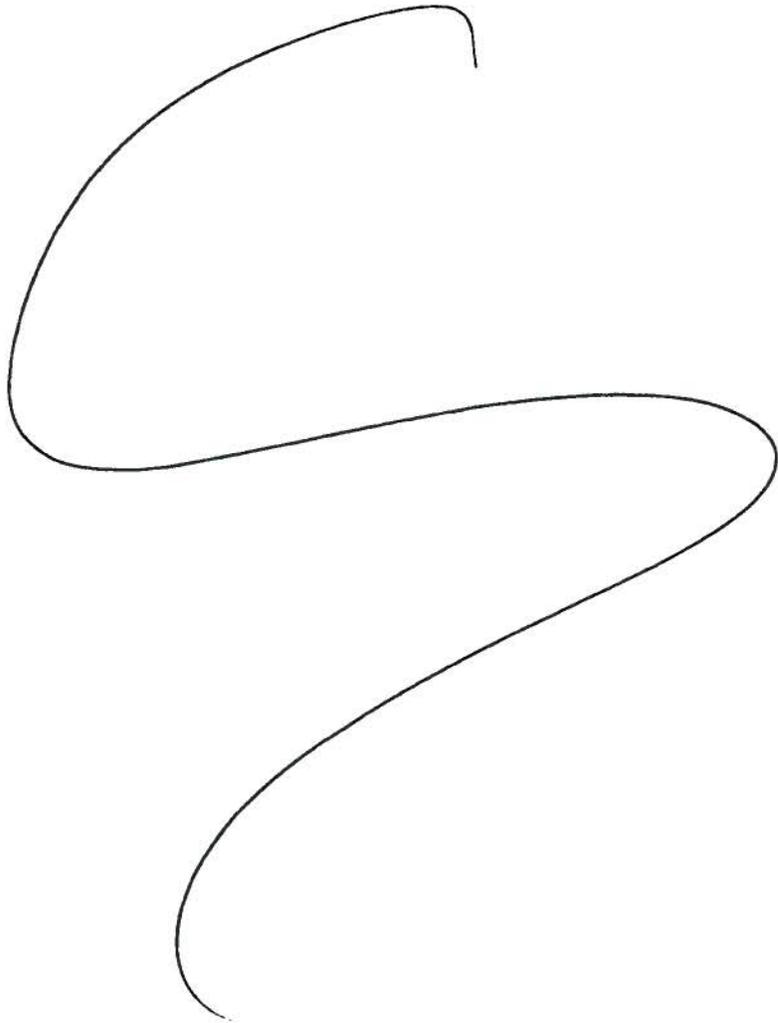


Exhibit G

*Place Letterhead Here*

**MONROE COUNTY CERTIFICATE  
 FOR  
 INCLUSIONARY HOUSING TRACKING**

The purpose of this Certificate is to track the allotment of Inclusionary Housing Tracking Certificates (IHTCs) awarded pursuant to Development Agreement #\_\_\_\_ entered into between Monroe County Board of County Commissioners of Monroe County Florida and Northstar Resort Enterprises Corporation. Upon receipt of a certificate of occupancy for each of the 91 affordable housing units and appropriate affordable housing deed restriction Northstar will receive one IHTC. Each IHTC can be used on a one to one basis by to meet inclusionary housing requirements as outlined in Section 9.5-266.

Below are the numbers of the IHTCs to be issued: To whom transferred

Unit #/ Certificate Number	CO #	Deed Restriction Book/Page	Unit #/ Certificate Number	CO #	Deed Restriction Book/Page
1			47		
2			48		
3			49		
4			50		
5			51		
6			52		
7			53		
8			54		
9			55		
10			56		
11			57		
12			58		
13			59		
14			60		
15			61		
16			62		
17			63		
18			64		
19			65		
20			66		
21			67		
22			68		
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25			71		
26			72		
27			73		
28			74		
29			75		

30				76		
31				77		
32				78		
33				79		
34				80		
35				81		
36				82		
37				83		
38				84		
39				85		
40				86		
41				87		
42				88		
43				89		
44				90		
45				91		
46						

Below is a list of projects at which the IHTC has been transferred:

Certificate Number	Project Name	Project Location/ RE Number(s)		Certificate Number	Project Name	Project Location/ RE Number(s)
1				47		
2				48		
3				49		
4				50		
5				51		
6				52		
7				53		
8				54		
9				55		
10				56		
11				57		
12				58		
13				59		
14				60		
15				61		
16				62		
17				63		
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19				65		
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30				76		
31				77		
32				78		
33				79		
34				80		
35				81		
36				82		
37				83		
38				84		
39				85		
40				86		
41				87		
42				88		
43				89		
44				90		
45				91		
46						

The above referenced IHTCs are transferable and assignable individually and in groups by Northstar Resort Enterprises Corporation and by its or any other transferees, successors and assigns, by a notarized instrument filed with the Director of Growth Management for Monroe County and the issuance of a new certificate showing such transfer by the Division of Growth Management. Upon use the Certificate for inclusionary housing requirements, such Certificate must be presented and surrendered and a new certificate shall be issued by the Division of Growth Management showing the use of the IHTC. The Division of Growth Management shall keep records of such transfers.

\_\_\_\_\_  
 Andrew O. Trivette  
 Director Growth Management Division

\_\_\_\_\_  
 Date

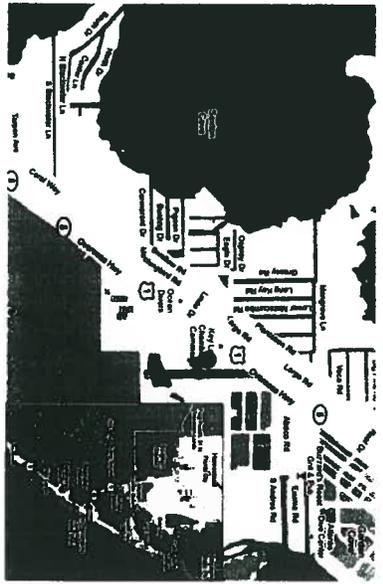
Notary:  
 STATE OF FLORIDA  
 COUNTY OF MONROE

The foregoing signature was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. By \_\_\_\_\_ who is personally known to me or produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
 Signature of Notary Public, State of Florida

**MONROE COUNTY  
 OFFICIAL RECORDS**

My Commission Expires:

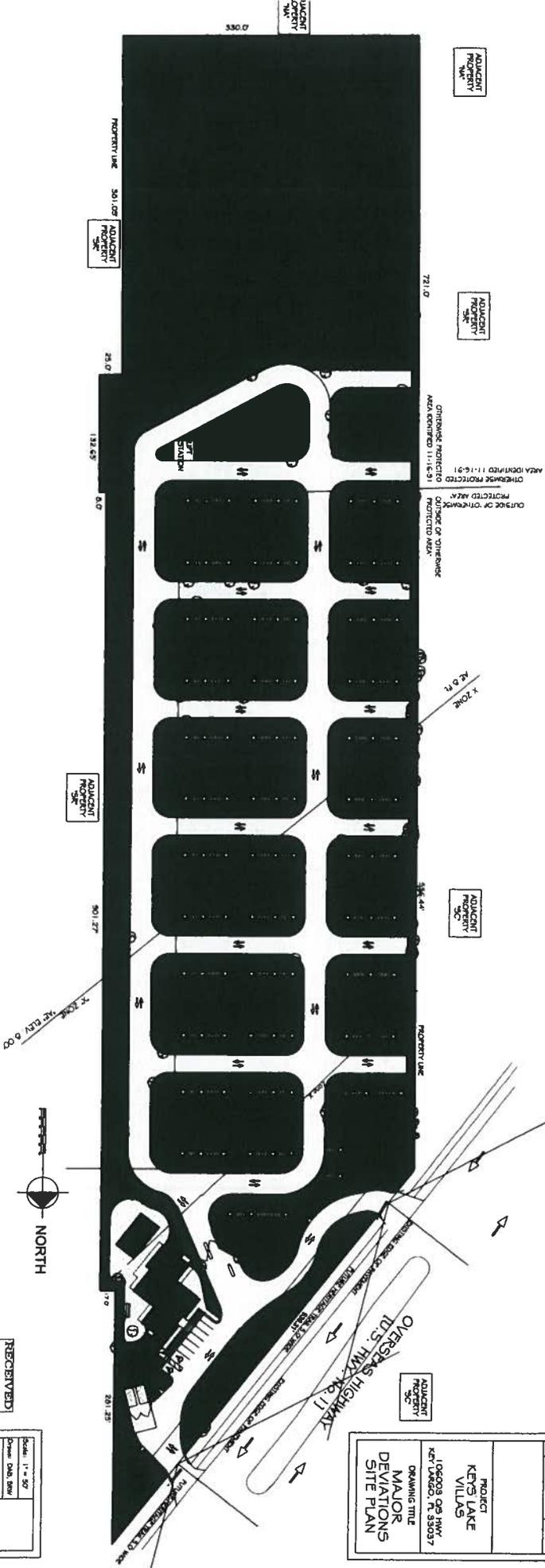


SITE LOCATION MAP  
N.T.S.

# KEYS LAKE VILLAS MILE MARKER 106 KEY LARGO, FLORIDA

NORTHSTAR RESORT ENTERPRISES, CORP.  
SOLARIA DESIGN & CONSULTING CO.

MAJOR DEVIATION  
MARCH 4, 2010



DRAWING INDEX	
MD-1	COVER SHEET
MD-2	MAJOR DEVIATION SITE PLAN
MD-3	MAJOR DEVIATION SITE PLAN WITH CHANGES HIGHLIGHTED
MD-4	MAJOR DEVIATION COMPARISON SITE PLANS
A-2	UNIT PLANS
	UNIT 'A' - 3 B.R./2.5 BATH
	UNIT 'B' - 2 B.R./2.5 BATH
	UNIT 'C' - 2 B.R./1 BATH
A-3	BUILDING PLANS TYPE I (UPPER) UNIT 'A'
A-4	BUILDING PLANS TYPE I (UPPER) UNIT 'B'
A-5	BUILDING PLANS TYPE I (UPPER) UNIT 'C'
A-6	BUILDING PLANS TYPE VI (TRIPLE) UNIT 'A'
A-7	BUILDING PLANS TYPE VI (TRIPLE) UNIT 'B'
A-8	BUILDING PLANS TYPE VI (TRIPLE) UNIT 'C'
A-9	EXTERIOR ELEVATIONS ATTACHED UNIT 'A' TYPE I (UPPER)
A-10	EXTERIOR ELEVATIONS ATTACHED UNIT 'B' TYPE I (UPPER)
A-11	EXTERIOR ELEVATIONS ATTACHED UNIT 'C' TYPE I (UPPER)
A-12	EXTERIOR ELEVATIONS ATTACHED UNIT 'A' TYPE VI (TRIPLE)
A-13	EXTERIOR ELEVATIONS ATTACHED UNIT 'B' TYPE VI (TRIPLE)
A-14	EXTERIOR ELEVATIONS ATTACHED UNIT 'C' TYPE VI (TRIPLE)
A-15	EXTERIOR ELEVATION UNIT 'C' 5R

At drawings, specifications and notes are to be used in the construction of the project. The drawings, specifications and notes shall be the responsibility of the Designer. The Designer shall be responsible for the accuracy of the information provided. The Designer shall be responsible for the accuracy of the information provided. The Designer shall be responsible for the accuracy of the information provided.

PROJECT  
KEYS LAKE VILLAS  
106003 OOB HWY  
KEY LARGO, FL 33037

DRAWING TITLE  
MAJOR DEVIATIONS  
SITE PLAN

No.	REVISIONS	Date

**SOLARIA**  
91700 Overseas Highway  
Tavernier, Florida  
33070  
Key Largo  
305 633-4828

3000 Overseas Highway  
Tavernier, Florida  
33070  
Key West, Florida  
305 833-4828

Project No. AS001007  
Rev. No. 10/06C

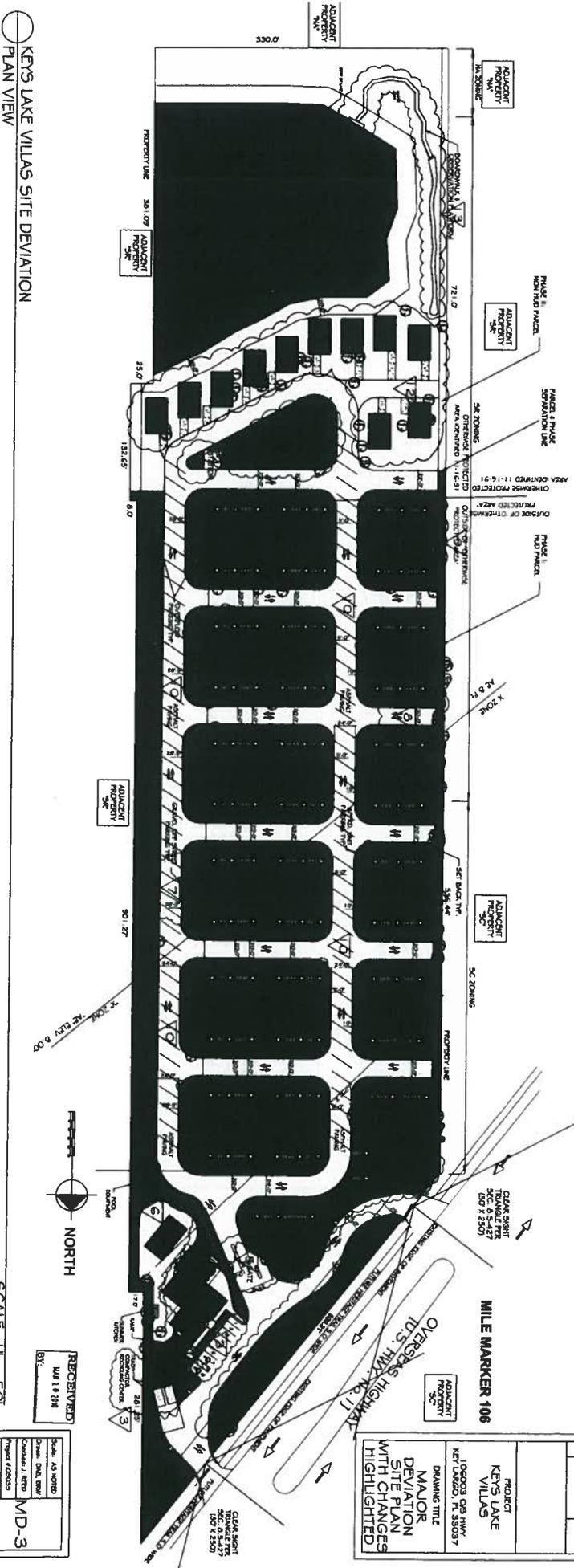
RECEIVED  
MARCH 11 2010

Scale: 1" = 50'  
Drawn: DAN, BHW  
Checked: I, BHW  
Project: 6302039  
Date: 03/02/10

MD-1



Revision	Description
1	Modified drive in setback.
2	Relocated and modified clubhouse parking spaces.
3	Added trash compactor and recycling center.
4	Modified clubhouse.
5	Added gate and island.
6	Re-configured pool deck and pool.
7	Relocated and modified overflow parking spaces. Typical of all spaces.
8	Relocated and re-configured parking spaces. Typical of all spaces.
9	Relocated affordable housing units. Typical of all units.
10	Relocated roads.
11	Added play around and play yard.
12	Relocated single family residences and removed 2 units.
13	Added passive recreation trail.
14	Relocated lift station.
15	Relocated Fence



KEY'S LAKE VILLAS SITE DEVIATION  
PLAN VIEW

SCALE: 1" = 50'

RECEIVED  
MAY 11 2018

MD-3  
Project #20020  
Checked: J. REED  
Drawn: D.M. BAW  
Scale: AS NOTED  
Date: 05/08/18

PROJECT: KEY'S LAKE VILLAS  
DRAWING TITLE: MAJOR DEVIATION SITE PLAN WITH CHANGES HIGHLIGHTED  
NO. REVISIONS: [ ]  
DATE: [ ]

PROJECT: KEY'S LAKE VILLAS  
DRAWING TITLE: MAJOR DEVIATION SITE PLAN WITH CHANGES HIGHLIGHTED  
NO. REVISIONS: [ ]  
DATE: [ ]

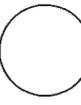
Key Largo  
925 Truman Avenue  
Traverse, Florida  
3300 Overseas Highway  
Key West, Florida

51700 Overseas Highway  
Traverse, Florida

Ph. Chris A. Ash, 20794  
P.O. Box 100, Key Largo, FL 33037  
Tel. 305.241.1928

SOLARIA

Project #20020  
Key Largo  
(305) 453-4832



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This drawing is not to be used for construction unless signed and sealed by the Architect.

# SOLARIA

Planning, Architecture, Engineering  
Key Logo - Madison - Key West  
(800) 853-4932

Key Logo  
91700 Overseas Highway, Suite 3  
Tavernier, Florida  
33070  
Madison  
Madison, Florida  
Key West  
925 Truman Avenue  
Key West, Florida

By: Carl A. Lee, 20704  
The Lic. No. 10202  
By: The Lic. No. 10202

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No.	REVISION	Date

PROJECT  
KEYS LAKE VILLAGES

10605 Old Hwy  
Key Largo, FL 33037

DRAWING TITLE  
MAJOR DEVIATION COMPARISON SITE PLANS

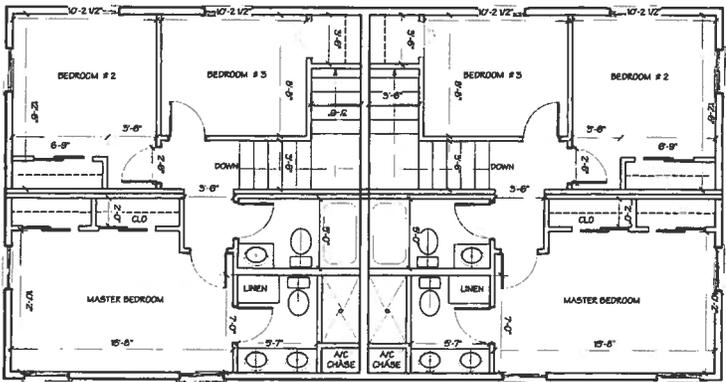
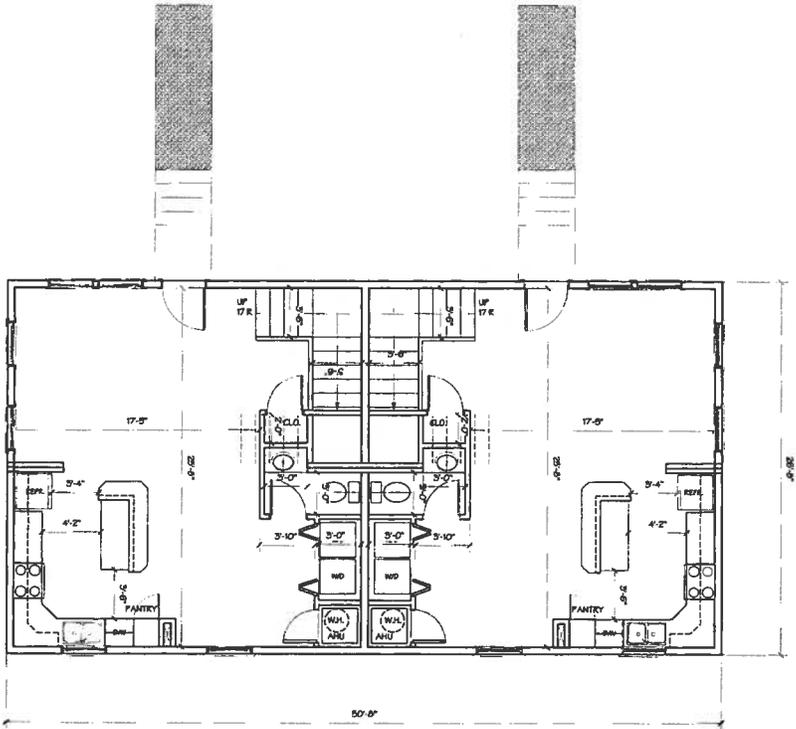
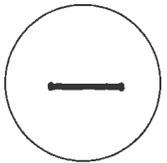
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Drawn: D.M.W.  
Checked: J.R.D.  
Project: 0809010

MD-4

DESCRIPTION	Building Type	No. of Units		Gross Floor Area	Grade Levels
		Buildings	by Type		
PROPOSED					
Market Rate Units	Duplex	1	2	1,364	3, 2.5
Unit Type 1A	Triplex	10	30	1,664	3, 2.5
Unit Type 1B	Triplex	4	12	1,137	2, 2.5
Unit Type 1C	Triplex	2	6	750	2, 2.5
Unit Type 1D	Triplex	2	6	750	2, 2.5
Unit Type 1E	Triplex	2	6	750	2, 2.5
Unit Type 1F	Triplex	2	6	750	2, 2.5
Unit Type 1G	Triplex	2	6	750	2, 2.5
Unit Type 1H	Triplex	2	6	750	2, 2.5
Unit Type 1I	Triplex	2	6	750	2, 2.5
Unit Type 1J	Triplex	2	6	750	2, 2.5
Unit Type 1K	Triplex	2	6	750	2, 2.5
Unit Type 1L	Triplex	2	6	750	2, 2.5
Unit Type 1M	Triplex	2	6	750	2, 2.5
Unit Type 1N	Triplex	2	6	750	2, 2.5
Unit Type 1O	Triplex	2	6	750	2, 2.5
Unit Type 1P	Triplex	2	6	750	2, 2.5
Unit Type 1Q	Triplex	2	6	750	2, 2.5
Unit Type 1R	Triplex	2	6	750	2, 2.5
Unit Type 1S	Triplex	2	6	750	2, 2.5
Unit Type 1T	Triplex	2	6	750	2, 2.5
Unit Type 1U	Triplex	2	6	750	2, 2.5
Unit Type 1V	Triplex	2	6	750	2, 2.5
Unit Type 1W	Triplex	2	6	750	2, 2.5
Unit Type 1X	Triplex	2	6	750	2, 2.5
Unit Type 1Y	Triplex	2	6	750	2, 2.5
Unit Type 1Z	Triplex	2	6	750	2, 2.5
Unit Type 2A	Triplex	2	6	750	2, 2.5
Unit Type 2B	Triplex	2	6	750	2, 2.5
Unit Type 2C	Triplex	2	6	750	2, 2.5
Unit Type 2D	Triplex	2	6	750	2, 2.5
Unit Type 2E	Triplex	2	6	750	2, 2.5
Unit Type 2F	Triplex	2	6	750	2, 2.5
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Unit Type 3E	Triplex	2	6	750	2, 2.5
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Unit Type 3U	Triplex	2	6	750	2, 2.5
Unit Type 3V	Triplex	2	6	750	2, 2.5
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Unit Type 3Y	Triplex	2	6	750	2, 2.5
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Unit Type 5F	Triplex	2	6	750	2, 2.5
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Unit Type 6M	Triplex	2	6	750	2, 2.5
Unit Type 6N	Triplex	2	6	750	2, 2.5
Unit Type 6O	Triplex	2	6	750	2, 2.5
Unit Type 6P	Triplex	2	6	750	2, 2.5
Unit Type 6Q	Triplex	2	6	750	2, 2.5
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Unit Type 6Y	Triplex	2	6	750	2, 2.5
Unit Type 6Z	Triplex	2	6	750	2, 2.5
Unit Type 7A	Triplex	2	6	750	2, 2.5
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Unit Type 7O	Triplex	2	6	750	2, 2.5
Unit Type 7P	Triplex	2	6	750	2, 2.5
Unit Type 7Q	Triplex	2	6	750	2, 2.5
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Unit Type 7S	Triplex	2	6	750	2, 2.5
Unit Type 7T	Triplex	2	6	750	2, 2.5
Unit Type 7U	Triplex	2	6	750	2, 2.5
Unit Type 7V	Triplex	2	6	750	2, 2.5
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Unit Type 7Z	Triplex	2	6	750	2, 2.5
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Unit Type 8D	Triplex	2	6	750	2, 2.5
Unit Type 8E	Triplex	2	6	750	2, 2.5
Unit Type 8F	Triplex	2	6	750	2, 2.5
Unit					





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Checked	ML
Created	DB
Project	A-5
Date	05-08-09
	475

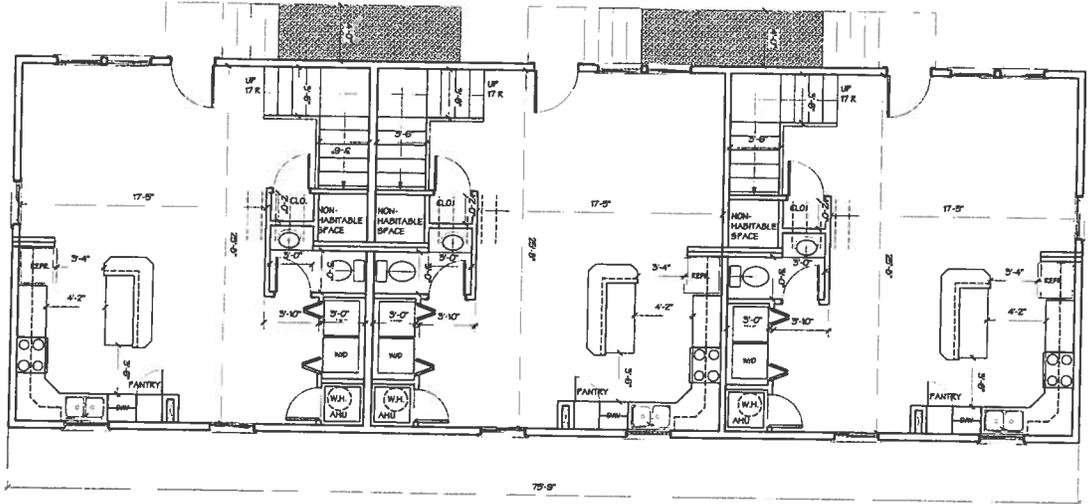
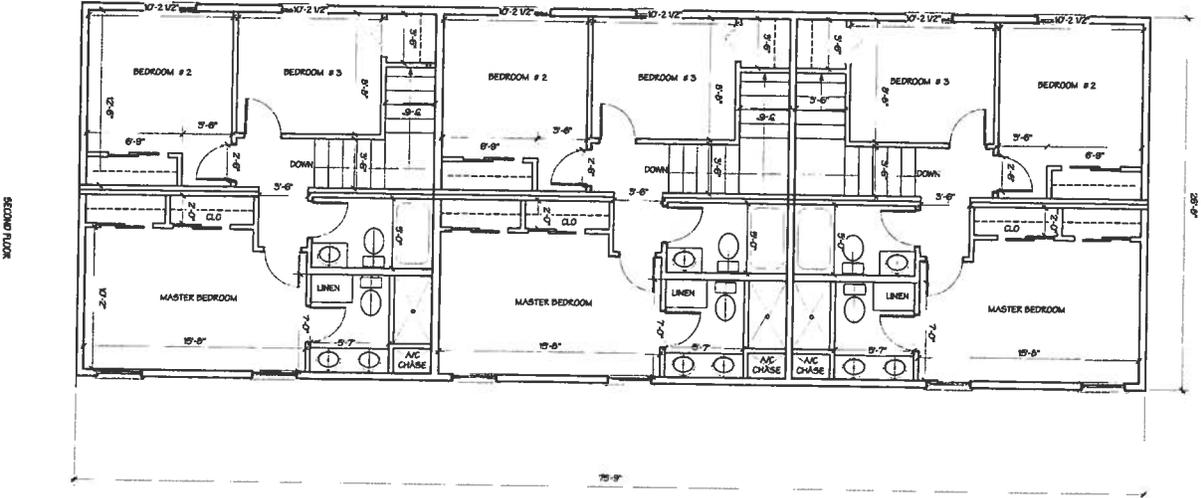
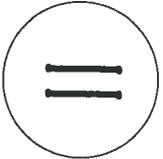
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BUILDING PLANS  
TYPE DUPLEX  
UNIT "A"

**PROJECT**  
LAKEMEW  
GARDENS  
KEY LARGO, FL

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P.O. Box 14, A1 300007  
P.O. Box 14, A1 300007  
P.O. Box 14, A1 300007

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3000  
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HUD PRE APP INFORMATION OCTOBER 26, 2009

Scale: As Shown	Sheet: A-4
Checked: JDB	Project: 030209
Date: 03-04-09	5/15

**DRAWING TITLE**  
BUILDING PLANS  
TYPE II TRIPLEX  
UNIT "A"

**PROJECT**  
LAKEVIEW  
GARDENS  
KEY LARGO, FL

**NO. EXTENSIONS** Date

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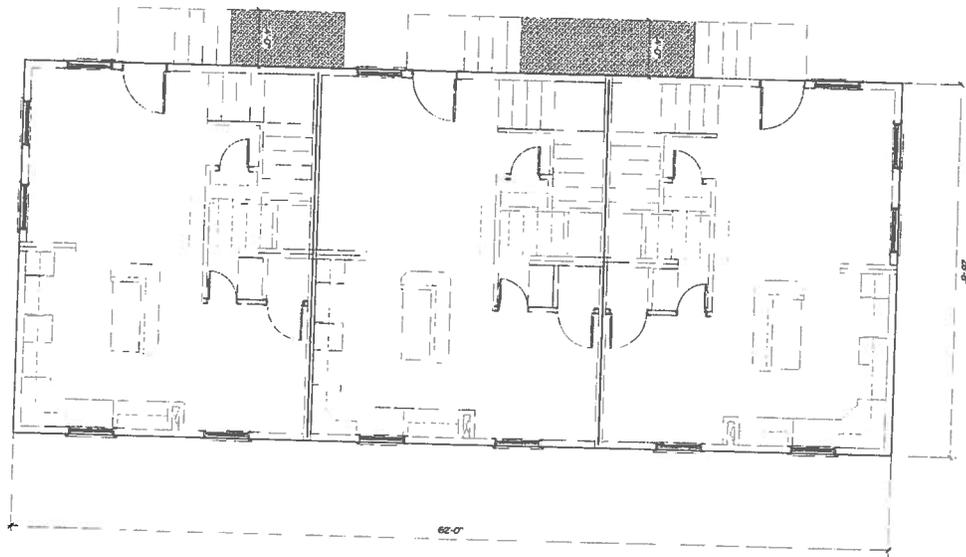
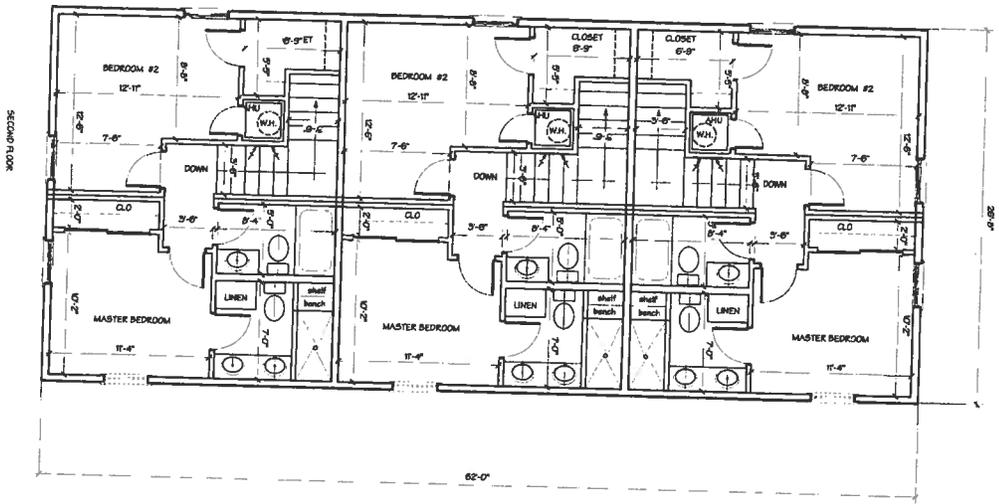
8251 Truman Road, Key West, Florida  
305-852-4502  
Fax: 305-852-4502

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Planning - Architecture - Engineering  
Key West, Florida  
305-852-4502

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**Key West**  
3000  
Marathon  
Marathon, Florida  
305-852-4502

IV



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 Key Largo, Marathon - Key West  
 305-952-4952

Key Largo  
 8700 Overseas Hwy, Suite 3  
 Marathon, Florida  
 33470-1908  
 305-952-4952

3000 D  
 Marathon  
 Marathon, Florida  
 33408-4902  
 Key West  
 505 Panama Ave., Key West, Florida  
 33405-3600  
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No.	REVISIONS	Date

DESIGNER  
 LAKEVIEW  
 GARDENS  
 KEY LARGO, FL

DRAWING TITLE  
 BUILDING PLANS  
 TYPE IV TRIPLEX  
 UNIT "B"

Scale	As Shown
Checked	LAH
Designed	DD
Project No.	00008
Date	0-9-09
	6/15

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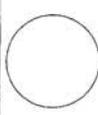
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Planning - Architecture - Engineering  
 Key Largo - Marathon - Key West  
 200-952-4802

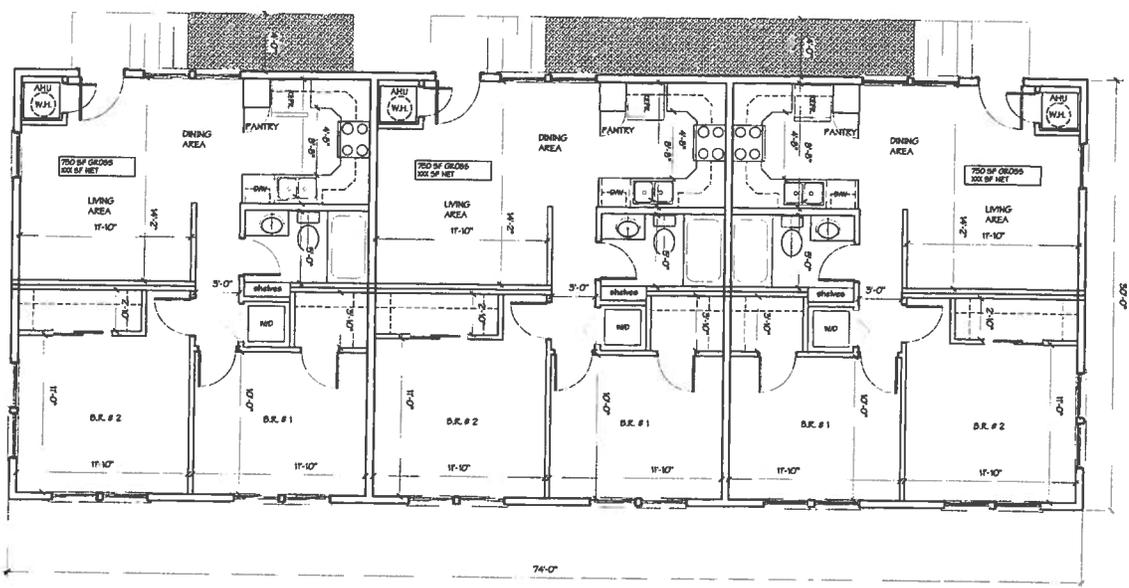
Key Largo  
 8700 Overseas Hwy, Suite 3  
 200-952-4802  
 200-952-4802

Marathon  
 3000 Overseas Highway  
 Marathon, Florida  
 200-952-4802

Key West  
 925 Truman Ave., Key West, Florida  
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 Architect/Engineer

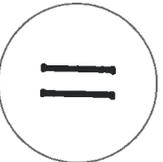


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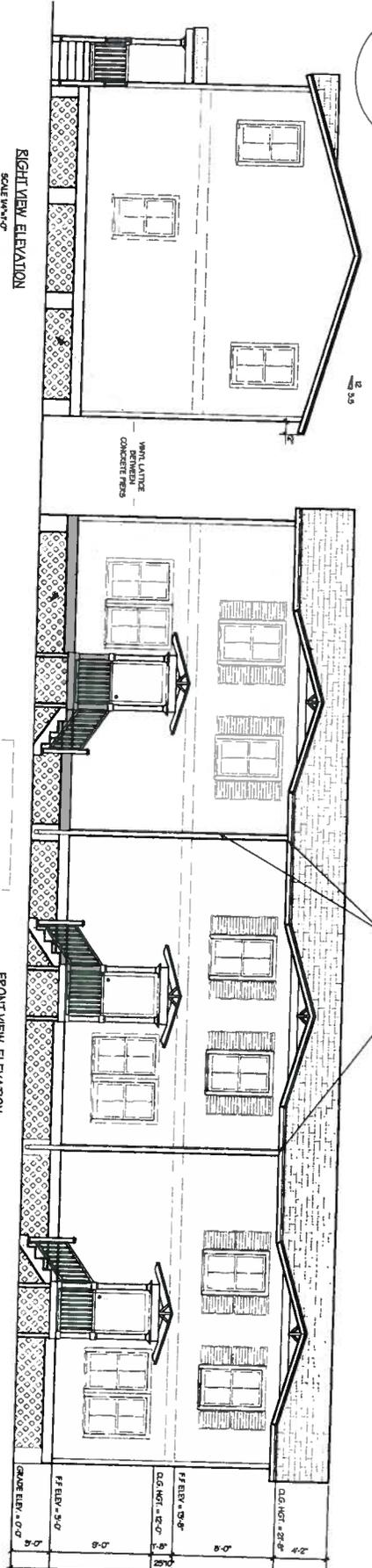
HUD PRE APP INFORMATION OCTOBER 26, 2009

NO.	REVISIONS	DATE
PROJECT: ROBERT LAKEVIEW GARDENS KEY LARGO, FL		
DRAWING TITLE: BUILDING PLANS TYPE V DUPLEX & UNIT "C"		
Scale: As Shown	Sheet: A-6	
Drawn: M41	Checked: DS	
Project #: 08059	Date: 10-15-09	

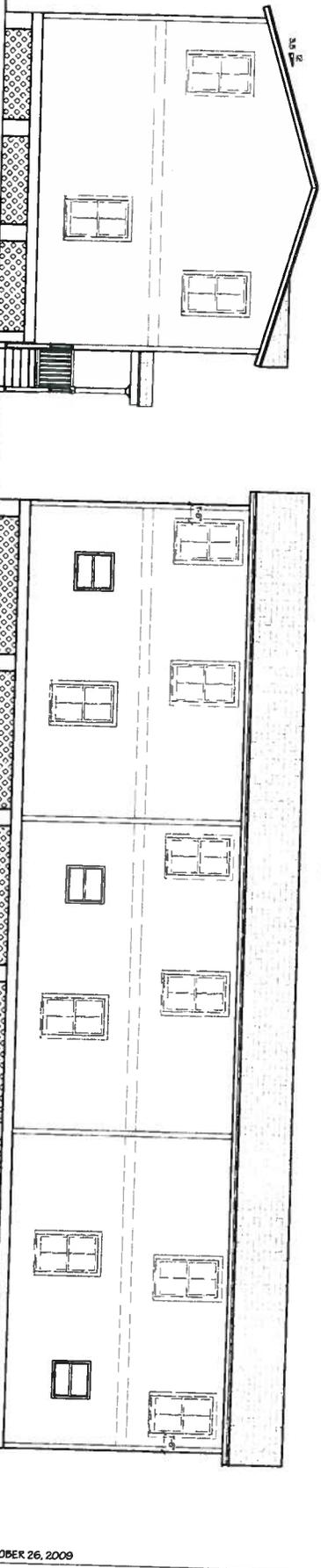




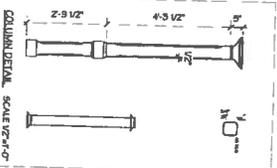
TYPE II BUILDING



RIGHT VIEW ELEVATION  
SCALE 1/4"=1'-0"



FRONT VIEW ELEVATION  
SCALE 1/4"=1'-0"



COLUMN DETAIL  
SCALE 1/2"=1'-0"



LEFT VIEW ELEVATION  
SCALE 1/4"=1'-0"



REAR VIEW ELEVATION  
SCALE 1/4"=1'-0"

**NOTE:**  
DO NOT FACING THE STREET  
SHOW THE FINISHING AS  
SHOWN.

**MATERIALS LEGEND**  
W/NT SIDING  
CONCRETE PIERS  
WOOD ENTRY STRAPS  
IMPACT GLASS WINDOWS  
ALUMINUM BALCONIES

**NOTE:**  
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REGISTERED ENGINEER

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Key West  
FL 33040-3800  
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Fax: (305) 256-3800

PROJECT: Key Largo  
3800 Fremont Street, Suite 3  
Key West, FL 33040-3800  
Tel: (305) 256-3800  
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ARCHITECT:  
3000 Overseas Highway  
Key Largo, FL 33040  
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Fax: (305) 256-3800

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Key Largo - Marathon - Key West  
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HUD PRE APP INFORMATION OCTOBER 26, 2008

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Drawn	As Noted
Checked	MS
Project #	080208
Date	04/20/08
Scale	9/13

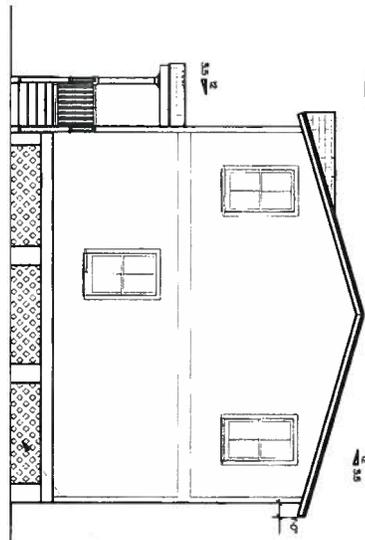
PROJECT  
LAKEVIEW  
GARDENS  
KEY LARGO, FL

DRAWING TITLE  
EXTERIOR  
ELEVATIONS

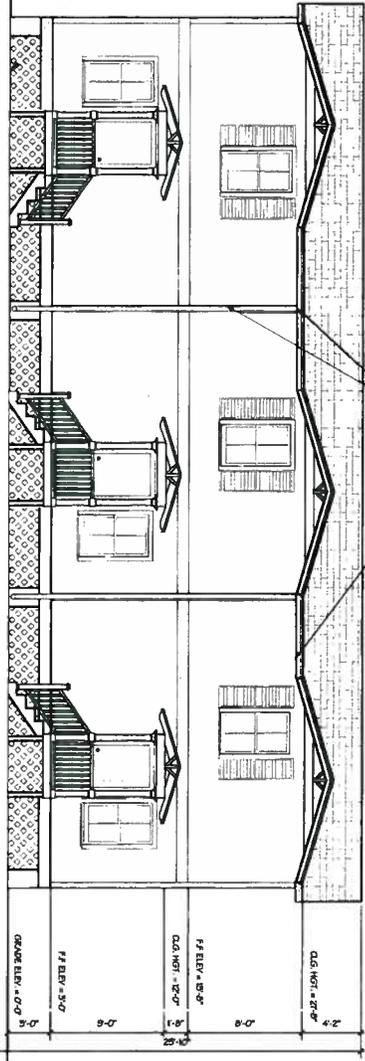
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TYPE II TRIPLEX

# IV

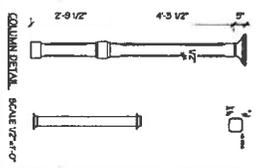
## TYPE IV BUILDING



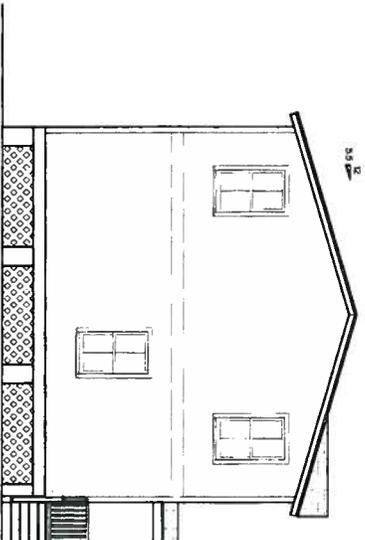
RIGHT VIEW ELEVATION  
SCALE 1/4"=1'-0"



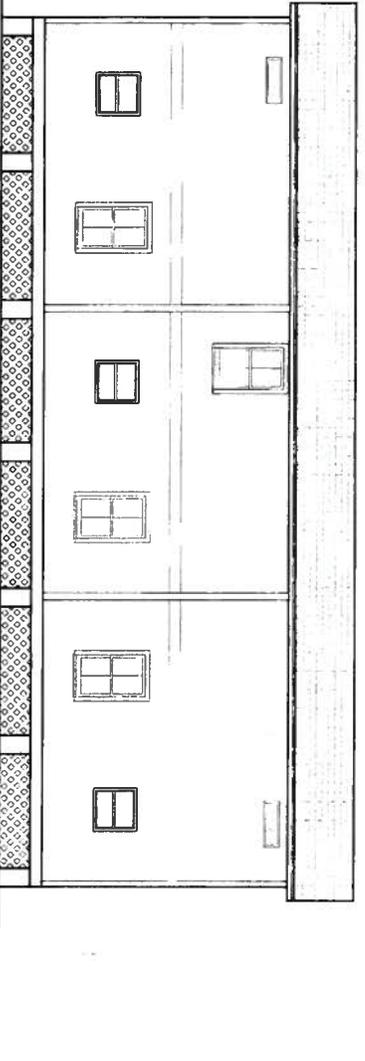
FRONT VIEW ELEVATION  
SCALE 1/4"=1'-0"



**NOTE:**  
END WALLS FACING THE STREET SHOWN TYPE "A"  
**MATERIALS LEGEND:**  
WHITE SIDING  
CONCRETE FLOORS  
CONCRETE FOUNDATION  
APPLY FINISHES  
IMPACT GLASS WINDOWS  
ALUMINUM FINISHES



LEFT VIEW ELEVATION  
SCALE 1/4"=1'-0"



REAR VIEW ELEVATION  
SCALE 1/4"=1'-0"

### SOLARIA

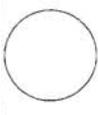
Planning - Architecture - Engineering  
1675 S.W. 10th Street, Suite 100  
Fort Lauderdale, FL 33304  
954-562-4602

Key Lampo, Steve A  
9700 Quince Lane, Suite 3  
Tampa, Florida  
813-973-4002

Markston  
3001 Veterans Highway  
Sarasota, Florida  
941-552-4002

Key West  
825 Truman Ave., Key West, Florida  
305-850-0005  
305-850-4002

Fl. Lic. No. AC 35004807  
Fl. Lic. No. AC 02008



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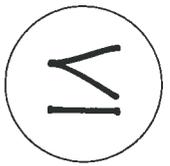
RECEIVED  
MAY 18 2009  
BY: 2090-0390

HUD TRE APP INFORMATION OCTOBER 26, 2009

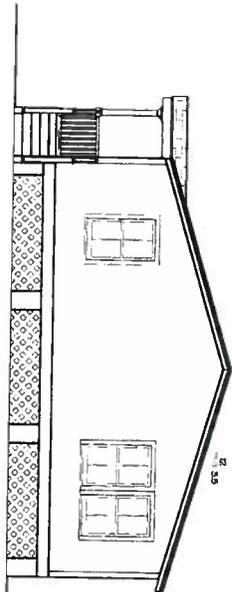
Scale: As Shown	Sheet: A-9
Drawn: MHI	Checked: DP
Project #: 09036	Date: 05/08/09
Scale: 1/4"=1'-0"	VD15

BRAND NAME  
EXTERIOR  
ELEVATIONS  
ATTACHED UNIT "B"  
TYPE IV TRIPLE

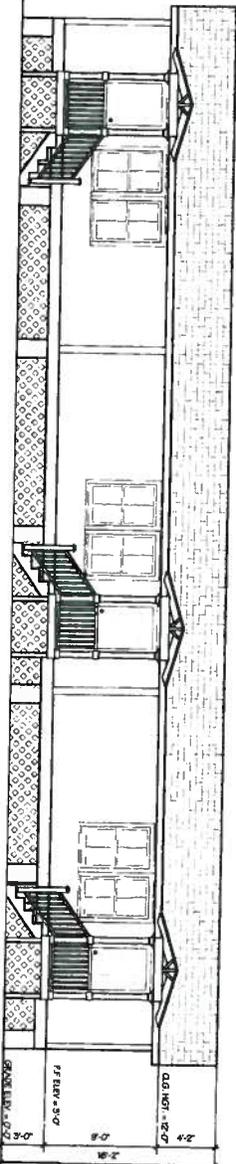
PROJECT  
LAKEVIEW  
GARDENS  
KEY LARGO, FL



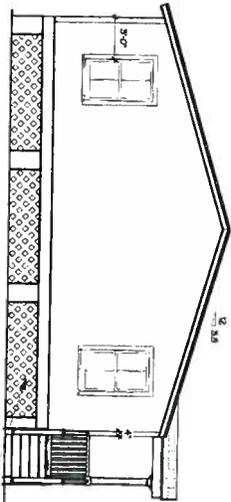
TYPE VI BUILDING



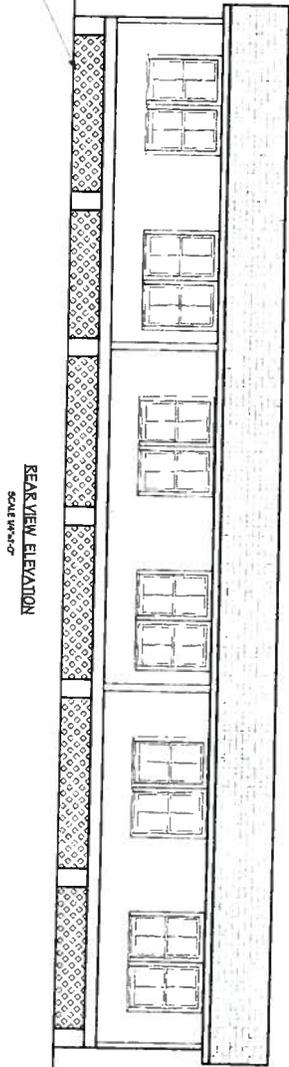
RIGHT VIEW ELEVATION  
SCALE 1/4"=1'-0"



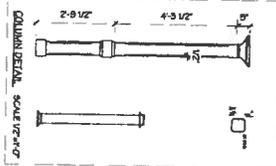
FRONT VIEW ELEVATION  
SCALE 1/4"=1'-0"



LEFT VIEW ELEVATION  
SCALE 1/4"=1'-0"



REAR VIEW ELEVATION  
SCALE 1/4"=1'-0"



COLUMN DETAIL SCALE 1/2"=1'-0"

**NOTE**  
ALL MATERIALS SHOWN TO HAVE FACTORIES AS SHOWN TYPE

**MATERIALS LEGEND**  
VINYL SIDING  
CONCRETE FERS  
WOOD ENTRY STAIRS  
ASPHALT SHINGLES  
MYPAL GLASS WINDOWS  
ALUMINUM DOORS

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No.	REVISIONS	Date

**PROJECT**  
LAKEVIEW GARDENS  
KEY LARGO, FL

**DRAWING TITLE**  
EXTERIOR ELEVATIONS ATTACHED UNIT 'C' TYPE VI TRIPLEX

RECEIVED  
MAY 11 2018  
BY: 2890-2920

HUD PRE APP INFORMATION OCTOBER 26, 2009

Scale: As Shown	Sheet: A-10
Date: 05/08/09	Project: 2890-2920
Draw: 10/20/09	1/15

**SOLARIA**  
Planning - Architecture - Engineering  
Key Largo - Marathon - Key West  
305-652-4002

Key Largo  
8700 Overseas Hwy, Suite 3  
305-652-4002

Marathon  
5000 Overseas Hwy  
Marathon, Florida  
305-952-0995

Key West  
8501 Foreman  
305-236-2400, Florida

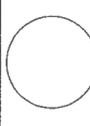




# SOLARIA

Planning & Architecture - Engineering  
193 7th Street, Suite 1100  
St. Petersburg, FL 33701  
Phone: 727-562-4652

**Key Legend**  
 8700 Dunwoody, Suite 3  
 Tampa, Florida  
 33626-4002  
 Telephone: 813-288-4002  
 Fax: 813-288-4002  
 Internet: www.8700.com  
 820 Franklin Ave., Key West, Florida  
 33490-8000  
 Telephone: 305-230-8000  
 Fax: 305-230-8007  
 File No. AT 02/08



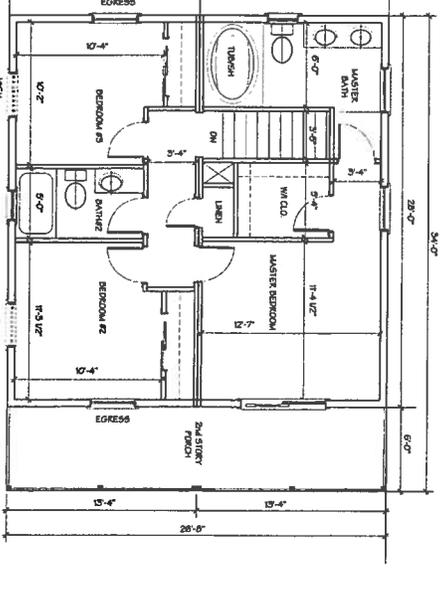
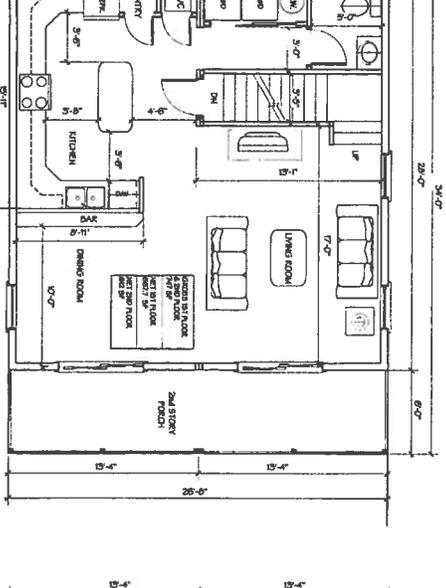
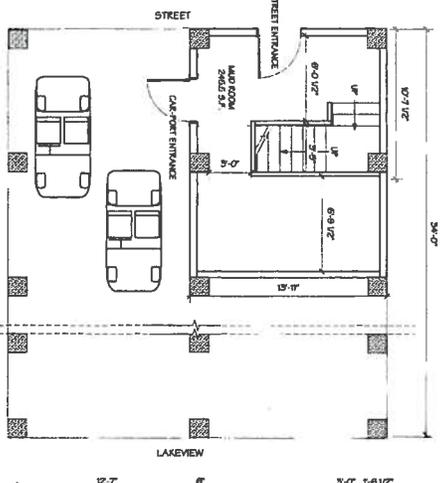
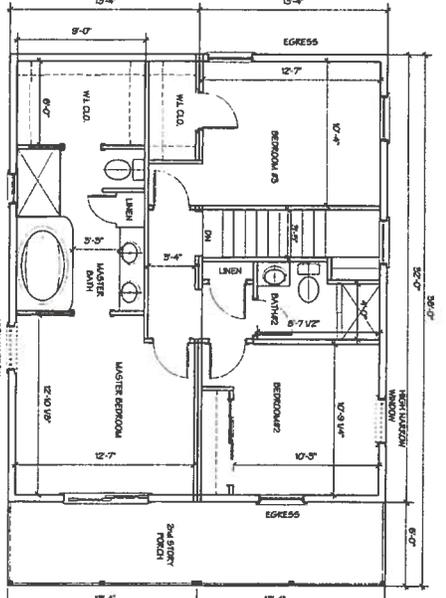
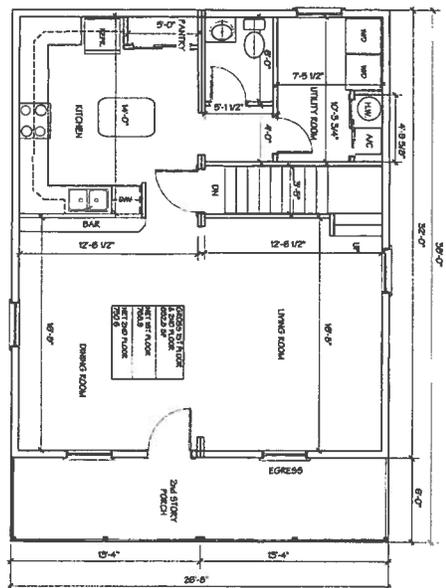
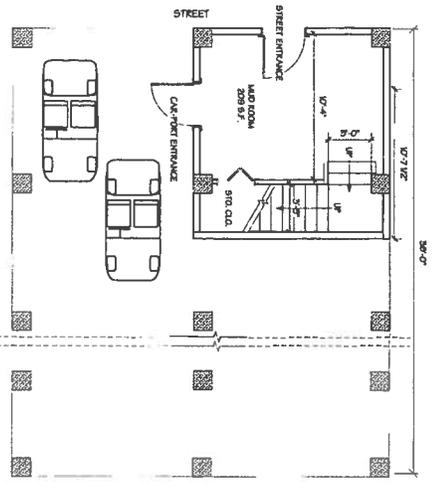
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DATE: EXTENSIONS: DATE:

PROJECT	LAKEVIEW GARDENS KEY LARGO, FL
DESIGN TITLE	SINGLE FAMILY PLANS D & E
DATE	4/20
SCALE	AS SHOWN
REVISIONS	1. CHANGED PER COMMENTS
DATE	08-22-09
BY	4/20

HUD PRE APP INFORMATION OCTOBER 2, 2009



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MAY 11 2010  
BY: DELO, CLC

# SOLARIA

Florida - Architecture - Engineering  
 Key Largo - Architecture - Key West

305-652-4002

Key Largo

8700 Overseas Hwy, Suite 3

Key Largo, FL 33051

305-652-4002

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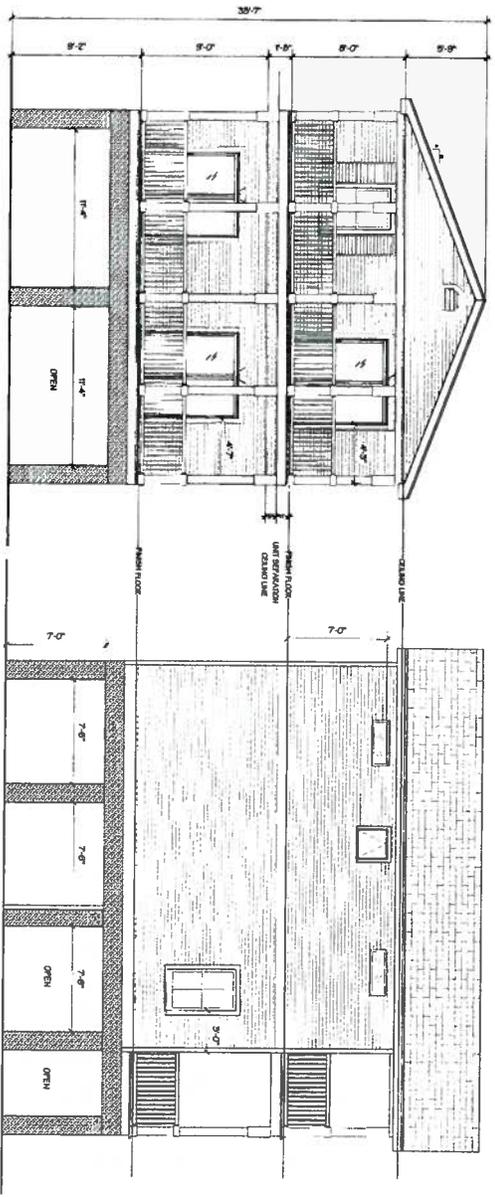
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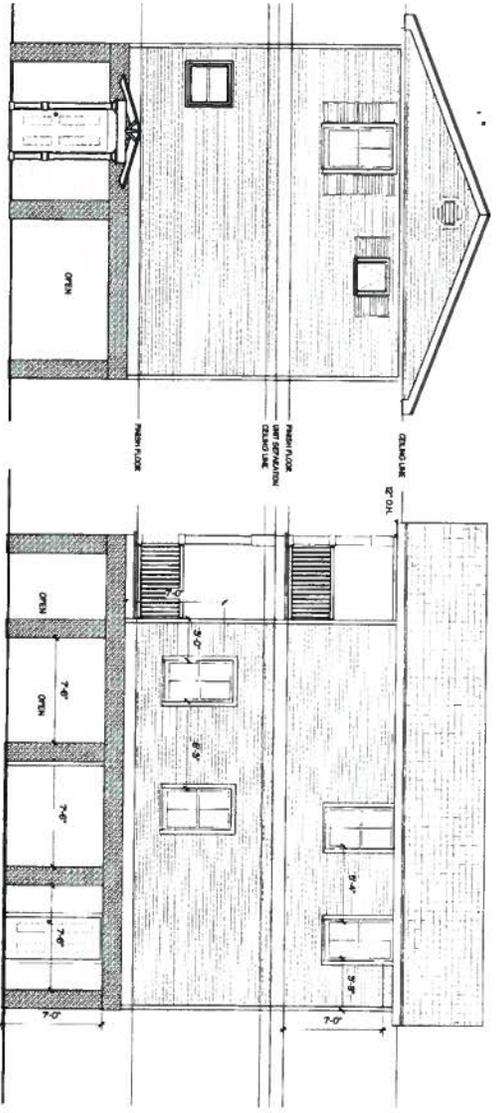
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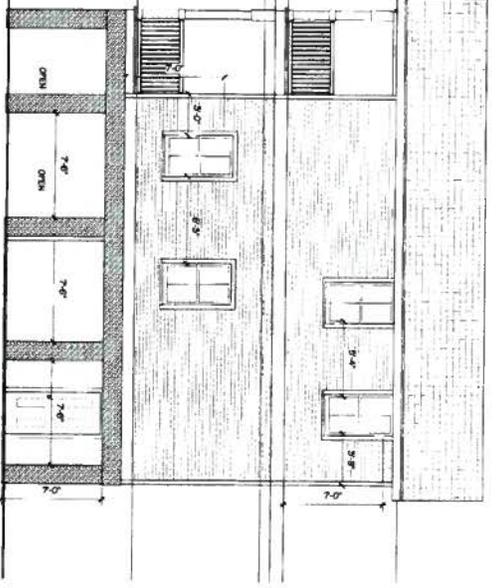
305-652-4002



FRONT VIEW ELEVATION  
 SCALE 1/4"=1'-0"



LEFT VIEW ELEVATION  
 SCALE 1/4"=1'-0"



RIGHT VIEW ELEVATION  
 SCALE 1/4"=1'-0"

**MATERIALS LEGEND**  
 VINYL SIDING  
 CONCRETE PIER  
 WOOD ENTRY STAIRS  
 ASPHALT SHINGLES  
 IMPACT GLASS WINDOWS  
 ALUMINUM PAINTINGS

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 Pa. Lic. No. A1 03/06  
 SOLARIA  
 825 Terminal Ave., Suite 100  
 Key West, FL 33440  
 305-652-4002

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 MAY 11 2018  
 BY: 2009-0230

HUD PRE APP INFORMATION OCTOBER 2, 2009

No.	REVISIONS	Date
1		

**PROJECT**  
 LANEVIEW  
 GARDENS  
 KEY LARGO, FL

**DRAWING TITLE**  
 SINGLE FAMILY  
 EXTERIOR ELEVATIONS  
 TYPE "D" DETACHED

Scale: As Shown  
 Date: 10/1/09  
 Project #: 090209  
 Date: 09/22/09 10/20

A14

181

# SOLARIA

Florida - Architecture - Engineering  
 Key Largo - Hurricane - Key West  
 305-655-4802

Key Largo  
 8700 Overseas Hwy, Suite 2  
 Key Largo, Florida  
 329-505-4926

Marietta  
 3000 Marietta Parkway  
 Marietta, Florida  
 305-505-4922

Key West  
 825 Truman Ave., Suite, Florida  
 305-505-4920

Pa. Cert. No. A-128000077  
 Fla. Lic. No. A-121026



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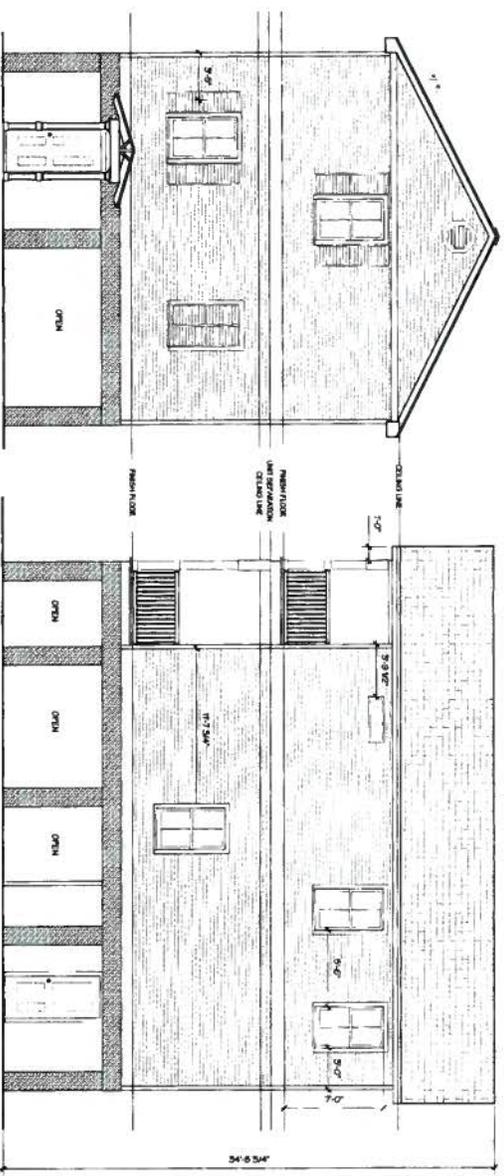
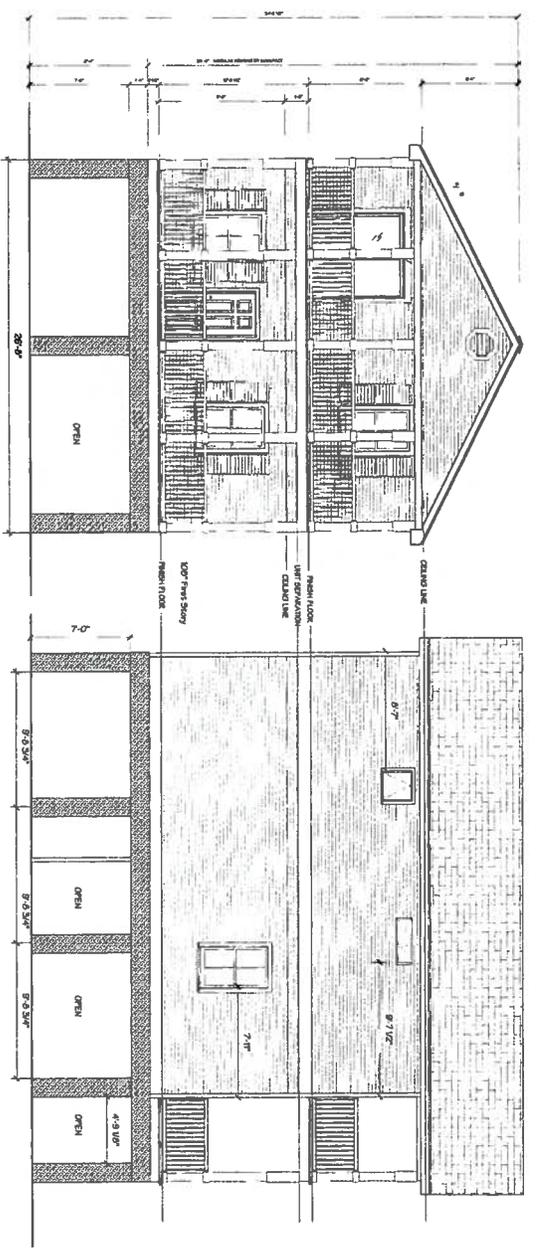
NO. REVISED DATE

PROJECT:  
 LAKEVIEW  
 GARDENS  
 KEY LARGO, FL

DRAWING TITLE:  
 SINGLE FAMILY  
 EXTERIOR ELEVATIONS  
 TYPE "E" DETACHED

Scale: As Shown	Drawn: MHI	Checked: DP	Project #: 092009	Date: 09-22-09
RECEIVED	MAR 11 2010	BY: JGG/DJG		

HUD PRE APP INFORMATION OCTOBER 2, 2009



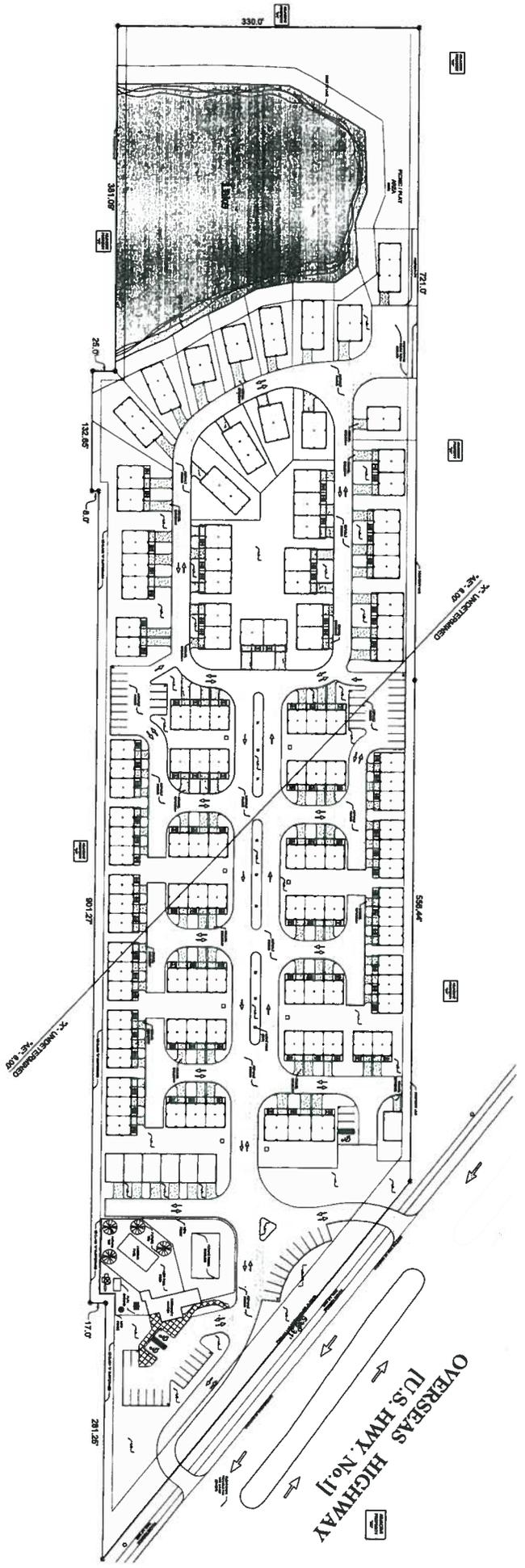
**STREET VIEW ELEVATION**  
 SCALE 1/8" = 1'-0"  
 09-23-09

**RIGHT VIEW ELEVATION**  
 SCALE 1/8" = 1'-0"  
 09-23-09

ORIGINALS  
gum

# Lakeview Gardens

LOCATED AT:  
Overseas Hwy, Key Largo, FL 33037



Architect:  
**ROBERT BARNES & ASSOCIATES**

271 NORTH MIAMI AVENUE  
MIAMI, FLORIDA 33136  
PH: 305-371-4100 FAX: 305-371-4000  
WWW.ROBERTBARNESANDASSOCIATES.COM  
ROBERTBARNESANDASSOCIATES.COM

ROBERT BARNES & ASSOCIATES  
ARCHITECTS

RECORDED  
MAY 18 2010  
BY 200-4320



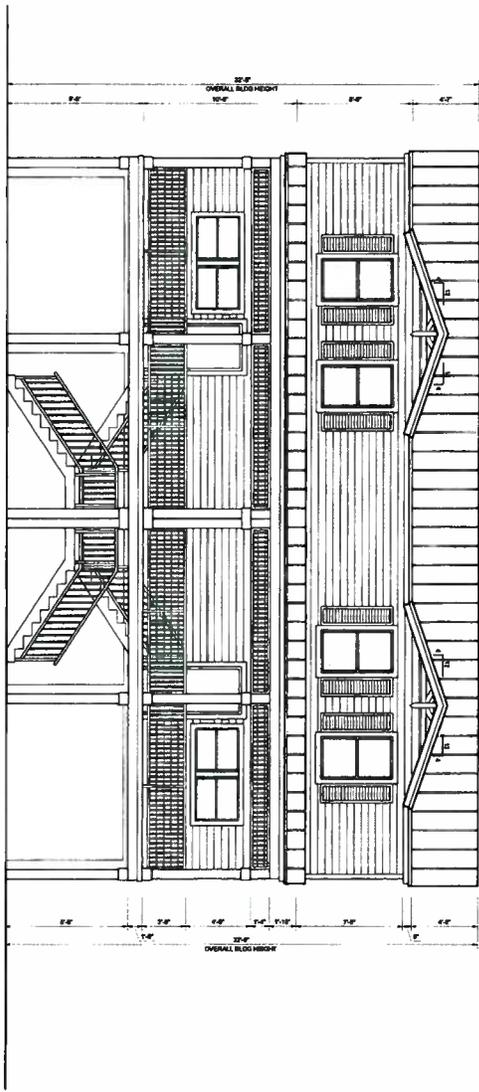
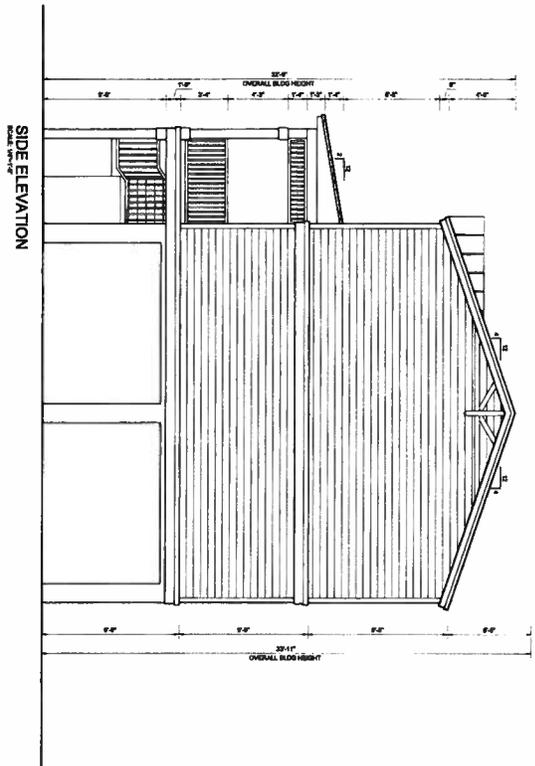












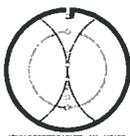
RECEIVED  
MAY 11 2018  
BY: JCB/CSA

**A-3**

**ELEVATIONS BLDG A**

DATE	12/15/17	PROJECT	ROBERT BARNES
BY	AS BROWN	ARCHITECT	ROBERT BARNES ASSOCIATES
DATE	03/04/18	CLIENT	221 NORTH WINDY AVENUE HUNTERDALE, FLORIDA 33408
BY	BARBARA	PROJECT	LAKEVIEW GARDEN - AFFORDABLE HOUSING
DATE	05/18/17	SCALE	AS SHOWN
BY	BARBARA	DATE	05/18/17
DATE	05/18/17	PROJECT	LAKEVIEW GARDEN - AFFORDABLE HOUSING
BY	BARBARA	SCALE	AS SHOWN
DATE	05/18/17	PROJECT	LAKEVIEW GARDEN - AFFORDABLE HOUSING
BY	BARBARA	SCALE	AS SHOWN

**ROBERT BARNES ASSOCIATES**  
ARCHITECTURAL AND PLANNING  
© 2018  
221 NORTH WINDY AVENUE  
HUNTERDALE, FLORIDA 33408  
(813) 941-4170  
(813) 941-4181  
RBA@ROBERTBARNESASSOCIATES.COM  
ROBERTBARNESASSOCIATES.COM

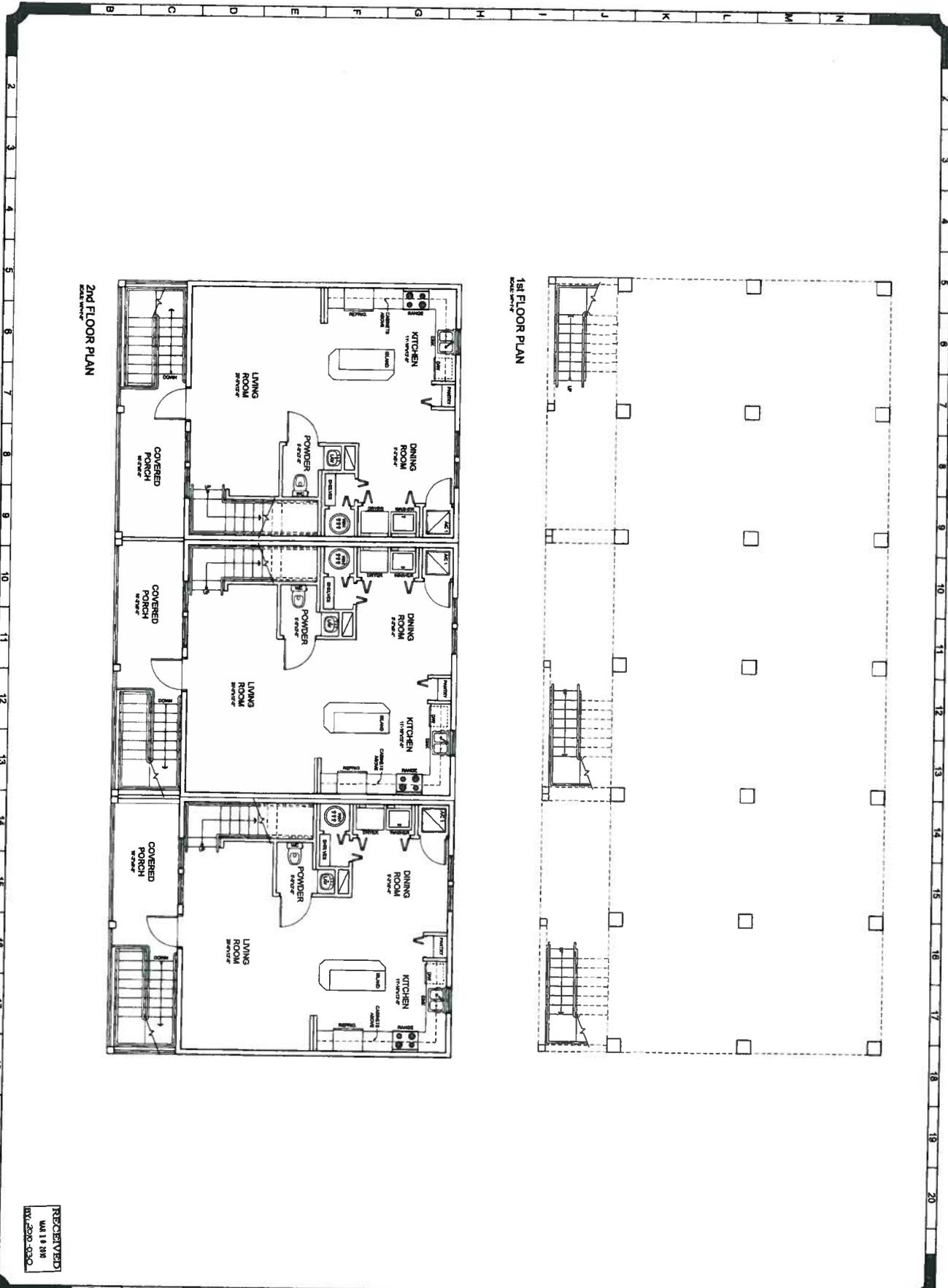


**LAKEVIEW GARDEN - AFFORDABLE HOUSING**

221 NORTH WINDY AVENUE  
HUNTERDALE, FLORIDA 33408  
(813) 941-4170  
(813) 941-4181  
RBA@ROBERTBARNESASSOCIATES.COM  
ROBERTBARNESASSOCIATES.COM

REVISIONS		
NO.	DESCRIPTION	DATE
A	Revisions	12/15/17

JOHN ROBERT BARNES, AIA, NCARB  
ARCHITECT



2ND FLOOR PLAN

1ST FLOOR PLAN

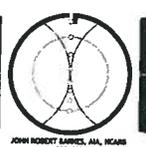
RECEIVED  
MAY 11 2006  
BY: JENNY GIBSON

**A-2**

**FLOOR PLANS BLDG B**

DATE	BY	PROJECT	PROJECT NUMBER
MAY 11 2006	JENNY GIBSON	LAKEVIEW GARDEN - AFFORDABLE HOUSING	MM99-9
DESIGNED BY	DRAWN BY	CHECKED BY	DATE OF SCALE
JOHN ROBERT BARNES	JOHN ROBERT BARNES	JOHN ROBERT BARNES	1/4" = 1'-0"
AS SHOWN - FLOOR PLANS BUILDING B ONLY			
BY: JENNY GIBSON - 2004-088	DATE	TITLE	SCALE
	JULY 8, 2006	FLOOR PLANS	1/4" = 1'-0"

**ROBERT BARNES ASSOCIATES**  
ARCHITECTURE AND PLANNING  
321 NORTH BIRCH AVENUE  
CORTEZ, FLORIDA 32930  
TEL: 888-888-8888  
WWW.RBAASSOCIATES.COM

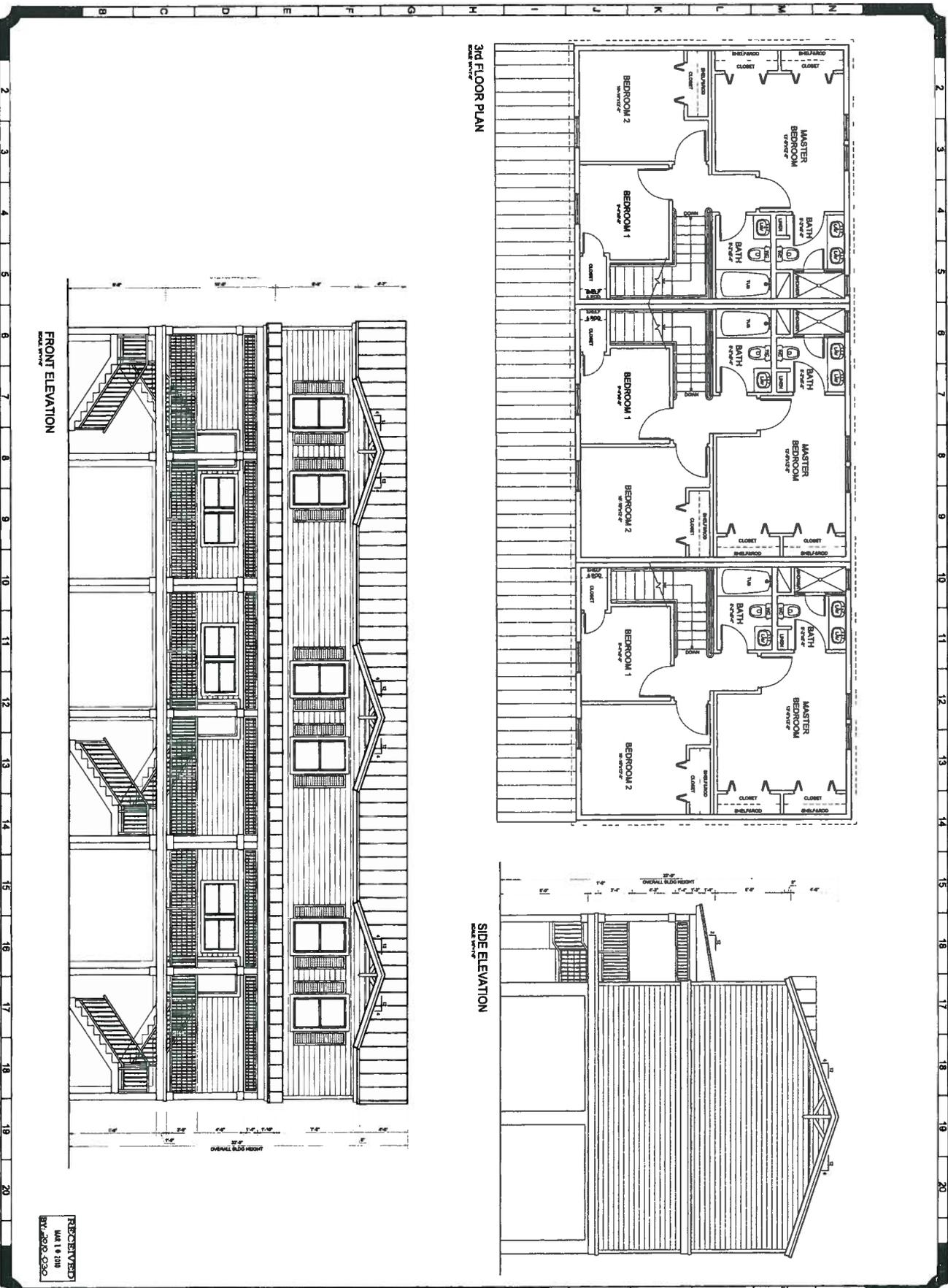
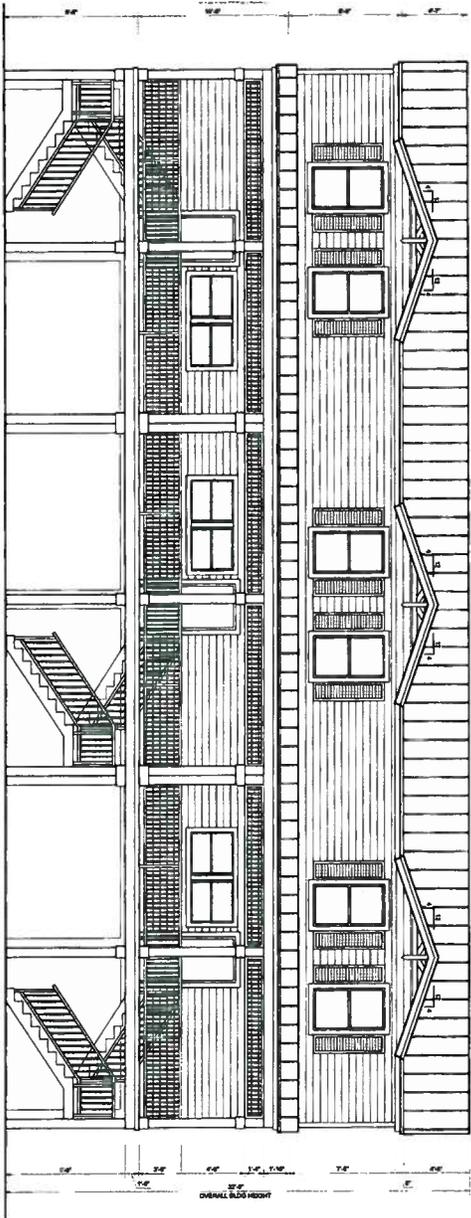
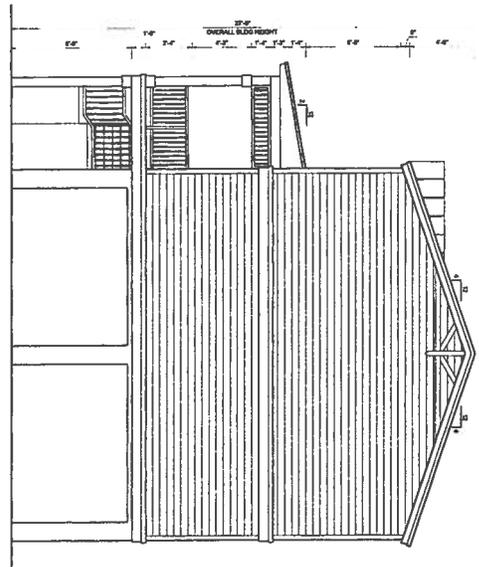
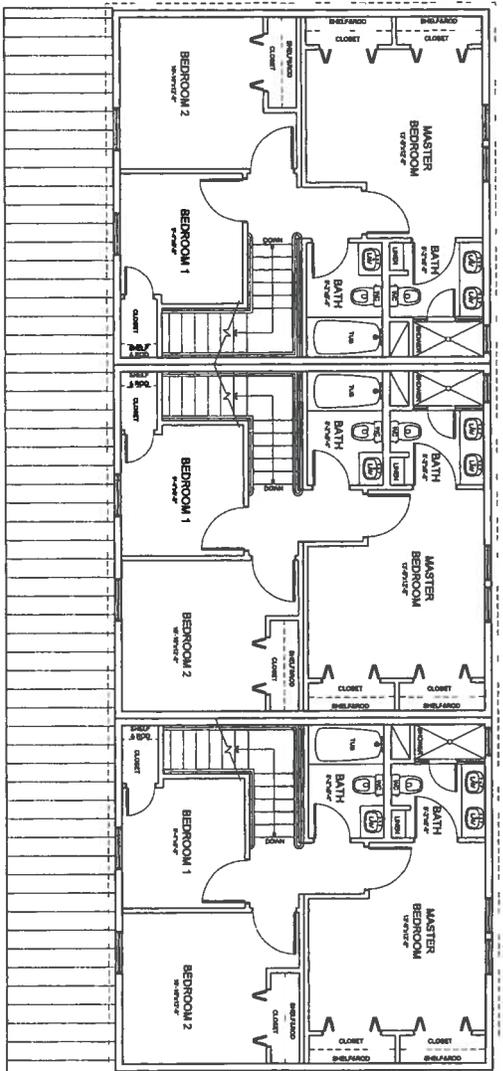


**LAKEVIEW GARDEN - AFFORDABLE HOUSING**  
MM99-9 STATE ROAD #5 ISLAMORADA, FL  
CONSTANTINE ZAHARIA

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REVISIONS	DESCRIPTION	DATE
A	Revisions	

JOHN ROBERT BARNES, ALL, NCARB  
ARB040525



**A-3**

**3RD FLOOR PLAN & ELEVATIONS BLDG B**

**ROBERT BARNES & ASSOCIATES**  
ARCHITECTURE AND PLANNING  
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221 NORTH WILSON AVENUE  
FORT MYERS, FLORIDA 33901  
(888) 853-1033  
WWW.ROBERTBARNESANDASSOCIATES.COM

JOHN ROBERT BARNES, AIA, NCARB  
A0074924

NO.	DESCRIPTION	DATE
1	REVISION	
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
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11	REVISION	
12	REVISION	
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14	REVISION	
15	REVISION	
16	REVISION	
17	REVISION	
18	REVISION	
19	REVISION	
20	REVISION	

RECEIVED  
MAY 19 2006  
REV. 2006.02.20

**LAKEVIEW GARDEN - AFFORDABLE HOUSING**

MM199.9 STATE ROAD #5 ISLAMORADA, FL

DESIGNED BY:  
**CONSTANTINE ZAHARA**

NO.	DESCRIPTION	DATE
1	REVISION	
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
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20	REVISION	

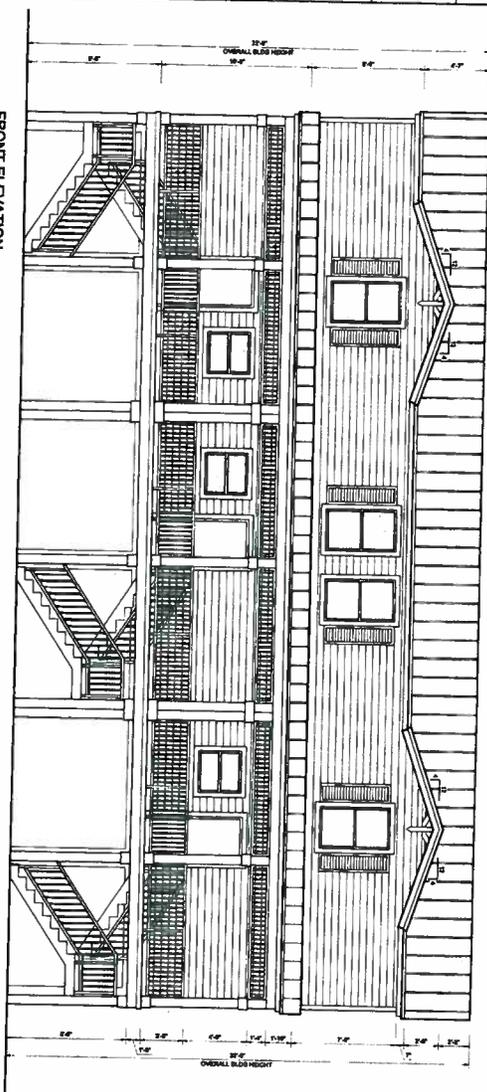
DATE: JULY 8, 2006 1:28 AM



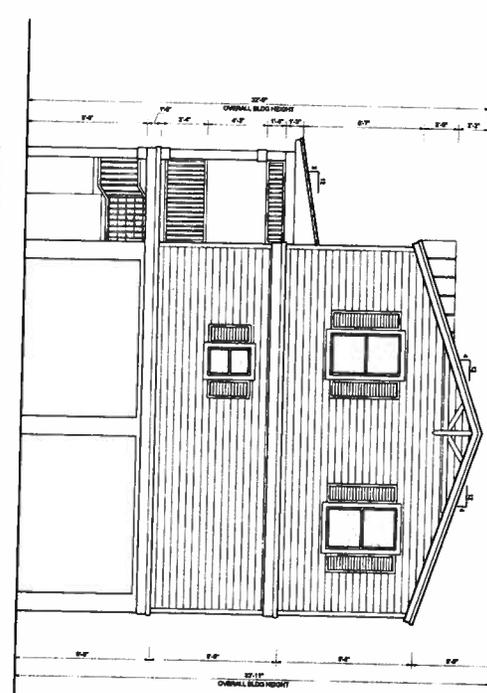




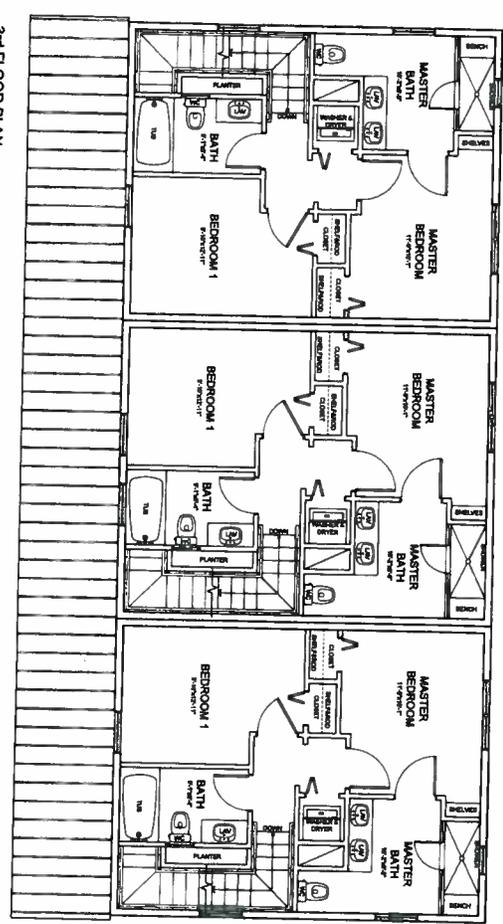
FRONT ELEVATION



SIDE ELEVATION



3RD FLOOR PLAN



RECEIVED  
MAY 11 2006  
REV. 2500-0-20

**A-3**

**3RD FLOOR PLAN & ELEVATIONS BUILDING C**

DATE: MARCH 2002	REVISION: 2004-08	BY: JOHN ROBERT BARNES	FOR: ROBERT BARNES ASSOCIATES
PROJECT: ELAVATIONS BUILDING C	LOCATION: 221 NORTH BRIDGE AVENUE, FORT MYERS, FLORIDA 33908	SCALE: AS SHOWN	PROJECT NO: 05000000000000000000
DESIGNED BY: JOHN ROBERT BARNES	DATE: MAY 18, 02	DRAWN BY: JOHN ROBERT BARNES	PROJECT NO: 05000000000000000000
PROJECT NO: 05000000000000000000	DATE: MAY 18, 02	SCALE: AS SHOWN	PROJECT NO: 05000000000000000000

**ROBERT BARNES ASSOCIATES**  
ARCHITECTURE AND PLANNING  
19 100E

221 NORTH BRIDGE AVENUE  
FORT MYERS, FLORIDA 33908  
888-442-4478  
888-442-4478  
ROBERT@ROBERTBARNES.COM

JOHN ROBERT BARNES, AIA, NCARB  
A5021922

**LAKEVIEW GARDEN - AFFORDABLE HOUSING**

PROJECT NO: 05000000000000000000

221 NORTH BRIDGE AVENUE, FORT MYERS, FLORIDA 33908

DATE: MAY 18, 02

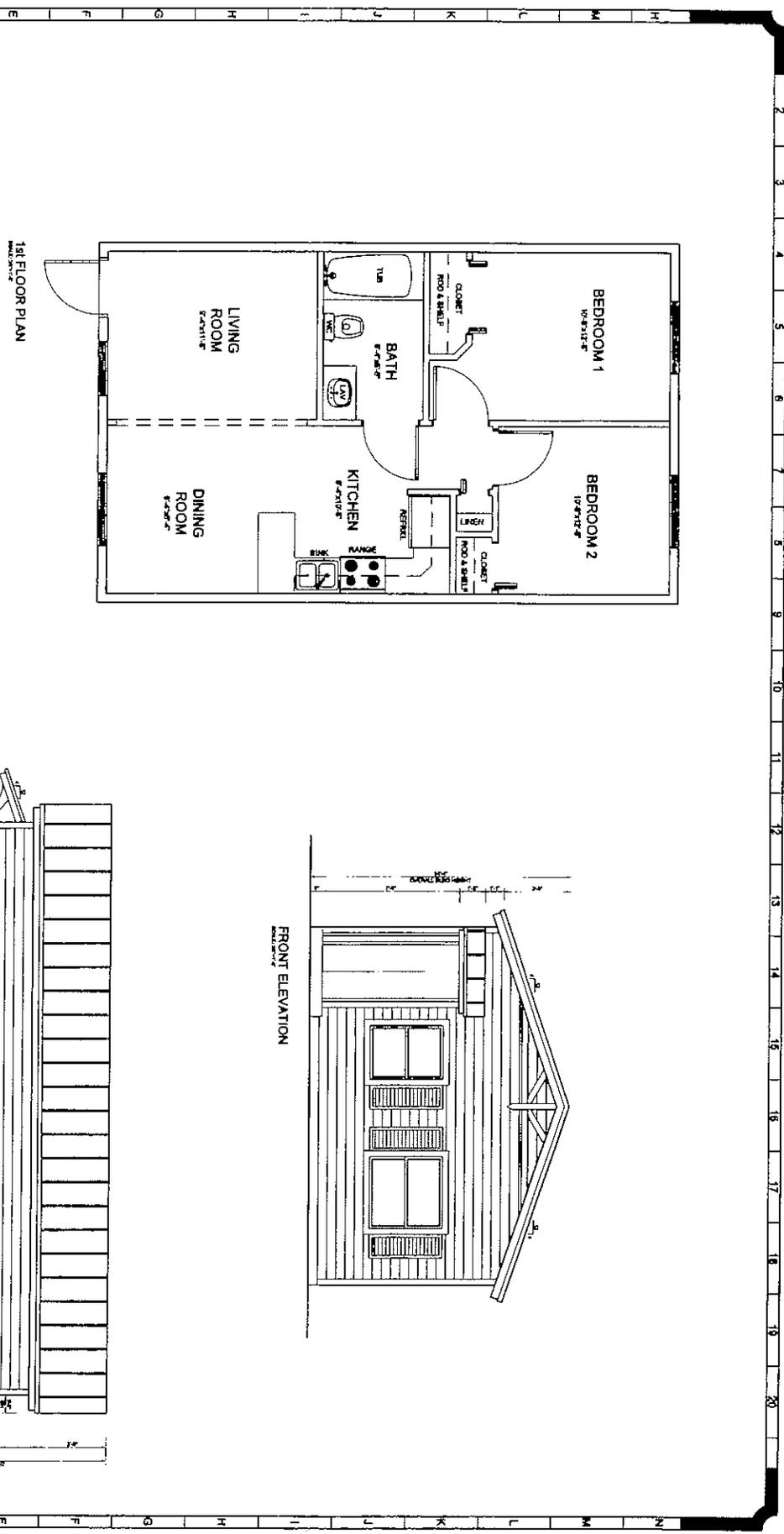
SCALE: AS SHOWN

PROJECT NO: 05000000000000000000

NO.	DATE	DESCRIPTION
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2	05/18/02	ISSUED FOR PERMIT
3	05/18/02	ISSUED FOR PERMIT
4	05/18/02	ISSUED FOR PERMIT
5	05/18/02	ISSUED FOR PERMIT
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12	05/18/02	ISSUED FOR PERMIT
13	05/18/02	ISSUED FOR PERMIT
14	05/18/02	ISSUED FOR PERMIT
15	05/18/02	ISSUED FOR PERMIT
16	05/18/02	ISSUED FOR PERMIT
17	05/18/02	ISSUED FOR PERMIT
18	05/18/02	ISSUED FOR PERMIT
19	05/18/02	ISSUED FOR PERMIT
20	05/18/02	ISSUED FOR PERMIT







1st FLOOR PLAN

SIDE ELEVATION

FRONT ELEVATION

PROFESSIONAL SEAL  
 DATE: 11/18/10  
 STATE: FLORIDA

**A-2**

**1ST FLOOR PLAN & ELEVATIONS BLDG E**

DATE: 11/18/10	SCALE: AS SHOWN	PROJECT: LAKEVIEW GARDEN - AFFORDABLE HOUSING
DRAWN BY: [Name]	CHECKED BY: [Name]	DATE: 11/18/10
PROJECT: LAKEVIEW GARDEN - AFFORDABLE HOUSING	NO. 200 - FLOOR PLAN BUILDING E (2ND)	

**ROBERT BARNES ASSOCIATES**

220 NORTH BIRNEY AVENUE  
 APOFTON, FL 32009  
 (904) 847-9998  
 WWW.ROBERTBARNESASSOCIATES.COM

**LAKEVIEW GARDEN - AFFORDABLE HOUSING**

NO. 200 - 9 STATE ROAD #5 ISLAMORADA, FL

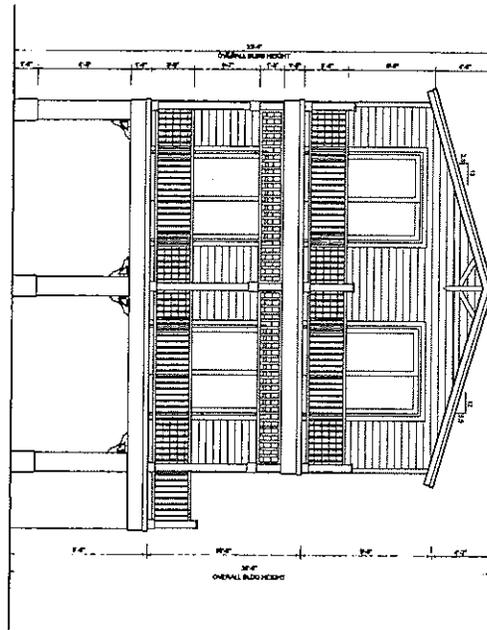
CONTRACTOR: CONSTANTINE ZACHARIA

REV	DESCRIPTION	DATE
A	REVISION	11/18/10

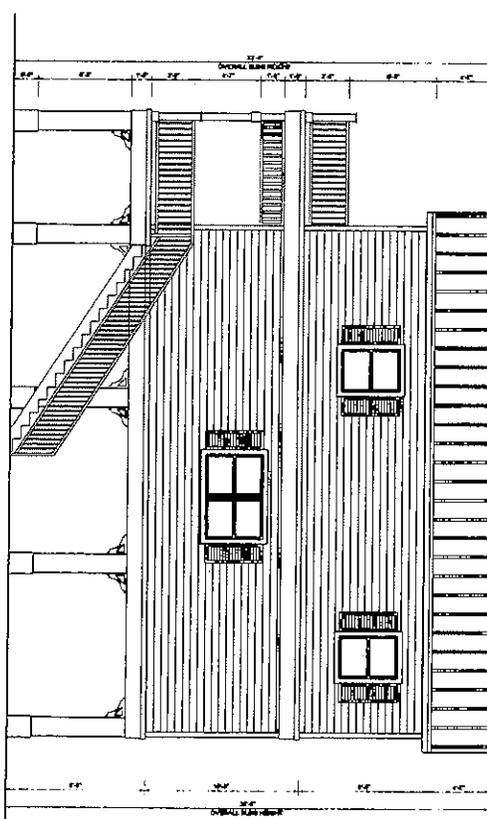




FRONT ELEVATION



SIDE ELEVATION



RECEIVED  
MAY 18 2018  
875-3800-0370

A-3

**ELEVATIONS BLDG H**

NO.	DATE	BY	REVISIONS
1	05/18/18	JAN 2, 2018	17:00 AM

**ROBERT BARNES ASSOCIATES**  
ARCHITECTS AND PLANNERS  
100 N. W. 10th Ave., Suite 1000  
Miami, FL 33136  
Tel: 305.375.1100  
Fax: 305.375.1101  
www.rbaa.com



**LAKEVIEW GARDEN - AFFORDABLE HOUSING**

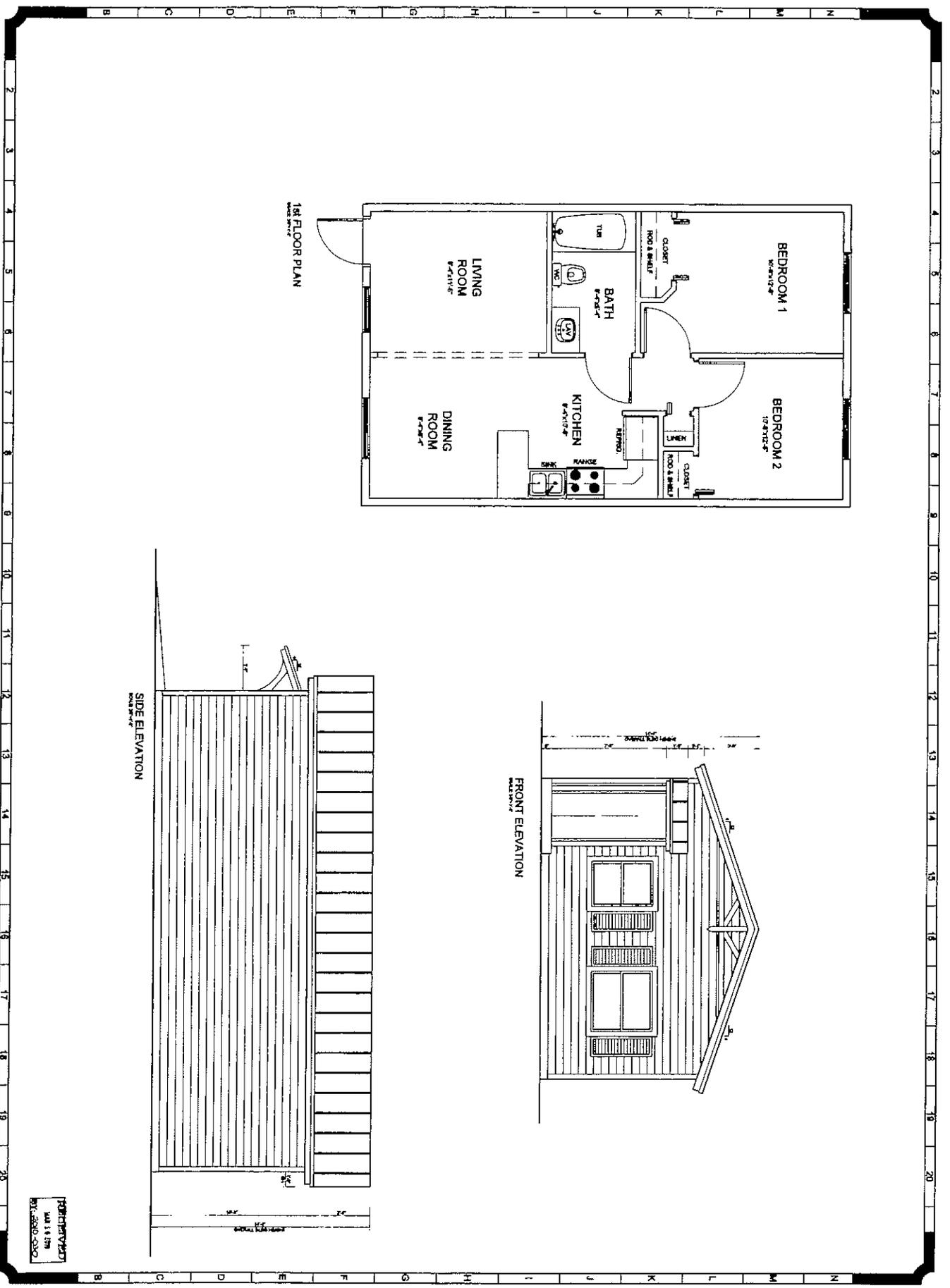
PROJECT: 4409 S STATE ROAD #5 ISLAMORADA, FL  
OWNER: COMSTANTINE ZAHARIA

DATE: 05/18/18  
TIME: 17:00 AM

**REVISIONS**

NO.	DESCRIPTION	DATE
A	Final	5/18/18

B C D E F G H I J K L M N



1st FLOOR PLAN  
SCALE 1/8" = 1'-0"

SIDE ELEVATION  
SCALE 1/8" = 1'-0"

FRONT ELEVATION  
SCALE 1/8" = 1'-0"

PRINTED BY  
DATE 11/17/10  
BY: [signature]

**A-2**

**1ST FLOOR PLAN & ELEVATIONS BLDG E**

NO.	DATE	DESCRIPTION
1	11/17/10	ISSUED FOR PERMITS
2	11/17/10	ISSUED FOR PERMITS
3	11/17/10	ISSUED FOR PERMITS
4	11/17/10	ISSUED FOR PERMITS
5	11/17/10	ISSUED FOR PERMITS
6	11/17/10	ISSUED FOR PERMITS
7	11/17/10	ISSUED FOR PERMITS
8	11/17/10	ISSUED FOR PERMITS
9	11/17/10	ISSUED FOR PERMITS
10	11/17/10	ISSUED FOR PERMITS
11	11/17/10	ISSUED FOR PERMITS
12	11/17/10	ISSUED FOR PERMITS
13	11/17/10	ISSUED FOR PERMITS
14	11/17/10	ISSUED FOR PERMITS
15	11/17/10	ISSUED FOR PERMITS
16	11/17/10	ISSUED FOR PERMITS
17	11/17/10	ISSUED FOR PERMITS
18	11/17/10	ISSUED FOR PERMITS
19	11/17/10	ISSUED FOR PERMITS
20	11/17/10	ISSUED FOR PERMITS

**ROBERT & BARNES ASSOCIATES**  
ARCHITECTURAL AND PLUMBING  
121 NORTH WINDY AVENUE  
PENSACOLA, FLORIDA 32503  
(904) 433-9333  
RBA@ROBERTBARNES.COM  
WWW.ROBERTBARNES.COM

JOHN ROBERT BARNES, III, NCARB  
ARCHITECT

**LAKEVIEW GARDEN - AFFORDABLE HOUSING**

PROJECT  
11000 S STATE ROAD #5 ISLAMORADA, FL

OWNER  
CONSTANTE B. ZAVARRA

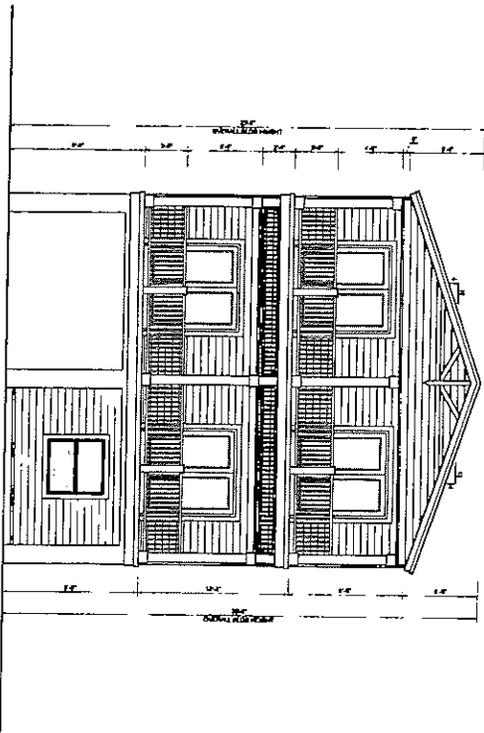
NOTES: PROVIDE THE FINAL CONTRACT DOCUMENTS AND SECURE THE FULL PAYMENT OF THE AGREEMENT BEFORE COMMENCING WORK. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND PERMITS. ALL WORK SHALL BE COMPLETED AND ACCEPTED BY THE LOCAL AUTHORITY WITHIN 90 DAYS.

**REVISIONS**

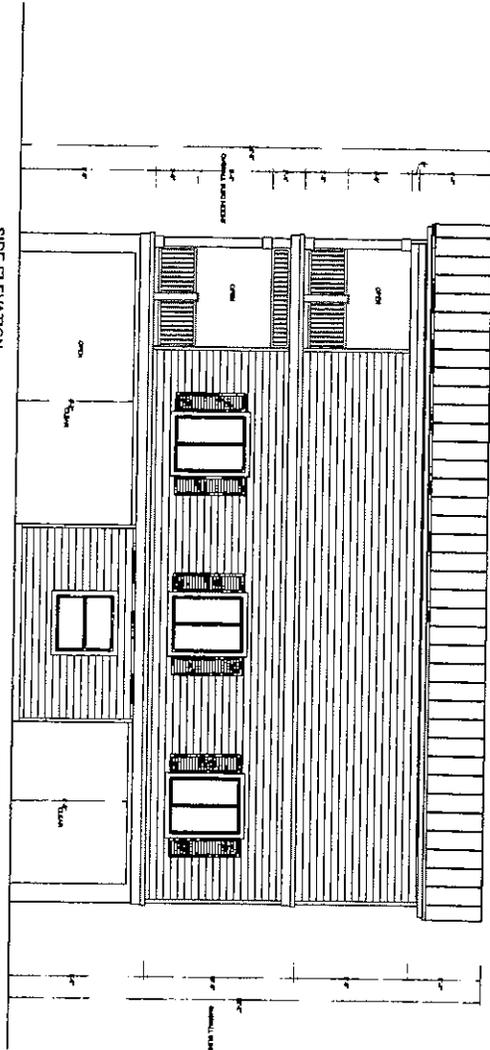
NO.	DESCRIPTION	DATE
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2	ISSUED FOR PERMITS	11/17/10
3	ISSUED FOR PERMITS	11/17/10
4	ISSUED FOR PERMITS	11/17/10
5	ISSUED FOR PERMITS	11/17/10
6	ISSUED FOR PERMITS	11/17/10
7	ISSUED FOR PERMITS	11/17/10
8	ISSUED FOR PERMITS	11/17/10
9	ISSUED FOR PERMITS	11/17/10
10	ISSUED FOR PERMITS	11/17/10
11	ISSUED FOR PERMITS	11/17/10
12	ISSUED FOR PERMITS	11/17/10
13	ISSUED FOR PERMITS	11/17/10
14	ISSUED FOR PERMITS	11/17/10
15	ISSUED FOR PERMITS	11/17/10
16	ISSUED FOR PERMITS	11/17/10
17	ISSUED FOR PERMITS	11/17/10
18	ISSUED FOR PERMITS	11/17/10
19	ISSUED FOR PERMITS	11/17/10
20	ISSUED FOR PERMITS	11/17/10



FRONT ELEVATION



SIDE ELEVATION



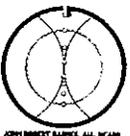
REVISIONS  
 1. 11.19.14  
 REV. 4000-0000

A-3

ELEVATIONS BLDG G

DATE	11.19.14	BY	REV. 4000-0000
PROJECT	LAKEVIEW GARDEN - AFFORDABLE HOUSING	CLIENT	FLORIDA HOUSING FINANCE CORPORATION
ARCHITECT	ROBERT BARNES ASSOCIATES	ADDRESS	1111 N. W. 11th St., Ft. Lauderdale, FL 33304
SCALE	AS SHOWN	PROJECT NO.	1111-14

**ROBERT BARNES ASSOCIATES**  
 ARCHITECTS  
 1111 N. W. 11th St.  
 Ft. Lauderdale, FL 33304  
 PHONE: 754-561-1111  
 FAX: 754-561-1112  
 WWW: www.rba.com



**LAKEVIEW GARDEN - AFFORDABLE HOUSING**  
 1111 N. STATE ROAD #65 ISLAMORADA, FL  
 CONTAINING 20 UNITS

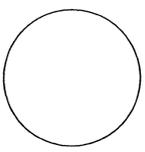
NO.	DESCRIPTION	DATE
1	Issue for Permit	11.19.14
2	Issue for Construction	
3	Issue for Occupancy	





(305) 852-4852

Key Largo  
 91700 Overseas Highway, Suite 3  
 Tavernier, Florida  
 Marathon  
 3000 Overseas Highway  
 Marathon, Florida  
 Key West  
 925 Tunnan Avenue  
 Key West, Florida



Fla. Cert. of Auth. 26784  
 Fla. Cert. No. AA26001807  
 Fla. Lic. No. 10,806

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No.	REVISIONS	Date

PROJECT  
**KEYS LAKE VILLAS**

106003 O/S HWY  
 KEY LARGO, FL 33037

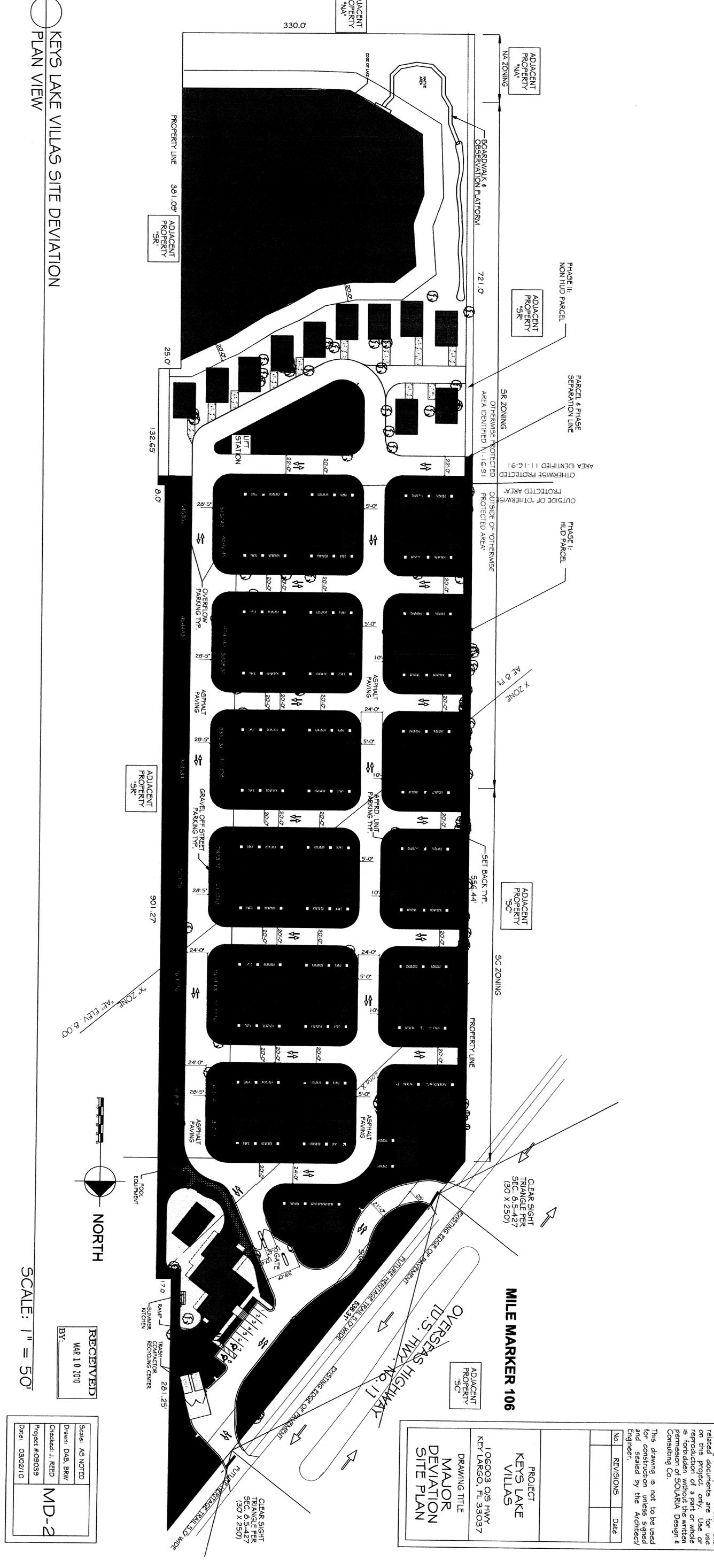
DRAWING TITLE  
**MAJOR DEVIATION SITE PLAN**

DESCRIPTION	Building Type	UNITS		Levels	Gross Floor Area	Beds	Baths
		No. of Buildings	No. of Units				
<b>PROPOSED</b>							
Affordable Units							
Unit Type I A	Duplex	1	2	2	1364	3	2.5
Unit Type II A	Triplex	10	30	2	1364	3	2.5
Unit Type I V B	Triplex	24	72	2	1120	2	2.5
Unit Type V I C	Triplex	2	6	2	750	2	1
<b>Total Affordable Units</b>			<b>110</b>				
Market Rate							
Unit Type D	Detached	6	5	2	1800	3	2.5
Unit Type E	Detached	7	6	2	2015	3	2.5
<b>TOTAL Market Rate Units</b>			<b>11</b>				
<b>Community Center</b>					<b>3800</b>		

Parking	
Parking Required	= 22
S.T.R. (11) 2/unit	= 1.65
Attached Units (110) 1.5/unit =	1.67
<b>Total Required</b>	<b>= 1.67</b>
<b>Parking Proposed</b>	<b>= 22</b>
SFR (13)	= 220
Attached Units (110)	= 60
Handicap	= 2
<b>Total Proposed</b>	<b>= 302</b>

SITE COVERAGE	
Lot Size	445,826
Asphalt Paving	106,389
Conc Walks	1,148
Parking - Residences (Gravel)	26,843
Structure Footprints	134,380
Buildings - Market and Aff	60,409
Community Center	3,794
Food/Deck and Equipment	6,392
Compactor/Recycling	554
Open Space	91,148
Total Lot Coverage	225,527.64
Total Open Space	220,298.36

SITE UTILITY	
PROPERTY GROSS ACREAGE	11.68
SC Portion	9.88
NA Portion	0.36
SR Portion (Lake)	1.44
PROPERTY GROSS ACREAGE (Minus Lake)	10.24
PROPERTY NET ACREAGE (Minus Lake)	8.19
SC Portion	7.90
NA Portion	0.29
SINGLE USE MAXIMUM INTENSITIES & DENSITIES (SC Zoning)	
Employee/AFH	Units/Acre
Market Rate Units	18
Affordable Housing Units	6
PROGRAMMED DEVELOPMENT - PROPOSED	
Market Rate Units	18
Affordable Housing Units	6
TOTAL PROGRAMMED DEVELOPMENT	
Market Rate Units	18
Affordable Housing Units	6



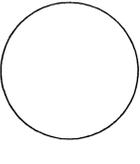
KEYS LAKE VILLAS SITE DEVIATION  
 PLAN VIEW

SCALE: 1" = 50'

RECEIVED  
 MAR 10 2010

Scale: AS NOTED  
 Drawn: DAB, BNV  
 Checked: J. REED  
 Project #09039  
 Date: 03/02/10

MD-2



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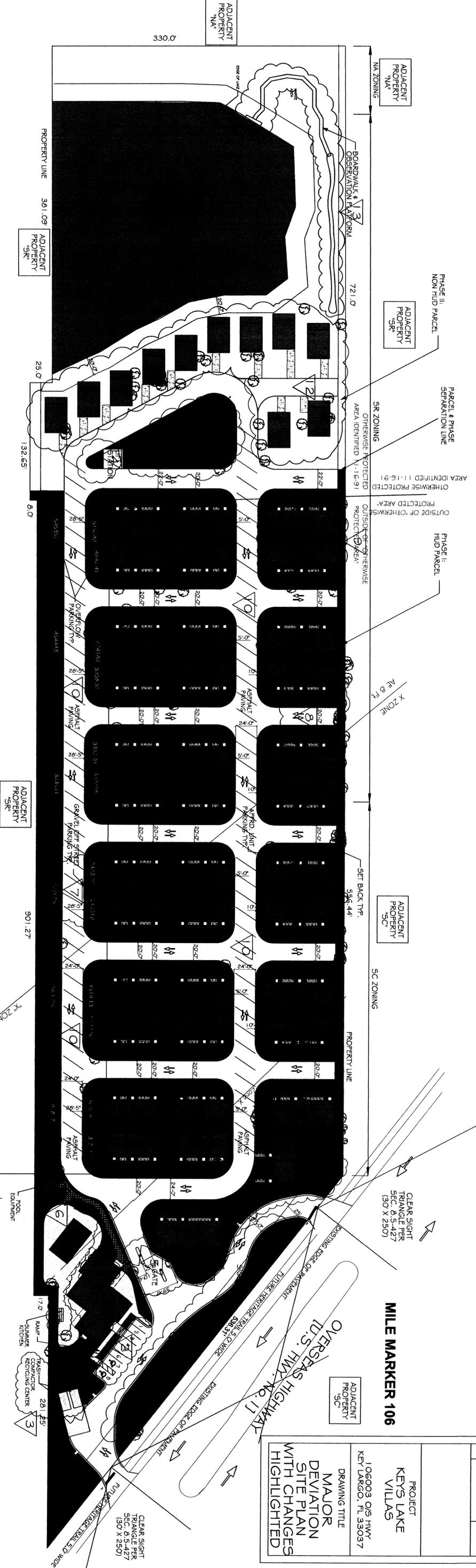
No.	REVISIONS	Date

PROJECT  
KEYS LAKE  
VILLAS

105003 O/S HWY  
KEY LARGO, FL 33037

DRAWING TITLE  
MAJOR  
DEVIATION  
SITE PLAN  
WITH CHANGES  
HIGHLIGHTED

Revision	Description
1	Modified drive in setback.
2	Relocated and modified clubhouse parking spaces.
3	Added trash compactor and recycling center.
4	Modified clubhouse.
5	Added gate and island.
6	Re-configured pool deck and pool.
7	Relocated and modified overflow parking spaces.
8	Relocated and re-configured parking spaces. Typical of all spaces.
9	Relocated affordable housing units. Typical of all units.
10	Relocated roads.
11	Added play ground and play yard.
12	Relocated single family residences and removed 2 units.
13	Added passive recreation trail.
14	Relocated lift station.
15	Relocated Fence



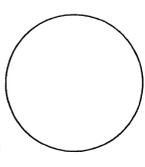
NORTH

KEYS LAKE VILLAS SITE DEVIATION  
PLAN VIEW

SCALE: 1" = 50'

RECEIVED  
MAR 10 2018  
BY: \_\_\_\_\_

Scale: AS NOTED	MD-3
Drawn: DAB, BRW	
Checked: J. REED	
Project #09039	
Date: 03/02/18	



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Reg. Cert. No. AA26001807  
Fla. Lic. No. 10,906

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No.	REVISIONS	Date

PROJECT	KEYS LAKE VILLAS
DRAWING TITLE	1'06'003 O/S HWY KEY LARGO, FL 33037

Scale: NONE	<b>MD-4</b>
Drawn: DAB, BRW	
Checked: J. REED	
Project #: 05039	
Date: 03/03/10	

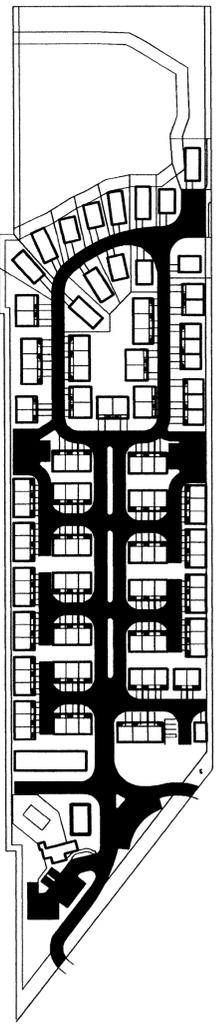
**MAJOR DEVIATION COMPARISON SITE PLANS**

DESCRIPTION	Building Type	No. of Buildings	No. of Units by Type	Levels	Gross Area	BEDS		Baths
						Count	Area	
<b>UNITS</b>								
<b>PROPOSED</b>								
Affordable Housing Units	Duplex	1	2	2	1364	3	2.5	2.5
Market Rate Units	Triplex	10	30	2	1364	3	2.5	2.5
Total Development (Units)	Unit Type II A	24	72	2	1120	2	2.5	1
Total Development (Site Utility)	Unit Type IV B	2	6	2	750	2	2.5	1
<b>ORIGINAL</b>								
Affordable Housing Units	Duplex	1	2	2	1364	3	2.5	2.5
Market Rate Units	Triplex	10	30	2	1364	3	2.5	2.5
Total Development (Units)	Unit Type II A	24	72	2	1120	2	2.5	1
Total Development (Site Utility)	Unit Type IV B	2	6	2	750	2	2.5	1
<b>MARKET RATE UNITS</b>								
Market Rate	Detached	6	5	2	1800	3	2.5	2.5
Unit Type D	Detached	7	6	2	2015	3	2.5	2.5
Unit Type E								
TOTAL Market Rate Units								
Community Center					3800			
<b>TOTAL AFFORDABLE UNITS</b>								
Affordable Housing Units								
Unit Type A	Duplex	6	12	2	1351	3	2.5	2.5
Unit Type B	Triplex	6	18	2	1351	3	2.5	2.5
Unit Type C	Triplex	23	69	2	1137	2	2.5	2.5
Unit Type D	Duplex	2	4	2	1137	2	2.5	2.5
Unit Type E	Mult		7	1	640	2	1	1
TOTAL Affordable Units			110					
Market Rate Units								
Unit Type F	SFR		7	2	1938	3	2.5	2.5
Unit Type G	SFR		5	2	2133	3	2.5	2.5
Unit Type H	SFR		1	2	1976	3	2.5	2.5
TOTAL Market Rate Units			13					
Community Center					1334			

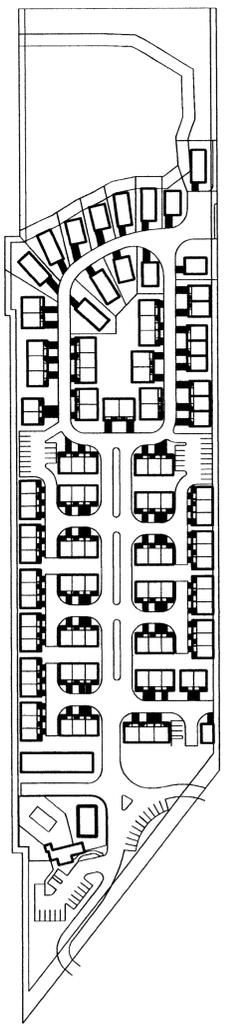
	ORIGINAL	PROPOSED
Affordable Housing Units	110	110
Market Rate Units	13	11
Total Development (Units)	123	121
Total Development (Site Utility)	104.73%	100.51%

	ORIGINAL	PROPOSED
SFR (13)	= 26	22
Attached Units (110)	= 180	220
Overflow	= 56	60
Handicap	= 3	2
Total	265	302

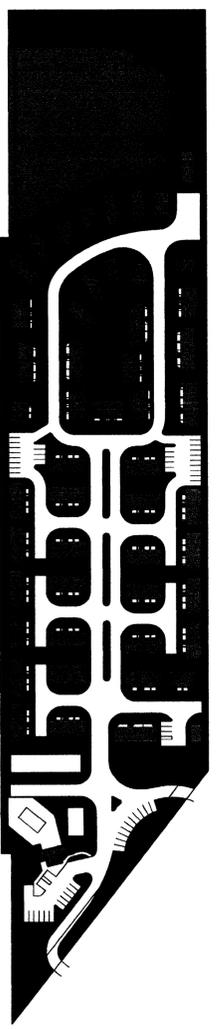
Original		Proposed		Percentage Change
Lot Size	445,826	Lot Size	445,826	
<b>SITE</b>				
Asphalt Paving	109,198	106,389	23.86%	-0.63%
Conc Walks	2,592	1,148	0.26%	-0.32%
Driveways - Buildings	18,806	26,843	6.02%	1.80%
	130,595	134,380	30.14%	0.85%
<b>STRUCTURE FOOTPRINTS</b>				
Buildings - Market and AFH	96,586	80,409	18.04%	-4.08%
Community Center	1,334	3,794	0.85%	0.55%
Food/Deck	5,521	6,392	1.43%	0.20%
	105,441	91,148	20.44%	-3.21%
<b>OPEN SPACE</b>				
Total Lot Coverage	236,037	225,527.64	50.59%	-2.36%
Total Open Space	209,790	220,298.36	49.41%	2.36%



<b>SITE</b>	Square Feet	Percent
Asphalt Paving	109,198	24.49%
Conc Walks	2,592	0.58%

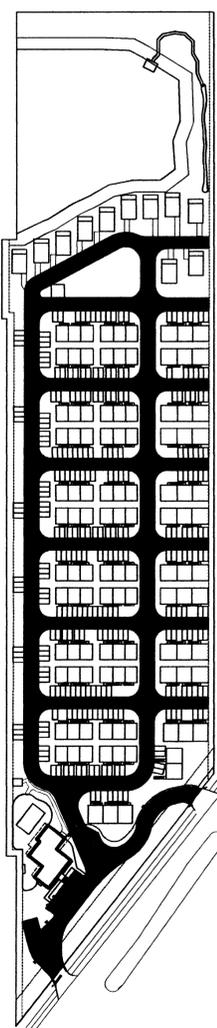


<b>SITE</b>	Square Feet	Percent
Driveways - Buildings	18,806	4.22%

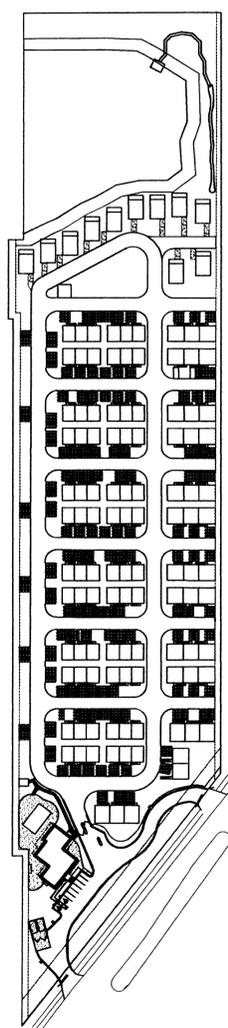


<b>OPEN SPACE</b>	Square Feet	Percent
Total Lot Coverage	236,037	52.94%
Total Open Space	209,790	47.06%

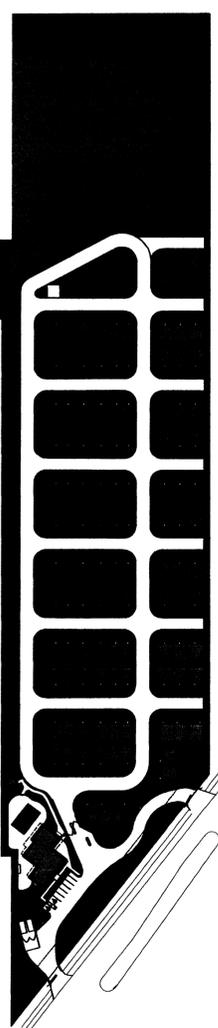
<b>STRUCTURE FOOTPRINTS</b>	Square Feet	Percent
Buildings - Market and AFH	96,586	22.11%
Community Center	1,334	0.30%
Food/Deck	5,521	1.24%
	105,441	23.65%



<b>SITE</b>	Square Feet	Percent
Asphalt Paving	106,389	23.86%
Conc Walks	1,148	0.26%



<b>SITE</b>	Square Feet	Percent
Driveways & Pool Walkway (Gravel)	26,843	6.02%



<b>OPEN SPACE</b>	Square Feet	Percent
Total Lot Coverage	225,527.64	50.59%
Total Open Space	220,298.36	49.41%

<b>STRUCTURE FOOTPRINTS</b>	Square Feet	Percent
Buildings - Market and AFH	80,409	18.04%
Community Center	3,794	0.85%
Food/Deck and Equipment	6,392	1.43%
Compactor/Recycling	554	0.12%
	91,148	20.44%

RECEIVED  
MAR 10 2010  
BY: \_\_\_\_\_

**Key Largo**  
 9700 Overseas Hwy, Suite 3  
 Key Largo, FL 34137  
 305-952-4852

**Marathon**  
 3000 Overseas Highway  
 Marathon, Florida  
 305-852-4852

**Key West**  
 925 Truman Ave, Key West, Florida  
 305-236-9895

Fla. Cert. No. AA 26001807  
 Fla. Lic. No. AR 10,806



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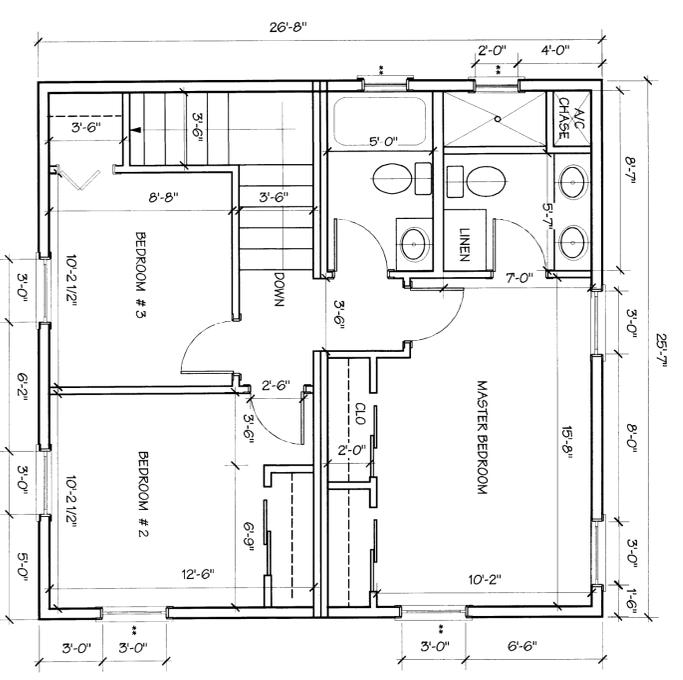
This drawing is not to be used for construction until sealed and signed by the Architect/Engineer

No.	REVISIONS	Date

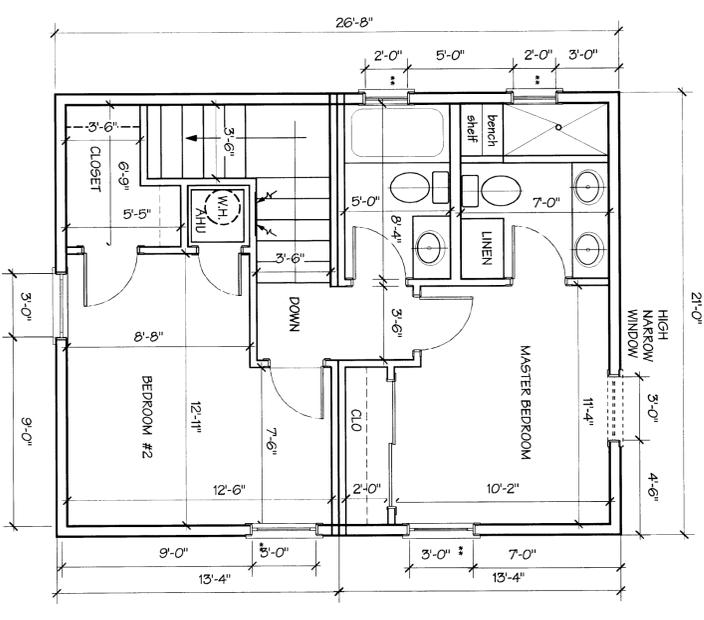
**PROJECT**  
 LAKEVIEW  
 GARDENS  
 KEY LARGO, FL

**DRAWING TITLE**  
 UNIT PLANS:  
 UNIT "A" - 3 B.R./2.5 BATH  
 UNIT "B" - 2 B.R./2.5 BATH  
 UNIT "C" - 2 B.R./1 BATH

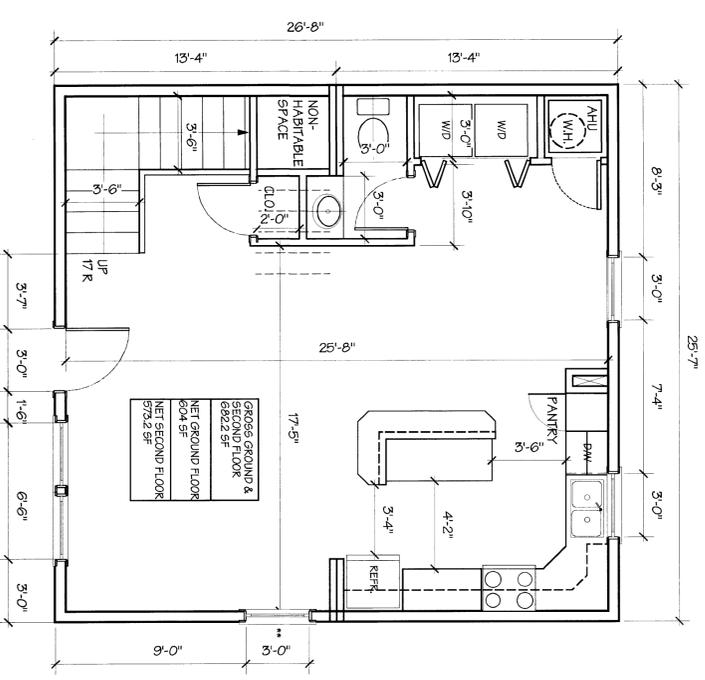
Scale: As Noted	<b>A-2</b>
Drawn: MH	
Checked: DB	
Project #: 09039	
Date: 09-22-09	5/13



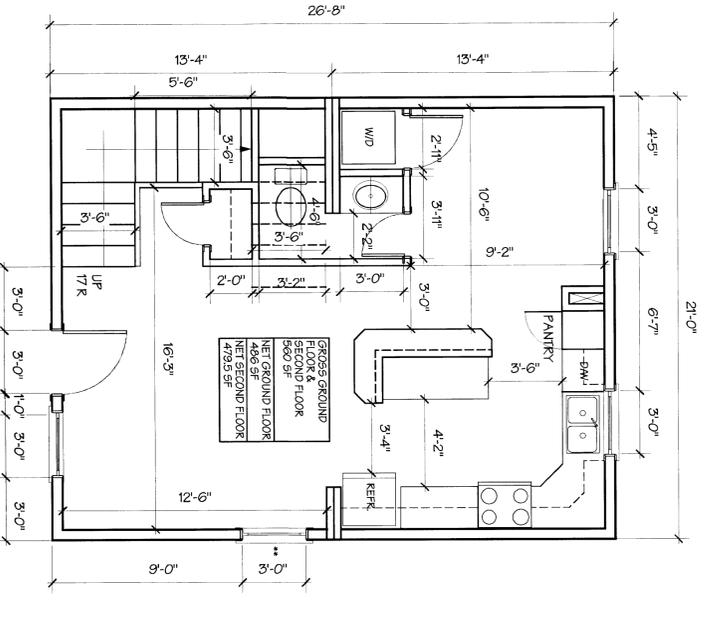
**UNIT "A" 3 B.R./2.5 BATH**  
 SECOND FLOOR  
 SCALE 1/4"=1'-0"



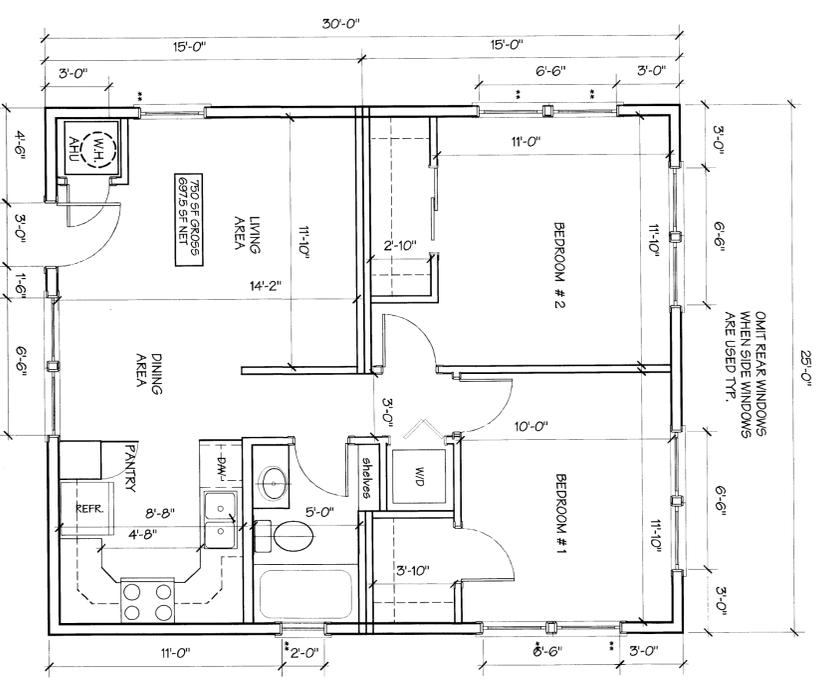
**UNIT "B" 2 B.R./2.5 BATH**  
 SECOND FLOOR  
 SCALE 1/4"=1'-0"



**UNIT "A" 3 B.R./2.5 BATH**  
 FIRST FLOOR  
 SCALE 1/4"=1'-0"



**UNIT "B" 2 B.R./2.5 BATH**  
 FIRST FLOOR  
 SCALE 1/4"=1'-0"



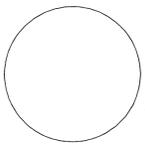
**UNIT "C" 2 B.R./1 BATH**  
 FLOOR PLAN  
 SCALE 1/4"=1'-0"

**Key Largo**  
 91700 Overseas Hwy, Suite 3  
 Tavernier, Florida  
 305-852-4852

**Marathon**  
 3000 Overseas Highway  
 Marathon, Florida  
 305-852-4852

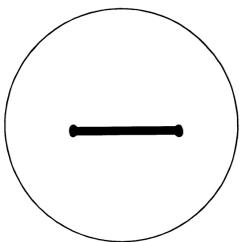
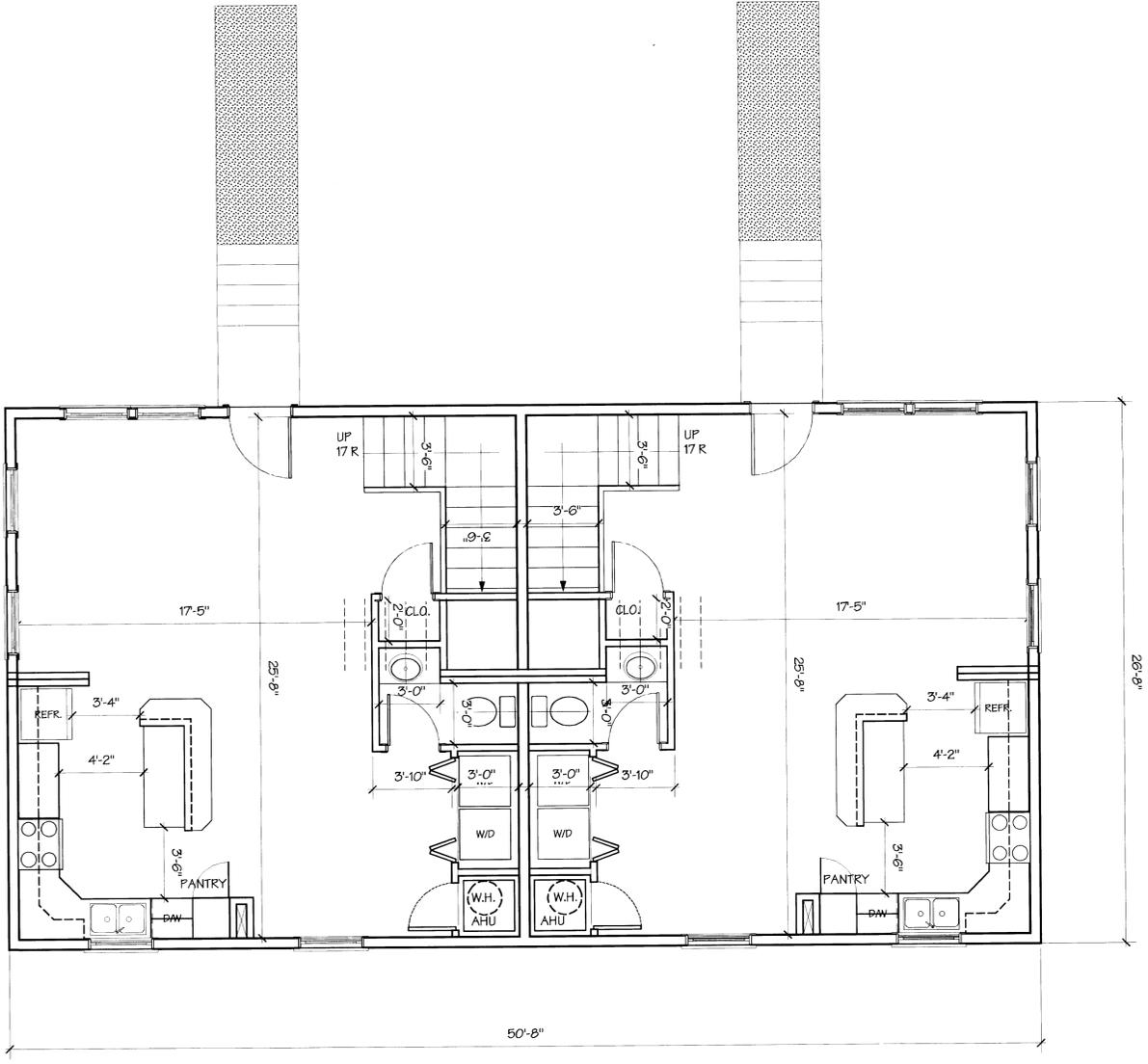
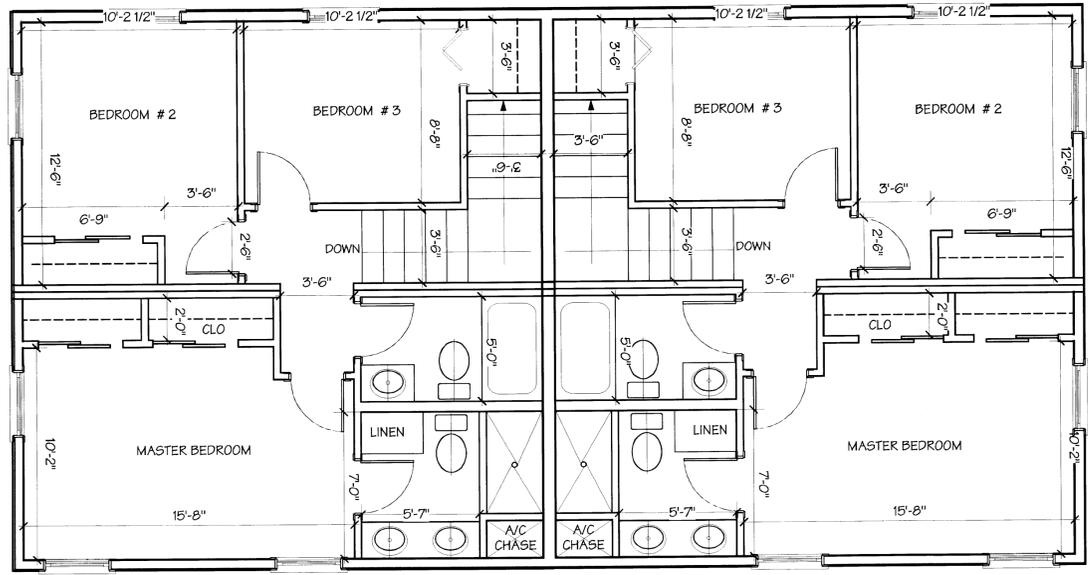
**Key West**  
 925 Truman Ave., Key West, Florida  
 305-236-8885

Fla. Cert. No. AA 26001807  
 Fla. Lic. No. AR 10,806



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No.	REVISIONS	Date



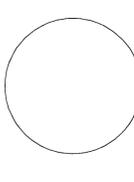
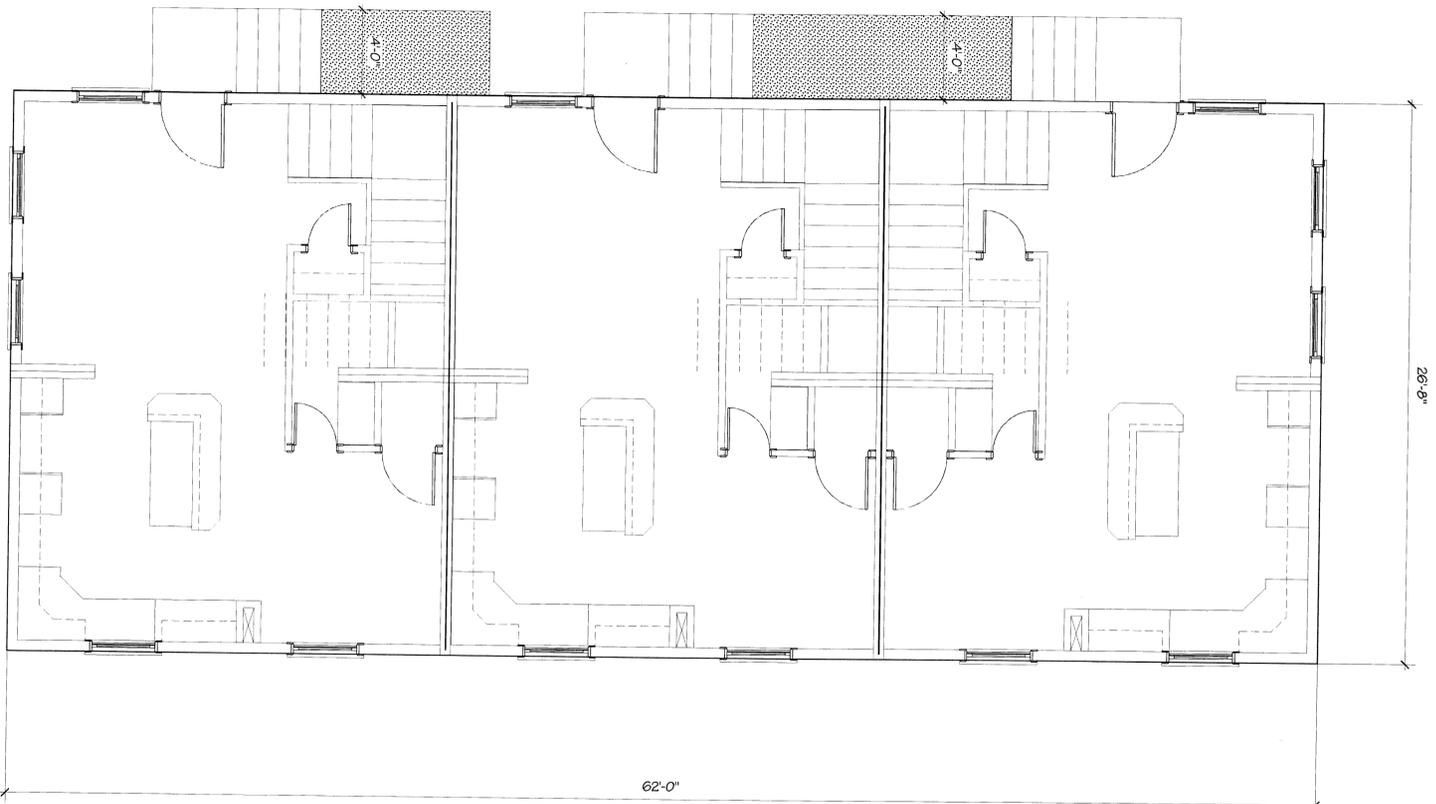
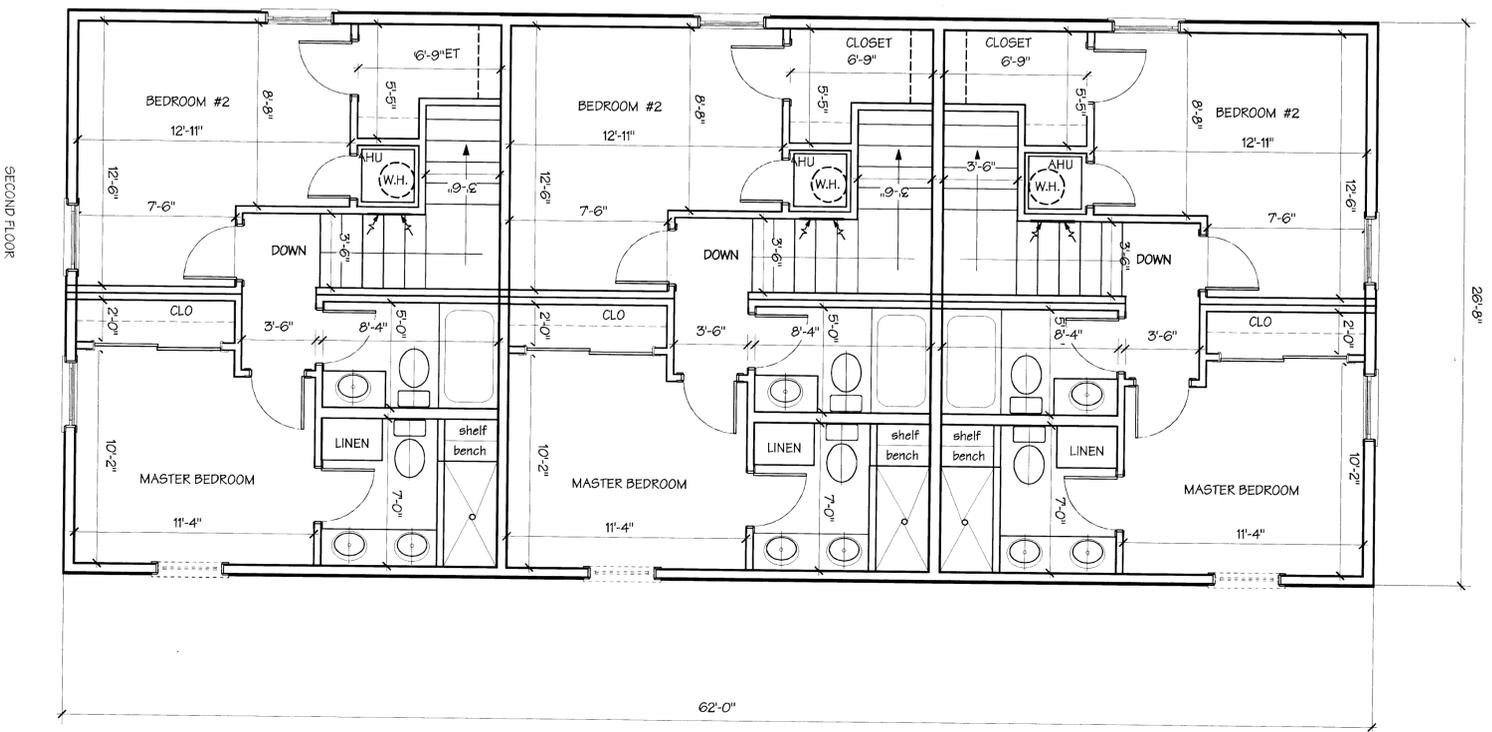
**DRAWING TITLE**  
 BUILDING PLANS  
 TYPE I DUPLEX  
 UNIT "A"

**PROJECT**  
 LAKEVIEW  
 GARDENS  
 KEY LARGO, FL

Scale: As Noted	<b>A-3</b>
Drawn: MH	
Checked: DB	
Project #: 09039	
Date: 10-15-09	4/13

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No.	REVISIONS	Date

**PROJECT**  
LAKEVIEW  
GARDENS  
KEY LARGO, FL

**DRAWING TITLE**  
BUILDING PLANS  
TYPE IV TRIPLEX  
UNIT "B"

Scale: As Noted	<b>A-5</b>
Drawn: MH	
Checked: DS	
Project #: 08039	
Date: 10-15-09	6/15

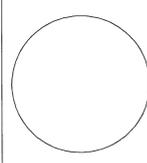
RECEIVED  
MAR 10 2010  
BY: 2010-030

**Key Largo**  
 9700 Overseas Hwy, Suite 3  
 Tavernier, Florida  
 305-852-4852

**Marathon**  
 3000 Overseas Highway  
 Marathon, Florida  
 305-852-4852

**Key West**  
 925 Truman Ave, Key West, Florida  
 305-296-8885

Fla. Cert. No. AA 28001807  
 Fla. Lic. No. AR 102806



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No.	REVISIONS	Date

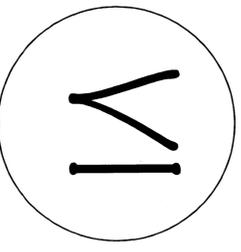
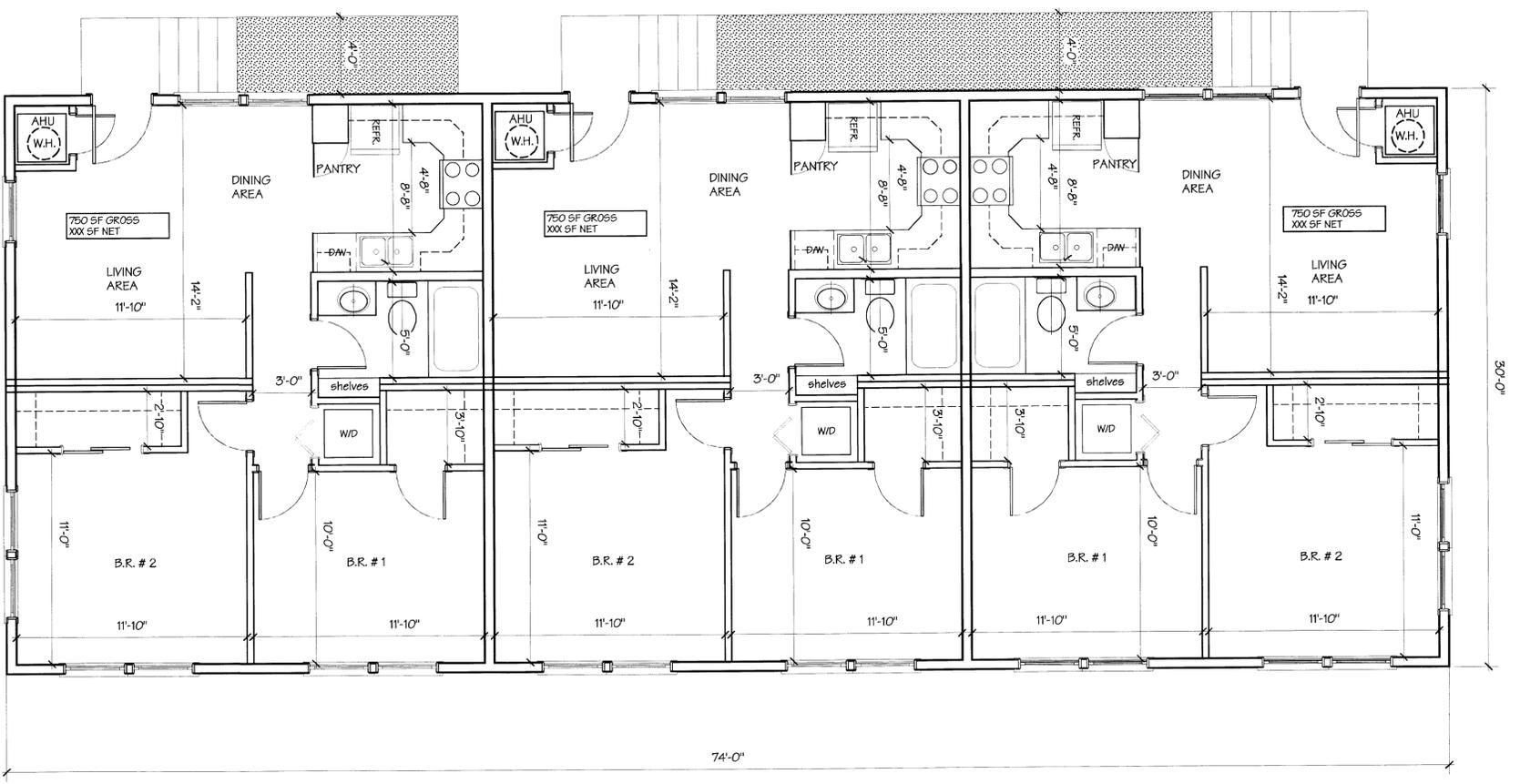
**PROJECT**  
 LAKEVIEW  
 GARDENS  
 KEY LARGO, FL

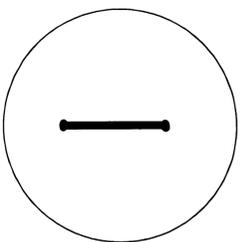
**DRAWING TITLE**  
 BUILDING PLANS  
 TYPE V DUPLEX &  
 TYPE VI TRIPLEX  
 UNIT "C"

Scale: As Noted	<b>A-6</b>
Drawn: MH	
Checked: DP	
Project #: 080089	
Date: 10-15-09	7/15

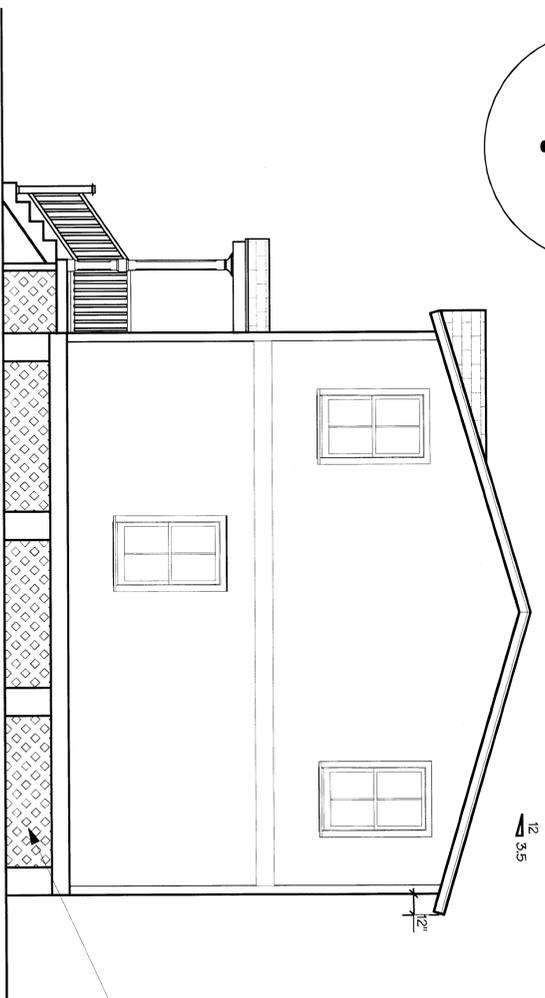
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 BY: 2910-030

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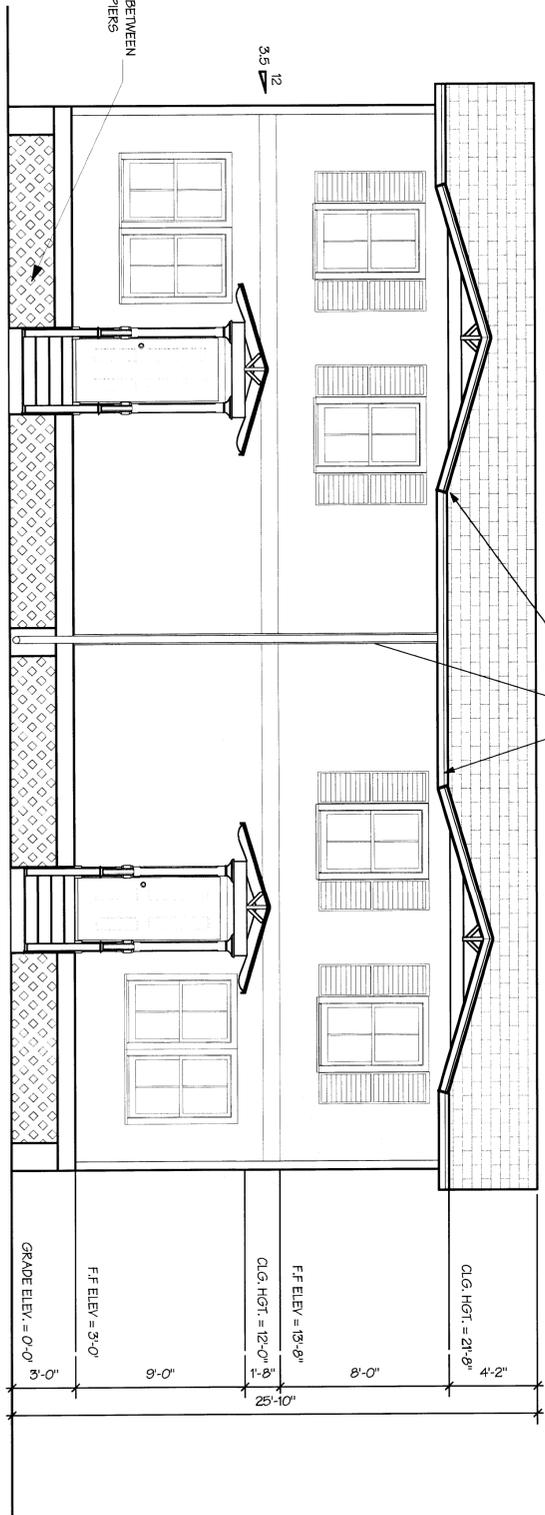


TYPE I BUILDING



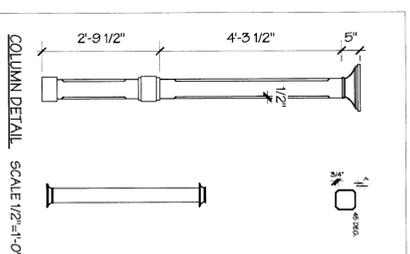
RIGHT VIEW ELEVATION

SCALE 1/4"=1'-0"



FRONT VIEW ELEVATION

SCALE 1/4"=1'-0"

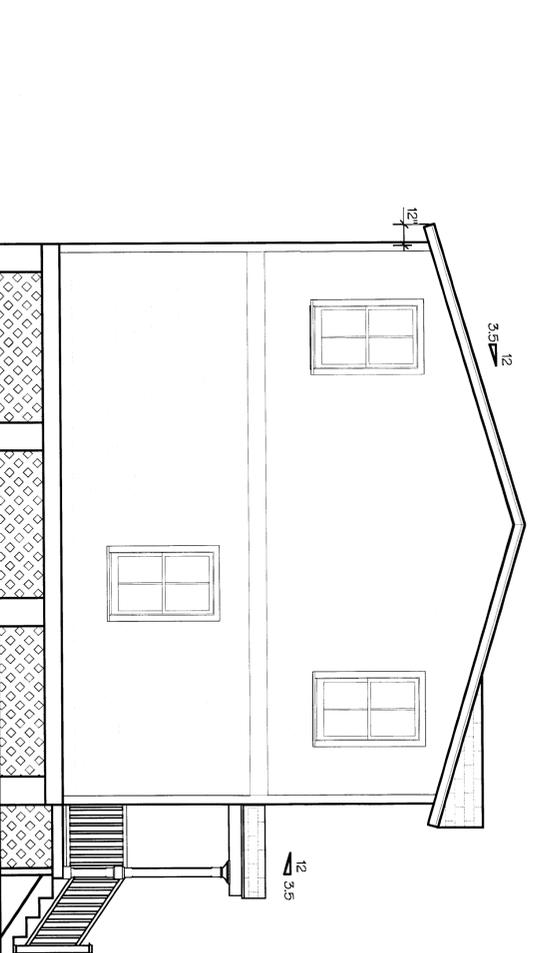


COLUMN DETAIL SCALE 1/2"=1'-0"

**NOTE:**  
END WALLS FACING THE STREET TO HAVE FAUX SHUTTERS AS SHOWN TYP.

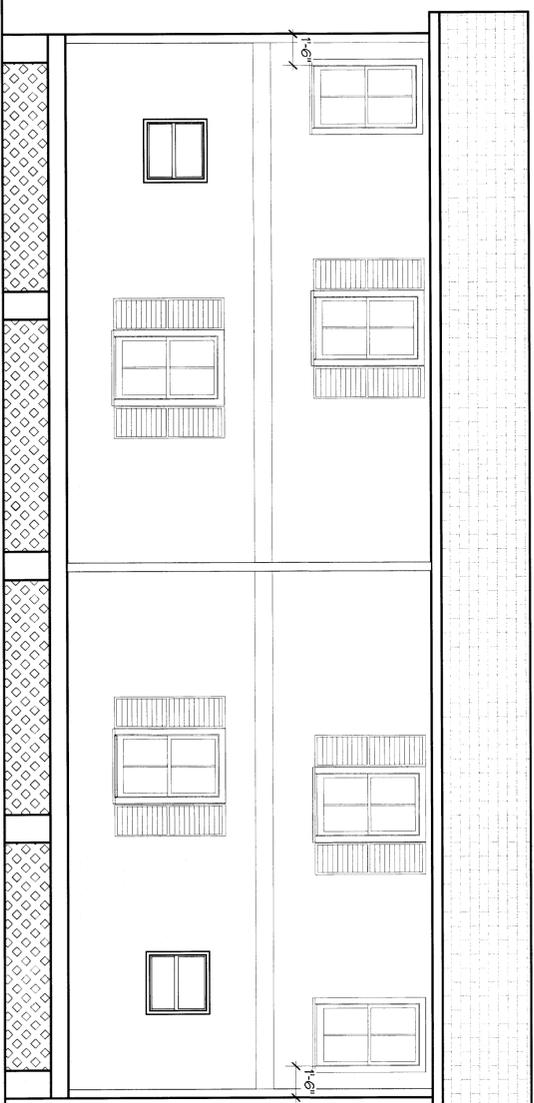
**MATERIALS LEGEND**

- VINYL SIDING
- CONCRETE PIERS
- WOOD ENTRY STAIRS
- ASPHALT SHINGLES
- IMPACT GLASS WINDOWS
- ALUMINUM RAILINGS



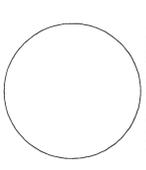
LEFT VIEW ELEVATION

SCALE 1/4"=1'-0"



REAR VIEW ELEVATION

SCALE 1/4"=1'-0"



**SOLARIA**

Planning - Architecture - Engineering  
Key Largo - Marathon - Key West  
305-852-4852

**Key Largo**  
9700 Overseas Hwy, Suite 3  
Tavernier, Florida  
305-852-4852

**Marathon**  
3000 Overseas Highway  
Marathon, Florida  
305-852-4852

**Key West**  
925 Truman Ave, Key West, Florida  
305-296-8885

Fla. Cert. No. AA 26001807  
Fla. Lic. No. AK 10506

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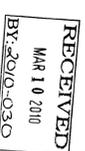
This drawing is not to be used for construction until sealed and signed by the Architect/Engineer.

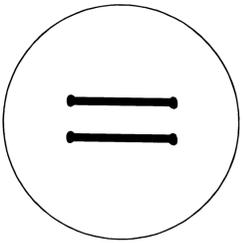
No.	REVISIONS	Date

**PROJECT**  
LAKEVIEW  
GARDENS  
KEY LARGO, FL

**DRAWING TITLE**  
EXTERIOR  
ELEVATIONS  
ATTACHED UNIT "A"  
TYPE I DUPLEX

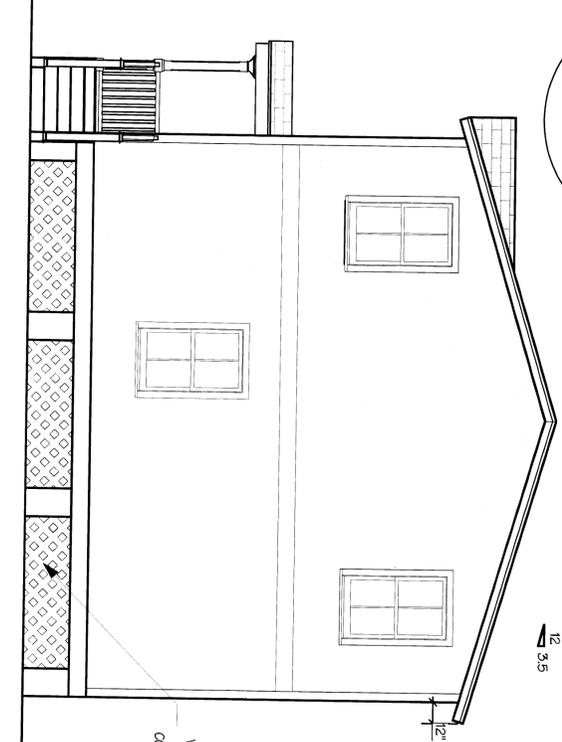
Scale: As Noted	<b>A-7</b>
Drawn: MH	
Checked: DB	
Project #: 090039	
Date: 10/29/09	8/13



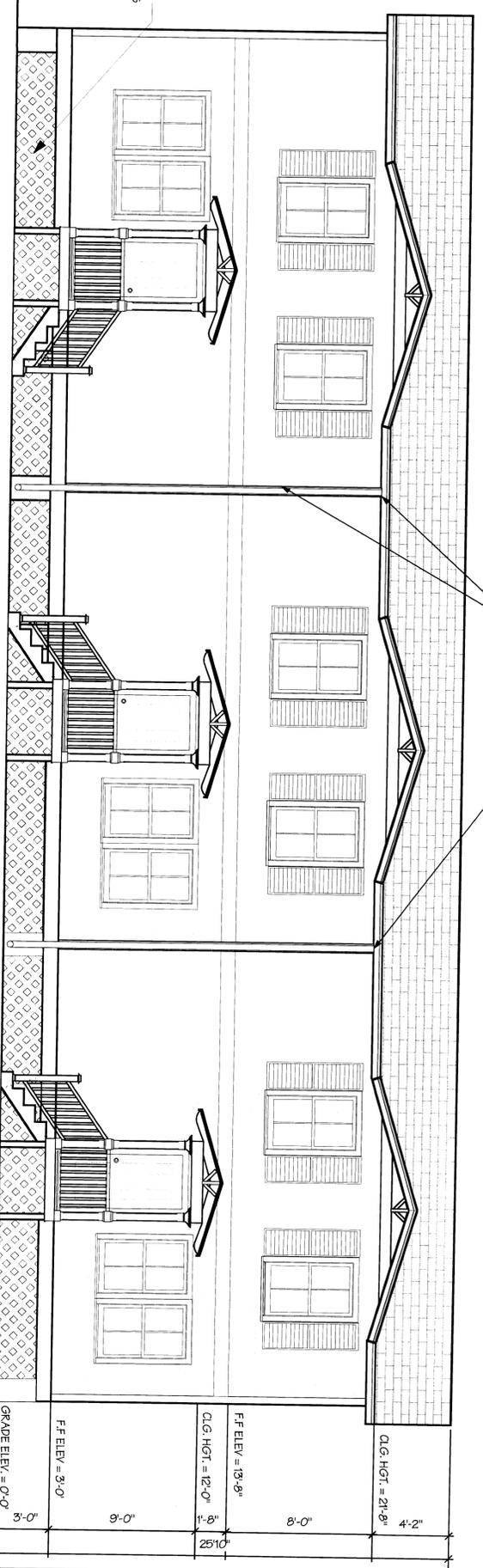


TYPE II BUILDING

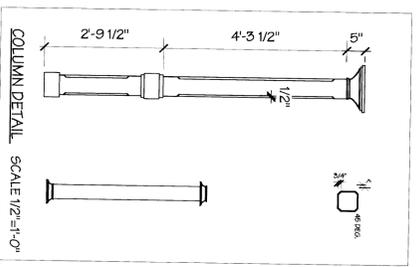
12  
3.5



RIGHT VIEW ELEVATION  
SCALE 1/4"=1'-0"



FRONT VIEW ELEVATION  
SCALE 1/4"=1'-0"



**NOTE:**  
END WALLS FACING THE STREET TO HAVE FAUX SHUTTERS AS SHOWN TYP.

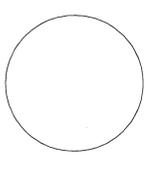
**MATERIALS LEGEND**  
VINYL SIDING  
CONCRETE PIERS  
WOOD ENTRY STAIRS  
ASPHALT SHINGLES  
IMPACT GLASS WINDOWS  
ALUMINUM RAILINGS

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No.	REVISIONS	Date



91700 Overseas Hwy, Suite 3  
Tavernier, Florida  
305-952-4852

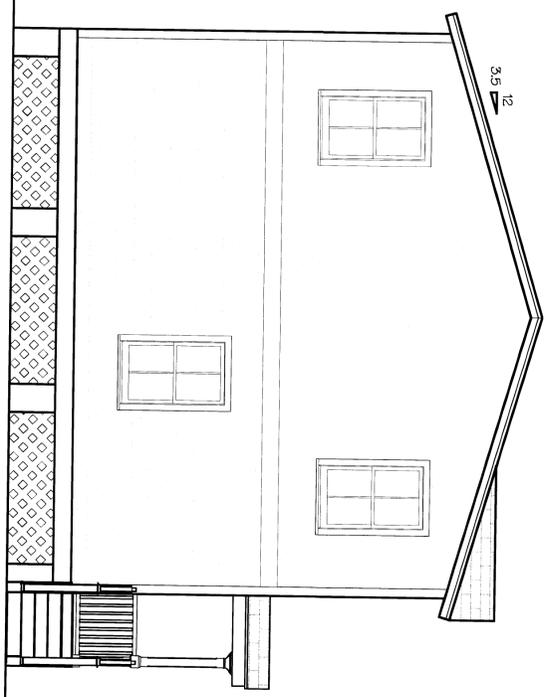
**Marathon**  
3000 Overseas Highway  
Marathon, Florida  
305-852-4852

**Key West**  
925 Truman Ave., Key West, Florida  
305-296-8885

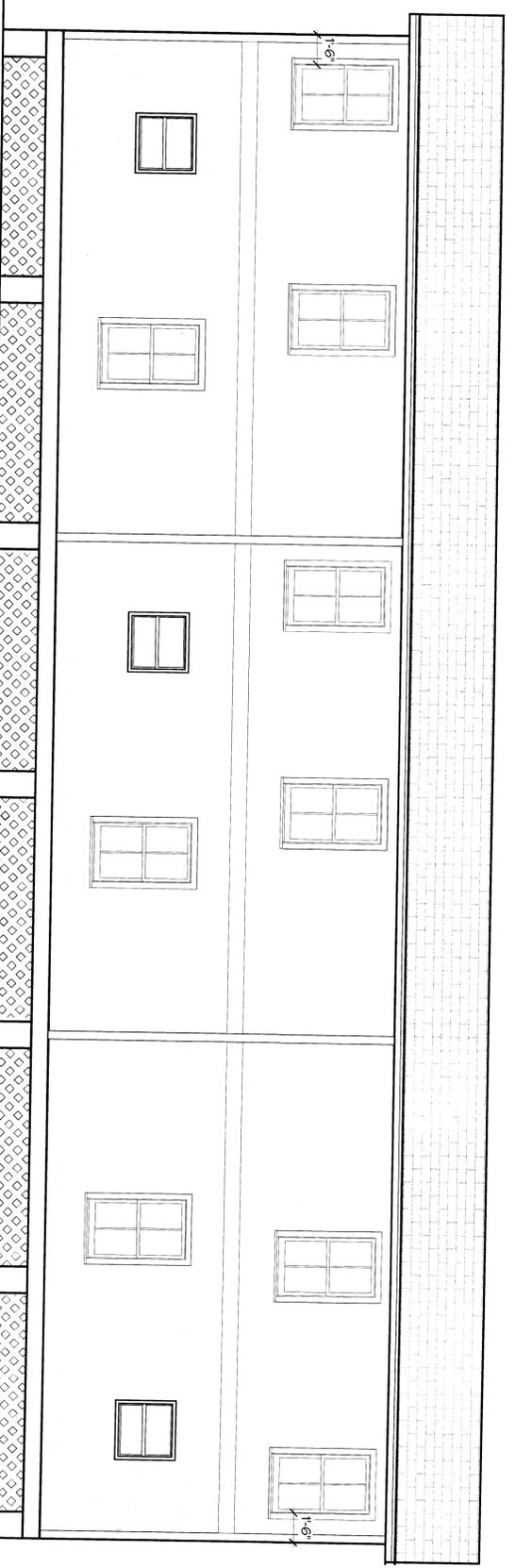
Fla. Cert. No. AA 26001807  
Fla. Lic. No. AR 101806

SOLARIA

Planning - Architecture - Engineering  
Key Largo - Marathon - Key West  
305-852-4852



LEFT VIEW ELEVATION  
SCALE 1/4"=1'-0"



REAR VIEW ELEVATION  
SCALE 1/4"=1'-0"

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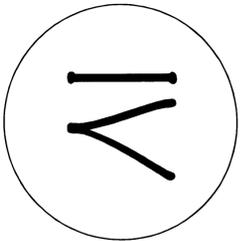
HUD PRE APP INFORMATION OCTOBER 26, 2009

Scale: As Noted	<b>A-8</b>
Drawn: MH	
Checked: DB	
Project #: 090389	
Date: 10/23/09	9/15

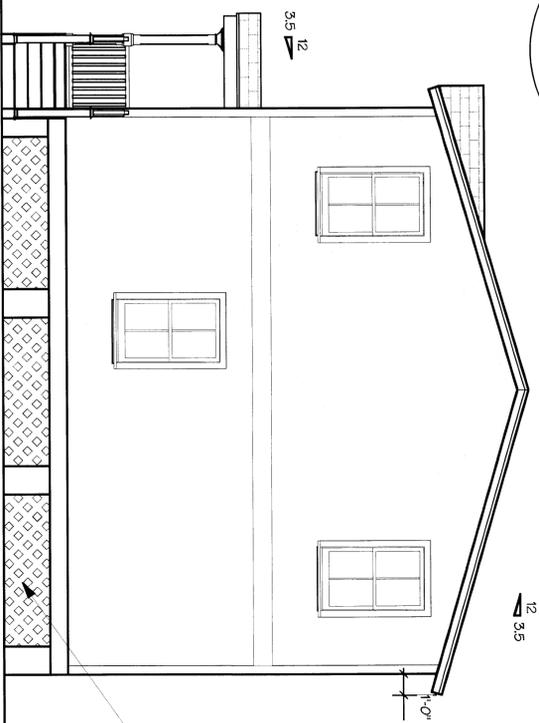
**PROJECT**  
LAKEVIEW  
GARDENS  
KEY LARGO, FL

**DRAWING TITLE**  
EXTERIOR  
ELEVATIONS

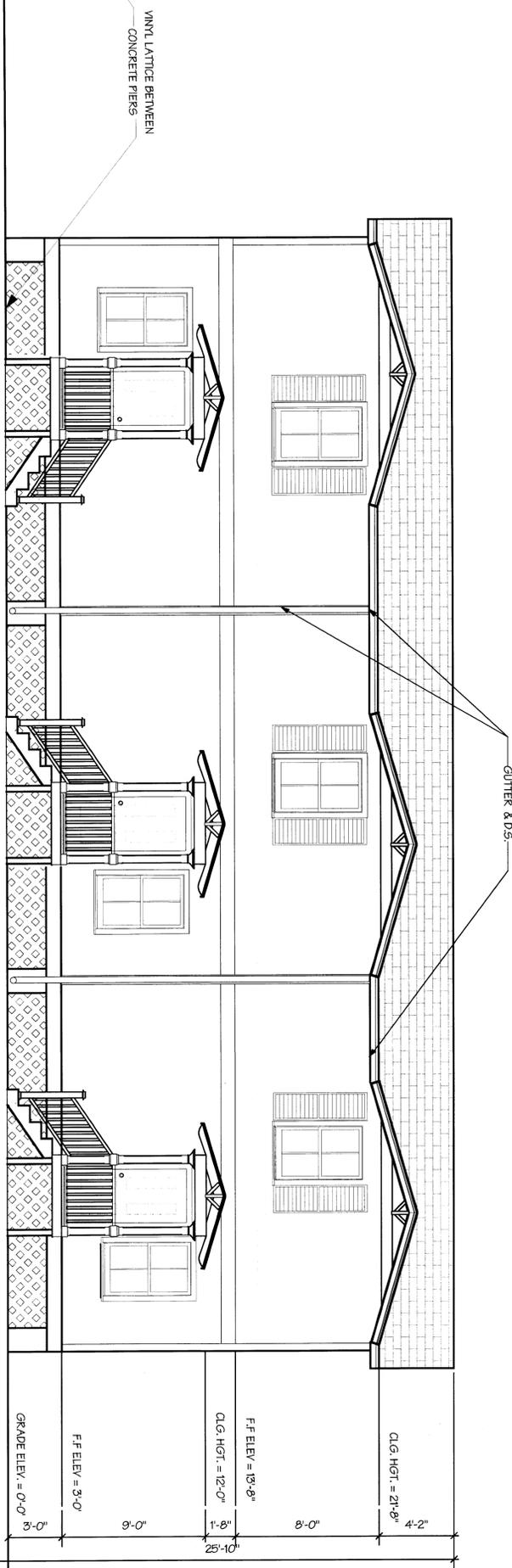
ATTACHED UNIT "A"  
TYPE II TRIPLEX



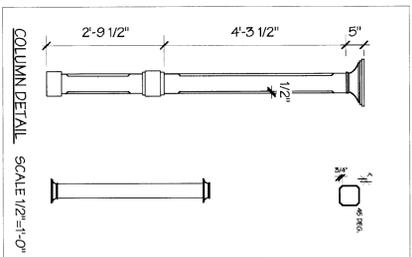
TYPE IV BUILDING



RIGHT VIEW ELEVATION  
SCALE 1/4"=1'-0"

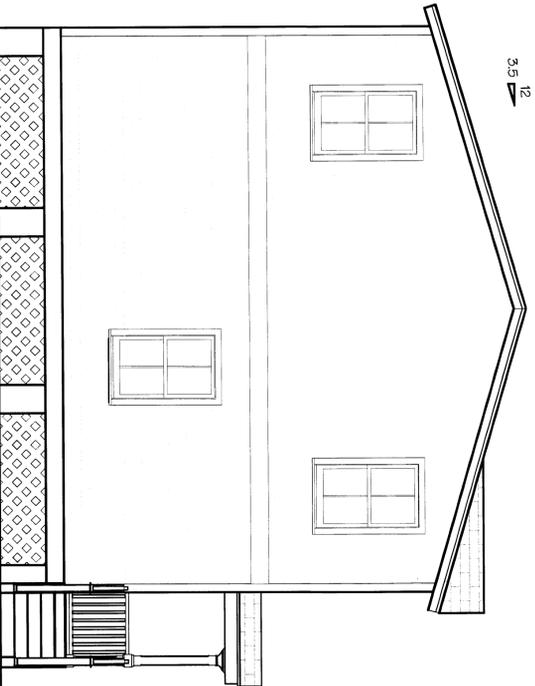


FRONT VIEW ELEVATION  
SCALE 1/4"=1'-0"

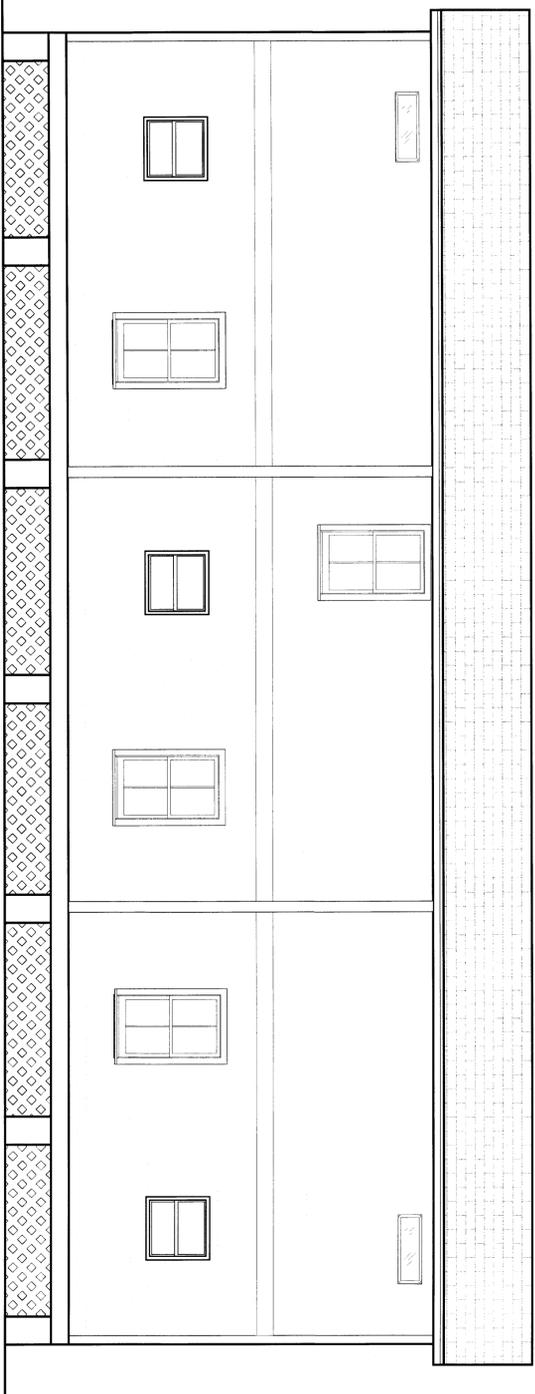


**NOTE:**  
END WALLS FACING THE STREET TO HAVE FAUX SHUTTERS AS SHOWN TYP.

**MATERIALS LEGEND**  
VINYL SIDING  
CONCRETE PIERS  
WOOD ENTRY STAIRS  
ASPHALT SHINGLES  
IMPACT GLASS WINDOWS  
ALUMINUM RAILINGS



LEFT VIEW ELEVATION  
SCALE 1/4"=1'-0"



REAR VIEW ELEVATION  
SCALE 1/4"=1'-0"

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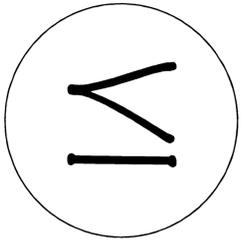
**PROJECT**  
LAKEVIEW  
GARDENS  
KEY LARGO, FL

**DRAWING TITLE**  
EXTERIOR  
ELEVATIONS  
ATTACHED UNIT "B"  
TYPE IV TRIPLEX

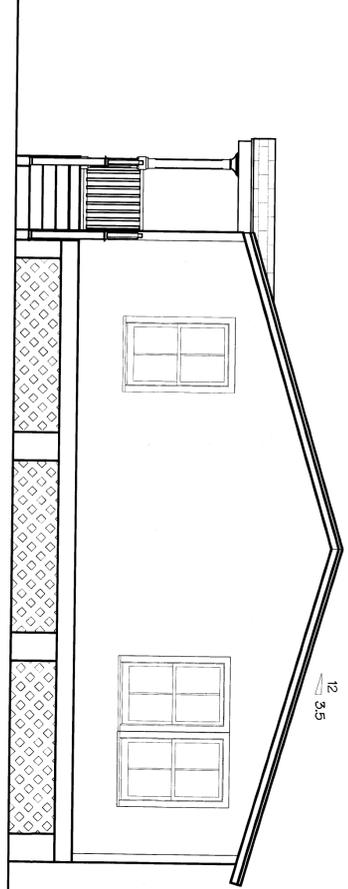
Scale: As Noted	<b>A-9</b>
Drawn: MH	
Checked: DB	
Project #: 090289	
Date: 10/19/09	

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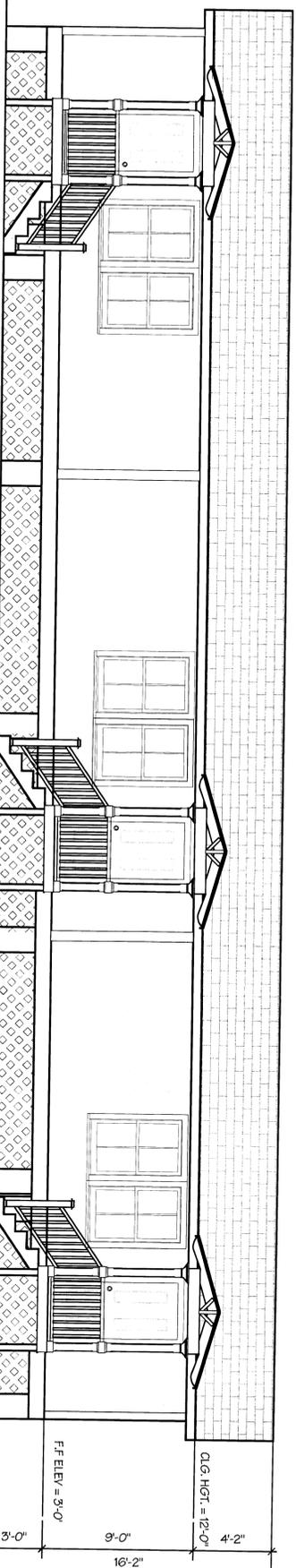


TYPE VI BUILDING



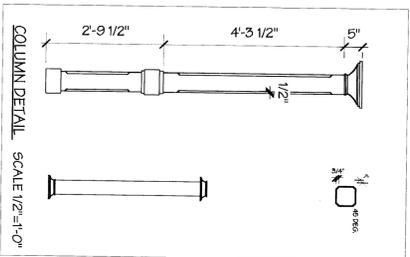
RIGHT VIEW ELEVATION

SCALE 1/4"=1'-0"



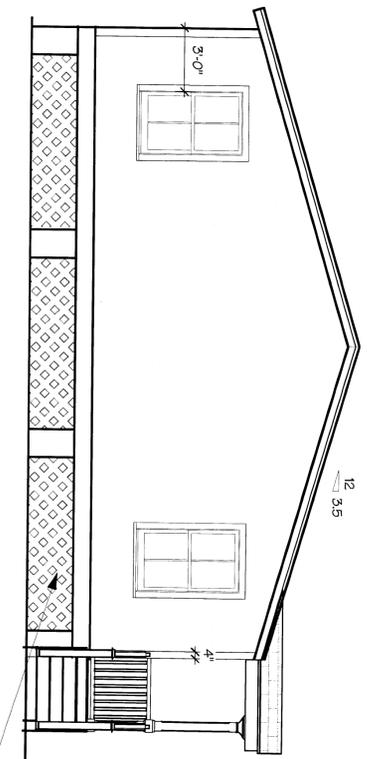
FRONT VIEW ELEVATION

SCALE 1/4"=1'-0"



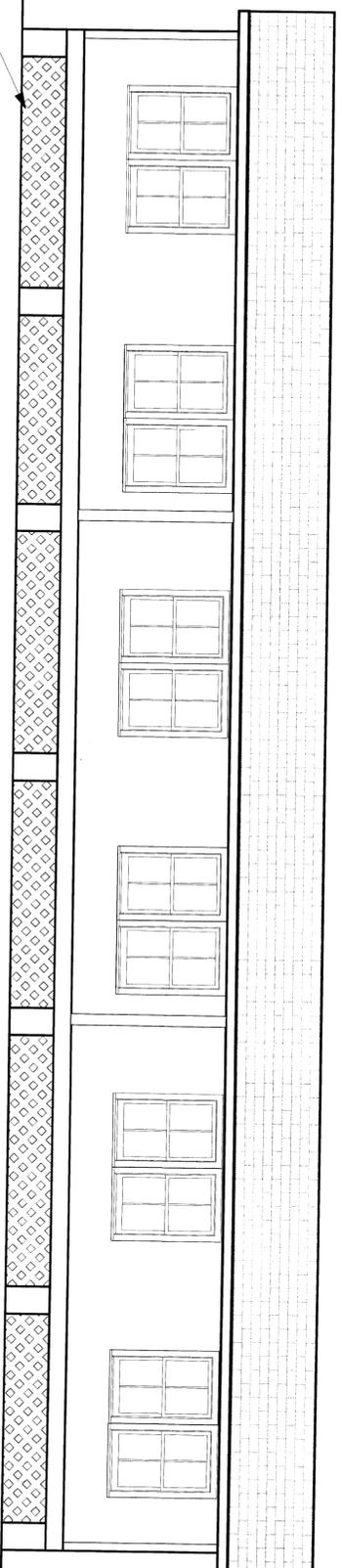
**NOTE:**  
END WALLS FACING THE STREET TO HAVE FAUX SHUTTERS AS SHOWN TYP.

**MATERIALS LEGEND**  
VINYL SIDING  
CONCRETE PIERS  
WOOD ENTRY STAIRS  
ASPHALT SHINGLES  
IMPACT GLASS WINDOWS  
ALUMINUM RAILINGS



LEFT VIEW ELEVATION

SCALE 1/4"=1'-0"



REAR VIEW ELEVATION

SCALE 1/4"=1'-0"

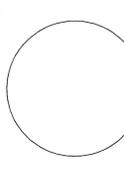
**SOLARIA**  
Planning - Architecture - Engineering  
Key Largo - Marathon - Key West  
305-852-4852

**Key Largo**  
91700 Overseas Hwy, Suite 3  
Palmetto, FL 33052  
305-852-4852

**Marathon**  
3000 Overseas Highway  
Marathon, Florida  
305-852-4852

**Key West**  
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305-296-8885

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No.	REVISIONS	Date

**PROJECT**  
LAKEVIEW  
GARDENS  
KEY LARGO, FL

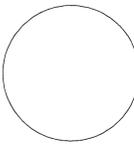
**DRAWING TITLE**

**EXTERIOR  
ELEVATIONS  
ATTACHED UNIT "C"  
TYPE VI TRIPLEX**

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BY: 2010-030

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Scale: As Noted	<b>A-10</b>
Drawn: MH	
Checked: DB	
Project #: 080289	
Date: 10/23/09	11/13



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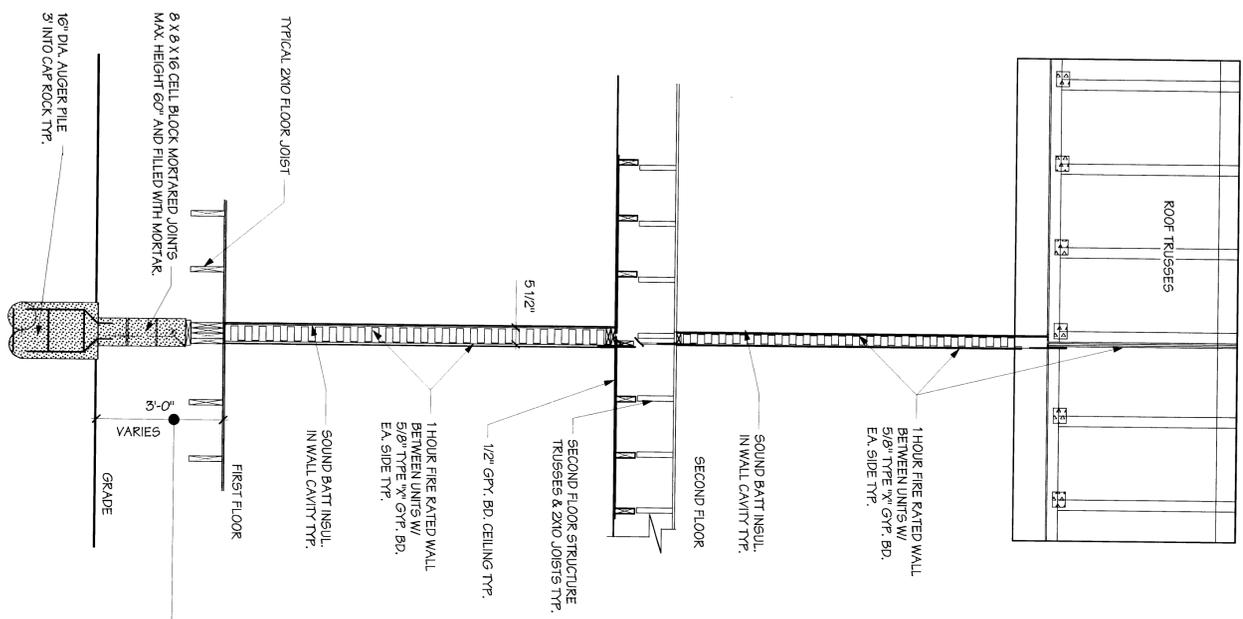
No.	REVISIONS	Date

**PROJECT**  
LAKE VIEW  
GARDENS  
KEY LARGO, FL

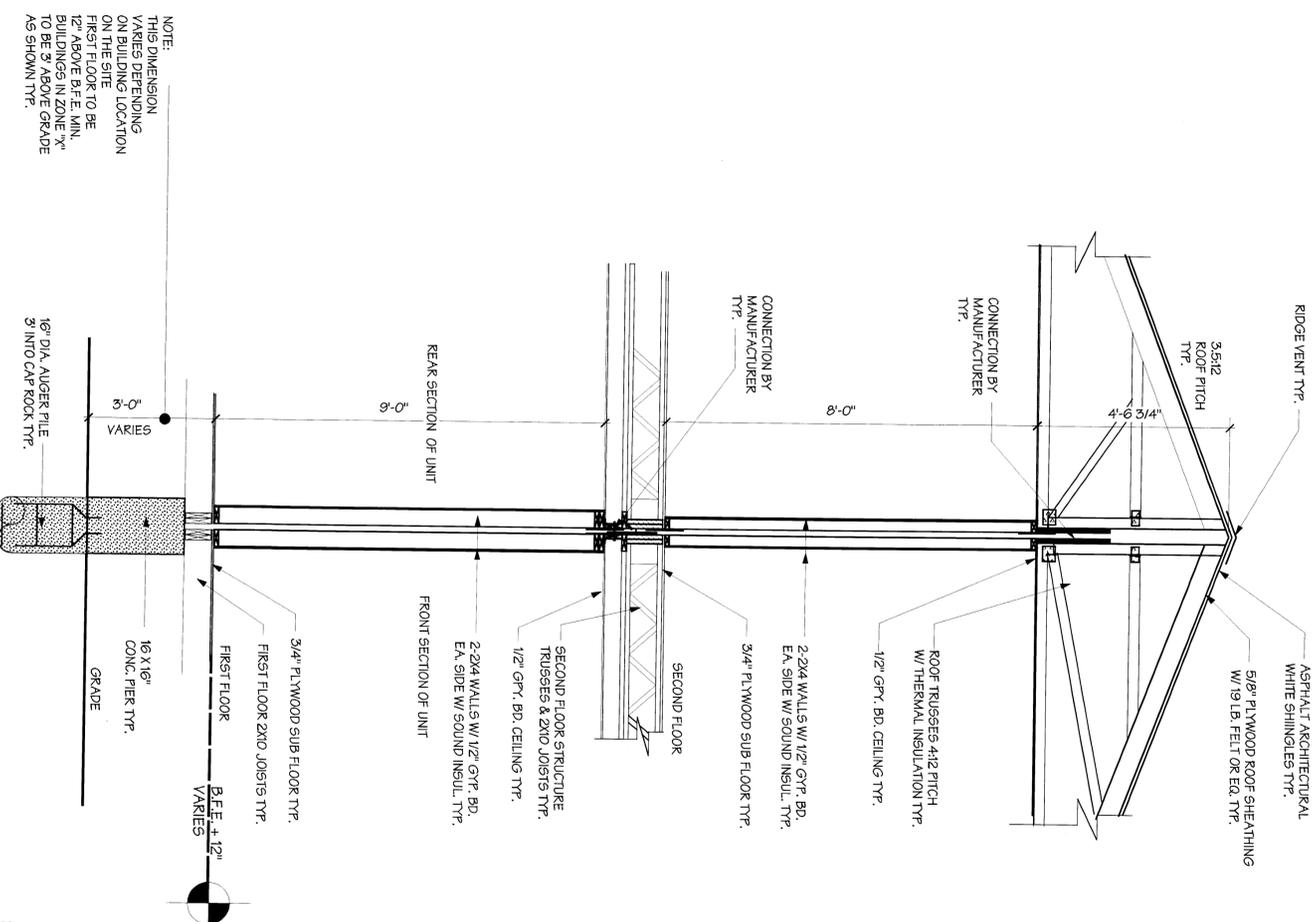
**DRAWING TITLE**  
ATTACHED UNITS  
TYPICAL SECTIONS

Scale: As Noted  
Drawn: dp  
Checked: DAB  
Project #: 090039  
Date: 9/22/09

HUD PRE APP INFORMATION OCTOBER 26, 2009



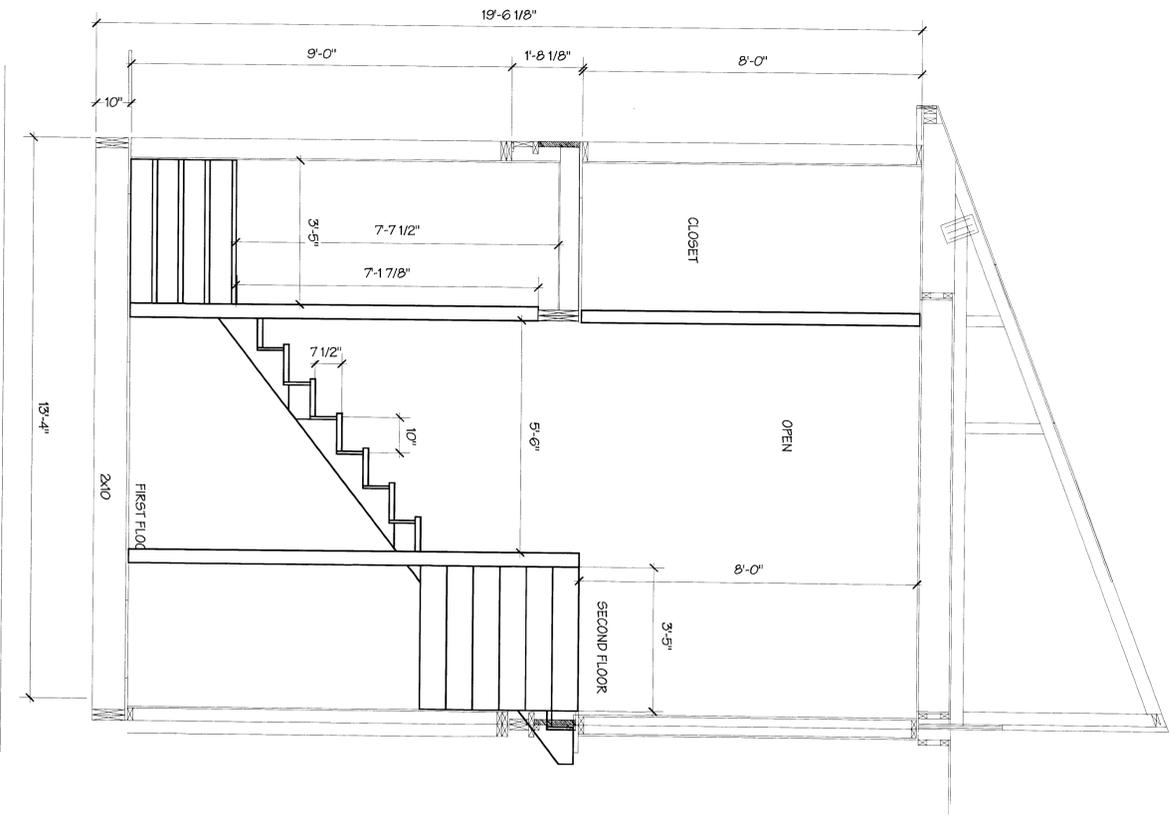
**FIRE RATED WALL - ATTACHED UNITS**  
Scale 1/2"=1'-0"

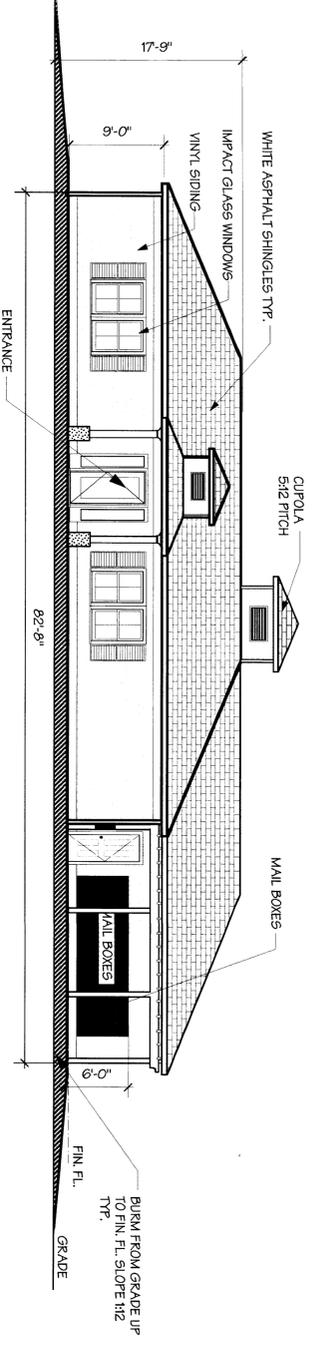


**CROSS SECTION MARRIAGE WALL - ATTACHED UNITS**  
Scale 1/2"=1'-0"

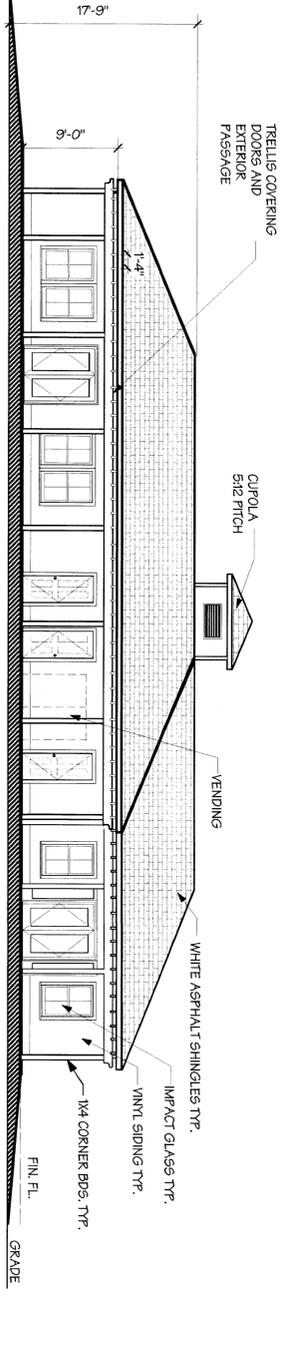
NOTE:  
THIS DIMENSION VARIES DEPENDING ON BUILDING LOCATION ON THE SITE  
FIRST FLOOR TO BE 12" ABOVE B.F.E. MIN.  
BUILDINGS IN ZONE "X" TO BE 3' ABOVE GRADE AS SHOWN TYP.

**TYPICAL STAIR SECTION**  
Scale 1/2"=1'-0"

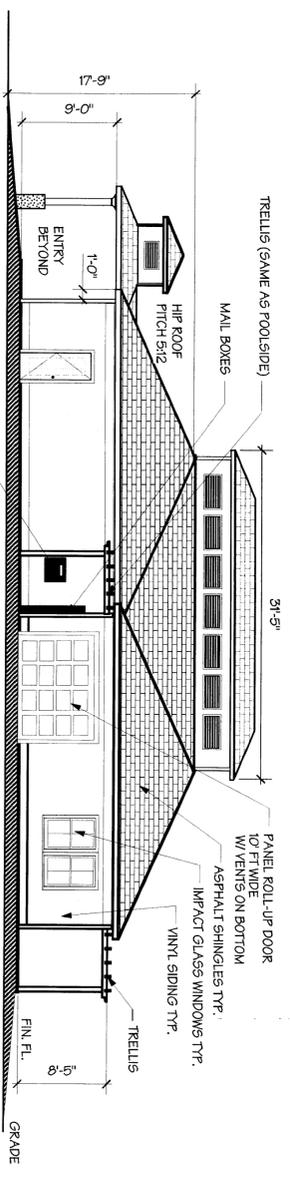




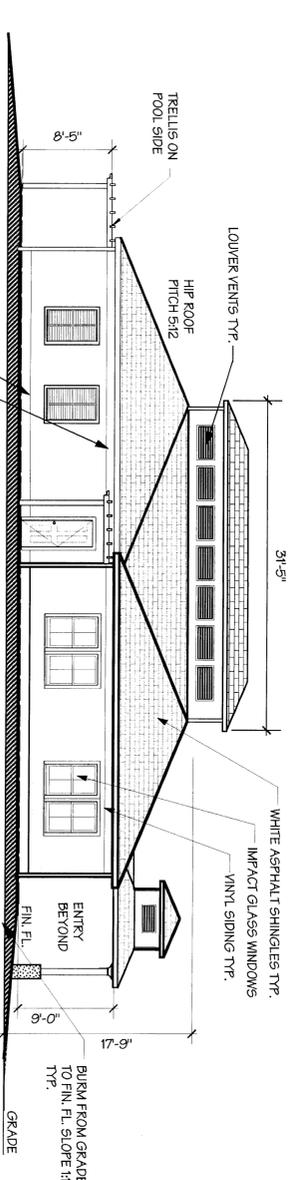
**NORTH WEST (FRONT VIEW) ELEVATION**  
SCALE 1/8"=1'-0"



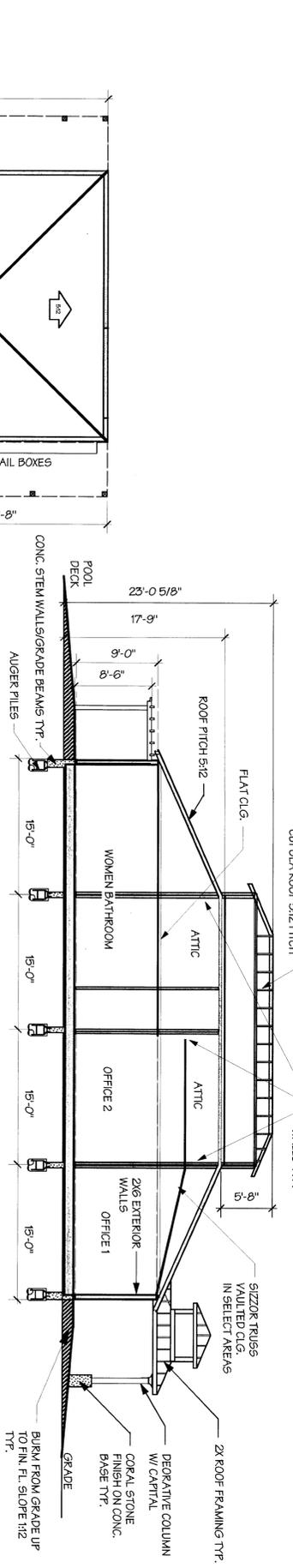
**(SOUTHEAST (POOL SIDE) ELEVATION**  
SCALE 1/8"=1'-0"



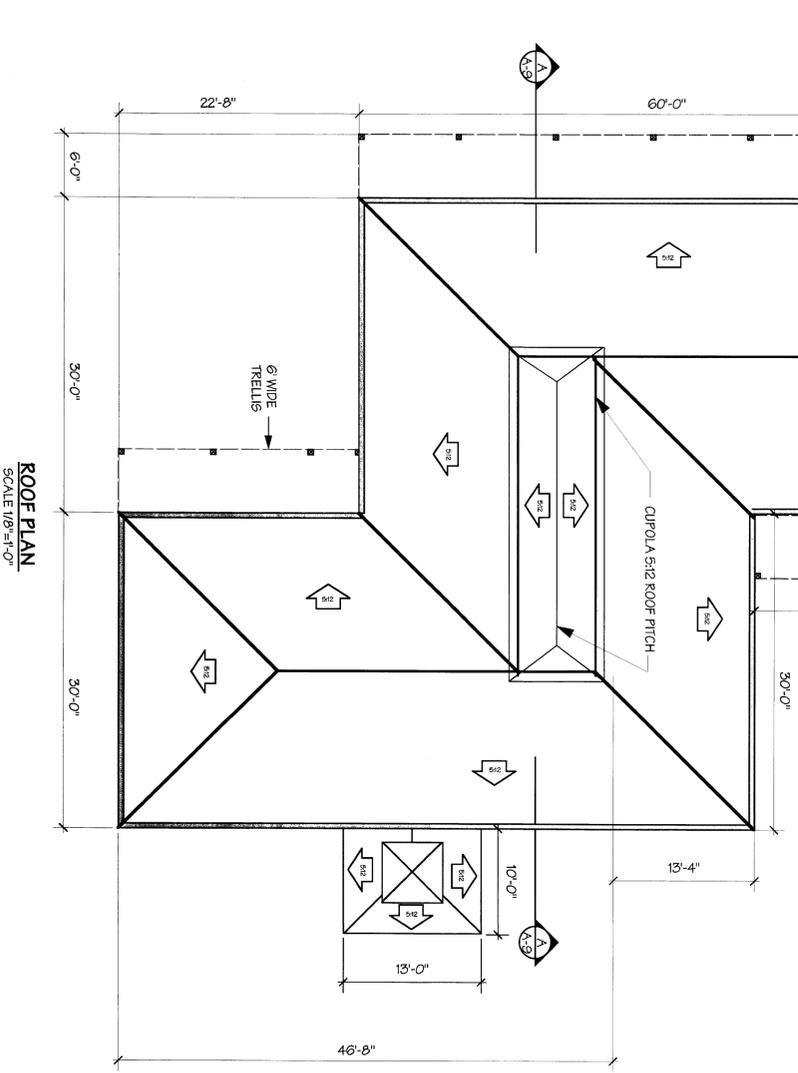
**SOUTH WEST ELEVATION**  
SCALE 1/8"=1'-0"



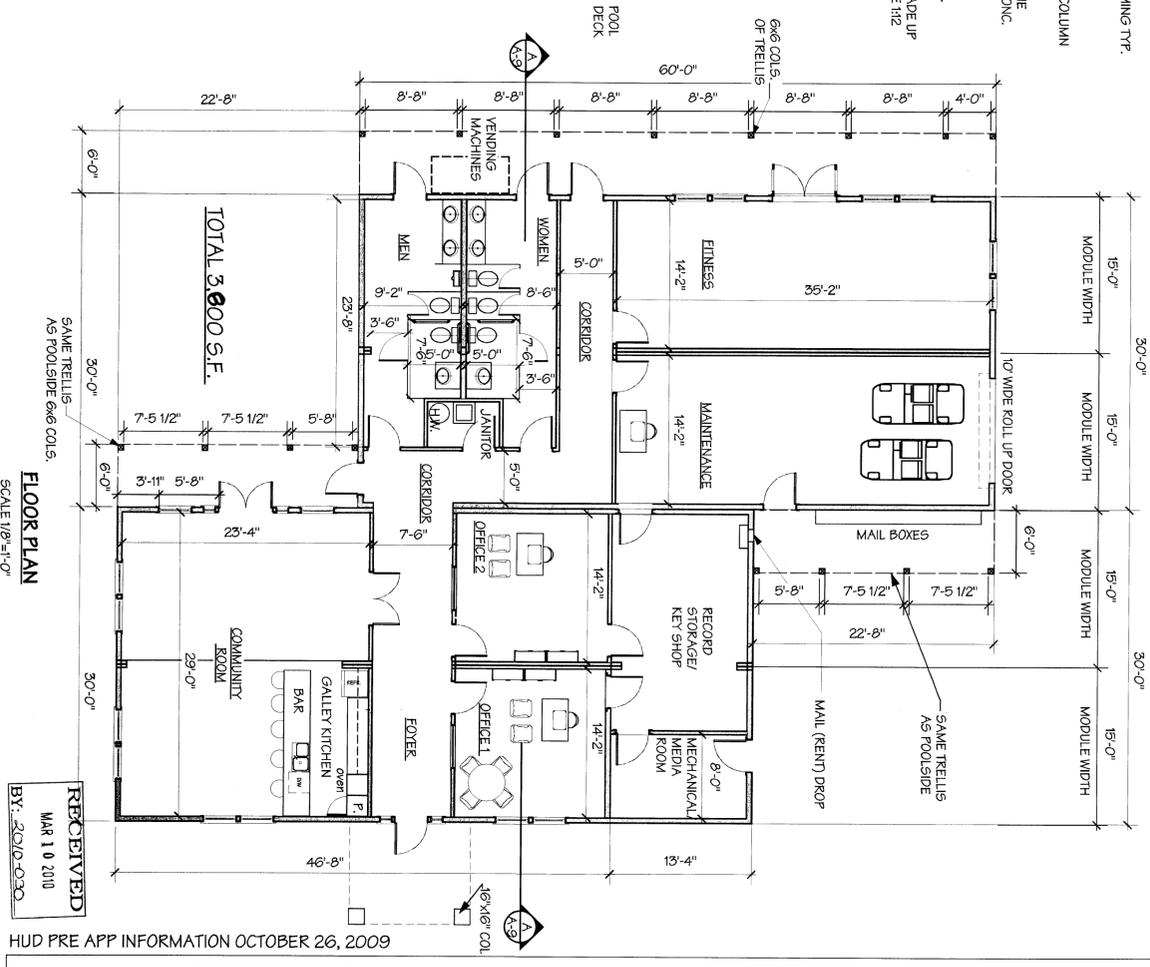
**NORTH EAST ELEVATION**  
SCALE 1/8"=1'-0"



**CROSS SECTION A-A COMMUNITY CENTER**  
SCALE 1/8"=1'-0"



**ROOF PLAN**  
SCALE 1/8"=1'-0"



**FLOOR PLAN**  
SCALE 1/8"=1'-0"

**SOLARIA**

Planning - Architecture - Engineering  
Key Largo - Marathon - Key West  
305-952-4852

**Key Largo**  
9700 Overseas Hwy, Suite 3  
Tavernier, Florida  
305-952-4852

**Marathon**  
3000 Overseas Highway  
Marathon, Florida  
305-952-4852

**Key West**  
925 Truman Ave., Key West, Florida  
305-296-8995

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No.	REVISIONS	Date

**PROJECT**  
LAKEVIEW  
GARDENS  
KEY LARGO, FL

**DRAWING TITLE**  
CLUB HOUSE PLAN,  
EXTERIOR ELEVATIONS,  
& SECTION

Scale: As Noted	<b>A-12</b>
Drawn: MH	
Checked: DAB	
Project #: 090289	
Date: 09/25/09	
BY: 2010-030	13/15

HUD PRE APP INFORMATION OCTOBER 26, 2009

# SOLARIA

Planning - Architecture - Engineering  
Key Largo - Marathon - Key West

305-952-4952

**Key Largo**  
9700 Overseas Hwy, Suite 3  
Tavernier, Florida  
305-952-4952

**Marathon**  
3000 Overseas Highway  
Marathon, Florida  
305-952-4952

**Key West**  
925 Truman Ave, Key West, Florida  
305-296-9595

Fig. CMT. No. AA-26001807  
Fig. Lic. No. AR 10,806

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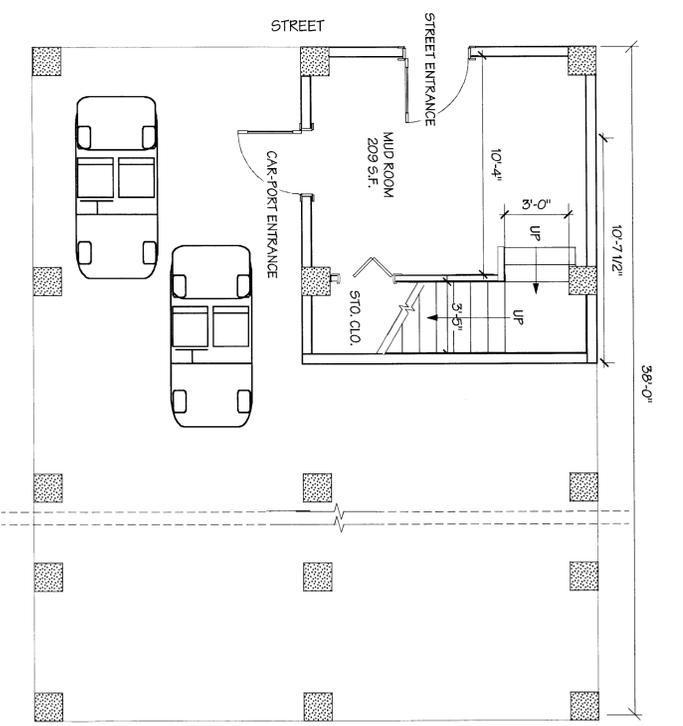
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No.	REVISIONS	Date

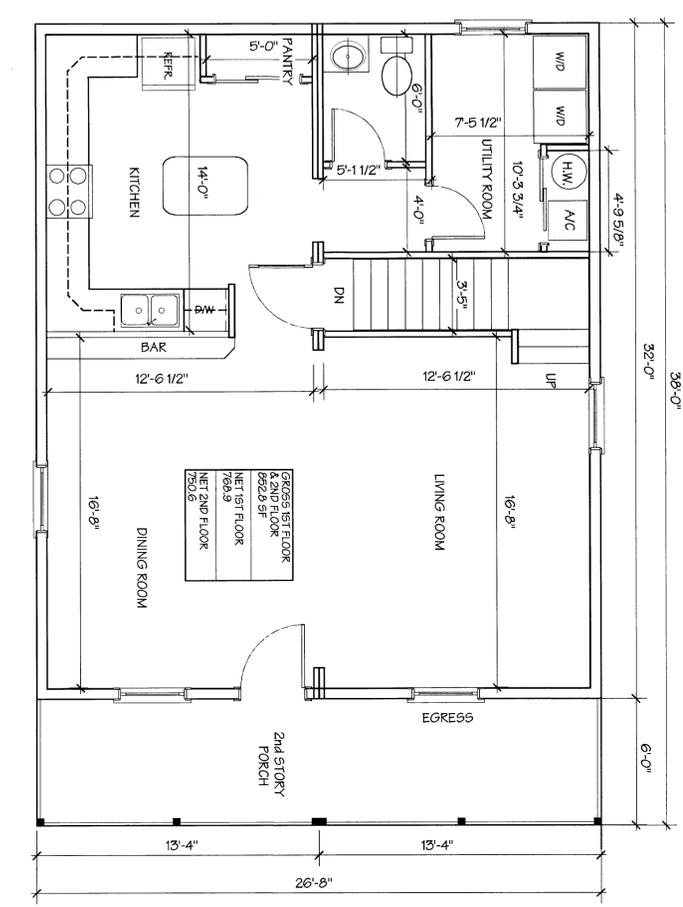
**PROJECT**  
LAKEVIEW  
GARDENS  
KEY LARGO, FL

**DRAWING TITLE**  
SINGLE FAMILY  
PLANS  
D & E

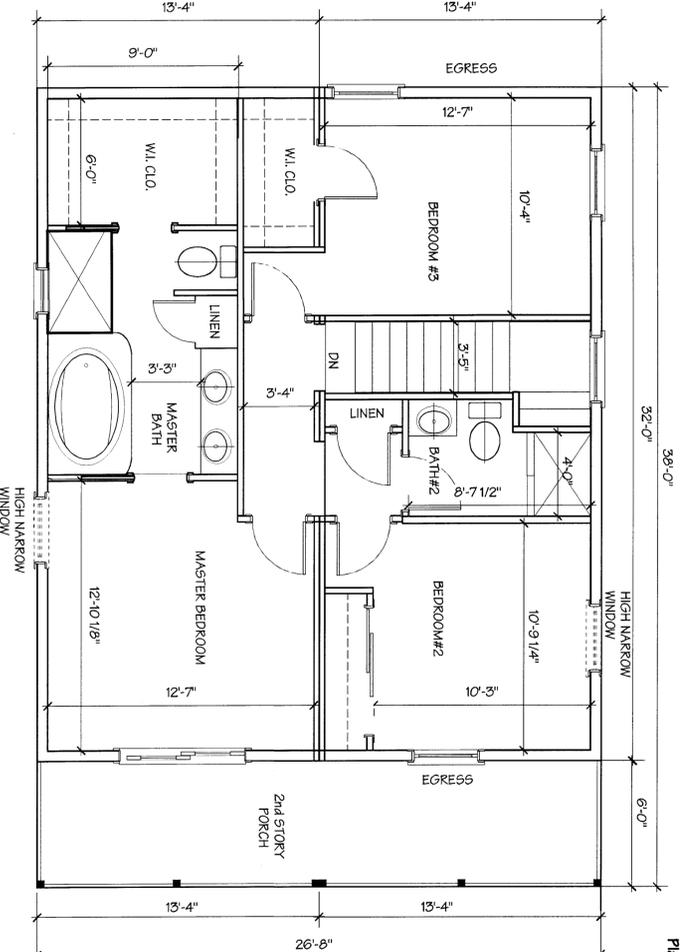
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Drawn	MH
Checked	DB
Project #	08029
Date	09-22-09
<b>RECEIVED</b>	<b>A-13</b>
MAR 10 2010	4/20
BY: 2010.030	



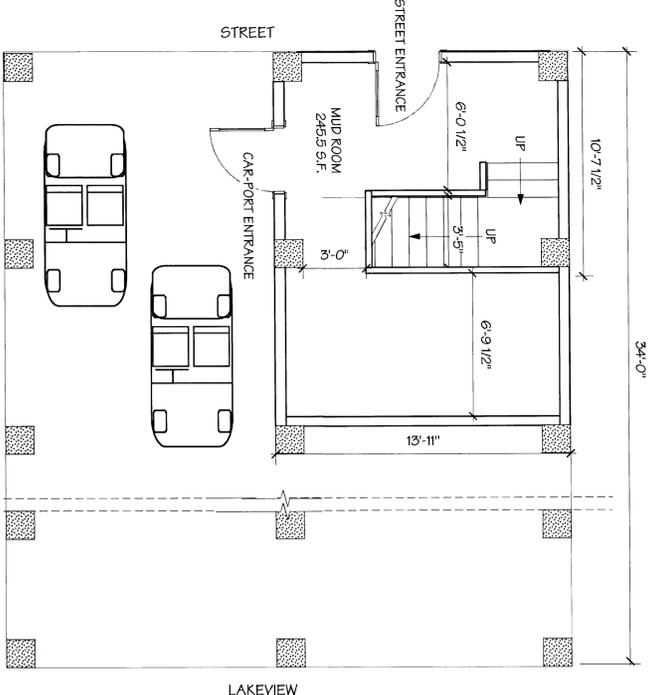
**UNIT "E" 3 B.R. 2.5 BATH**  
GROUND FLOOR PLAN  
SCALE 1/4"=1'-0"



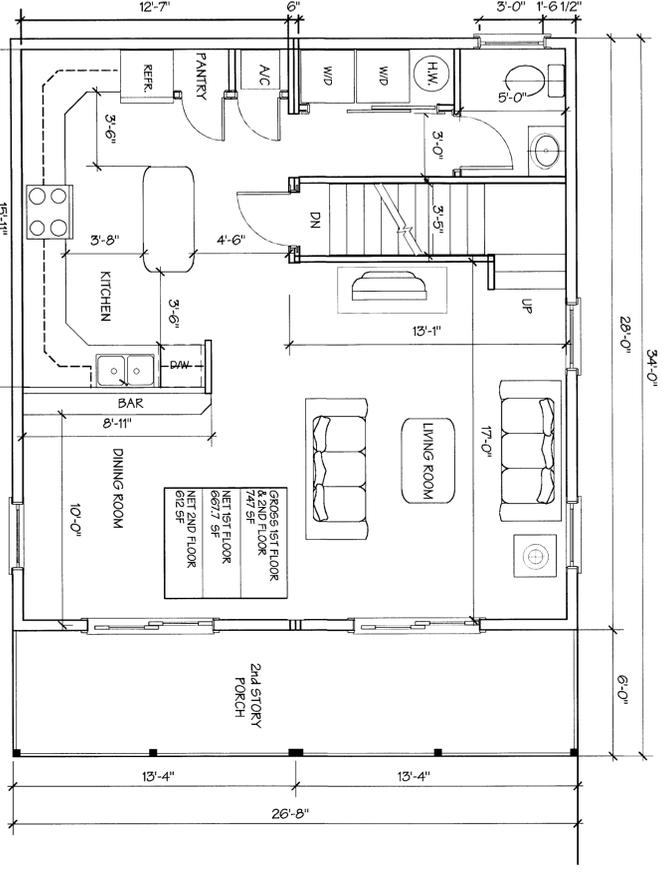
**UNIT "E" 3 B.R. 2.5 BATH**  
1st FLOOR PLAN  
SCALE 1/4"=1'-0"



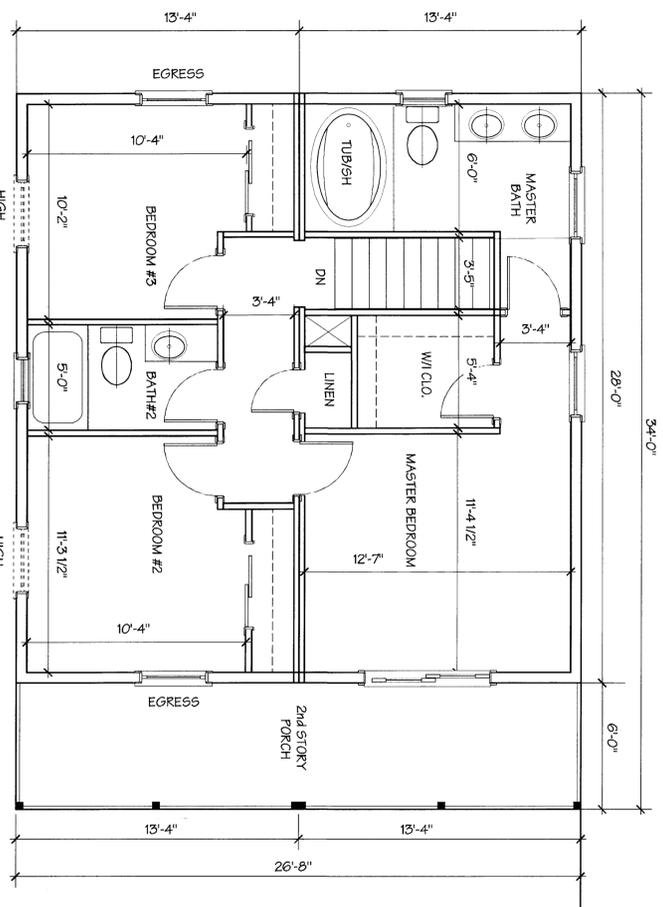
**UNIT "E" 3 B.R. 2.5 BATH**  
2nd FLOOR PLAN  
SCALE 1/4"=1'-0"



**UNIT "D" 3 B.R. 2.5 BATH**  
GROUND FLOOR PLAN  
SCALE 1/4"=1'-0"



**UNIT "D" 3 B.R. 2.5 BATH**  
1st FLOOR PLAN  
SCALE 1/4"=1'-0"



**UNIT "D" 3 B.R. 2.5 BATH**  
2nd FLOOR PLAN  
SCALE 1/4"=1'-0"

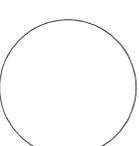
HUD PRE APP INFORMATION OCTOBER 2, 2009

**Key Largo**  
9170 Overseas Hwy, Suite 3  
Tavernier, Florida  
305-952-4852

**Marathon**  
3000 Overseas Highway  
Marathon, Florida  
305-952-4852

**Key West**  
925 Truman Ave, Key West, Florida  
305-295-8895

Fla. Cert. No. AA 26001807  
Fla. Lic. No. AE 10,806



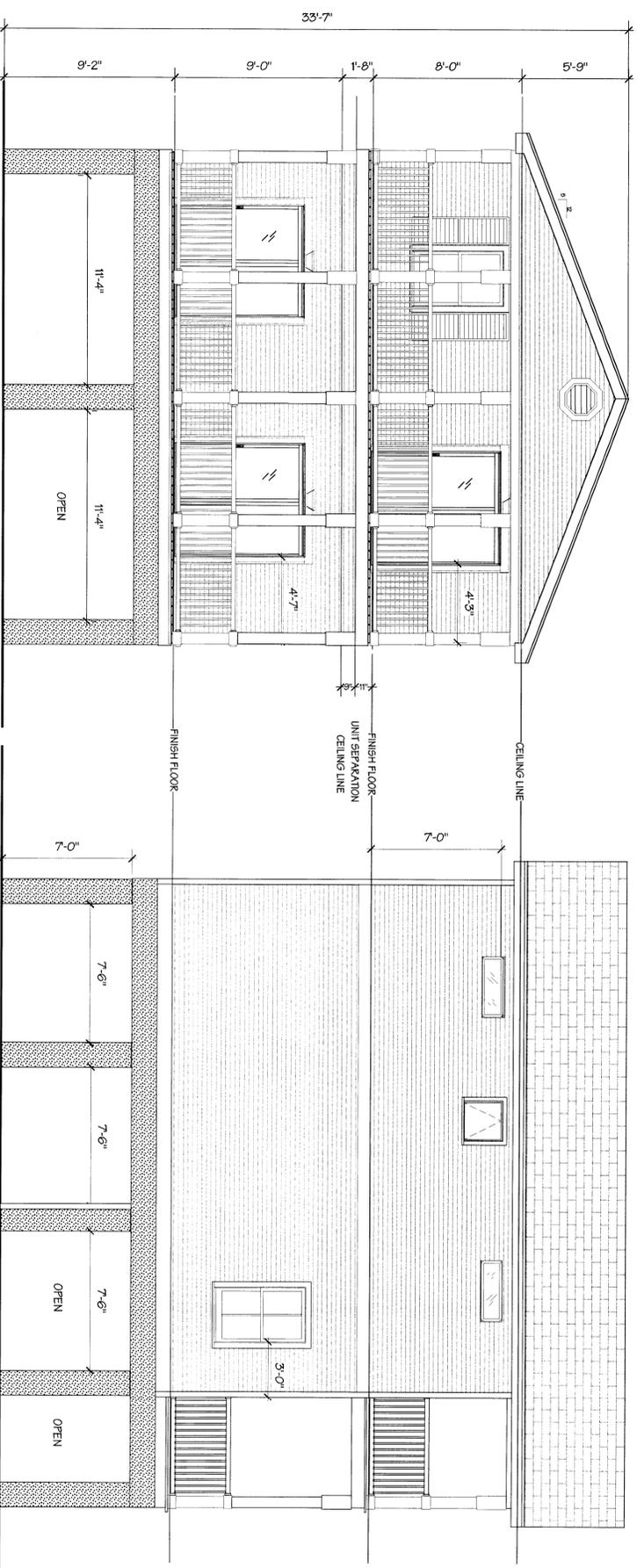
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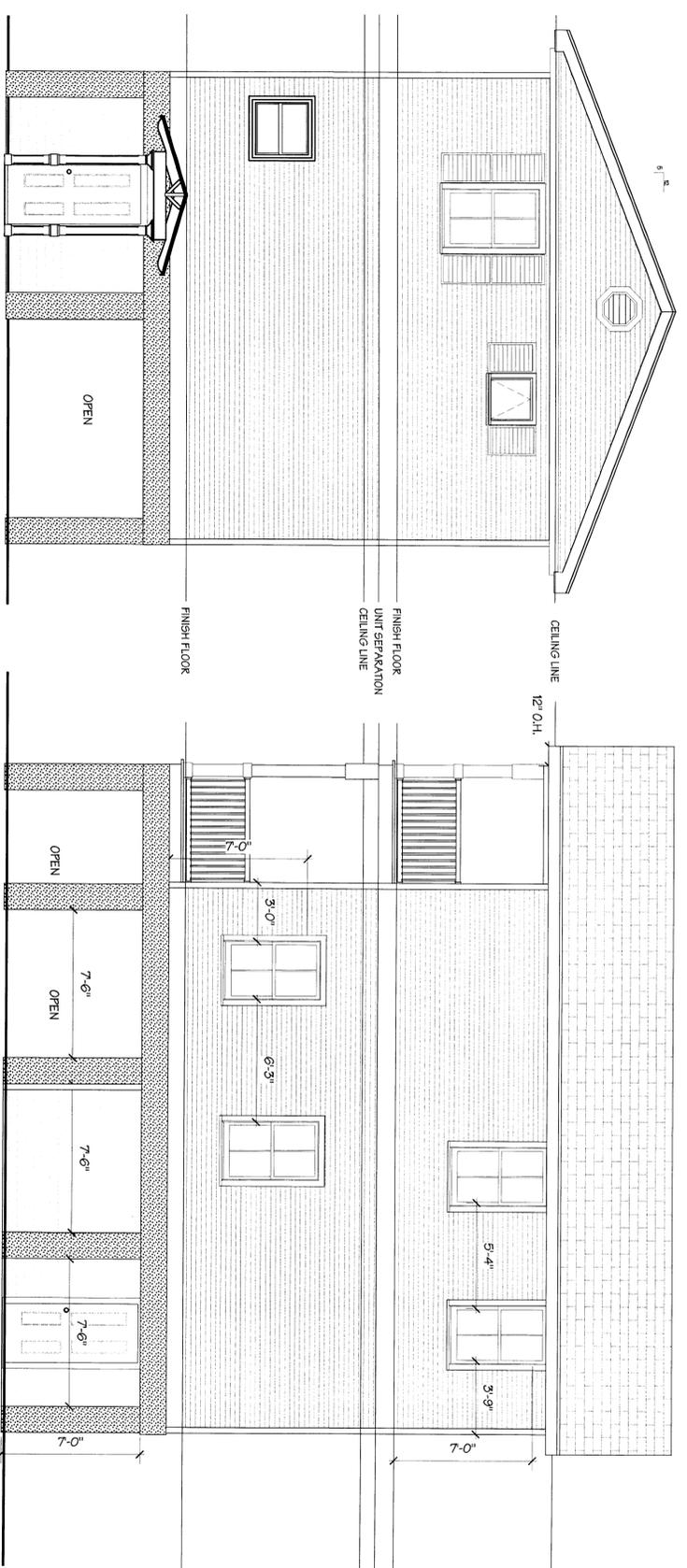
No.	REVISIONS	Date

**MATERIALS LEGEND**  
VINYL SIDING  
CONCRETE PIERS  
WOOD ENTRY STAIRS  
ASPHALT SHINGLES  
IMPACT GLASS WINDOWS  
ALUMINUM RAILINGS



**FRONT VIEW ELEVATION**  
SCALE 1/4"=1'-0"

**LEFT VIEW ELEVATION**  
SCALE 1/4"=1'-0"



**STREET VIEW ELEVATION**  
SCALE 1/4"=1'-0"

**RIGHT VIEW ELEVATION**  
SCALE 1/4"=1'-0"

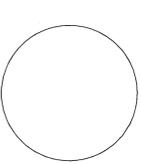
**PROJECT**  
LAKEVIEW  
GARDENS  
KEY LARGO, FL

**DRAWING TITLE**  
SINGLE FAMILY  
EXTERIOR ELEVATIONS  
TYPE "D" DETACHED

Scale: As Noted	<b>A-14</b>
Drawn: MH	
Checked: DP	
Project #: 09059	
Date: 09-22-09	16/20

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MAR 10 2010  
BY: 2010-030

HUD PRE APP INFORMATION OCTOBER 2, 2009



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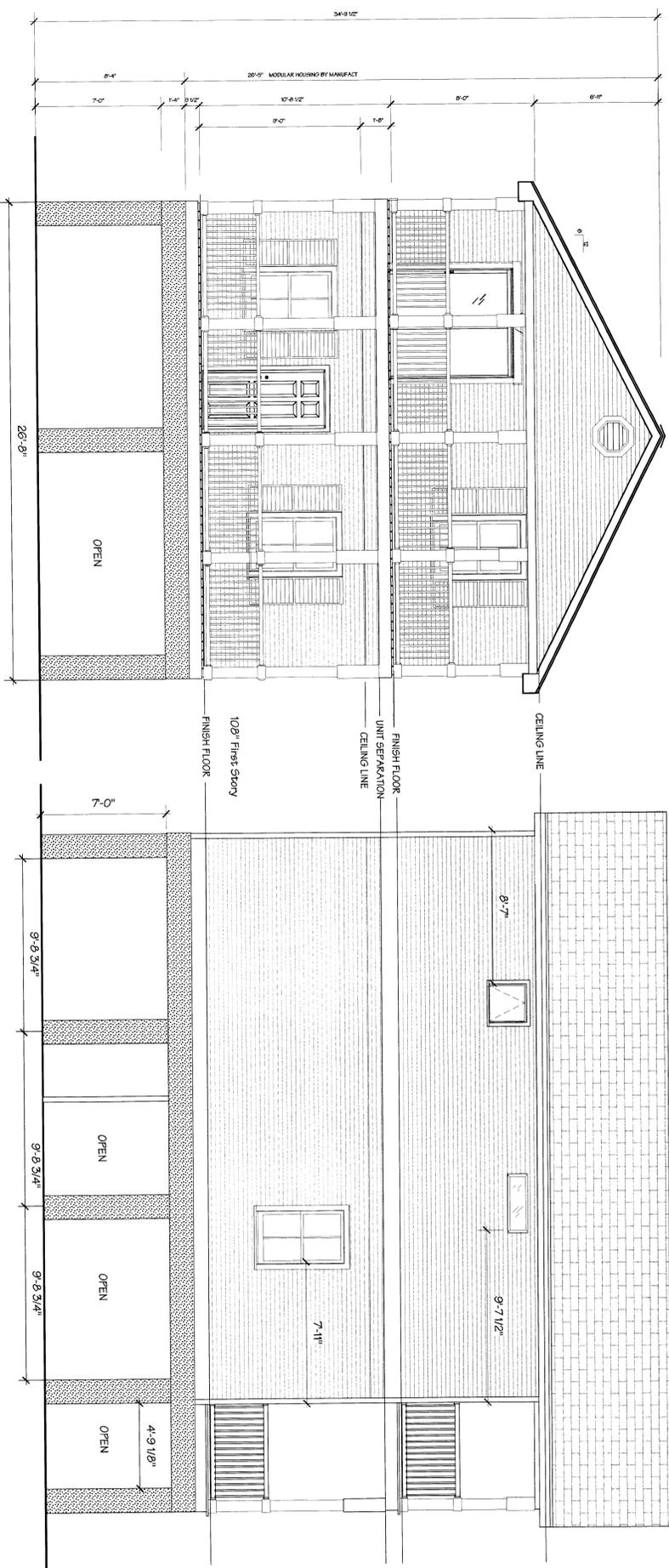
No. REVISIONS Date

**MATERIALS LEGEND**  
VINYL SIDING  
CONCRETE PIERS  
WOOD ENTRY STAIRS  
ASPHALT SHINGLES  
IMPACT GLASS WINDOWS  
ALUMINUM RAILINGS

**NOTE:**  
END WALLS FACING THE STREET TO HAVE FAUX SHUTTERS AS SHOWN TYP.

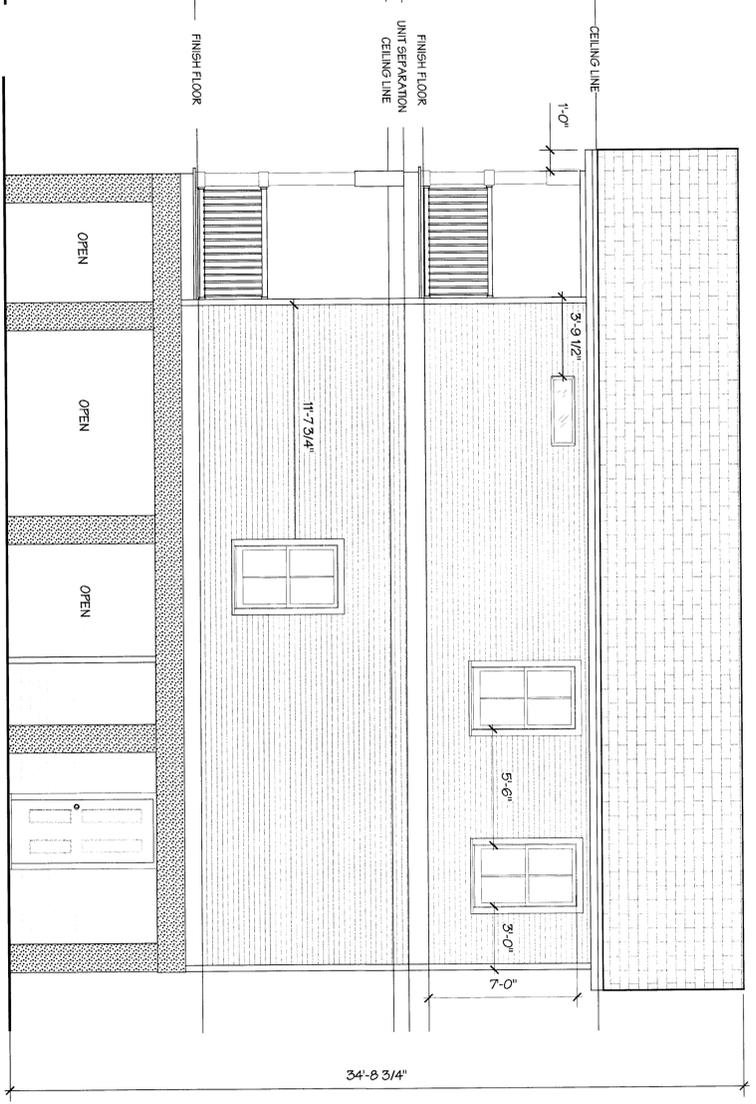
**FRONT (LAKE VIEW) ELEVATION**

SCALE 1/4"=1'-0"  
08-31-09



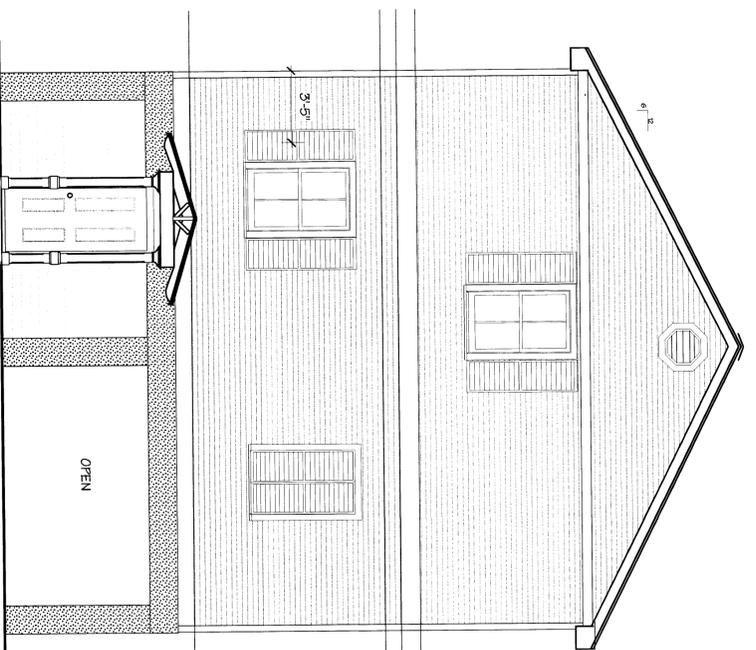
**LEFT VIEW ELEVATION**

SCALE 1/4"=1'-0"  
08-31-09



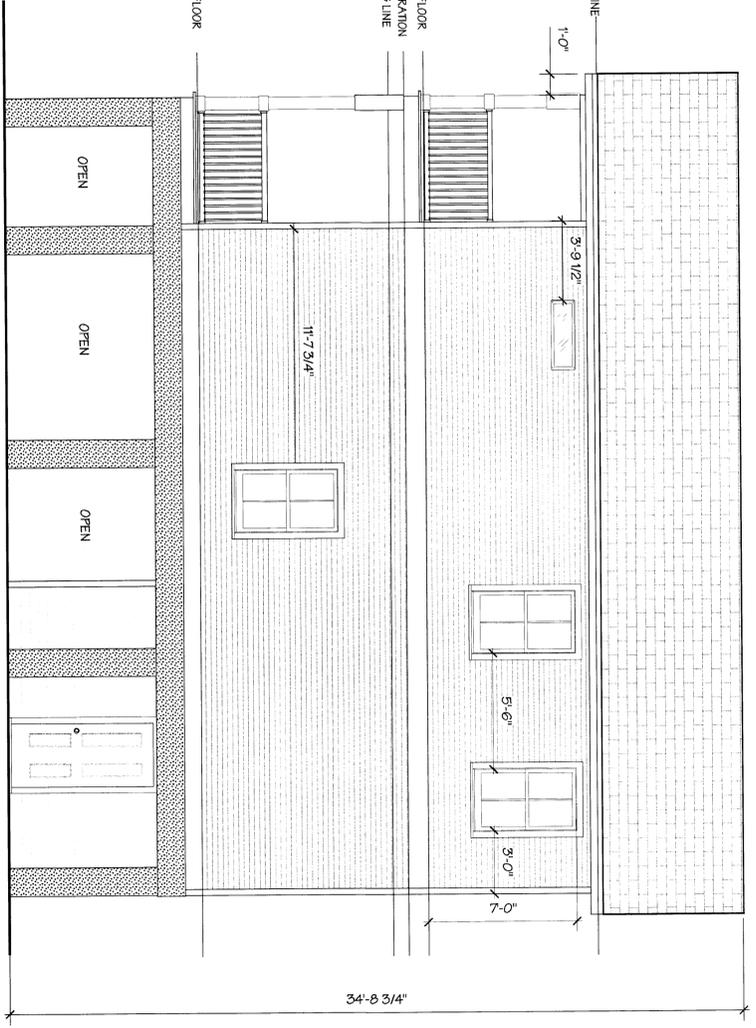
**STREET VIEW ELEVATION**

SCALE 1/4"=1'-0"  
08-31-09



**RIGHT VIEW ELEVATION**

SCALE 1/4"=1'-0"  
08-31-09



**DRAWING TITLE**  
SINGLE FAMILY  
EXTERIOR ELEVATIONS  
TYPE "E" DETACHED

**PROJECT**  
LAKEVIEW  
GARDENS  
KEY LARGO, FL

Scale: As Noted

Drawn: MH

Checked: DB

Project #: 09039

Date: 09-22-09

**A-15**

17/20

RECEIVED  
MAR 10 2010  
BY: 2010030



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

To: Monroe County Planning Commission  
Through: Townsley Schwab, Senior Director of Planning & Environmental Resources *TS*  
From: Thomas A. Lloyd, Planner *TAL*  
Date: April 6, 2010  
Subject: Major deviation to the major conditional use permit and site plan approved by Planning Commission Resolution P27-08

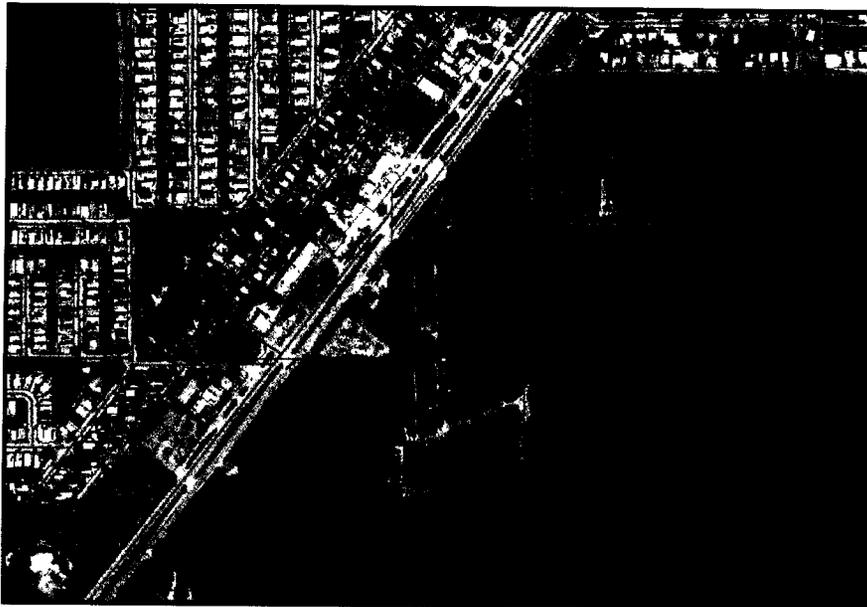
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**Meeting: April 14, 2010**

---

1 I REQUEST:  
2

3 The applicant is requesting a major deviation to an approved major conditional use permit.  
4 The major deviation would significantly alter the approved site plan as approved by Planning  
5 Commission Resolution P27-08, by shifting a majority of the development out of a Federal  
6 Emergency Management Agency (FEMA) Coastal Barrier Resources Act (CBRA) overlay,  
7 and further clustering the development of the affordable housing units entirely in a mapped  
8 FEMA "X" zone. The delineation of the line was improperly shown in the original  
9 application and, consequently, the previously approved site plan included a significant  
10 amount of development within the CBRA overlay.  
11



29  
30 Subject property outlined in blue (2009)

Location:

Page 1 of 7

Reviewed by *[Signature]*

1 Address: Overseas 106003 Overseas Highway (US1), Key Largo, mile marker 106  
2 (ocean side)

3 Legal Description: Island of Key Largo Subdivision, Part Lots 5, 12, and 13, Section 6,  
4 Township 61 South, Range 40 East, Key Largo

5 Real Estate (RE) Numbers: 00083970.000000 & 00083971.000000  
6

7 Applicant:

8  
9 Owner: Northstar Resort Enterprises Corporation

10 Agent: Joel C. Reed, Solaria Design & Consulting Company  
11

12 **II RELEVANT PRIOR COUNTY ACTIONS:**  
13

14 The Lakeview Gardens site was previously known interchangeably as the Florida Keys RV  
15 Park and the Happy Vagabond. The site was previously developed and utilized as a 126 unit  
16 RV Park with 13 permanent residential units (mobile homes).  
17

18 Resolution P55-03 by the Planning Commission lawfully established one hundred twenty-six  
19 126 ROGO exemptions from the Florida Keys RV Park, eligible for transfer.  
20

21 Resolution P56-03 by the Planning Commission approved the request filed by Northstar  
22 Resort to send 77 ROGO exemptions from the Florida Keys RV Park, subject of this permit,  
23 to the Northstar Resort site (MM 99.5).  
24

25 Resolution P02-07 by the Planning Commission approved the request filed by Northstar  
26 Resort to send 49 ROGO exemptions from the Florida Keys RV Park to the Northstar Resort  
27 site (MM 99.5). This resolution also identified the subject property as the site to build 15  
28 employee housing units linked to the Northstar Resort.  
29

30 Development Order #04-04 established 47 ROGO exemptions at the Northstar Resort site  
31 (MM99.5). Condition 3 of said Development Order states that the applicant shall have five  
32 (5) years from the date of the approval of Development Order to obtain conditional use  
33 permit approval and, subsequently, receive the necessary ROGO exemptions for the site.  
34 This condition also provides that the Director of Planning may extend this time limitation by  
35 granting an additional two (2) years for the allocation and transfer of the residential ROGO  
36 exemption units upon request by the applicant, giving the applicant until June 2009 to receive  
37 said units.  
38

39 Development Order #05-04 approved the subject parcel as the receiver site for 47 ROGO  
40 exemptions identified in Development Order #04-04 to be built as attached employee  
41 housing upon approval of a major conditional use permit application. This development  
42 order states that the ROGO exemptions will be received upon approval of a major conditional  
43 use permit.  
44

45 On February 5, 2008, the Planning Commission approved a revision to a major conditional  
46 use permit (deviation from which is the subject of this application) which provided for  
47 redevelopment of the site with 110 affordable housing units and 13 market rate units, a 1,548

1 ft<sup>2</sup> clubhouse, and a 1,334 ft<sup>2</sup> on-site daycare for use of community residents. The  
2 development was to occur exclusively on the portion of the site designated Sub Urban  
3 Commercial (SC), and was subject to an approved development agreement between the  
4 applicant and the County.

5  
6 On March 19, 2008, BOCC Ordinance 012-2008 entered the County into a development  
7 agreement with Northstar Resorts, effectively reserving for the applicant 110 affordable  
8 ROGO allocations to be issued in phases, and with restrictions. In return, the applicant  
9 donated 47 market rate ROGO exemptions from the resort site, as established by  
10 Development Order 04-04 above.

11  
12 In July 2008, the site plan was revised to 1) consolidate the 1,548 ft<sup>2</sup> “club house” and 1,334  
13 ft<sup>2</sup> “owner’s day care” buildings into a single 1,334 ft<sup>2</sup> “community center” building; 2)  
14 remove an overflow parking area of 10 spaces in order to maintain an existing swimming  
15 pool; 3) add a “future picnic pavilion” of a yet undetermined size; and 4) relocate the “play  
16 yard” / “play ground.” Additionally, the phasing plan was adjusted to have the first stages of  
17 construction begin in front of the site (towards US 1) and have work take place progressively  
18 to the rear of the site (towards the lake). The adjusted phasing plan retained a five-phase  
19 approach and did not affect the overall timeframe of the project. This configuration of the  
20 project was ultimately memorialized in Resolution P27-08 pursuant to MCC §110-71(e).

### 21 22 III BACKGROUND INFORMATION:

- 23  
24 A. Size of Site (per site plan) 11.68 acres (10.24 acres of upland; 1.44 acre manmade lake)  
25 B. Land Use Districts: Suburban Commercial (SC), Suburban Residential (SR), and Native  
26 Area (NA)  
27 C. Future Land Use Map (FLUM) Designation: Mixed Use/Commercial (MC), Residential  
28 Low (RL), and Residential Conservation (RC)  
29 D. Tier Designation: Tier 3  
30 E. Flood Zones: Part AE-EL8, Part X, Part within CBRA overlay  
31 F. Existing Use: Primarily vacant, with some structures remaining from a former mobile  
32 home/RV park  
33 G. Existing Vegetation / Habitat: Mature native trees and native vegetation throughout the  
34 entire property. Towards the northern boundary of the lake there are some Brazilian  
35 pepper intertwined with buttonwood and mangroves. There is a borrow pit or man-made  
36 lake in the southern end of the property. At the southern portion of the lake there is a  
37 paved asphalt area. Beyond the asphalt road there appears to be a small portion of native  
38 hardwood trees, primarily seagrapes and buttonwood/mangrove community  
39 H. Community Character of Immediate Vicinity: Mixed Use – mostly undeveloped, with  
40 some commercial development across US1.

### 41 42 IV REVIEW OF APPLICATION:

43  
44 MCC §110-73(b)(4) states that if the holder of an approved conditional use wishes to make  
45 an adjustment to the approval that is not a minor deviation, approval of the planning  
46 commission in accordance with the provisions of [MCC §110-73] (b)(5) of this section must

1 be obtained. If the director of planning finds that the development is not proceeding in  
2 substantial accordance with the approved plans or schedule or that it fails in any other respect  
3 to comply with the conditional use approval issued or any provision contained in [the land  
4 development code], that director shall immediately notify the development review  
5 coordinator and the planning commission and may, if necessary for the protection of the  
6 public health, safety or welfare, notify the building official to issue a temporary order  
7 stopping any and all work on the development until such time as any noncompliance is cured.  
8 No action may be taken by the planning commission that effectively amends the conditional  
9 use approval except by way of the procedures set out in MCC §110-70.

10  
11 With regard to this application, the applicant brought forward new information pertaining to  
12 the delineation of the respective FEMA zones and overlay. After review, the Planning  
13 Director determined that the scope of the project and its subsequent cumulative impacts were  
14 not significant since there would be no increase in the number of units, although the proposed  
15 technical modifications to the site plan would be significant. As such, the Planning Director  
16 decided that an approved major deviation could accommodate the proposal, as opposed to an  
17 amendment to the approved major conditional use permit.

18  
19 As outlined within the land development code, numerous criteria must be evaluated for  
20 compliance prior to approval of a conditional use permit. For this application, staff has  
21 determined that the proposed site plan meets these criteria as outlined below:

22  
23 A. *The conditional use is consistent with the purposes, goals, objectives and standards of the*  
24 *comprehensive plan and the land development regulations;*

25  
26 *No change:* The proposed redevelopment is consistent with both the land development code  
27 and the comprehensive plan. The redevelopment will serve primarily as employee housing  
28 for Key Largo, although there are 11 market-rate units to be built on the site. The original  
29 design included 2 additional market rate units, for a total of 13 units. Additionally, the  
30 redevelopment is part of the "Welcome Area" identified in the Key Largo Livable  
31 CommuniKeys Plan. The housing units have been designed to meet 150 mph winds, and all  
32 units will have finished floor elevation above base flood level.

33  
34 B. *The conditional use is consistent with the community character of the immediate vicinity;*

35  
36 *Potential change:* The surrounding area is largely undeveloped and well buffered from the  
37 project site by native vegetation. The surrounding uses are a mixture of residential and  
38 limited commercial use, albeit rather removed from the project site. This redevelopment  
39 reflects those uses and is consistent with the community character. The proposal consists  
40 primarily of residential units, with a club house restricted to use by residents. Given the scale  
41 of the redevelopment and its relative isolation by virtue of surrounding native areas, this  
42 project will, arguably, create its own community, and thus will be consistent with itself. As  
43 the unit count will not be increased through this deviation, nor will traffic flow or pedestrian  
44 access be significantly altered or otherwise increased, staff has found that the revised site  
45 plan is consistent with the community character of the immediate vicinity.

1  
2 C. *The design of the proposed development minimizes adverse effects, including visual*  
3 *impacts, on adjacent properties;*

4  
5 *No change:* Large canopy trees and natural hammock serve to buffer the property from  
6 adjacent property owners visually. In addition, required buffer yards and landscaping shall  
7 be introduced, pursuant to the conditions of the major conditional use permit. There is no  
8 evidence that the proposed development will have an adverse effect on adjacent properties.  
9

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

11  
12 *No change:* There is no evidence that this development will have an adverse impact on the  
13 value of surrounding properties.  
14

15 E. *The adequacy of public facilities and services;*

16  
17 *No change:* As stated above, there will be no increase in the number of units by virtue of this  
18 deviation. As such, the adequacy of all applicable public facilities and services is assured for  
19 the project as previously approved and conditioned.  
20

21 F. *The applicant has the financial and technical capacity to complete the development as*  
22 *proposed;*

23  
24 *No change:* Staff has no evidence to evaluate whether the applicant has the financial and  
25 technical capacity to complete the development as proposed. The application states that the  
26 applicant has the technical capacity and financial ability to carry out the project.  
27

28 G. *The development will adversely affect a known archaeological, historical or cultural*  
29 *resource;*

30  
31 *No change:* The development will not adversely affect a known archaeological, historical or  
32 cultural resource.  
33

34 H. *Public access to public beaches and other waterfront areas is preserved as part of the*  
35 *proposed development;*

36  
37 *No change:* This parcel does not have and has never had public waterfront areas.  
38

39 I. *The project complies with all additional standards imposed on it by the Land*  
40 *Development Regulations;*

41  
42 \*Please note that only those standards potentially impacted or otherwise altered by  
43 the major deviation, subject of this permit, have been listed. Compliance with all  
44 other standards has been established through the approved major conditional use  
45 permit process.  
46

1 1. Residential Density (§§130-157 & 161): *In Compliance*

2

Land Use	Density	Size of Site (upland)	Max Allowed	Proposed	Potential Used
Affordable Housing (employee housing)	18 units / buildable acres	8.19 buildable acres	147.42 units	110 units	74.6 %
				<b>Total</b>	<b>74.6 %</b>

3

Land Use	Density	Size of Site (upland)	Max Allowed	Proposed	Potential Used
Permanent market rate	6 units / buildable acre	8.19 buildable acres	49.14	11 units*	22.3 %*
				<b>Total</b>	<b>22.3 %</b>

4 \*indicates a reduction from originally approved 13, thus reducing utilized density

5  
6 The project proposes 11 market rate units and 110 employee units, utilizing MCC  
7 §130-161(a)(5) so as to calculate the density of the employee units independently  
8 from other uses on the site. MCC §130-161(a)(5) states that when calculating  
9 density, any existing lawfully established or proposed affordable or employee  
10 housing on a parcel and the floor area thereof shall be excluded from the calculation  
11 of the total gross nonresidential floor area development that may be lawfully  
12 established on the parcel, provided, however, that the total residential density allowed  
13 on the site shall not exceed the maximum net density for affordable and employee  
14 housing. As such, the tables above illustrate the proposed density of each component  
15 independent of one another.

16  
17 2. Required Open Space (§§130-157 & 130-164): *In Compliance*

18  
19 There is a required open space ratio of 0.20 or 20 percent. In total, the property  
20 consists of approximately 445,826 ft<sup>2</sup> of upland area. Therefore, at least 89,165.2 ft<sup>2</sup>  
21 of the total land area must remain open space. The site plan indicates that there  
22 would be 209,790 ft<sup>2</sup> of open space area. As originally approved, the project  
23 provided for just over 47% open space. With the increased clustering provided  
24 through the proposed deviation, the open space calculation rises to more than 49%.  
25 This is well above the 20% required pursuant to Code.

26  
27 3. Required Parking (§ 9.5-352): *In Compliance*

28  
29 The development was originally required to provide 191 spaces, that is two (2) for  
30 each of the thirteen (13) detached units, and 1 and one-half (1.5) spaces for each of  
31 the 110 employee units. With the deletion of two (2) of the market rate units through  
32 this deviation, the required parking would now be 187. The site plan indicates a total  
33 of 302 proposed spaces, well above the minimum requirement.

34  
35 **V RECOMMENDED ACTION:**

1 Staff recommends **APPROVAL** to the Planning Commission. As this application is not an  
2 amendment to the major conditional use permit, no changes to the original conditions of  
3 approval are proposed. For reference, those conditions are as follows:  
4

- 5 1. Pursuant to MCC ~~§9.5-235~~ 130-93(c)(10), the non-market rate units shall be deed  
6 restricted as employee housing units as defined in MCC ~~§9.5-266~~ 130-161(a)(6)b.  
7
- 8 2. Prior to the issuance of any building permit, the applicant shall submit complete  
9 revised site plans which show a minimum of ten (10) feet between permanent  
10 structures or which comply with Fire Marshal standards.  
11
- 12 3. If approved, ROGO allocation for affordable units shall occur according to the  
13 Development Agreement approved in BOCC Resolution 012-2008. If the  
14 Development Agreement is not approved, prior to the issuance of a building permit  
15 for the forty-eighth (48<sup>th</sup>) employee residence, the applicant shall obtain additional  
16 employee ROGO allocations. Each employee unit built beyond the first forty-seven  
17 (47) shall require an affordable/employee ROGO allocation. Building permits shall  
18 only be issued upon proof of an employee allocation.  
19
- 20 4. Unless an exemption to the inclusionary housing ordinance pursuant to MCC ~~§9.5-~~  
21 ~~266~~ 130-161(b)c has been approved as part of the Development Agreement approved  
22 by BOCC Resolution 012-2008, prior to the issuance of a building permit for the  
23 tenth (10<sup>th</sup>) market rate residence, the applicant shall obtain additional market rate  
24 ROGO allocations for the thirteen (13) proposed. Each market rate unit built beyond  
25 the first nine (9) shall require a market rate ROGO allocation.  
26
- 27 5. Prior to issuance of a building permit, the Building Department shall determine  
28 compliance with:
  - 29 a. Maximum Height
  - 30 b. Fencing (§ ~~9.5-309~~ 114-20)
  - 31 c. Floodplain Management (§§. ~~9.5-316~~ 122-2 & ~~9.5-317~~ 122-6)
  - 32 d. Outdoor Lighting (§§ ~~9.5-394~~ 114-159, ~~9.5-392~~ & ~~9.5-393~~ 114-163)
  - 33 e. Signs (§§. ~~9.5-404~~ & ~~9.5-405~~ 142)
  - 34 f. Handicap Accessibility (Chapter 11, Florida Building Code)
- 35
- 36 6. Prior to the issuance of more than one hundred (100) Certificates of Occupancy, the  
37 applicant shall provide a letter from Key Largo Wastewater stating that the site has  
38 been connected with sanitary sewer and can support 123 residences or a letter from  
39 the Florida Department of Health that the wastewater treatment plant has been  
40 updated and improved in order to accommodate the additional units.  
41
- 42 7. If approved, development on the site shall occur per the Development Agreement  
43 approved in BOCC Resolution 012-2008. If the Development Agreement is not  
44 approved and the applicant chooses to reorder the approved phases, the applicant  
45 shall notify the Planning Department via a letter to the Planning Director.